

IP|Expertennotizen: Googlizing the Global Street

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by Prof. Siva Vaidhyanathan, Charlottesville, U.S.A.

Die Expertennotizen von IP|Notiz sollen ein Forum für Experten im so genannten „Grünen Bereich“ und daran angeschlossenen Rechtsgebieten bilden. Unser Ziel ist es, damit den öffentlichen Austausch – auch im Medium Internet – in unseren Rechtsgebieten zu fördern und Praxis und Wissenschaft einander anzunähern. Die mit einer Veröffentlichung im Internet einhergehende Transparenz des wissenschaftlichen Diskurses für die Öffentlichkeit ist uns dabei ein wichtiges Anliegen.

By 2009 Google Street View, perhaps the most pervasive example of the Googlization of the real world, barely causes a gasp in the United States. That was not the case in Canada, parts of Europe, or in Japan.

By late spring 2009 Canada faced the prospect of soon joining its neighbor to the south as part of the Googlized global street. Canada has much stronger data privacy laws than the United States does, and its people rarely quietly accept whatever rich American companies might want from – or want to give to — them. Specifically, Canada shares with much of Western Europe a general prohibition on the photography of people without their permissions, with special exceptions for journalism and art. Oddly, as early as 2007 Google announced that it would tailor Street View to conform to Canadian law by blurring faces and license plates – as if that were something special for Canada.ⁱ In fact, faces and license plates were blurred for the version in the United States (and the rest of the world) as well. By April 2009, just before the Canadian launch of Street View, Google still claimed that the imperfect, machine-driven blurring technology would adequately conform to Canadian law.ⁱⁱ

The problem with the blurring process, in addition to its small rate of failure, is that a face is not the only feature that defines one's identity. For example, I used to live near the corner of Bleecker Street and LaGuardia Place in New York City. Every day I would walk a white dog with brown spots. I drove a black car. And I am more than two meters tall, am bald, and heavy. Any shot of me on Google Street View in that neighborhood would be instantly recognizable to hundreds of people who know me even casually. If one of those images seemed to implicate me in the activities of one of the many illegal gambling establishments within 10 blocks of my apartment, my personal and professional reputation could be harmed rather severely. Canadian privacy advocates articulated the same concerns about the blurring technology in the weeks leading up to the launch of Google Street View, but their arguments did not sway either the company's policy or government leaders' actions.

In May 2009 a data-privacy official of the city of Hamburg, Germany threatened to fine Google over Street View unless it received a written guarantee that it will conform with German privacy

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laws – specifically the prohibition against the publication of images of people or their property without their explicit consent. Other German cities also protested Street View. Residents of the city of Kiel had put stickers on their front doors demanding that Google not photograph their homes (a non-electronic way of “opting out” of Street View).ⁱⁱⁱ The city of Molfsee, Germany forbade Google vehicles from trawling the streets in 2008.^{iv}

Also in May 2009, Greece banned Street View because Google did not have an adequate plan to notify residents of town and cities that Google cars would be coming through. Greek authorities also wanted details about the data storage and protection measures Google would use for the images. In reaction to the Greek decisions, a Google spokesperson uttered the standard mantra to the Times of London: “Google takes privacy very seriously, and that’s why we have put in place a number of features, including the blurring of faces and license plates, to ensure that Street View will respect local norms when it launches in Greece.”^v

The tension over local norms revealed itself through the reaction in Japan over the launch of Street View in 2008. Soon after the launch of Street View a group of lawyers and professors called The Campaign Against a Surveillance Society launched a protest against the service.^{vi}

But this did not deter the company nor generate government reaction against Street View. Once Japanese Web users found the standard array of embarrassing images on the service, the concern about it started to build through early 2009.^{vii}

One search engine professional, Osamu Higuchi, wrote on his blog in August of 2008 an open letter to Google staff in Japan, urging them to explain to their partners in the United States that Street View demonstrates a lack of understanding of some important aspects of daily life in Japan. Osamu urged Google to remove largely residential roads from Street View. “The residential roads of Japan’s urban areas are part of people’s living space, and it impolite to photograph other people’s living spaces,” Osamu wrote. He pointed out that in the United States the boundary line between private space and public space is the property line that abuts a public road. “For people living in Japan, though, the situation is quite the opposite,” Osamu wrote. “The residential street in front of a house, the so-called ‘alleyway,’ feels more like a part of one’s own living space, like part of the yard.” Osamu explained that private citizens care for, personalize, and decorate these narrow public streets as if they were part of their own land. “When we walk along an alleyway like that, we don’t stare at and scrutinize the houses along the way,” Osamu wrote. The scale of urban Japan demands a strong sense of mutual propriety, Osamu argued. One does not peep into the limited and exposed living spaces of urban Japan. The common law might say one thing. But social norms say another about where the line between public and private lies. The norms in Japan demand that those strolling public thoroughfares avert their eyes from the living spaces just meters from where they walk. The main problem with street view, Osamu explained, is the asymmetry of the gaze. If a person were walking down the street, peering into yards, he would be watched right back by offended residents who would consider calling the police to report such dangerous and anti-social behavior. But with Google Street View, the residents can’t see or know whom is peeping and for what reason.^{viii}

Osamu’s pleas and concerns were shared by enough others in Japan that by May 2009 Google announced it would reshoot its Street View images of Japanese cities with the camera mounted

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lower to avoid peering over hedges and fences.^{[ix](#)}

Certainly the physical and social geography of Japan gives rise to this important social norm – one that might be invisible to Google’s engineers and corporate leaders who are likely to have limited experience in the older sections of urban Japan. But that sense of the asymmetry of the gaze being at the center of the general sense of unease about Street View explains much of the more general, global aversion to it. Only in a handful of places do Google’s defaults run afoul of local laws. And in most of the world so far the utility of Street View trumps poorly articulated concerns about asymmetry or lack of reciprocity – at least among the technologically skilled who tend to operate with a sense of mastery over the digital environment. But everywhere in the world at least some people feel a little bit creepy about it. Some places, like Japan, many people feel deeply offended by it.

The British Experience

The reaction in Britain in 2009 echoed the American reaction from 2007 – but with a few significant amplifications and ironies. On the first day Street View was active, Google had its busiest day ever in the United Kingdom with a 41 percent increase in traffic.^{[x](#)} Google already controlled more than 90 percent of the Web search traffic in the United Kingdom.^{[xi](#)}

Many of the problems that first day were fairly predictable: a few embarrassing scenes caught on camera; a few sensitive sites had to be deleted upon request. And the newspaper The Independent misquoted a Google engineer saying that Google catches “99.9” percent of faces and license plates automatically. That turned out to be “a figure of speech,” as a Google spokesperson told the Independent later. “The technique is not totally perfect,” the spokesperson said. “The idea is not to blur every single face, only those that can be clearly identified.”^{[xii](#)}

The ensuing fury exceeded any such concerns that had popped up in the United States two years before. A former criminal wrote a column in The Sun claiming that Street View would be a “gift to criminals.” Former Prime Minister Tony Blair had to request that his home be removed from the service. And thousands of people requested that Google remove specific images of their homes and businesses from the service. Bloggers quickly found and copied embarrassing images from Street View, including a man vomiting outside a pub, and a man exiting an adult video store. Despite Google’s quick action to remove all these troubling images from the service, they remained part of the larger Web – easily discoverable via Google Image Search.^{[xiii](#)}

The most dramatic overreaction to Google Street view came from residents of an affluent village in Cambridgeshire called Broughton. When one of the village residents spotted the Opal with a camera perched on its roof slowly cruising his neighborhood, he raced into the street to block it, called the police, and started calling for neighbors to join him. Dozens formed a human chain to prevent the Google car from continuing. The residents of Broughton claimed that the presence of their homes on Google Street View would invite the attention of burglars, despite offering no evidence that a burglar has ever used Google Street View to plan a crime. In addition, no one could offer any explanation how one might use such information or how it would be more useful to burglars than simply walking the neighborhood oneself. After all, burglars depend on

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time-specific information about a target that static photos could never offer. The move to block the Google car from the streets of Broughton generated significant worldwide attention. But it also invited a blowback. Soon Google Street View defenders started a campaign to drive the streets of Broughton taking photographs and posted them on the social photography site, Flickr. [xiv](#)

But ultimately, neither Broughton nor Google suffered substantial or long-term damage from these high-profile incidents. If anything, the voyeuristic interest generated by the news coverage and peer-to-peer buzz about Street View enhanced Google's presence in the country. In other words, the very panic that journalists, politicians, activists, or angry citizens generate at the imposition of something as strange and unnerving as Street View generates a tremendous amount of interest. Google officials can then boast of the increase in usage of the very service that people fear as evidence of its acceptance, instead of evidence of wariness and concern.

Google's position on Street View has been consistent wherever it launched, regardless of the particular local concerns or cultural expectations. In each case, a company spokesperson repeats that "privacy is very important to Google," without ever defining exactly what the company means by privacy or what each country or context considers private or sacrosanct. The company always explains that Google Street view (like Web Search, Book Search, and Image Search) is an opt-out system. If you happen to hear about the product, and you happen to be concerned about what Street View reveals about you or your surroundings, you may request that an image be removed. All this takes at least three steps of effort and several hours, if not days, until the offending images disappear from Google Street View (but not always from the larger Web). In the mean time, those who never heard about Google Street View, do not use the Internet or Google, or never bother to suspect that their identifiable cars or clothing (regardless of the imperfect computer-blurring of license plates and faces) rendered them unflatteringly get caught in the Web of public exposure in ways they might not be able to predict or control.

In March 2009, just days after the launch of Google Street View in the United Kingdom, Google had to remove an image of a naked toddler who was playing in a garden square in North London.[xv](#) While Google's policy operated as promised, it's important to remember that by making Street View set to "opt-out" defaults, the company could have subjected this child or his parents to ridicule and shame. Street View had been up for at least 48 hours by the time the image of the child was discovered and Google alerted. There is no way to tell how many people saw or made copies of the image in that 48 hours. It's likely that friends and neighbors of that child could identify him from such an image, even if his face were blurred, simply from the context or from the images of adults in the area. After all, toddlers do not tend to play very far from their homes. And just because this image from North London came down in 48 hours does not mean that everyone with an embarrassing image finds it within 48 hours of the debut of Street View. Not everyone uses Google Maps or Street View. Not every neighborhood is filled with computer users. Basically, you have to be looking out for yourself, your property, your family, and your neighborhood to make Google's default settings work for you. As always, the technologically proficient and aware suffer no harm and gain greatly from the convenience of Google Street View. Those who are not proficient, perhaps because of age, disability, or lack of means, are much more vulnerable under such a system.

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A few days after the Broughton incident the panic and concern about Google Street View in the United Kingdom receded. British newspapers moved on to other concerns. The public continued to use Google Maps and Street View to find their way around London. Generally, people in larger cities in the United Kingdom are used to having their actions captured by cameras.

That's certainly true in the United Kingdom – the most surveilled liberal and industrialized state in the world. Video cameras are posted on almost every street corner in the major cities of the United Kingdom.^{xvi} The BBC estimates that there are as many as 4.2 million cameras operating in Britain. That's about one for every 14 people who live on the island.^{xvii} After decades of terrorism at the hands of Irish Republican radicals, the people of the United Kingdom have grown to accept high levels of state surveillance in their cities, even though such a lattice of lenses has not contributed to any measurable decrease in crime or increase in security.^{xviii} There has been a cost, however. Privacy International ranks the United Kingdom as the worst democracy at protecting individual privacy (again, the group is fuzzy on its definition of privacy). The United Kingdom ranks up with Malaysia and China in terms of the levels and reach of state surveillance.^{xix}

So it's puzzling why people in the United Kingdom, who are so used to assuming their image is being captured by agents of the state, reacted viscerally to the idea of an American corporation taking static photographs in which most people are difficult to identify. After the experiences of overbearing and destructive state surveillance that Germany experienced during the Nazi era and the time of Soviet domination of East Germany one can understand the wariness with which German citizens consider Google's initiatives. And the density of Japanese cities explains the Japanese allergy to Street View. But the people of the United Kingdom have consistently elected leaders who support expanding technologies of surveillance rather than limiting them. And England after Margaret Thatcher, John Major, Tony Blair, and Gordon Brown is hardly an anti-corporate or anti-American culture. So it's possible that the reaction to Google Street View was a reflection of the sensationalism endemic to British journalism more than a deeper cultural issue.

After examining the wide array of reactions to Google Street View and the standard way that Google dealt with each unique cultural, political, and historical context, I wondered whether Google operated with a universalizing ideology. Did the company consider local differences and concerns? I didn't see any evidence of it in the Street View saga.

I was aware that Google CEO Eric Schmidt had made statements to the effect that he saw few if any important cultural differences among Google users around the world. In a conversation at Princeton University with computer scientist Ed Felten in May of 2009, Schmidt said, "The most common question I get about Google is 'how is it different everywhere else?' and I am sorry to tell you that it's not. People still care about Britney Spears in these other countries. It's really very disturbing." Schmidt said his experience watching Google usage habits around the world had convinced him that "people are the same everywhere." Schmidt went on to give the standard Google line that the company respects local laws (which, of course, it must). But Schmidt's universalist statements corresponded with much of the company's behavior that I had observed in the past few years.^{xx}

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The tension between universalism and particularism in the age of rapid globalization is well trodden. It's clear after decades of argument that ideologies such as market fundamentalism, liberalism (with its imperative for free speech), techno-fundamentalism, and free trade were no longer simply "western" – if they ever were.^{xxi} It's too simple (and ahistorical) to tag such ideologies merely "imperialistic." But they are universalizing. They do carry strong assumptions that people everywhere have the same needs, values, and desires – even if they don't know it yet.

"Cultural imperialism" has become a useless cliché. The academic "cultural imperialism thesis" is in severe need of revision. Once dominant among leftist critics in the 1970s and 1980s it has been supplanted and modified by the rise of cultural studies.^{xxii} Yet it still resonates in north-south public discourse and some anxious corners of academia.^{xxiii} While those who complain about cultural imperialism cite the ubiquity of KFC in Cairo and the McDonalds in Manila, anxious cultural protectionists in the United States quiver at the sound of Spanish spoken in public or Mosques opening in Ohio. Some American nationalists argue that cultural imperialism would be good for the world, as we Americans have so much figured out.^{xxiv} Others dodge its complications by celebrating "Creolization" at all costs, while ignoring real and serious imbalances in the political economy of culture.^{xxv} While the evidence for cultural imperialism is only powerful when selectively examined, the evidence for the recent emergence of what we might call "infrastructural imperialism" is much stronger. There are imbalances of power in global flows of culture, but they are not what traditional cultural imperialism theorists claim.

Instead, it seems that if there is a dominant form of "cultural imperialism," it concerns the pipelines and protocols, not the products — the formats of distribution and the terms of access and use.^{xxvi} It is not exactly "content neutral," but it is less necessarily "content specific" than cultural imperialism theorists assume. The texts, signs, and messages that flow through global communications networks do not carry a clear and unambiguous celebrations of ideas and ideologies we might lazily label "Western": consumerism, individualism, and secularism.^{xxvii}

These commercial pipelines may carry texts that overtly hope to threaten the tenets of global capitalism, like albums by the leftist rock band Rage Against the Machine, films by Michael Moore, or books by Naomi Klein. Time Warner does not care if the data inscribed on the compact discs it sells simulate the voice of Madonna or Ali Farka Toure. What flows from North to South does not matter as much as how it flows, how much revenue the flows generate, and whom may re-use the elements of such flows. In this way, the Googlization of the global flows of information and culture has profound consequences. It's not so much the ubiquity of Google's brand that is troubling, dangerous, or even interesting. It's that Google's defaults and "ways of doing" spread and structure ways of seeking, finding, exploring, buying, and presenting that influences (does not control) habits of thought and action.

Because Barron had watched closely as Google had introduced a number of high-profile services to several European countries, I asked him how Google navigates cultural difference and whether he was concerned that Google's universalist tendencies would cause trouble in places that do not embrace neither the technocratic imperative nor a cultural commitment to free expression.

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“Google starts from a position that we seek to make information available to the widest number of people,” Barron explained to me. “Google is built on free expression. In the United States that has been embraced enthusiastically. Elsewhere there are different cultural norms, different laws, and different customs. We are committed to abiding by the laws of the countries that we operate in but also taking into account local norms and local customs.”

This was the standard line. So I asked Barron for a good example of how Google had tailored its practices to conform to a local concern. He had a good one at hand. “Over the last year we had some problems with gang-related videos with boys brandishing weapons and making general threats on these videos,” and the established guidelines under which YouTube operates would not have considered such videos violations, Barron said. “Because of the nature of the concern in the UK YouTube decided to alter their guidelines for the UK to cover gang-related videos.”

In the case of gang videos from the United Kingdom causing trouble for YouTube or the decision to re-shoot the entire nation of Japan for Google Street View, Google manages to alter its ways of doing once it gauges reaction in particular environments. This is good practice, even if, as in the case of Japan, it took a year to concede that the specific context in which a firm is doing business might demand quicker action before damage is done. Google has found this method of globalization workable in almost every context in which it operates. After all, the vast majority of those who use Google find services such as Street View more beneficial to them than harmful. The few who might get offended (if not harmed) by the standard and universal policies of Google are of little importance to the company. After all, as I declared in the introduction, we are not Google’s customers. Google can afford to alienate a few thousand of us because living life without Google for those who are connected to the cosmopolitan global culture of the Internet is not tenable. For every one person who complains about Street View there are millions more who find it useful. Those who already live life without Google because they live life off the Internet are most likely to find their images Googlized by Street View without recourse. If you don’t know your life is rendered by Google, you can’t ask Google to remove it. The people who find their streets, yards, and lives Googlized without warning or consent have no real voice in this process. Google takes pictures and asks questions later.

Siva Vaidhyathan is a cultural historian and media scholar, and is currently an associate professor of Media Studies and Law at the University of Virginia. In March 2002, Library Journal cited Vaidhyathan among its “Movers & Shakers” in the library field. He is noted for opposing the Google Books scanning project on copyright grounds. The article published here an excerpt from his current “book in progress”-Project called [The Googlization of Everything](#). According to the current plans, the book will be available only in English and Mandarin.

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ix Stephen Kamizura, "Google Forced to Retake All Street View Images in Japan," DailyTech, May 18, 2009, <http://www.dailytech.com/Google+Forced+to+Retake+All+Street+View+Images+in+Japan/article15162.htm>. "Google to reshoot street views of Japanese cities," Japan Today, May 14, 2009, <http://www.japantoday.com/category/technology/view/google-to-reshoot-street-views-of-japanese-cities>.

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