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Foucault, Power and the Modern Panopticon

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Foucault, Power and the Modern Panopticon

By Connor Sheridan

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Table of Contents

Introduction, pg 1

Chapter 1: Foucault and Panopticism, pg 11

Chapter 2: The Disciplinary Apparatus, pg 29

Chapter 3: Mass Surveillance and the Panoptic Gaze, pg 44

Chapter 4: The Snowden Effect, pg 65

Works Cited, pg 82

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Introduction

My thesis examines the question of how Foucault's disciplinary modalities of power, especially panopticism, have evolved over time, both in a historical context but also how they have rapidly changed in the decades following Foucault's death. In this time, mass surveillance has become a norm in developed countries, through both the proliferation of overt measures like security cameras but also more subtle and invasive means like data trawling, wherein governments, corporations and other powerful entities are able to comb through large volumes of data on specific people or larger demographics in order to gather information on them and exert control over them. Much has been written on Foucault's writings on panopticism and much has been written on the topic of mass surveillance. However, I found the literature that links these two concepts was fairly sparse, and so the purpose of my thesis is to bridge that gap and show that the modern information panopticon has taken Foucault's idea of panoptic architecture and made it into an omnipresent and insidious institution. So, over the course of my thesis I will strive to answer the question of how the transformation of panoptic disciplinary power has changed to a more decentralized apparatus that takes the strengths of panoptic power and distributes those checks on behavior throughout society. Because the panopticon has moved beyond prisons and workplaces and now encapsulates society as a whole, it is important to view society through a more panoptic lens. The same ethical concerns that were raised when Bentham initially proposed his panoptic prison, that it was inhumane or that it would lead to madness among the subjects, now we must hold up these concerns to society as a whole, because the eye of the Inspector is now on all of us.

In Marcelo Hoffman's essay "Disciplinary Power" he offers a digestible overview of Foucault's disciplinary model, which he introduces as "produc[ing] an organic individuality by

exerting control over bodily activities” (Hoffman, 29). In disciplinary power, Foucault breaks down people to the idea of “bodies”, wherein people are subjected to the modalities of power and become part of the disciplinary system. The ideal for the hierarchal power is to have docile bodies, i.e. bodies that do what they are told in as expedient a manner as possible. Hoffman argues that the body is subjected “first, through division of time into distinct segments, such as periods of practice or training; second, through the organization of these segments into a plan proceeding from the simplest elements, such as the positioning of the fingers in military exercise; third, through the ascription of an end to these segments in the form of an exam, and, finally, through the production of a series that assigns exercises to each individual” (Hoffman 31) Put another way, classical panopticism breaks down what differentiates people from those around them to make them more easily molded and made to fit a specific image that is most beneficial to the reigning hierarchic power. Panopticism both begs the question while simultaneously hopes to keep us from questioning “What individuates this individual? The panoptic gaze objectified the subject, making it a text, an unwieldy collection of file folders united under the aegis of a name” (Schmelzer 130). Her lens is strictly limited to how panopticism affect collegiate education in how it “enable[s] meticulous control over the network of power relations that produce and sustain the truth claims of an institution by means of economical surveillance.” (Schmelzer 127) However, the points that she raises have far wider effects than simply pedagogy, and while Schmelzer does recognize that, she does not draw it out any further. She goes onto to say that the panoptic gaze of the institution “multiples and mystifies the visible and centered gaze of the machine into the countless instances of observation of a mechanism. Its operation is distributed to every body in a system of power in a system of power relations that constitute an institution.” (Schmelzer 128)

The Modern Panopticon and its Application

The panopticon and panoptic theory has been used throughout history to help the empowered control populations and modify their behaviors. In Timothy Mitchell's "Colonizing Egypt", he talks at length about the Foucaultian principles used to bring many aspects of Egyptian society into line. Settlements were set up with modular frames, to be reconstructed to fit the spacial needs of the inhabitants, and the Lancaster schools that molded young men for military service via intense adherence to daily rituals and social controls. They were told how to sit and stand, and kept to a rigid timetable that stripped away any sense of individuality, and the text presents a very well-documented case of historic panopticism in the traditional sense, where the gaze is a very physical, tangible one and the hierarchal power structure is in evidence.

However, my thesis argues that the modern conception of panopticism is more subtle in its operation, dictating the way we behave and forcing us to conform to norms in such a way that we are never aware of the control it has over us. The panopticon no longer exists as a large watchtower in the center of a circular prison, it has been recast in security cameras and algorithms, police presence and data trawlers. "The counterpart to the central observation tower has become a video screen. The web of windows is replaced by procedures for data entry such as microprocessors built into operating equipment, or the control interfaces that record operator inputs, or daily system updates provided by craftworkers in their remote field sites" (Zuboff, 323) What Zuboff argues in her book "In the Age of the Smart Machine" is that the Benthamite model of the panopticon is woefully outdated and we can no longer look for it only in places of overt institutional control. Zuboff mainly confines her text to the evolutions of workplace, but I would argue that it goes far beyond that, though it offers a very good starting point. "Bentham's panopticon relied upon the materials and techniques of his day to create a structure that could

autonomously reproduce an individualized social control, providing a central authority with certain knowledge of an institutional population through the architectural invention of universal transparency. [...] The central principle of continuous observation made possible by technical arrangements was to influence the administrative and architectural orientation of bureaucratic organizations from schools, to hospitals, to workplaces in which individuals are taken up as unique problems to be managed and measured against appropriate norms” (Zuboff 322). She goes on to say how systems of information technology that are used to record and display human behaviors allow for unprecedented transparency to the lives of those in the system to those looking in. Mostly Zuboff uses this to frame her argument of managerial oversight, though even in this some examples of the insidious institutional power can be seen. Through her interviews with plant managers and supervisors, the text weighs the advantages of having mass surveillance and data collection against the potential ethical questions it raises along with taking power from those same overseers. This introduces another panoptic principle that my thesis will look at, in that while panopticism is hierarchic, there is no one at the top of the hierarchy. The managers are controlled by their plant systems the same way the workers are, and in the wider panoptic sense, even those that are on the outside watching are still being watched by someone higher up the chain of command, and anyone who is ostensibly at the top still has expectations projected onto them and must modify their behavior in certain ways to conform to those expectations.

A similar argument is raised by Reg Whitaker’s “The End of Privacy”, and he too draws on Foucaultian and panoptic principles expressly. He takes pains to explain that the Benthamite conception of panoptic power is woefully outdated and that the march of technologic and sociologic processes have moved past what Bentham saw as the ideal social control mechanism. Whitaker writes that “the panoptic technology spread from specialized, enclosed institutions to

administrative authorities that organized these institutions and finally to state apparatuses whose major, if not exclusive function is to assure that discipline reigns over society as a whole” (Whitaker 37), meaning the organized police forces. He, like Zuboff, also talks about how managers and people in higher corporate positions bend panoptic modalities to suit their interests, citing the example of Henry Ford forming a Gestapo to monitor his plant employees in their off hours, a force he appropriately called the “Sociology Department” (Whitaker 39). Whitaker eventually moves onto a discussion of the panoptic state, and how surveillance is necessary in the modern world for a state to survive. He introduces the idea of the panoptic state that Mitchell showed in practical application in “Colonizing Egypt”, but whereas Mitchell explained how the panoptic state exercised institutional control, Whitaker explains why the panoptic state does this.

Later in his text, he raises the interesting point that the modern panopticon differs from the original conception in two distinct ways. The first is that it is decentralized, which has been discussed at length in other texts, but far more interestingly for the purpose of this thesis, that those who are subjected to the panopticon are subjected consensually. “At the very core of the Benthamite idea was power rigorously centered, the architectural embodiment of godlike sovereign authority radiating out from the Inspector’s command and control center. But this conceptualization is technologically obsolete by the end of the twentieth century. Bentham required this centralized architectural structure because he had no technology of surveillance other than the unassisted human eye. The new information technologies offer the potential for real rather than faked omniscience” (Whitaker 140). He goes on to say the individuals have been rendered visible in ways that someone in the eighteenth century could never even have dreamed of, and are now subjected to a far more metaphoric gaze that manifests as more than just a visual

one. He also discusses how, in counterpoint to other sources that decry mass CCTV surveillance, in many cases the people subjected to panoptic power welcome the increased surveillance as it facilitates daily life and convenience, enhances security and empowers consumers. He does not shy away from the negative effects that are discussed at greater length elsewhere, but raises the point that modern society has entered into a social contract where those perceived breaches of privacy are considered to be the price we pay to be safe and ensure our continued security. As he says, where once the fear was that Big Brother was watching us, the now commonly held perception is that Big Brother is watching out for us. It becomes easier for us to forget that we are under observation, because the watchtower has been deconstructed. While in the Benthamite panopticon the prisoners were very aware of the surveillance they were under, the modern panopticon has done away with that. Its decentralized nature discourages self-surveillance because it allows its subjects to forget that they are under surveillance at all.

Mass Electronic Surveillance

Many texts have been written since the dawn of the digital age about the use of mass surveillance and the questionable ethics of mass surveillance, though very little work has been done connecting them to Foucaultian principles. In Beatrice Larsen's text "Setting the Watch", she examines the ethics of widespread usage of CCTV and its ethical quandaries. She devotes a chapter to discussing its applications in crime prevention and deterrence. However, she is of the opinion that individual rights and privacies trump the social benefits of mass CCTV presence. She also argues that that CCTV compromises the public's right to anonymity, and the close ties between government and corporations allow for unprecedented and unconstitutional access to data, and that access expands daily. However, she does present several arguments in which mass surveillance may have a legitimate role in crime prevention and that the sacrifice of personal

freedom and rights to privacy counterbalance the positive effect that the gaze of the cameras can have in deterring potential criminals. She takes pains to weigh the right to privacy and free speech over the at times draconian measures used in CCTV surveillance.

In Beatrice Edwards's "Rise of the American Corporate Security State", the author examines the correlation between government surveillance and corporate tracking, and how the line between the two has increasingly become blurred. She devotes two chapters to explaining how this kind of surveillance and tracking is unconstitutional and argues that the systemic corruption that enables data trawling and data harvesting will lead to another economic collapse. The text is a bit more sensationalist than it necessarily has to be (its subtitle is "Six Reasons to Be Afraid") but for all that it is anti-surveillance propaganda, it does raise valid points on the nature of surveillance and the unethical nature of that monitoring. She also deals with the topic of Edward Snowden and the NSA leaks. In her first chapter, Edwards lays out the many ways that mass panic gripped the security and surveillance arms of the government in the days following Snowden's leaks. Far less even handed than Larsen, Edwards acknowledges her bias early on by noting that she works for a political nonprofit that does not take kindly to her emails being scanned and coded, and also notes the ethical problems journalists face if they feel they no longer have freedom of speech or the ability to keep their at-times-sensitive sources anonymous.

One of the ways I will be examining the modern conception of panopticism what effects the Edward Snowden NSA leaks had on the panoptic infrastructure as a whole. The debate over Snowden tends to fall into an ethical realm, whether or not he was justified in his actions and whether or not he is a traitor or a patriot, or it is used to frame the debate of whether or not our safety is worth the price of our liberty. However, I will be examining the Snowden effect from a different angle, namely, how his leaks have changed the panoptic landscape and the relationship

we as a society now have with panoptic disciplinary power. I will be arguing that because he made the public more aware of the NSA's operations and the extent of their surveillance, he reinstated a culture of self-surveillance that had been lost in the rise of the digital age. Because the process of gathering data on subjects and observing them had become so automated, the concept of a panoptic "watchtower" has become passé, despite that watchtower simply moving to a more decentralized and less tangible form. To illustrate this point, I will be working with statements Snowden himself has released since his blowing the whistle in summer 2013, various newspaper and magazine articles and "No Place to Hide", the book published by Glenn Greenwald, the Guardian reporter who Snowden initially contacted to break the story. I will mostly be using these texts to illustrate the background of the Snowden case and the response of various world powers in the immediate aftermath. It is telling that Snowden's name now evokes panoptic imagery, the Orwellian eye in the watchtower, but very little has been written about his relation to panoptic power and how he changed that relationship, despite many publications dropping the term "panopticism" into articles as a buzzword. But the fact alone that his very name now brings to mind panopticism means that he has changed the public's relationship to it and made it something far closer to the cultural consciousness than it was even a year before his leaks means something. Though the technologies being used and the volume of data being collected remain largely unchanged from 2010 to 2013 when Snowden went published (and even 2013 to the present), public interest in those forms of power has dramatically increased since then, and the ways they respond to that conception of power has changed with their awareness of it.

Conclusion

Many of the sources I have examined for this thesis have dealt with the themes of panopticism or of mass surveillance, but they have done very little to connect those two themes. Even in contemporary works dealing with Foucaultian discourse, I have found very little linking the idea of mass surveillance with panoptic power, and so my thesis is an attempt to further the discourse on that subject. We as a society can no longer simply ignore that we are being watched by our governments and by massive multinational institutions. Regardless of the supposed altruism that this mass warrantless surveillance promotes, often this surveillance is unconstitutional and in violation of the spirit of the law in regards to American rights. The idea of the panopticon has evolved from its original overt social architecture intentions, and yet very little has been said as we lose more and more of our freedom to a metaphoric all-seeing eye. The aim of this thesis is to address the effect of modern panoptic surveillance on the present state of global security and the ramifications that such widespread surveillance has had on personal liberties. This thesis will argue that Foucaultian panopticism has evolved from models that were primarily focused on architectural and institutional surveillance into an apparatus that permeates society on every level and has, in pursuit of making society more secure rendered it less safe.

When something like Snowden's leaks happen, we as a society should no longer be surprised. Big Brother has been watching us for a long time, it is only just recently that we started to care. Panopticism is a modality of social control, and while its original intent was to be an overt method of control the evolution of technology and the progression of humanity into the digital age has entirely changed the ways this power is exercised. It is now more subtle than ever, and while we are told by the media each day that our data is being mined and we are being watched by vague yet menacing government agencies, we have been simultaneously conditioned not to care or even pay attention. The mentality of "nothing to hide, nothing to fear" only goes so

far. Essentially, the aim of my thesis is not to show that perhaps we do have things to hide, only that we as a society ought to realize that nothing is hidden anymore.

Chapter 1: Foucault and Panopticism

It is difficult to begin any kind of discourse on Foucault and disciplinary power without addressing the opening of “Discipline and Punish”. The text opens with a graphic account of an 18th century execution. Damiens, a man accused of regicide, is carted to scaffold where “the flesh will be torn from his breasts, arms, thighs and calves with red-hot pincers, his right hand, holding the knife with which he committed the said parricide, burnt away with sulphur and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together” (Foucault, pg 3) and finally, his body was drawn and quartered. This brutal scene sets the stage for Foucault’s discourse on the evolution of disciplinary power, and was not included in his original text solely in the interest of sensationalism. The execution itself was done for the benefit of the spectators, a tangible example of the swift and brutal justice of the state. However, these public executions were soon done away with as prisons were created to contain and keep society’s undesirables out of the public gaze and capital punishment was changed from a public spectacle to something handled by the state behind closed doors.

Panopticism in Brief

“Discipline and Punish” lays out the ways in which discipline is implemented, and has been implemented throughout the past several centuries. Foucault writes on controlling populations and workforces and normalizing things to make people, whom he refers to as “bodies” once they have entered the disciplinary apparatus, more docile. The focus of this thesis will be on one specific modality of disciplinary power that Foucault uses, that of panopticism. The original idea of the panoptic prison, or panopticon, was designed by the English social theorist Jeremy Bentham in the late 18th century as a prison institution in which one guard would be able to observe all prisoners, but the prisoners themselves would not be able to see the guard

or each other. The panoptic structure for the Benthamite prison was a circular atrium with cells along the perimeter facing inwards, and with a single watchtower in the middle where the watchman would be able to observe without being observed. In this set up, the prisoners could be watched at all times, but they would not know whether or not there was someone in the watchtower to observe them. As they were subjected to this gaze, they would modify their behavior and be less likely to instigate trouble. The panopticon ensures economy in both personnel and time and efficiency in both monitoring the subjects and in the application of its observers, allowing for continuous function and a near automatic operative mechanism (Foucault, pg 206). Eventually, the self-disciplinary measures introduced by the panopticon could be used to drastically simplify measures in a prison, with no external force or overt method of disciplinary power being necessary. The old dungeons and gaols could be replaced with a simple, economic and geometric structure. “Bentham was surprised that panoptic institutions could be so light: there were no more bars, no more chains, no more heavy locks; all that was needed was that the separations should be clear and the openings well arranged” (Foucault pg 202).

Bentham conceived of the panopticon as a model for a prison, but his aspirations were ultimately far more lofty than that. He envisioned the panoptic model taking hold in schools, hospitals, asylums and the military, eventually permeating every level of society. While the panopticon never became anything more than a conceptual model in Bentham’s lifetime (and in fact, in following very few prisons and institutions can claim to be made based off the panoptic model), Foucault argues that the position that the panoptic form did permeate society, if not in the way Bentham expected. The panopticon “must not be understood as a dream building: it is the diagram of a mechanism of power in its ideal form; its functioning, abstracted from any

obstacle, resistance or friction, must be represented as a pure architectural and optical system: it is in fact a figure of political technology that may and must be detached from any specific use” (Foucault, pg 205). Foucault shows that while the panopticon has not necessarily been implemented in the way Bentham originally proposed, it has made its way subtly into the cultural consciousness and has been adopted as a norm and accepted as a process used to protect citizens and work in our best interests, even if at times this is not the case.

The Panoptic Prison

Foucault goes on to define the purpose of the panopticon as he views it, an architectural apparatus for “creating and sustaining a power relation independent of the person who exercises it” (Foucault, pg 201), essentially creating a system where the incarcerated bodies (or in the case of schools, hospitals, etc. the subjected bodies) where the modality of power is borne by them but also projected onto themselves, by themselves. In the physical panoptic prison that Bentham envisioned, the prisoner would be unable to escape the unwavering gaze of the central watchtower, but at the same time would be unable to tear his gaze away. While he would never know whether or not he was actually being watched, due to a cleverly designed network of blinds, partitions and twisting passages in the watchtower itself, he would be aware that there is the potential to be watched and that any act of misconduct could bring about swift justice and retribution. His isolation from other prisoners in the system, both in the literal and psychological sense, make any attempts to go against the system unlikely as his individuality is broken down and any tendencies that go against the norm are stripped away.

Foucault’s theory on docile bodies is primarily intended to be a way to examine a labor force and to keep checks on that labor force, though he is clear to make the distinction that domination of bodies under the disciplinary power structure was not the same thing as slavery, as

it was not based on the appropriation of bodies against their will and conscripted into work, rather “the elegance of discipline lay in the fact that it could dispense with this costly and violent relation by obtaining effects of utility at least as great” (Foucault, pg 137). The “bodies” are inducted into a system where they give up some of their rights in exchange for the right to work, and has been developed over decades and centuries of political thought. These processes and modalities of power have been developed in workhouses and schools for centuries, and have always been adopted in response to a particular need, be it a way to combat the spread of a virulent disease, to expedite the growth of a military power or allow for an increase in industrial productivity.

The historic panoptic model is founded on the disciplinary concept of enclosure, keeping society’s less desirable elements enclosed and out of the public view and to make those same elements feel disparate. They are partitioned off, and the forming of groups is discouraged both by architecture and by psychological controls. The aim of this partitioning is to “establish presences and absences, to know where and how to locate individuals, to set up useful communications, to interrupt others, to be able at each moment to supervise the conduct of each individual” (Foucault, pg 143). It also draws its inspiration from Bentham’s idea of an all-seeing eye of God, that the perfect disciplinary apparatus would be able to see everything constantly with a singular gaze. The perfect panoptic structure would have “a central point [that] would be both the source of light illuminating everything, and a locus of convergence for everything that must be known; a perfect eye that nothing would escape and a center towards which all gazes would be turned” (Foucault, pg 173), ensuring that those within the panopticon would always be made intimately aware of the fact that they were under observation and that the system had power over them.

What makes panoptic and disciplinary power so effective is that it normalizes the judgment of its subjects. Everything in the system is to be made uniform, and the subjected bodies, once inducted, will come to accept the disciplinary measures as the norm. Their uniformity leads to further docility, and they become more compliant to the suggestive nature of the disciplinary model. However, going hand in hand with this uniformity is also a concerted effort by those placed higher in the overall hierarchy to divide the subjected bodies by making them feel more isolated from each other and to keep them from organizing. This is done through both overt physical means, by way of partitions in living and workspaces, and also through more subtle coercive means, by keeping subjects busy with tasks that require just enough to focus to prevent the mind from wandering. However, what sets the disciplinary model apart from the punitive model described in the opening scene of “Discipline and Punish” is that disciplinary power is essentially corrective. Early models of disciplinary power used the threat of retribution or death to force populations into compliance, whereas later models embraced a reformatory and corrective ideal, with the end result changing from simply removing the criminal elements from society to instead rehabilitating those same elements and putting them to a more productive use. Foucault points out that the prison is not intended to be a deterrent to crime, and the institution of prisons does not lead to a decrease in crime in any significant capacity. The threat of incarceration or physical punishment means little if the people in question have no recourse but to resort to crime, so both Bentham and Foucault put forth their penitentiary model as a social reform strategy. While members of society who were considered to be dangerously unstable or beyond the point of salvation could be contained and observed, others who were found to be guilty could, through their time in captivity, be taught a trade and put to serve society’s ends so that when they were released (if they ever were), they could go on to become more productive

members of society than when they were incarcerated, and reduce their chances of being incarcerated again.

The Panoptic Society

At its most basic level, the panoptic modality of power can be understood as a pyramid. The small, concentrated cell of those who hold power remains above the larger mass of the labor force, and from their lofty perch they supervise the tasks they impose on the masses. The “body” of the populace is broken down to a machine and reduced to a political “force”, and that force is maximized at the least cost for the most useful result. Panoptic power is at its heart a hierarchic power structure, with everyone in the system subjected to someone else who is higher in the hierarchy in question. However, what the pyramid metaphor does not fully address is that in the panoptic model, no one is at the top of the hierarchy. Even if one was to be at the top of the prison system (i.e. the supervisor), while that person would hold nearly absolute power in the prison environment, they would also be subjected to their own supervisors, who are in turn subjected to the hierarchic power of *their* supervisor, and so on.

The true genius of panoptic power and the panoptic society is how simple it is to make the panoptic society the established norm. By indoctrinating a population into panoptic modalities from an early age, they become docile and accept the panoptic institutions as necessary. Timothy Mitchell’s “Colonizing Egypt” gives examples of how the panoptic society was implemented to better establish colonial rule in Egypt in the 19th century, by applying panoptic modalities of power throughout all levels of society. Entire villages were built by the government on a modular level, where living spaces could be adjusted depending on the size of the family living in the unit. These villages were centralized and made it a simple matter for the government officials to track populations and their comings and goings, along with having a

presence in the daily lives of the citizens that was both subtle in its manifestation and overt in its exercise of power. Boys were enrolled in Lancaster schools in preparation for entering the military, where discipline was instilled via rigorous daily routine where each waking moment was expressly carved out and regimented. Physical activity and discipline were used to make them pliable and docile, and inure them into the disciplinary model. Though they were educated and trained together, they were psychologically isolated from each other to better make them more compliant to disciplinary power.

This breaking up of people serves to create divides between them psychologically. Whereas in a true panopticon, prisoners are isolated by the construction of the cells, this method of isolation is impractical and often unethical in the larger world. The panoptic model ensures that bodies are isolated psychologically instead. This is done by putting up walls between them and the outside world, but also between themselves. By keeping the bodies monadic, they kept them docile. There was little opportunity for rebellion or discord to grow under such conditions, and this only served to reinforce the panoptic power structure. In an enclosed space, there is little room for individuality, but the bodies subjected in this way are allowed to preserve the illusion of individual expression. This keeps them docile, for they still feel they are in control of their own actions (when in fact the opposite is the case) and revolutionary sentiment is kept down. The use of timetables regiment a daily schedule and break time into a precise ration of activities, giving each of the bodies a specific place to be at every minute of every day. Foucault quotes Bentham, saying “There is no danger of a plot, an attempt at collective escape, the planning of new crimes for the future, bad reciprocal influences; if they are patients, there is no danger of contagion; if they are madmen there is no risk of their committing violence upon one another; if they are schoolchildren there is no copying, no noise, no chatter, no waste of time; if they are

workers, there are no disorders, no theft, no coalitions, none of those distractions that slow the rate of work” (Foucault, pg 201) to illustrate Bentham’s vision of a society-wide panopticon and the aspirations he had for it.

For Foucault, the idea of panoptic power is vested in the idea of self-surveillance, and this kind of domination is encouraged by disciplinary apparatuses but it is imposed on oneself. Though the worker or prisoner feels in control of their own actions and feels like they are the ones deciding to follow the rules laid out by their respective systems, in fact they are being subjected to various psychological pressures to encourage their cooperation with the system. By doing so, they become more aware of their own behaviors and more likely to correct themselves without the need of an outside influence. Foucault notes that this sort of behavior being used on a widespread scale can be traced back to the beginning of the Industrial Revolution when it was necessary for industrialists to separate the workers from what they were making and reduce them to more malleable parts in their grand design. By encouraging self-surveillance, factory owners could control their workforces at a minimum cost to themselves, because their workforces were continually correcting their own behaviors in order to fit their prescribed role and to keep their jobs.

The Downfall of the Panopticon and the Panoptic Utopia

Many of Jeremy Bentham’s contemporaries agreed with his view that “labor would inculcate habits of honest industry and [their] solution was to attach several penitentiary houses to the dockyards around [England] where the convicts could be sent to work on naval repairs such as rope making, mending casks and sail making. These prisons would have the dual purpose of employing convicts and stopping speculation and pilfering from naval stores” (Semple, pg 260). Under this system, convicts would be dispersed throughout the country, preventing

unmanageable concentrations of prisoners, and these prisoners would be employed in simple work that was in reparation to the society they had injured. Bentham's detractors found this to be a far superior system for incarceration in opposition to the panopticon. Robert Edington, another social theorist of the time, would write "Let me ask how, in a circular iron cage could any of these great objects be effected? In what manner would Mr. Bentham work up the twice laid rope; suppose a hawser of 140 fathoms, run metal, forge anchors, roll copper, in the circle of an iron cage" (Semple, pg 261). In time, Edington's ideas for a penitentiary system would also be rejected by the government.

Perhaps the key reason Bentham's panoptic model was never adopted in his lifetime, and certainly never fully realized as he envisioned it since, is largely due to the fact that it is based off ideas that had just recently fallen out of vogue. The push to institutionalize the poor in workhouses was a relic of the 1700s, and while the prevailing mores of thought that enabled the workhouses to become a part of the fabric of society continued well into the 19th century (one needs to look no further than the work of Charles Dickens and his "Sketches by Boz" for evidence of that), many of the upper elements of society were seeking an alternative. The all-seeing eye of the panopticon seemed a far too totalitarian measure for widespread implementation, not to mention the various logistical and economic problems that would hamper such an endeavor. However, the architectural concept of the panopticon went on to inspire many of the penal buildings in America in the 19th and early 20th century. The Western penitentiary in Pittsburgh was built in the 1820s and modeled on Bentham's panopticon quite closely, but only showcased the impractical nature of the original design and was demolished only ten years after its creation. Later, in 1916, the construction of the panopticon was again attempted in the Stateville penitentiary in Joliet. However, the designers failed to understand the idea of the

unseen warden in Bentham's original model, and so the nature of surveillance within the prison soon developed into a cruel farce as the inmates could observe the guards' every move. For all that Bentham held lofty ideals, had his original panopticon been built, it would likely have failed in many similar ways.

It must be noted that Bentham's idea of a panopticon was heavily steeped in utopian ideology, something that seems at times incongruous with Bentham's historic portrayal as a dour rationalist, and some scholars would argue that the prevailing pessimism about mankind in Bentham's works would make any such utopian ideology impossible or at the very least unlikely. However, Bentham would reflect later in his life that he envisioned the panopticon as a device through which he would reform and revolutionize the world (Semple, pg 288). One of Bentham's ultimate goals was to create a panopticon town, an entire self-sufficient construct that ran off the panoptic model. Originally intended to be a penal colony, the panopticon town would not only have a prison and workhouse, but also a farm to provide the material needs of the prisoners, with female convicts preparing any livestock for the table in a conveyor-belt system, a precursor to the assembly line production that Henry Ford would spread in the coming decades. There would be a school, also running on the panoptic model, where urchins could be inducted into the system early on and made to be productive. The only contact the inmates would have with the outside world would be when they attended religious services. To be fair, for all that Bentham portrays this as a utopian model of society, the limiting of contact from the outside world and the culture of fear that such a system would cultivate are decidedly Orwellian, and likely why the British government never allowed Bentham to undertake the project. While the panoptic utopia would never be realized for Bentham, it found a spiritual successor in the spread of colonization throughout the European empires, specifically in the Egyptian colonial occupation.

The Historic Panopticon in Practice

Throughout the middle of the nineteenth century, the citizens of Egypt were inmates in their own villages. Through a series of government ordinances, they were confined to their districts and travel to other areas of the country was strictly limited and required one to go through a convoluted system to obtain a series of papers, permits and passports, effectively deterring most from attempting to try. Villagers were under surveillance day and night by the military, and any goods produced by cultivating the land were summarily confiscated by government officials and put into warehouses to be distributed later. Foucault takes a western-centric view of disciplinary power, focusing on the effects of a panoptic society in a European context, though “this focus has tended to obscure the colonizing nature of disciplinary power. Yet the panopticon, the model institution whose geometric order and generalized surveillance serve as a motif for this kind of power, was a colonial invention” (Mitchell, pg 35). The panoptic model was used in the Foucaultian sense throughout the British colonial empire to keep the native populations docile and convert their tribal systems into hegemonic capitalism.

The Egyptian government gathered up young men and made them into an organized army, the first of its kind in Egypt. They were summarily indoctrinated into a system of discipline that saturated their daily lives, from the time they woke up until they went to bed, and even then was strictly ordered in a barrack model. Those who were not brought into the army were set to work in Egypt’s fertile land on the banks of the Nile producing cotton and other commodities for European consumers. “It was necessary to have their places carefully marked out, their duty or quota exactly specified, and their performance continuously monitored and reported” (Mitchell, pg 40). These farm workers were supervised throughout their periods of labor, and when they were shepherded back to their villages they were likewise observed so that

they could not escape or abandon their homes. “Each separate act was stipulated and supervised, to coordinate every individual into a single economy of crops, money, and men” (Mitchell, pg 41). The very concept of the village itself became standardized, with each house (although perhaps it is more accurate to call them “containers”) being exactly proportioned for the minimum needs of its denizens, and each village was built under the same model plan, resulting in a specifically ordered countryside of containers and those that they contained.

The true strength of this modular village lay in its overall flexibility. Because the housing system contained a moveable system of partitions that made individual rooms into cells, partition walls could be added or removed as the overseers saw fit. To accommodate a larger family a partition could be removed, or to fit in two smaller families, a larger space could be further subdivided. These cells could be multiplied or subtracted without ever compromising the simple nature of the system or impeding the power of the inspectors. “This harmony of parts enabled a reconstructed village to offer not just a better knowledge and control of its inhabitants, but the possibility of coordinating them together in order to increase their productivity as a unit. Like the army, the new village can be thought of as a machine, generating effort out of the interaction of its individual parts” (Mitchell, pg 47).

Egypt also introduced the Lancaster school model that had been adopted in England in the early 19th century to condition young men into disciplinary power. Like a factory floor, the school used a single large room where the movements of the pupils was controlled via a whistle or bell. Students would sit at benches, with each bench representing a class of eight to ten boys. Instruction was done standing up, for the benefit of their physical health. The lessons were punctuated with bursts of physical activity, and the intent of the schools was to prepare the boys for entering the military service or the workforce. This model was widely used throughout

English cities in areas with a heavy concentration of the working poor, and the English model was espoused throughout its colonies. “The Lancaster model school was a system of perfect discipline. Students were kept constantly moving from task to task, with every motion and every space put to use. Each segment of time was regulated, so that at every moment a student was either receiving instruction, repeating it, supervising or checking. It was a technique in which the exact position and precise task of the individual at every moment was coordinated to perform in accordance with the whole. Authority and obedience were diffused throughout the school, implicating every individual in a system of order, the model of a perfect disciplinary society” (Mitchell, pg 71).

Foucault asserts in “Discipline and Punish” that even though the physical panopticon was never constructed, a metaphoric panoptic model has been permeating society since the industrial revolution. The modern education system was established in the Industrial Revolution to groom schoolchildren for a life of working in factories, to give them just enough knowledge to enter the workforce and become productive, docile bodies. The regimented lifestyle of the modern school system is not terribly far removed from the Lancaster model described in “Colonizing Egypt”, with the only difference being a lesser focus on military fitness drills. Modern society still grooms children to accept disciplinary power as a social norm and not to question the impacts of a disciplinary modality on society in general. What Foucault asserts is that while the panopticon was never physically built, it came to be in a far more metaphoric way.

The God in the Machine

Because the panoptic prison that Bentham envisioned was never constructed, he was never able to put his social experiment of the panoptic society into practice. However, the disciplinary measures that mark panoptic power were employed throughout the 19th century in

many of the ways that Bentham himself had originally envisioned. While he was not credited with their creation until many years after his death, the modalities of power he was eventually credited with became instrumental in the spread of imperialism throughout the 19th century. Populations were conditioned through disciplinary measures to become more docile and more susceptible to hegemonic control. The overt presence of wardens and guards, i.e. people more powerful than the subjected bodies, kept them in line and ensured they fulfilled their given tasks. The all-seeing eye of the system permeated every aspect of their life, and because of this, they became more aware of their own behavior. Because the threat of retributive that could come at any time should any subjected body step out of line, those subjected over time become more conscious of the rules of the system they are in and take pains to ensure that they follow those rules, engaging in surveillance of their own against themselves, becoming instrumental in their own domination and subjugation. This self-surveillance is a cornerstone of Foucaultian disciplinary power.

An important tenant of the panoptic model is that it is founded on the idea of presenting fiction as indisputable fact. This is most clearly seen in the idea of the omniscience of the warden or observer. So long as they remain hidden, but still felt as a presence, they can be considered to be able to see everything at once, and the inmates in the panopticon will have no knowledge to the contrary. “The moment the inspector allows himself to be seen anywhere in the panopticon, he loses his omnipresence in the eyes of those who can see him: those who can see him, can, of course, tell whether his eyes are directed toward them; those who can see him thus can see they are not being seen” (Bozovic, pg 9). In a “typical” prison system, the warden makes himself a visible power structure, and when he is present the prisoners display the attitude of discipline for him, though when he is not present they lapse into idleness. Therefore, in the panoptic model it is

vital for the warden or guard to “expose himself to the eyes of the prisoners as little as possible: all of his power over the prisoners derives from his invisibility, or more precisely, his invisible omnipresence” (Bozovic, pg 9). Contrary to the traditional model, where it is assumed that prisoners need to be in the presence of a guard, in the panopticon the behavior of the prisoners is checked and they are deterred from further transgression by the absence of the guard, because in this way they are made aware of the vague concept of the guard being present without knowing where he actually turns his gaze. This elaborate fiction plays into Bentham’s role as a theologian with the watcher in the panopticon acting as the eye of God. This elaborate fiction is vital to the deterrent of transgression, for it makes the prisoners fear to do so because they fear bringing down the wrath of a God-figure who could know their every move.

The idea of gaze is the key to the panopticon, both for those on the inside of the watchtower and those without. As stated above, if the prisoners can see into the watchtower and observe where their guards are and what part of the prison they are observing, the entire system collapses because it is founded on faulty principles. The gaze of the observer takes on almost superhuman qualities, as a “gaze and a voice that cannot be pinned down to any particular bearer tend to acquire exceptional powers, and by themselves, as it were, constitute divine attributes” (Bozovic, pg 11). In the Benthamite model, the inspector was hidden from the prisoners’ gaze by a trick of lanterns that allowed the inside of his watchtower to be illuminated and to illuminate the cells of his charges, allowing him to remain in one place and only a slight turn of his head or body observe all under his charge. This of course raises the objection that if the inspector is only a God-figure when he is invisible, and his all-seeing gaze is only empowered when he is unseen, would not partial visibility weaken the strength of his gaze? “By no means, argues Bentham. The inspector’s partial visibility in the translucent lantern does not allow the prisoner to determine

whether the eye of the inspector is at the moment directed towards him any more than he can if the inspector is not at all visible” (Bozovic, pg 13). The ideal state for the panoptic system would be for every prisoner to be under observation from the watcher at all times, but as this is fundamentally impossible, the solution is that prisoners must persist in the illusion that they are being observed. The fiction of the all seeing eye is carried further by convincing the prisoners that at every instant they could be under observation and reinforcing that fiction. After this fiction has taken hold, the prisoners will then modify and mold their own behaviors because they feel that they are under the gaze of their inspector, and any transgression he makes will be seen and dealt with. They will “keep in [their] mind a list of [their] own transgression and calculate the gravity of punishment that [they] will sooner or later have to suffer” (Bozovic, pg 17), and any failure to act on the inspector’s part following a transgression will be interpreted as a deferral of punishment. “Though the inspector may completely abandon surveillance, from this moment on, each prisoner will believe that the inspector is preying upon him, whereas in truth each prisoner is only preying upon himself. Thus, discipline is internalized, while the inspector himself has become superfluous” (Bozovic, pg 17). Once the hammer of justice has been brought down on one prisoner following a transgression, the presence of a warden in the panopticon is entirely unnecessary, and any skeptics within the system will be converted to supplicants before the all seeing eye. Ideally the inspector could leave the panopticon and allow it to continue to run on its own.

Conclusion

The Benthamite conception of the panopticon as an overt social control does not necessarily survive him. While it is clear that overt measure of power are key in the construction of the panoptic society, Foucault and those who come after him see the panoptic model as better

employed in ways that are less concrete and immediately visible. While the threat of being under observation is undoubtedly present, the modern panopticon no longer relies on a central watchtower or analogous power structure. In many cases, the intention has been to allow those in the panoptic system to forget that they are under observation. The presence of surveillance cameras has become ubiquitous in population centers but the cameras themselves have been made to appear as subtle as possible, often blending into their surroundings. CCTV cameras have been strategically designed to be overlooked, and society at large has been conditioned not to notice them. On a certain level most people are aware they are being watched, but because the presence of the cameras is made to be so unobtrusive, it is easy to forget they are there and to drop the pretense of self-surveillance. Because the subjects no longer feel the panoptic gaze on them, they are far less likely to respond in the same way as subjects in a traditional panopticon because to them, the price to pay for not adhering to a norm is much less. Foucault's theory on panoptic power draws from the Benthamite architectural model, though it allows for panoptic power to manifest in ways that are less overt and on a smaller scale. Foucault acknowledges that Bentham's theories have been adapted to fit modern society, and in fact much of "Discipline and Punish" owes its discourse to Bentham's conception of the prison and penal theories. Like Bentham, he does not limit his panoptic discourse to simply a prison setting, instead applying it to schools, asylums, hospitals and factories, though he largely sheds Bentham's utopian aspirations for the system. In the final section of "Discipline and Punish", he asserts that the prison is directly responsible for creating delinquents. By living in a society steeped in the modalities of panoptic power, we have become conditioned to normalize our behavior for fear of the retribution of the god in the machine. While the gaze of the all-seeing eye can deter criminal behavior and promote a society that is, by and large, safer, though this comes at the expense of

personal liberties. The spread of CCTV and society's growing reliance on computerized data over the past several decades has led to a system wherein any amount of personal data is available to anyone who has the tools to look for it.

The idea of a panoptic society raises important ethical questions, not the least of which being if it is worth the sacrifices that it requires. In an American context, the modern panopticon could be in violation of our constitutional rights to freedom of expression. It is no longer a question of if a panoptic society will be adopted, or even a matter of when. The panoptic society exists, and we are currently living in it. However, the idea of the central watchtower has not held over from Bentham's original model, and while society is conditioned to accept the measures of institutional control, we are likewise conditioned to overlook and normalize them. Our data is out there. We are under observation almost constantly, both by way of a camera lens and by tracking data. One must wonder if the price of living in a secure and technologically advanced society is worth the price of personal freedom. But in the panopticon, you are given every indication that you are free. If one has nothing to hide, we are told, then there is nothing to fear, a chilling echo of Big Brother.

Chapter 2: The Disciplinary Apparatus

Michel Foucault was a prolific philosopher, writing on a multitude of topics. Though his work touches on disciplinary power, sexuality, genealogy, architecture and psychology, the great unifying themes that characterize his method of thought are power and knowledge, and the relationship between the two. In the Foucaultian view, the former controls and checks the latter. Much of his work is also concerned with the concept of transgression, which is also linked to power and knowledge, especially in a social context. Foucault's view of disciplinary power was used to train and condition populations to behave according to a series of prescribed norms. Through the application and implementation of hierarchal power structures, the use of normalizing judgment and the use of a collective gaze, Foucault outlines the basis of his conception of disciplinary power exhibited through the architectural construct of the panopticon. As outlined in the previous section, the panopticon is a disciplinary tool that separates and subjugates its inmates and, in short, "imposes compulsory visibility upon those whom it subjects to discipline, while those in power remain invisible" (Gordana, pg 86), causing the observed to modify their behavior to better fit the norm of the prison itself. In short, "the machinery of power articulates its effects of power with reference to a certain type of knowledge which is derived from the same machinery and which in turn extends to and reinforces the effects of power" (Kattakayam, pg 461). There can be no power without a constituent field of knowledge to shore it up, and by the same token there is no knowledge that does not constitute a power relation. Or, in even simpler terms, knowledge and power cannot exist in a vacuum independent of each other.

The concept of the panoptic gaze was touched on in the preceding chapter, in the purely physical sense of the physical panopticon prison, but it is just as relevant in the modern metaphoric panopticon, and though the actual act of observation has changed, the theory behind

it has not. The use of the term gaze is itself interesting, as it is an irregular translation from the original French term that Foucault used, *regard*. “Gaze is used because “look” has the additional connotation in English as the thing being observed” (Shumway, pg 52), changing the mechanics of the phrase to at times refer to a more static action than Foucault intends, which is intended to be a domination of the visualized object. Foucault also echoes Sartre in his discourse on gaze, where for Sartre *regard* was translated as “to look”. “Sartre argued that to be caught by the look of another is to be objectified and rendered a thing rather than an object or person, and as a result to feel shamed, alienated, enslaved and even endangered by the other” (Shumway, pg 52) which is itself the purpose of disciplinary power, to reduce the subject to a “body” rather than a person in an attempt to dehumanize them and make them more susceptible to institutional control.

The function of the Benthamite gaze was to construct an elaborate fiction by which one subjugates those beneath the observer in the power hierarchy and introduce an omnipotent god to the powerful machine. The Foucaultian nature of gaze “is a matter of applying a language or a mathematic to the thing seen so that it is constituted by the observer in his terms” (Shumway, pg 53). Though both present an implicit power relationship, Foucault linked the concept of the gaze to a loss of freedom and autonomy by the subject, a truth that the historic physical panopticon drove home by the simple fact of its existence. In the modern age, the power of the panopticon has become more decentralized and subtle by placing eyes everywhere, but by making the bars of the cage harder to define.

Punishment is no longer the swift, punitive justice that saw to the demise of Damians the regicide, and under the panoptic worldview “becomes more abstract, and thus its effectiveness results from its inevitability, not from the intensity of its fatal experience” (Gordana, pg 91). The aim of disciplinary power and panopticism specifically is to reduce the body to a political force

at the lowest possible cost to generate a maximum return on utility, which has been incorporated by the current capitalist economy and now the technique of submitting bodies to a hierarchal structure has become the norm. At its heart, Foucault's work is "less interested in power as a property of agents. Rather, he focuses on how power operates through the way space is organized, or through regimentation, or through the management of populations, or through bureaucracy" (Hiley, pg 346). The aim of disciplinary power is not to achieve domination, but to create an efficient system and reduce opposition within that system by way of a regulated regime and through direct supervision. Disciplinary power is not ultimately held by any one person or even group, rather it is a force to be wielded and brought to bear against a subjected mass, but no one interest has complete mastery over it.

Enclosure and Normalization

Foucault's body of work deals heavily with the subject of transgression in a variety of forms. At its heart, transgression is to go against the established norms of the society the subject finds themselves in, making them by definition abnormal. The practice of enclosure and isolation is used to isolate the abnormal from the rest of society, either to be rehabilitated to make them productive members of society again or, should that not be an option, to be taken out of the social equation for the benefit of the whole. In Foucault's system of disciplinary power, the individuals are reduced to a political force and are intended to be exploited according to the best possible use of their skills (Ransom, pg 46). This all sounds decidedly tyrannical and totalitarian, not to mention anti-humanist. While normalization is one of the most effective instruments of social control in the modern age, "normalization" itself is not intended to be seen in an inherently negative way. "A norm is a standard of some kind that a multiplicity of individuals must reach and maintain to perform certain tasks. Though Foucault is obviously playing a word game here,

disciplines on this level have “norms” in a non-“normative” sense. If members of a group are to be trained to do something, one way to do it is to establish standards that will act as performance goals for each individual. [...]In this way the individual is subordinated to this play of fragmented gestures repeated by rote” (Ransom, pg 47). At its heart, normalization is just a tool employed towards making a more productive society. In a factory environment, such procedures can increase efficiency and generate more profit. Normalization as a concept only starts to become insidious when it uses the above-mentioned procedures to begin to influence the way the subjected bodies think. Likewise, disciplinary power is not repressive, it is a productive force used for the betterment of society on a macro level. According to Foucault, disciplinary power is takes human impulses and use them to make a more productive society, which is Foucaultian terms is a form of domination and the exercise of hierarchal power. Foucault’s view aims to “denature false objects and to look at practices rather than individuals” (Luxon, pg 392) for the betterment of society, or at least to make society more productive. The central aim of disciplinary power, in the Foucaultian view, is to compel other forces to accept the disciplinary perspective as the norm, and the disciplinary norm as the absolute truth. Foucault’s highest aim was to create a situation where the general populace could determine the next truth, to enter the game of truth and experience in a more reflective and conscious manner. By making us aware of the disciplinary apparatus, the subjected population turns their focus inward and engages in self-surveillance, which can lead to a betterment of oneself.

Disciplinary power allows those in power to decide what is “normal” and then impose that idea on those beneath them in the hierarchy, and in time those subjected bodies see it as “normal” too. Individuals are shaped and created by power, as is their narrative of truth. It is a subtle coercion at work in society that molds individuals with the intent to make politically weak

but economically powerful combinations of masses of individuals. The aim of the system is to reduce individuality while at the same time alienating the subjects, and those that express original and independent thought are transgressing. “Through processes of classification and examination the individual is given a social and a personal identity. He or she becomes a delinquent, a person with a person with a distinct identity. Disciplinary power thus constitutes delinquents through concrete bodily manipulation and discursive objectification. [...] We modify our behavior in an endless attempt to approximate the normal, and in this process become certain kinds of subjects” (Oksala, pg 89). Relations of power, as Foucault shows, are never static things. “Through repeated exercises all individuals are moved closer to the norm, though it is also true that the position of the norm has a tendency to climb slowly up the scale to accommodate a shifting mean of performance” (Ransom, pg 50). Everything from managerial policies to the actual architecture itself is used to make individuals more visible and controllable.

The idea of a system where everyone is kept in a prescribed place is actually anathema to disciplinary power and productivity. “The very fact of being continually watched, combined with activities that must be performed because surveillance is unceasing, allows an alteration or bending of individuals according to a preconceived program” (Ransom, pg 50). As time goes by, those performing repetitive tasks in the workforce will continue to grow continually more proficient at them, allowing for an increase in productivity. Under a different system this could lead to a more complacent workforce, doing a task faster to keep the same quotas, but because they are under observation subjects continue to work at an increasing pace. Those who are doing the observation are likewise watched by their superiors, meaning they must keep the productivity steadily increasing to keep their own position. Industrial management has opened the path to a disciplinary society where the aim of the overseers is to keep their workers as productive as

possible. In a capitalist market economy, bodies are normalized to be productive and increase the assets of their employer, and made to be as politically weak as bodies subjected in a political system.

Foucault and Post Structuralism

Foucault rejected the label of structuralism and held that he was in not a structuralist, but his writings on disciplinary power fall in line with structuralist ideals. Foucault arrived in the psychological and philosophic fields at a time when interest in structuralism was at its height and that led to him to be grouped together with several of his structuralist contemporaries like Jacques Lacan and Roland Barthes. However, Foucault is perhaps more accurately called a post-structuralist, as he would challenge many notions of structuralism while still drawing from its overarching themes. Structuralism was a sociological and anthropological system of thought that states that human culture must be understood in the context of a relationship of power dynamics, systems created to subject people both overtly and subtly to a hierarchical power structure. One of the pillars of structuralism was binary oppositions, related terms that were opposite in meaning. A binary opposition is two theoretical opposites that are strictly defined and set off against one another (as in up and down, good and evil, civilization and savagery, etc.). Structuralists would hold that binary oppositions were fundamental to human society, culture and language. Oftentimes in this binary, one of the two concepts would take precedence over the other. Foucault's own dichotomy between knowledge and power bears shades of this. Structuralists held that the dynamics of social attraction drives humans to enter into relations with each other with an ultimate reward at the end of the process (Kattakayam, pg 449). In the case of disciplinary power, this roughly translates into establishing a power structure so that others will comply with your will, or at least provide a benefit to subjecting oneself. The post-structuralists,

conversely, were far more likely to see subjects as merely “bodies”, components in the machinery of power. Essentially, to the post-structuralists, modern rational society was itself a coercive force, with individuals being dominated by institutions and practices to the point where it has become all encompassing.

What sets Foucault apart from his structuralist contemporaries and fits him more neatly in with the post-structuralist movement is that while the structuralists looked to the institutions of society and how they shaped human consciousness, Foucault’s tendency was to look to human civilization and lay out how the emergence of institutions and organizations can lead to these apparatuses being put into place. In *Discipline and Punish*, while Foucault does examine the rise of disciplinary power from the eighteenth century to the present, the focus is on “the moment when it became understood that it was more efficient and profitable to place someone under surveillance than to subject them to some exemplary penalty” (Sarup, pg 73). Foucault connects this trend to the decline of monarchic power and capital punishment to a greater focus on enclosure and, in the case of those who do not fit within society’s definition of normal, rehabilitation. Instead of an ongoing cull and public displays of hard power, the governing bodies began to shift the paradigm of justice towards the new models of disciplinary power. In the feudal and monarchic societies that were widespread into the seventeenth century, only a small portion of criminals were arrested to be tried and punished in a way spectacular enough to deter others from attempting a similar crime. However, in the eighteenth century, theorists began to object to these methods, noting a system of surveillance where the power was internalized made each person into their own overseer, a far more economical and effective method of population control. Power could, under the disciplinary model, be exercised constantly at a minimal cost to the governing bodies, keeping the populace productive and docile while suppressing

revolutionary or criminal sentiment by virtue of fear of retribution. The explosion of population, especially in urban areas, throughout the eighteenth and nineteenth century allowed this to become even more effective, and the old model of capital punishment would have been ineffective when attempting to control a population that number in the tens if not hundreds of thousands all confined to a relatively small area. The proliferation of this modality of power allowed the governing bodies of the Western world to cope with these population booms and tighten their grip on the track of Western civilization.

Space as Power

The use of the panopticon as a metaphor for power certainly falls in line with the structuralist bent. Structuralists try to identify structures that underlie all the things that humans do, think, and feel, and the apparatus of a disciplinary system would be one means of expressing that. The panopticon itself has consistently proved to be a failure when it has been implemented in the way that Bentham originally intended, but that is far from saying that panoptic theory has been a failure as well. The panopticon and panoptic power structures are spaces that are configured by power, “in which the space itself becomes the source of the power. [...] Space is a resource for power and thus it makes sense to investigate not space in general but rather systems of space-power co-relation” (Gordana, pg 95). By analyzing concrete spaces as illustrations of power dynamics, we are thus enabled to think and to understand the structural logic of the construction of spaces like prisons, hospitals, schools and factories and to see how the exercise of power is manifested through physical spaces. The analysis of power relations and the technologies that make them possible allow the observer to view them objectively. As Johanna Oksala says in her essay “Freedom and Bodies”, “We cannot step outside the networks of power that circumscribe our experience, but there is always a possibility for thinking and being

otherwise within them. To be free does not mean that everything is possible, but neither is the present way of thinking and being a necessity” (Oksala, pg 93). To be completely free of the power structures society has built to condition and coerce those living in it is a nearly impossible task, made all the more difficult provided one wishes to remain a member of society as well. As such, it is likewise impossible to view these power structures from a completely objective viewpoint, as the observer is subjected to them. However, Foucaultian thought encourages looking at the power structures that an observer can see objectively, for example, inmates in a prison, and taking what can be observed there and applying it in larger form to the society one is in.

The key difference that sets modern disciplinary panopticism apart from its original Benthamite model is the tangibility of the methods and apparatuses that it employs. The panopticon architecture that Bentham originally hoped to employ in his prison have been warped and changed as the technology available has developed, taking the abject failure of the physical panopticon and using the philosophy behind it to reshape society. “Human beings have been released from the physical chains, but these have been replaced by mental ones. One of the main themes of [Discipline and Punish] is how external violence has been replaced with internalization. The birth of the asylum can be seen as an allegory on the constitution of subjectivity and an indictment of modern consciousness.” (Sarup, pg 69) In his writing, Foucault implies that modern forms of public provision and welfare are inseparable from ever tighter forms of social and psychological control. From the beginning, intervention and administrative control have defined the modern state and are worked into its foundation as the basis of hierarchal administrative power.

There is a sense of inevitability to Foucaultian disciplinary power, where obedience is not something that is ever regarded as a variable. The sheer weight of the institutions that press down on the subjected workers, or prisoners, or patients, or soldiers, or simply citizens, is staggering. Similarly to how Oksala mentions above, it is difficult to rebel against a power that built into the foundation of society, through “a person’s ignorance of possible alternatives to his or her present situation, and related to this, a sense of resignation [that is] the realization that what alternatives there might be are practically impossible to achieve in the present situation. Obedience is also achieved when employees have the sense that their supervisors represent their interests, or out of fear – when, for example, it is a company norm to use lay-offs as a way of achieving obedience or when the value system embodies an institutionalized caste system in which employees act implicitly out of deference to the apparent superiority of their supervisors” (Hiley, pg 349). The lack of a possible alternative is only enforced by disciplinary society’s tendency to normalize behavior and practices that fall in line with the hierarchal power that bolsters it. With the lack of another option, employees (or patients, or prisoners, etc.) are given the choice between conforming to the established norm or becoming an outlier, transgressing against their society and potentially losing everything they have worked for.

Hierarchic Institutional Power

It is impossible to deny that an unspoken caste system exists in the Western world. At the top of the pyramid of hierarchal power, there are the few that *have*, then as one moves down the pyramid there are the majority, who as they rank lower in the hierarchy are increasingly *have nots*. The same is true in any conception of power, notably in the industrial world. At the top, the few decide what tasks must be done and how those tasks ought to be done, and then they set that task to the majority who do what they are ordered, as they are ordered to do it. Systematically,

the top of the pyramid establishes complete control over the performance and routines of the lower strata (Kattakayam, pg 453-4). Much like in the panoptic prison, where prisoners are divided up both by the ordering and partitioning of space and the control of activity, the industrial panopticon performs similar tasks. To create a disciplinary system in which tasks are executed to the letter prescribed by the higher-ups, there is a dissociation of the labor process from the skills of the workers. When each is given a specific task, the full knowledge of the craft is left obscure to the workers, so that they only know how to fulfill their own role and execute it as such. It follows then that there is a divorce between concept and execution, where the complex features of the work, the science or engineering behind it, is always kept by the management, effectively leaving the assembly-line task workers in the dark. This all culminates in the power/knowledge dichotomy used to control the laborers on every step of the production.

The disciplinary apparatus balances the weight of institutional power with a system of rewards, or what could be construed as rewards. The goal of industrial disciplinary power is, as has been stated, to make humanity as productive and profitable as possible, with humans being adapted as machinery for production. In exchange for being yoked to a machine (in some cases literally), the worker is given the benefit of payment. An incentive payment system is used to keep the workers competitive, and to regulate a worker's movement. In modern manufacturing, most production is done by a machine or some form of mechanical process, yet that machine must be operated by a human worker. By instituting incentive payments and production quotas, the worker becomes linked to the machine by necessity of providing for themselves, and in this regulative norm, "workers automatically got stuck in front of the machine, bound hand and foot to its rhythm" (Kattakayam, pg 455). The idea was that by making the worker dependent on the machine for continued subsistence, they would be more willing to produce more, and at an even

deeper level lies in the idea and basic assumption that humans below the empowered in the hierarchy are by default docile and exist solely to be manipulated, subjected and used.

The Eye of the Digital Panopticon

These forms of power are not limited to manufacturing, and the advent of the digital society has changed the very nature of gaze and the proliferation of the panoptic apparatus. Now, with computerized systems and near constant data-gathering, a company's management can see precisely at what rate their employees are working, even if the nature of the job is more clerical than productive. Everything can be monitored, from the number of keystrokes one must use to complete a form, to how quickly the form can be completed, to how many minutes each day the worker spends away from their terminal. All of this data is gathered and averaged in a larger server and reported back to the arbiters. "Scientific management in the computer age runs the risk of creating "electronic sweatshops" in which the demands of efficiency and control are achieved at the expense of an employee's right to privacy or freedom from intimidation" (Hiley, pg 352). This leads to ethical gray areas, but is a cornerstone of the modern panopticon. Society has prioritized the pursuit of profit and efficiency to the point that the well-being of employees has long since fallen by the wayside (and in fact has not been a concern since the dawn of the industrial revolution and the first vestiges of the separation of workers and owners), and modern society has made itself rich and powerful at the expense of personal freedom and liberty. Those that agitate against the system are quickly drummed out for one reason or another and summarily replaced with a worker less likely to cause a fuss. Especially in a society where there are more workers than opportunities, there is always someone to replace a troublesome cog that will not mesh properly and keep the mechanism running smoothly. However, this is not a history of the working class or the rise of entrepreneurial capitalism. Suffice to say, the wishes of the few have

largely come to outweigh the needs of the many, and those few have for generations used their power over the disciplinary systems that form society at its most basic level to increasingly subject workers to become a quiet, docile and productive force.

Conclusion

The Foucaultian conception of power is nothing new, and the power/knowledge dynamic has existed for as long as humanity has exercised power over their inferiors. In Thucydides' Melian Dialogue, the people of Athens demand the island of Melos's unconditional surrender in the face of overwhelming odds, with the only alternative being their conquest and slaughter. The people of Melos refuse, and are subsequently conquered by the Athenians. While this can be seen as an early example of the failure of political realism, it can also be viewed as one of the early example of political bio-power manifesting itself, essentially, the strong will do what they will, the weak will do what they must to survive. Power is an essential feature to human social relationships, and power has always been a calculated and deliberately thought out mechanism, imbued via a hierarchy to give it a veneer of legitimacy and normalcy. What makes the modern disciplinary model of power so interesting is that it has remained largely unchanged throughout the past two hundred or so years, with the rise of entrepreneurial capitalism. The pillars that uphold the modern economic and political systems borrow heavily from the Foucaultian conception of power, whether the system and those given power by the system are aware of it or not. However, what makes this form of power so interesting in the modern age is the changing nature of technology, and its constant evolution over the past several decades that has allowed the empowered to have unprecedented access to the wider population to observe them and the trends of their behavior. This observation has become so normalized that most people within the system see nothing wrong with the fact that a government can access the private lives and

information of its citizens until we are shown exactly to what extent that that access entails. And even then, after a short burst of outrage that a vague yet menacing government agency can access every bit of information about them, the population quickly returns to docility, knowing that they can do very little to change the system. Is it dystopic, Orwellian, and only flimsily justified ethically? Certainly. But it is also completely legal under the current system and ostensibly done for the protection of citizens.

The aim of disciplinary power in its simplest form is control. By controlling access to information, those at the highest places of the hierarchy control the narrative of the subjected and are able to create their own form of truth. Normalcy can be established, and those that go against the established norms of a system are dealt with, either by removal or by reconditioning. The use of panoptic power in the disciplinary models means that employers and inspectors can constantly be watching and observing subjects to ensure that they perform the way they are supposed to. In the purely capitalist model, workers are cogs and stripped of individuality, turned towards their employers goals with little thought for them as a person. If a worker cannot keep up to task, then they are labeled as defective and dealt with accordingly. Administrative control defines the new social panopticon, and those in power capitalize on the methods of power that the panopticon enables. Since labor in manufacturing sectors has become more procedural at the beginning of the industrial age, disciplinary power has provided an effective and proven method for controlling workforces and as a tool for repression.

Panoptic power is entirely founded on the power/knowledge dichotomy, and the modern information panopticon labors under the pretense that it is in place to protect the people within the system, though protecting them from what is left deliberately vague. On the one hand, the panopticon could protect its citizens from threats from within that would seek to destabilize the

system, it also “protects” them from knowledge that would allow them to see the system more objectively and the checks that the panopticon systematically places upon them. This makes the modern panopticon a self-perpetuating vicious cycle that holds its denizens in a culture of fear, withholding knowledge for reasons never made especially clear, only to benefit the upper echelons of society.

Chapter 3: Mass Surveillance and the Panoptic Gaze

The crux of Jeremy Bentham's panopticon and the impetus behind its design was to create a structure that enabled a singular watcher to have an unobstructed view of everything that existed within view of the watchtower, effectively becoming the eye of God. In modernity, advances in technology have made large-scale observation possible on scales that vastly exceed anything Bentham could have predicted. The rise of the modern security state allows governments and powerful corporations to observe behaviors and trends in citizens and consumers to more easily control them and to enforce checks on transgressive behavior. There are very few public places that do not have some form of security camera or CCTV, and any time one connects to the Internet, their traffic is monitored by various markers for reasons of commerce and security. The practice of panopticism has now spread beyond institutions, be those the traditional Benthamite prisons and workhouses or in the wider, more Foucaultian sense, any institution that exercises disciplinary power and conditioning, and outward to first the authorities that control the aforementioned institutions and then still further to the states that control even those authorities.

The panoptic state goes far beyond what Bentham originally intended for the panopticon, even considering his grand design of a panoptic village of prisoners. Even in Bentham's loftiest imagining, the panopticon was a deceptively simple apparatus. Provided a guard could watch the subjected bodies, the system was supposed to work, and all it required was a suitable vantage point. Foucaultian panopticism refined this, but even so, he held fast with the idea of *le regard*, the panoptic gaze. The panoptic state cannot function like the traditional panopticon. "The volume of information secured by the vast apparatus of state surveillance of the society is far too high for any individual to process and act on. [...] The collective Inspector is in effect broken down into a functional division of labor to play essentially the same surveillance role with

essentially the same objective: internalization of the rules by the subject and compliance without overt coercion whenever possible” (Whittaker, pg 44). In truth, this does not sound terribly far removed from the Foucaultian panopticon, but there is something drastically different from the panoptic gaze that manifests itself as the guard standing on the street corner listening for sounds of disruption or the knowledge of a corporate higher up with the ability to access your work and work history to determine productivity and the panoptic gaze that is able to see you from every angle, from every street corner, that tracks your behavior in the workplace, in the classroom and even in the supposed privacy of home. Under the modern form of panoptic power, people are told not to fear surveillance, that it is all being done in the interest of greater public good. Though the presence of security cameras has become ubiquitous in urban centers and everyone is at least vaguely aware that our online presences can be monitored at any time, people are encouraged to pay it little mind because if they do nothing wrong then they have no need to fear reprisal. Whereas under classical panopticism subjects are encouraged to take stock of themselves and attempt to portray their best possible selves to the Inspector, under the modern panoptic model subjects are induced to act as naturally as possible and to not modify their behavior for the Inspector’s sake. That self-awareness of the watching eye is taken away and obscured so that those subjected to the panoptic eye are less likely to respond to it.

Panoptic Technologies

The advent of information technology changed the surveillance landscape, but even before the general population had access to the Internet and the Pandora’s Box it represents, there had been a gradual move towards more refined camera and facial recognition technology for decades. Now with the overlapping of gazes and the ability to identify anyone provided the inspector has access to the appropriate databases, the idea of privacy and personal information is

steadily becoming more and more fictitious. The proliferation of databases that record faces and patterns means that there is significant overlap among them, and this allows for the gradual leakage of data from the public sector into the private, and vice versa. Companies can track their employees' backgrounds by way of using resources available to police forces, while at the same time, said information is then used to bolster the information of those police forces.

Obviously, these applications are not inherently bad things. All of these security measures were created with ostensibly altruistic intentions in mind. The video analysis systems now available to law enforcement and governments can pick out a singular face in a crowd and flag it for attention; for example an escaped criminal, known terrorist or simply a missing person. But on the other hand, the darker applications of these systems quickly manifest when the device is directed at "refugees, political dissidents or striking trade unionists. Such technologies are moving into the hands of private corporate security, which stands outside whatever regulation and democratic accountability may constrain state agencies. New technologies invariably make their way into the general marketplace. Recent years have seen a proliferation of shops selling personal snooping devices, no questions asked, at dramatically falling prices" (Whittaker, pg 86). In the past several years, civilian drone aircraft communities have set up, allowing average citizens to fairly easily obtain an aircraft tailor-made to capture video for purposes benign and not.

The difficulty when dealing with the evolving technologies that enable panoptic power is that on their own they are not necessarily considered a bad thing, and in fact could be quite easily construed as positive social benefits. The argument can be made that the potential risks posed by contemporary surveillance are acceptable and counterbalanced by the increased sense of security they provide. In contemporary society the issue arises when one considers whether human

dignity and personal liberty are a fitting price to pay for personal security. However, this neglects the Foucaultian lens, in which freedom is seen only as an underlying condition for power, and in the absence of freedom the only method through which power could be exercised is outright domination (Crane, pg 304). In the disciplinary model, subjects must be allowed to be free, at least enough to be presented with choices for their behavior. If they have been conditioned properly, they will engage in self-surveillance and act in accordance with the norms of the social framework they find themselves in. As far as Foucault would be concerned, personal liberty was nothing more than a pleasant fiction created by the disciplinary apparatus to exercise more efficient control. The aim of disciplinary power contests the view of seizing power for its own sake, and in doing so minimizes the effects that an overtly dominating form of power would exhibit.

However, the contemporary prevailing view of politics does not see things this way, and the conception of power enumerated above presents a paradox, as humanity is seen to be moving towards a more enlightened age that is aided by advances in technology, but when that same technology can be used for repressive purposes, society ultimately takes several steps backward. “The impact of information technology in human affairs is sometimes taken to be one indicator that we are entering a qualitatively different phase of social development from that known as ‘modernity’. Among other things, in the condition of postmodernity it is sometimes said that we can no longer be as sure as we were of the status of human personhood — apart from being historically relatives. At the same time, the growth of electronic surveillance has thrown up questions about privacy that ultimately can only be addressed in terms of some conception of personhood and human identity” (Lyon, pg 18). Essentially, there is a conflict between the postmodern conception of humanity and personhood and the cost/benefit calculus of a globalized

surveillance system implemented in the interest of greater security. The technology that enables it is both part of the problem and partly the remedy. “People trust themselves to complex technologies because they seem to promise convenience, efficiency, security and reduced uncertainty. Simultaneously, we worry that in doing so we may be denying something important to a worthwhile life” (Lyon, pg 20) though what that ‘something’ is can be difficult to define.

Rise of the Electronic Panopticon

The Benthamite panopticon and the modern (or postmodern) panopticon differ greatly, with the biggest discrepancy being a fundamental one. In the original panopticon, the basis of institutional power was vested in the watchtower in the center of the prison complex, or in the wider sense, exercised by a very visible authoritative presence. The modern surveillance panopticon has dispensed with the visible watchtower, and in fact most forms of hard power entirely. The modern panopticon exists via a series of lenses and microphones connected by intangible webs. Much like in the traditional panopticon, those subjected cannot know whether or not they are being watched, but in the modern panopticon, the subjects are not even aware they are being observed. Social conditioning and the normalizing of the presence of surveillance devices has conditioned the wider population to ignore the lenses. The cameras are designed to be unobtrusive so that the gaze of the subjects passes over them, allowing for various overlapping lines of sight for whomever happens to be in the control booth. Many large cities, for example, New York, London, Baltimore, etc. have adopted security cameras at nearly every street corner, with London claiming the dubious honor of being the most surveyed city in the world. Following the lead of these large population center, smaller townships have likewise begun adopting measures like their exponentially larger counterparts. Towns that have a population of only a few thousand have begun placing security cameras around their town

centers despite generally modest crime rates. “The United Kingdom has taken urban video surveillance for policing purposes perhaps further than any other Western country. It has become relatively common in British town centers to have comprehensive street surveillance in place. There seems to be a cumulative dynamic at work: towns “without protection” fear that they will become targets of criminals if they do not follow suit, and there is some evidence to this effect. This has led to towns with as few as 1,500 inhabitants to have their own system” (Whitaker, pg 83). The impetus behind the spread of the modern panopticon has been to play of the public’s fears and anxieties about crime to introduce measures that are ostensibly and primarily to promote public good and security. But the potential for these devices to be turned to less noble ends remains, and the simple fact that these devices are constantly recording video footage to track the comings and goings of citizens implies that there is at least the possibility that someone on the other end is watching.

The two key differences between the panopticon of Bentham and Foucault and the electronic information panopticon one is that the modern one is primarily decentered and that it is largely a participatory structure where the subjected bodies are consenting participants. As stated previously, many see the panopticon as an acceptable measure because there are clear benefits to sacrificing their right to privacy in the interest of greater personal security, and the disadvantages are generally far less tangible. “Intrusive surveillance by an oppressive government (‘Big Brother is watching you!’) rouses deep resentment, but what if the slogan appears rather as ‘Big Brother is watching out for you?’” (Whittaker, pg 141) The system spreads intrusively and in the guise of convenience. Many see no problem in having their purchase history tracked by credit card companies or banks, especially when that information can

be used to track suspicious spending patterns that may indicate identity theft. But that data is stored somewhere, and someone has complete access to it.

The old panopticon required isolation and fragmentation to separate its captives from each other to curtail communication among the bodies contained within, a state of being that made the prisoners' (or students, patients, etc.) only individualized relationship the one they shared with the Inspector. Much like what happens to Winston in Orwell's *1984*, the panopticon seeks to isolate the subjects by trimming away their relationships to others, leaving only a top-down command structure from the authority, with that relationship being the one form of human interaction valued above others. But in the modern panopticon, that sense of hard power is largely done away with. Now when the panoptic gaze is turned on a subject, it is to understand their needs and to serve their desires, only to catalogue those desires to later play back against them.

Rise of the Smart Machine

In Shoshana Zuboff's "In the Age of the Smart Machine", she examines the various ways in which disciplinary power has entered the workplace. The examples she repeatedly cites are manufacturing plants that implement a system that allows them to track the progress of their employees, where every keystroke and action must be logged. This allows for comprehensive tracking of the procedures of a plant, even afterhours when only one or two workers are onsite and none of the plant managers are present. They are able to access the data remotely, and that data is stored in an electronic archive. The overview system allows the managers to track their employees' behavior and problem solving skills to build an objective picture of the goings-on of the plant. One of the managers she interviewed said "This computer is like X-ray vision. It makes the people who operate the process very unfriendly. It's like lifting up the rock and the

roaches scurry out. If the employee blows it, it's clear right away. You can know who didn't do what. If a person stops concentrating, you know it from the data" (Zuboff, pg 316). In this instance, the overview system functions more like a traditional panopticon, as its presence is very overt and the employees are very aware that they are being monitored and can become as resentful of it as if they were in the traditional panopticon. However, like the postmodern panopticon, the system is decentered and does not need to take advantage of physical architecture, nor does it require the mutual presence of the objects of observation. The information is logged and can be accessed at the Inspector's leisure, and the information is continually captured, regardless of the intention of the Inspector (Zuboff, pg 322). The overview systems that Zuboff profiles are used to check the employees of the plants, and the power of the system hangs over their heads like Damocles' sword. While the overview system can be used for guidance and counselling and to vet employees for promotions, Zuboff's research showed that far more often it was used to take disciplinary action as it would be able to give absolute proof of poor performance. Because the system is so omnipotent, it can be easy for the subjected workers to grow to resent it, as its presence is so keenly felt.

This makes the "smart machine" that Zuboff deals with something of a subversion of the modern panopticon as it has come to be regarded, in that the modern panopticon exists explicitly in a way that its influence is intended to be invisible and unnoticeable. However, Zuboff's machine generally makes its presence felt, or at least the mechanics through which it exercises its power are known to the plant workers that it observes. However, much of this has to do with the time that her examination of power was done in, as her text was published in 1988. The technology available for surveillance has long since outpaced what the overview system was capable of and introduced more ways to monitor employees and subjects. However, Zuboff's

text is still regarded as one of the foremost authoritative texts on panopticism in the workplace and in the modern era, addressing the ways in which a society that has become increasingly more dependent on information technology has evolved to make such ubiquitous observation possible.

The idea of monitoring employees is nothing new, and can be traced back to the earliest days of mechanized society. Henry Ford, regarded as the first modern industrialist and the driving force behind the introduction of assembly-line productivity, used his system to control the output of his workers, with those who could not keep up with the pace the assembly line set being culled from the workforce. However, Ford's attempt to control his employees extended beyond the workplace with the institution of what he called the Sociology Department. Ford expected his workers' private lives to fall in line with his managerial standards of morality, and so would dispatch company spies to keep employees under observation on their off hours, and any behavior found objectionable could be grounds for termination (Whittaker, pg 38). The worker was no longer able to leave the trappings of capitalism behind at the factory gates, because the same standards that he was expected to follow at the factory now followed him home. As the surveillance technology has evolved, this has only become more prevalent, and employers no longer need to employ a corps of spies when they can instead monitor their employees' web presence and social media trafficking.

What links Foucaultian thought to these monitoring systems is the effect they have on the people they survey. In Zuboff's manufacturing plant examples, the workers knew that their jobs would be on the line if something went wrong and the system logged it. They are far more likely to take more care in their work to ensure complications do not arise, and if they do, to make sure that they cannot be held liable. This applies on a wider social level as well, especially as surveillance technology becomes more widespread and the public more aware of it. With this

awareness of external entities observing actions, the public is more likely to look inward and engage in self-surveillance, monitoring both what they do and say to be more in line with social norms and not draw the attention of the system. If they do nothing to call attention to themselves, they will be just another common data point in a large matrix.

Foucault's conception of self-governance holds that people reflect in on their interpretive framework to form a more coherent picture of the world around them, and an integral part of this is how they relate to the power structures they find themselves in. Foucault never denounced the act of surveillance nor did he condemn the process of self-surveillance. What he stood against was "those who would retract their political comments from a psychology of fear [...] because these collective practices constitute the resources individuals have to work with as they develop themselves ethically and act politically" (Luxon, pg 392). In the Foucaultian sense, self-governing and self-surveillance were tools used in repression and social control, but like any tool, they could be turned to more productive means. In a system that follows the modern panoptic model, subjects are encouraged to put checks on their own behavior to better fall in line with the norm, but at the same time, this increase of self-awareness can inadvertently allow the subjects to become a more proactive force in their own conception of freedom.

The Patriot Act and Surveillance in a Post-September 11th World

What makes electronic mass surveillance a difficult subject, especially in the political realm, is that the technology associated with it evolves at a rapid rate that can make it nearly impossible for proper regulation to keep pace. With the lack of policies and judicial doctrine on these surveillance technologies, unethical behavior becomes permissible simply because there has not been time to create appropriate legislation to check it. However, the age of modern surveillance and the existence of the present surveillance society is interesting in that we can

trace the policies that allowed all of this to be possible to the very moment of their inception, September 11th 2001. When terrorist attacks against American citizen became a real and present danger, the government quickly instituted policies to combat it, the most notable being the PATRIOT act. This authorized the use of roving wiretaps, searches of business records and the surveillance and collection of personal records on “lone wolves”, people suspected of being involved in terrorist activity. While national security is indeed a concern in the post-9/11 world, many of the justifications used for search and seizure under the PATRIOT act were established by capitalizing on the culture of fear that permeated American society in the immediate wake of September 11th. “Before the dust had settled on Manhattan, the security establishment had mobilized to expand and intensify their surveillance capabilities, justifying existing proposals as necessary tools to fight the new war against terrorism. Ultimately, the police, military and security establishment reaped an unanticipated windfall of increased funding, new technology and loosened legislative constraints by strategically invoking fears of future attacks” (Haggerty, pg 179). Many of the expansions of power laid out by the PATRIOT act already existed as proposed legislation that had been shot down in previous incarnations, either being seen as unconstitutional or giving too much power to certain branches of government. But in the uncertainty that characterized the period immediately following the terrorist attacks, lawmakers who supported those measures saw an opportunity and took it, establishing the precedent for what effectively became a new political age.

In the PATRIOT act itself, two sections explicitly deal with panopticism and mass surveillance by the government, Title V and Title IX. Title V’s purpose was to remove obstructions that would otherwise impede the investigation of terrorism. This includes phone records and email transcripts that can be seized by any agent with little justification given and

without the need of a warrant. “The investigator needs only to state that the information is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities” (Michaels, pg 137). This part of the act gives investigators complete access to what is regarded as some of the most private, personal and sensitive information of American citizens (telephone records, financial records, consumer reports, hospital and educational records, etc.) and only requires “a simple certification by federal investigation officials to be provided with private information without a court order or a showing of probable cause” (Michaels, pg 139), thereby sidestepping judicial oversight entirely. However, what makes this most chilling is the fact that while there are provisions in the PATRIOT act for certain clauses and sections to become inactive, Title V has no such provision, and as such can be assumed to be a permanent measure. Title IX grants yet greater powers of surveillance to the government, and like Title V, the provisions that it sets out are permanent. However, unlike Title V, the changes implemented by Title IX are not ambiguous in their permanence and supported by vague language, but instead are explicitly stated to have no sunset date. The early sections of Title IX establish in no uncertain terms that international terrorist activities fall under the purview of the PATRIOT act and can be investigated by the federal government, and expands the search and seizure warrants that can be sought by government investigators. Section 903, however, has incredible potential for abuse. It “encourages federal intelligence agency officers and employees to ‘make every effort’ to ‘establish and maintain intelligence relationships with any person, entity or group for the purpose of engaging in lawful intelligence activities.’ This includes obtaining information on ‘location, identity, finance, affiliations, capabilities, plans or intentions’ of a ‘terrorist or terrorist organization.’ This effort also includes information on ‘any other person, entity, or group (including a foreign government) engaged in harboring, financing,

aiding or assisting a terrorist group” (Michaels, pg 159). The language employed in this section is grandiose and vague enough to seem almost innocuous. However, it merely couches the language that says that a member of any government intelligence agency, such as the CIA, NSA or FBI at presumably any level of employment can consider independently that any given individual might be a terrorist and conduct their own investigation of them at will, and using the new methods of search and surveillance opened up to them under the PATRIOT act, this becomes even easier to abuse.

With the tools of surveillance rapidly growing more refined and widespread, the agencies and institutions that use them are adapting quickly and incorporating them into their repertoire as soon as they become viable. However, the rapid pace at which these technologies evolve makes it difficult to have any kind of oversight for them, and as such there is very little judicial doctrine that applies to surveillance technologies. For example, the Fourth Amendment states that individuals cannot have a reasonable expectation of privacy for their “papers and effects” once they have been given over to third parties. Under the modern technologic panopticon, most telecommunications are stored on a company’s servers, essentially making them held in the custody of a third party. “The government has relied on outdated precedent to argue that it need not acquire a warrant based upon probable cause to read the contents of an individual’s emails stored online because those emails are in the physical possession (i.e. on the servers) of the email service provider” (Shamshi, pg 9). The government has also advocated, with the endorsement of the courts, that if anyone is to challenge the surveillance programs they have instituted, the challenger must prove that their communications have indeed been intercepted. This is not helped by the government’s tightlipped nature when it comes to their subjects of surveillance, as they have consistently refused to identify any of their subjects, ostensibly in the interest of

national security. The courts have so far been in line with the government on these policies, but even should they oppose them, there is little legal or constitutional basis for them to intervene.

Surveillance and Conflict

In Christopher Capozzola's essay "Afterburn: Knowledge and Wartime", he notes that oftentimes surveillance is expanded upon in times of war and global conflict as a dangerous but necessary measure done to protect citizens, and that when the conflict of threat has passed the laws that enabled it in the first place are sometimes rolled back or repealed. But far more likely to happen is that the more overt mechanisms of control and surveillance are removed from use while the legislation and authorization that allowed them to go into effect in the first place is made to go dormant, ready to be reapplied in broad strokes should the need ever rise again. This is largely due to the fact that once the conflict that necessitated the stricter security measures has passed, the public will be far less interested in matters of security, and power structures are able to get away with keeping tighter measures in place because people are no longer inclined to look into them. He cites that occasionally, the power granted to the state to collect knowledge from and about citizens comes from a reinterpretation of old laws and policies that were written long before certain technologies were developed, and those policies are twisted to enable and legitimize the use of new understandings of power. For example, "in early 1917, Justice Department staff attorney Charles Warren dusted off the Alien Enemies Act of 1798, a relic of exceptionality that had been all but forgotten in the century since the Alien and Sedition Acts. Soon, however, President Woodrow Wilson applied its florid provisions to every German citizen age 14 or over who resided in the United States, requiring not only that they register with the federal government, but—in a modernization that John Adams could not have predicted—that they provide the government with photographs and fingerprints as well" (Capozzola, pg 816).

The powers that be are able to get away with these provisions because they are capitalizing on a widespread fear of the Other, especially the dangers that the Other presents. In the modern times, nearly a hundred years later, the same culture of fear means the empowered can use similar methods to exert control over society. However, this methodology can backfire, for once citizens learn about the measures the government has taken to keep tabs not just on threats overseas but also on citizens with their own borders, the backlash is immediate and severe. The American government has consistently acted to limit citizen access to knowledge about the state itself and also the inner workings of the state (Capozzola, pg 822), to varying degrees of success.

In recent years, the public has been made more aware of the government's actions especially throughout the last wars in the Middle East as threats have gone from geopolitical entities to disparate groups with little cohesion. With the threat of danger lurking so close at hand, many private citizens feel it is an acceptable risk to allow the government access to their data in times of national panic, but our collective attentiveness to what is being monitored and when tends to wane as the threat becomes less immediate. But recent events have made the public at large far more conscious of what government agencies and corporations can see, and have taken measures to censor their presence in the datasphere. However, this greater awareness of the lenses through which we are viewed also means that the watchers themselves must find new ways to engage and survey the public they ostensibly protect. The modern surveillance apparatus functions quite similarly to the Foucaultian panopticon where the Inspector behind the glass is inscrutable to the inspected, and oftentimes the relationship is likewise one where the Inspector may not actually be present in his tower or if so, even turning his gaze on a specific subject. However, the benefit of modern technologies occasionally allows for the subverting of the hierarchy, and the watched can turn the gaze back on the watchers. When the public is again

made aware of the extent of mass surveillance, the institutions that carry out aforementioned surveillance must learn to tread more carefully until the public's ire fades, and oftentimes the loopholes that were exploited to allow the breadth of surveillance they enjoyed in the first place are closed by new legislation to protect the public's interests.

The Surveillant Assemblage

The claims made by the agencies gathering data is that their purpose is to keep us safe. This is essentially true. However, the sheer volume of data being collected allows for anyone with access to the proper channels to build a detailed picture of the subject. "Considerable surveillance is undertaken by the bureaucratic structures that most of us encounter in our daily lives as we acquire a driver's license, withdraw funds from a financial institution, or attend school. Each of these unremarkable acts produces a record which forms part of our data double" (Haggerty, pg 172), a series of electronic traces that can be compiled into a cohesive image of a subject. This is part of a larger concept of a "surveillant assemblage", a means to make sense of the reams of data that are produced daily by corporations, police forces, private citizens and governments. This surveillant assemblage is a byproduct of the decentered modern panopticon, the sum total of a far-reaching apparatus that can be trained on a location, population or even a single subject. "It is less a 'thing' than it is a *potentiality* that can be actualized to varying degrees depending on what and how observational regimes are combined and aligned" (Haggerty, pg 174). The component parts of the assemblage can be centralized, but unlike the Benthamite panopticon it does not need to be to function to its fullest potential. Haggerty and Gazzo argue that the modern surveillance apparatus undergoes a process of simultaneous decentralization and centralization. While the systems of surveillance continue to proliferate out amongst various organizations, they can be centralized quickly and efficiently when agencies

work together and pool their resources. “Hence, while the totality of surveillance in society amounts to a fractured and disconnected set of sub-systems, these can occasionally be integrated on a temporary or permanent to produce a remarkably detailed picture of individuals or locations” (Haggerty, pg 174). These dissociated security systems form the basis of the decentered panopticon, and the basis of the modern security apparatus.

The largest limitation of the modern panopticon is that it produces more information and data than it can use. With all of the information that comes through the system, no single entity can process and make sense of it, even if it is spread throughout multiple institutions. Zuboff’s text deals with comparatively early incarnations of electronic panopticism, and even then, the plant systems were taking status updates and logging the precise movements of the equipment in intervals that ranged anywhere from three seconds to one half-second. While surveillance does tend to identify specific targets and work up from there, the data is recorded and stored in sprawling systems to be accessed at a later date, even if much of it is never used at all. Surveillance is only likely to expand as technology and infrastructure march onward. As more and more of society comes under observation in the interest of public “safety”, the presence of the security apparatus will prompt less transparent communities to adopt measures like CCTV cameras in the interest of “safety”, meaning that security and surveillance are dynamic and escalating entities, motivated chiefly by the fear of being less visible in places and more likely, apparently, to be the victim of criminal or terrorist activity. We are fully aware that Big Brother is watching, we just want to ensure that he is watching even more closely.

Panopticism and the Public Eye

One of the important reasons that the mass surveillance apparatus is spreading so rapidly and unchecked is that the general population lacks the imagination to see the real risk of the tools

and apparatuses of the security panopticon. Once the devices to keep tabs on populations have been installed, it is likely that they will never be removed except to update them with newer and more refined technologies. Any group that comes to power in the foreseeable future will have access to surveillance cameras, electronic databases, roving wiretaps, Internet monitoring and longstanding legal precedent to take advantage of all of those things. A terrifying inheritance, to be sure, and one that is chilling even in the hands of a democratic government that has checks placed on the degree to which such things can be exploited, however flimsy those checks might seem. In the hands of a totalitarian state (or even the hands of someone of dubious morals and a slightly skewed sense of ethics), Orwell's vision of 1984 would be just the tip of a very large and intimidating iceberg.

The problem is that "when asked to contemplate the future, Westerners tend to envision a world that looks remarkably like the present. Rarely do citizens acknowledge the prospect of drastic political and social transformation, making it difficult for them to appreciate the dystopian potentials inherent in certain technologies" (Haggerty, pg 184). But this view is decidedly myopic, for if the past several decades have shown Western society anything, it is how quickly technologies can evolve. Even since the turn of the millennium, when dial-up internet was still the norm, we have seen the continued refinement of camera lenses and an increasing sophistication of listening devices. Political structures are volatile and subject to modifications, with regimes rising and falling from power not infrequently. Vast reservoirs of personal data are now at the fingertips of any group new to power (or even with just the proper security clearance). But it is difficult to imagine this, and far more comforting to assume that "If I have nothing to hide, I have nothing to fear", a mindset deliberately cultivated by the very real institutions that wish to gather this data in the first place. In time, this lack of imagination on the possible, and

even probable, logical extreme of mass surveillance and the modern panopticon could prove disastrous. The largest issue with panoptic power today is that legislation that could combat its invasive tendencies and better preserve citizens' liberties is intentionally stalled because the technologies that make up the panoptic apparatus are in a constant state of evolution. A law that would limit a certain form of panoptic surveillance could be obsolete in five years as the technology that replaces it manages to exploit new loopholes. The mindset of thinking that everything will stay the same means that the general public is largely taken unaware when a new technology enters the game and is able to exploit them in ways previously not thought possible, and little can be done to prevent it because the abuses of power have never been conceived of.

Conclusion

The modern security systems are in place and were put in place primarily to protect citizens. It is impossible to deny that the technologies have been continually refined over the past several decades to make society more transparent and people easier to keep track of. But it is also true that over the course of the past several decades, the political landscape and the nature of threats to Western nations have changed from large national threats that engaged in geopolitical wars with set conflict lines to groups that are able to blend into populations, and whose only defining factor is a shared ideology. A society where potentially anyone can be a threat is one that needs constant policing to ensure that those threats can be dealt with, hopefully before they start to pile up a body count. Surveillance systems have historically emerged and expanded alongside democratic government and the expansion of citizenship rights. The social contract applies to modern surveillance society as much as it ever did, and even the rapidly improving pace of technological breakthroughs is not enough to change that. The world is now overlaid with networks in constant communication with each other. This allows for the rapid transfer of

data throughout various institutions, and has led to a more connected world and a more easily traced population. On its own, this is not a bad thing. But as with all things, there is the potential to use it for good or ill, and presently, the powers that be, whether they are vague yet menacing government agencies, international mega-corporations, or just someone with the ability to track credit card purchases can use that information to assemble a frighteningly accurate representation of anyone they care to track down. By analyzing the modern panopticon through a Foucaultian lens, it becomes clear that the system as it stands was implemented because it was said to protect citizens from external threats and things that could jeopardize their safety. However, now that the security apparatus has spread so far, it has the potential to be turned against citizens and be used as a tool of repression and fear. Under the modern panoptic form of power, citizens are required to give up their liberty in the interest of safety, and a culture of fear is encouraged. When the system is working at its best, the subjects living under the regime are encouraged to forget that they are under surveillance so that the watchers can gather data uninterrupted. But when the full extent of the surveillance is made more public, the watchers then encourage a culture where one is expected to constantly monitor their own behavior, much like they would in a panoptic prison. If there is nothing to hide, then there is nothing to fear, and so it is in the best interests of the citizens to have nothing to hide. This behavioral editing is for Foucault the very core of disciplinary power and one of the most effective tools for controlling populations. Viewed from a Foucaultian lens, one can see that modern society, even in so-called free nations live under a regime of fear and double-think that is supported by the mass electronic surveillance that has been implemented. The people have been convinced that they need to be watched to be safe, and so they sign away their freedom to protect themselves without fully understanding the impact of their actions. The community then punishes itself for any transgression. This allows the people

higher in the power hierarchy to control society without actually exerting any overt power over it, only using the anxieties of the public to further shore themselves up. While this is in our best interests, society is quickly approaching a crossroads where we must decide if we are willing to trade our right to privacy for an increased sense of security. Big Brother is watching out for you, but that does not change the fact that Big Brother is still watching.

Chapter 4: The Snowden Effect

On June 5th of 2013, the Guardian released an exclusive report revealing a secret court order from the United States government forcing Verizon to give them the phone records of millions of the Americans. They quickly follow it up with another exclusive story revealing to the public the existence of the Prism program that gave NSA agents access to information on citizens held by Internet and data corporations like Google, Apple and Facebook. The corporations deny that they gave the United States government back door access to this information, and President Obama is quick to defend the program, saying that it is impossible to have complete security and simultaneously complete freedom and privacy. A third exclusive on June 8th reveals the existence of Boundless Informant, a tool used by the NSA to analyze data and track where it comes from. The story also questions the claims that the NSA has made to Congress saying that the sheer volume of data it collects means that it cannot keep track of all the surveillance it carries out on American communications. The next day, the whistleblower responsible for the leaks goes public, declaring that he had no reason to hide because he honestly believed that he had done nothing wrong. And so, in the span of just a few days, Edward Snowden became a household name.

Edward Snowden was a former Central Intelligence Agency employee and former contractor of the United States government. In 2013, he was serving a contract through the NSA at Booz Allen Hamilton, a defense contractor based in Hawaii. In late May of that year, he copied thousands of sensitive documents and revealed them to the public. He then fled to Hong Kong where he established contact with Glenn Greenwald of the Guardian and Laura Poitras, a documentary filmmaker. In the wake of the exclusives and reveals that come through Greenwald and the Guardian, the intelligence community was thrown into tumult. His tacit admission of what he had done completely destabilized the modern panopticon that had long since evolved

beyond the hard power of the watchtower that marked the pre-electronic age. Though Bentham and to an extent Foucault based their panoptic models on the overt presence of an Inspector, the continuing march of technology had long since rendered the need for such a notable display obsolete. The new panopticon enforces its power by keeping its subjects under observation, but it does so in subtle ways, often without the knowledge of the subjects within it. Snowden pulled back the curtain on the panopticon, effectively doing what had rendered the earlier attempts at a physical panoptic prison failures.

Snowden's acts changed the way the world viewed the panoptic architecture, simply because he brought it back into view. Under the Benthamite model of the panopticon, the watchtower was a very tangible thing, and its gaze was consistently felt. However, in the modern age, the tangibility of the panopticon was lessened and the focus was on diverting attention from the surveillance apparatus to the point where those subjected to it could forget that they were under observation at all. By destroying that illusion, Edward Snowden reminded people that yes, there were provisions in place that certain powerful people had access to any sort of personal data they wanted about anyone in the country, to be accessed as they wished. His blowing the whistle returned the panoptic landscape to that of self-surveillance and an awareness of the Inspector that had previously been lacking in the digital age. The salient fact is that despite Snowden's actions, the laws and policies that allowed the data collection in the first place have changed very little, but the way the public interacts with the surveillance they are under has changed with their awareness of it. For good or ill, society is now aware exactly the extent of the surveillance they are subjected to and are able to interact with it in a way that vests a little more power and agency in the subjects.

Snowden and Panoptic Power

The few times a prison had been built under Bentham's model, the design was flawed enough to allow the prisoners within it to see their watchers at all times. The watchtower itself was often built so that prisoners could see the guards' comings and goings and even see the guards watching them from inside, so they could know where the Inspector's eye was focused at any time. In the modern panopticon, the ambiguity of the Inspector was replaced with the complete anonymity of the Inspector. Computer screens became the new one-way glass and Venetian blinds, and the power of the panopticon shifted from its basis in an overt presence to one of subtle social control. When Snowden released his data and documents, the panopticon was revealed for what it was. The glass of the watchtower is still one-sided, but now the general public knows that the watchtower exists. Unlike in the Benthamite model, where the power was derived from the overt presence of the Inspector and the checks the knowledge of the Inspector's presence put on the subjects, the modern panopticon's power was contingent on it being an unknown and vague entity to better exercise its control. When people became aware of its existence and the ways that it exercised power that relationship was destabilized, and the panicking intelligence agencies had to act quickly to reestablish the power dynamic that they had previously operated under. However, the immediate effect of the Snowden leaks on the general populace was for people to become far more aware of the things they were sharing and the data that they had put into various databases, creating an interesting parallel with the old forms of panopticism. In the Benthamite panopticon, the use of the Inspector in the watchtower was to induce self-surveillance in the subjects, making them put checks on their own behavior and induce them to behave closer to the established norm. The subjects would gradually modify their own behaviors and be disinclined to revolt for fear of the repercussions the Inspector would level

against them should they be seen transgressing. The modern panopticon instead derived its power from cataloguing transgressions and using them as red flags for targets to keep under greater surveillance. Immediately after the general public was alerted to the presence of the omnipresent watchtower, the self-surveillance of the traditional panopticon returned in force.

When Snowden made contact with the journalists that would spread the news of his leaks, he enclosed a missive to them where he stated that his sole aim was to inform the public what was being done in the name of security and how that was being done against their interests. He hoped that the ensuing debate over mass surveillance of citizens would lead to policy reform, but he also noted that he knew that many would seek to demonize him for his work (Greenwald, pg 24). In a later communication to Greenwald, he would write “I understand that I will be made to suffer for my actions and that the return of this information to the public marks my end. I will be satisfied if the federation of secret law, unequal pardon, and irresistible executive powers that rule the world that I love are revealed even for an instant. [...] I have been to the darkest corners of the government, and what they fear is light” (Greenwald, pg 32). Whether Edward Snowden is a patriot or a traitor is not the debate here. It is the task of history to either vindicate or condemn him. It should be noted, however, that Snowden saw himself as a patriot, doing the work of the greater good and serving the American people. Many would agree with him, with sixty percent of people in their twenties believing that Snowden acted in the public interest (Von Cleave, pg 58). Still, the Snowden case is an ongoing affair, and it would be unwise to come down too heavily on either side of the issue, at least until the dust settles.

Snowden is a man of conviction, and honestly believes that what he did was right. He threw away a lucrative career, became a felon and breached security protocol because he truly that the government he worked was spinning a narrative that was very different from the actions

it was taking. He repeatedly emphasized to Greenwald while the two worked in Hong Kong that his goal was never to destroy the NSA's capability to eliminate privacy, saying that it was not his role to make that choice. Going by his philosophy, deciding that on behalf of Americans as a whole would make him no better than the institutions he was working against. Instead of destroying them, he wanted to provide the public with the opportunity to decide for themselves whether they ought to continue (Greenwald, pg 47). Once Greenwald and Snowden began releasing the data they had compiled via The Guardian, the impact was immediate. It received top billing on every news station and media outlet. The government rushed to say that the measures being taken were vital for national security and to keep private citizens safe. "Snowden's great fear—that he would throw his life away for revelations nobody would care about—had proven unfounded on the very first day" (Greenwald, pg 72), because the revelations revealed to the public the full extent of the modern surveillance panopticon. The veil was not just lifted, it was forcibly pulled back and the watchtower illuminated with powerful spotlights. The outrage ensured that Snowden would not be forgotten or swept under a rug. By going public the way he did, he made it impossible for the government to handle him quietly.

The Return to Self-Surveillance

Even if after the leaks the NSA continued to gather their information in much the same way as they had before, the social structures that contribute to the accumulation of that information were completely changed because of Snowden's actions. The people became aware of the Inspector and tried to monitor their behaviors accordingly, reverting back to the old panoptic model. But on a more institutional and less theoretical level, the entire espionage industry changed as well. "Some foreign customers [have] begun to reject American-made technology because Snowden's leaks showed that the NSA had enlisted tech firms and secretly

tapped their data-transfer hubs. Some companies are facing lawsuits from shareholders demanding disclosure of any cooperation with NSA data-mining programs” (Dilanian). The balance of power has shifted. For decades, the new panopticon has been allowed to flourish under the new and emerging technologies that did away with the original model. The Inspectors believed that they were impervious, and Edward Snowden proved them wrong. The modern security apparatus can cut both ways, as the immediate aftermath of the leaks proved.

Though the average citizens of the modern day are in a virtually inescapable panopticon, the role of the Inspector has now been revealed to them, and the way the Inspector watches has likewise gone public. However, he also showed us that the Inspector is not always present, and in revealing that the NSA had gathered such a comprehensive collection of data, he also showed that the data was too massive to be sorted through. Although the data was being gathered, the Inspector’s eye was not all-seeing and could only focus on specific things. Even on the slight chance the lens was turned on someone, however briefly, it is entirely likely that the data produced was lost in the tide of nearly identical data points. By destabilizing the power base of the intelligence community, Edward Snowden has brought about a quiet and largely peaceful revolution. There is nothing to stop the government and powerful mega-corporations from gathering our data, but we are now aware exactly to the extent that they are doing so. While mass surveillance is not technically a consensual relationship, the public now has the advantage of being informed about what has happened behind closed doors and on the other side of computer monitors. Snowden’s ultimate goal was simply to help people “turn away from reaction and fear in favor of resilience and reason” (Ratcliffe). In the nearly three years since the original leaks, progress has been made towards improving the safety of devices used for communication and giving people more control as to what is shared with the watchers in the distant panopticon.

Security is always an issue, especially in the post-September 11th world, and even as people take charge of their data security, the overall consensus is that we need heightened security protocols to protect ourselves and our interests. The post-Snowden sentiment seems to be “Don’t intrude, but keep me safe”, and this is a delicate balance to walk.

Snowden the Traitor

Michelle Van Cleave, former head of United States counterintelligence under President George W. Bush justifies the actions the NSA has taken both before Snowden and after, saying that our top priority is the security of United States citizens, and that having systems, not people, constantly analyzing data to detect patterns is one of the most effective tools to do this, and it is the responsibility of the United States government to carry this out, subject to both internal checks and congressional oversight. She writes that “To call Snowden a whistleblower demeans the dignity of the term. As for the public’s right to know about these collection activities, we already knew” (Van Cleave, pg 60). And she is, technically, correct. The public was told that these surveillance activities were being carried out, and their data was subject to review by any authorized party. The problem was that the average citizen did not know the *extent* of said review. Many things that we assumed to be private were in fact open secrets to those with the right clearance. The New Yorker’s Jeffery Toobin agrees with her, saying that any citizen of the United States who has paid attention knows that the NSA’s sole purpose is to gather data and intercept electronic communication. He calls Edward Snowden a “grandiose narcissist who deserves to be in prison” (Toobin, June 10). He paints a portrait quite at odds with Glenn Greenwald’s heroic whistleblower who took on the burden of proof for the sake of the public’s well-being. Toobin instead characterizes Snowden as a sanctimonious criminal with a martyr complex who “wasn’t blowing the whistle on anything illegal; he was exposing something that

failed to meet his own standards of propriety” (Toobin, June 10) and sabotaging a program he personally didn’t like at the expense of a powerful and tangible national security asset. While Toobin does say that the NSA has admitted to sometimes going beyond its authority, Snowden had no grounds for his actions because government surveillance on such a large scale as the NSA was and currently is carrying out will be prone to human error and it is still unclear as to whether or not the errors reported amount to a major violation of privacy, as Snowden claims (Toobin, August 19). To Toobin, Snowden represents nothing more than an idealist who overstepped his bounds and used the access he had been granted through service to the government to completely jeopardize national security, a case not helped by his immediate flight to China and then subsequently Russia, two of the most repressed and technologically sophisticated nations on earth, not to mention the United States’ chief international rivals. Toobin is fairly incredulous that neither Russia nor China would or could pass up the opportunity to exploit Snowden’s leaks, despite Snowden’s assurances to the contrary. “China and Russia spend billions of dollars conducting counterintelligence against the United States. An American citizen walks into their countries bearing the keys to our most secret programs and both—both!—China and Russia decline to even take a peek. That is a preposterous proposition” (Toobin, August 19).

The society we now live in relies on technology for tasks that range from the simplest manufacturing work and household chores to the most sophisticated international espionage. The effect of these technologies not just on government operations but also on the daily lives of average citizens cannot be disputed. “Interconnected global networks of digital data have become the single most important source of intelligence warning of threats, enabling our defense at home and the advancement of freedom abroad. To say “hands off,” as some shortsighted privacy advocates have been doing, will not preserve our liberties, it will endanger them. It

should be possible for an enlightened citizenry to empower government action in that sphere without forfeiting the very rights that our government exists to secure” (Van Cleave, pg 64). However, the problem arises not from the fact that the government has access to citizens’ data. The problem arises when people *within* the government have access to it. As stated in the previous chapter, under present surveillance legislation, should any employee of an intelligence community in America provide even the flimsiest justification for suspecting someone of vague and possible threats, they can legally be granted access to all data concerning their suspect. As Toobin notes, the NSA is not free from human error, and the agents of the NSA are human, prone to human vices. While the information they gather is generally turned to the interests of national security, there is nothing to stop them from using their considerable resources to follow an old ex or to act against a particularly frustrating upstairs neighbor. Snowden was very upfront in his justification for releasing his data, he did so because he saw that the information was being abused. He and those that he worked with had access to the personal data of countless American citizens, and power such as that begs to be abused. He made his decision to release the NSA files because in doing so, he was not harming people, he was only harming abusive systems (Greenwald, pg 43). Rather than jeopardizing the safety of operatives, he instead chose to jeopardize the effectiveness of an operation, while still allowing the same operation to continue. Ultimately, Snowden’s goal was not to topple the NSA or the panopticon, but to change the relationship it had with those it subjected. Both Toobin and Van Cleave miss the point of what Snowden did. He certainly acted selfishly and illegally, and perhaps Jeffery Toobin is right and Snowden is nothing more than a textbook narcissist who wants everyone to be subjected to his own definition of right and wrong. But the most important thing to come out of Snowden’s revelations was the return of panoptic power to the Foucaultian model. With the subjects now

fully aware of the Inspector's presence and the gaze of the modern panopticon, the watchtower, while still decentralized, became a more tangible thing and the relationship of the intelligence community to the citizens it ostensibly protects became much more in line with what the prisoners in the panoptic prison would have experienced with the gaolers. This has led to the rise of self-surveillance, and an increase of monitoring and pruning one's online and electronic presence to better protect our privacy.

Snowden the Patriot

Despite what his detractors might say, Snowden himself is firmly convinced that his actions were just and right. In fact, Edward Snowden is so morally unambiguous in his stance that to do a character study of him is almost boring. In his own words, Edward Snowden "was just 'one small guy', an 'ordinary man' who had seen the inner belly of the U.S. intelligence apparatus and had to act" (Lippman). He had no ulterior motives for what he did, he only sought to make the world a better place and to inform the public, and he fully accepted the consequences, going so far as to say that even if he wound up in chains in Guantanamo Bay, he had made his peace with that (Ratcliffe). Snowden's goals were entirely altruistic, albeit slightly quixotic. However, as Michelle Van Cleave points out in her defense of the NSA, sometimes it is necessary for the Inspector to know things that other people don't. The United States and Great Britain were quick to condemn Snowden as a traitor, though charges have yet to be pressed against Glen Greenwald and Laura Poitras, the journalist and documentary film maker he originally established contact with in Hong Kong. Snowden believes that what he did was worth it, and certainly he can justify his actions to himself and the global community. However, the fact remains that he divulged government secrets to the public, and some things are kept secret to keep us safe. The system was being abused, but for all the human error involved it was still

servicing its role as a primarily defensive apparatus. Some of the information that he released was sensitive and by revealing it publicly, enemies of the state could then use it against the state, especially considering that Snowden sought refuge with the United States' last major geopolitical rivals. While Snowden's actions are justifiable in the interest of the free spread of information and the establishment of an informed public, in this instance the hidden modern panopticon served a protective function. In destabilizing the information panopticon that Snowden felt oppressed the subjects within it, he also destabilized that protective arm as well. This has been the driving factor on what makes the Snowden case such a difficult issue. It is easy to build a case for either side of the debate and be completely correct in calling one or the other morally right. In returning power to the people, Snowden simultaneously eroded the very thing that was protecting them.

Snowden singlehandedly shaped the course of discourse, and in doing so, shaped history. One Guardian senior writer describes him as an "outlaw who rewrote the law". He effectively shifted the balance of power, but perhaps not in the way he originally intended. The sharing of information has been opened to the wider public, and many manufacturers are now putting in checks against the kind of monitoring the NSA performed before Snowden came forth with his leaks. However, such data monitoring still happens, and despite the legislation put forth in the months following, behind the language of legality and moral responsibility, the end result was a temporary suspension of the NSA's monitoring activities to allow the Senate to pass a bill ending the bulk collection of phone data of American citizens (Naughton). Despite the reforms introduced, the surveillance landscape remains remarkably unchanged from the months before Snowden went public. Yes, the American government can no longer access bulk phone data, but the large phone corporations still can and continue to. The government can still access them,

though now they need to trip through the wires of the court system and obtain a warrant. And this largely only applies to domestic surveillance. Very little has been done to curtail the monitoring of the electronic presence of foreign citizens by the United States, much to the ire of its allies. Modern legislation still struggles to catch up to the rapidly changing technological landscape, and people continue to have difficulty deciding where the line between protection and privacy should be drawn.

Snowden and Foucault

Perhaps it is best to question the justice and ethics of Snowden's work in a larger context and ask instead, can a political act of revolution be strengthened when it must justify itself on an ethical ground? Unlike many of his structuralist and humanist contemporaries, the ethical systems that Foucault wrote on were primarily politically motivated ones, motivated less by morality and more by political discourse, calling them a concern with the kind of relationship one ought to have with himself. Ethics were the way a being determined his moral consciousness and how one composed and comported themselves though "Foucault was anything but a moralist. He was even reviled as a nihilist [...] Foucault was the opposite of those who find it natural to talk ethics but difficult to take sides. He was someone who supported many struggles yet found it next to impossible to speak the language of morality. He said the value of his work should lie in its practical consequences and yet he refrained from saying what to do or how to live" (Rajchman, pg 166). When examined through this lens, Edward Snowden's actions seem to fit the Foucaultian mold. He chose to act against the NSA and the American government due largely to a sense of justice. Patriotism (or lack thereof) had very little to do with his ultimate decision to share the information he had gathered with the world, should his statement be believed. He seemed to have little interest in what actually happened to the information he

shared, only that it went out to the public. Essentially, Snowden offered the global community a choice, to continue on working under the assumption that their governments were working to further their interests and protect them or to accept the invitation to step back and think critically about the methods that those governments were employing and whether or not they had overstepped. Whether that information was used for good or ill was largely irrelevant, all that was important was that it was out there and that people could see the potential for abuse within the system. Much like Snowden, Foucault sought “to offer not an ethics of absolute values, but a set of expressive practices independent of any appeal to the absolute values offered by nature, religion, tradition” (Luxon, pg 384), and much like Snowden, Foucault’s writing showed that “despite the disciplinary forces of modern societies, docility is not inevitable; domination is not unavoidable” (Crane, pg 304). When viewed through the Foucaultian lens, Edward Snowden’s actions become ethical. He saw a problem that needed some form of action to rectify it, action that he himself was prepared to take. He knew the consequences of the actions and accepted them, and he acted according to the dictates of his conscience according to the path of action that he felt would bring about the best possible end result for the community at large, if not for himself personally. Foucault calls for resistance to domination, especially in his late work, and Snowden issued a call to arms for the concerned citizens of the global community. “Foucault is not primarily concerned with right conduct as the evaluations of actions of an individual, but rather with the kind of collective that is implied by the history of an institution’s beginnings and the regularization of its practices, for it is in the context of the collective’s identity that individual decisions are made” (Moore, pg 89). In the Foucaultian lens, ethics refer to more than just the decisions made at a given time, rather they are the lens upon which the reflection of events is viewed, in short, ethics refers to the work of “establishing oneself as having a life by its

reconstruction as a whole consisting of particular events and made intelligible by selected commitments” (Moore, pg 88). Snowden’s aim was to change an obstructive and oppressive system that he felt had its boot on the neck of the people. Foucault, conversely, was less interested in change and more in the factors that drive change, in representing the nature of discourse that shapes change and the way we view it. He treats institutions as being intrinsic and decisive in the development of society, and the choices that shape the institutions shape us. The way in which members of a collective respond to the history of events is the way those events will continue to be constituted, and this will form the identity of those institutions and collectives.

Edward Snowden was not a failure. He set out with the goal to reveal to the public the extent to which the government was tracking them. He did precisely that, and in doing so allowed the nation to enter into a discourse on privacy and security. He drew back the curtain and allowed the American public to see that perhaps Oz was not so great and powerful after all. He made us pay attention and sparked the revolution of the modern security state, and he continues to offer commentary as the dust settles. But the problem with Snowden lies in his naiveté. In statements put out by him, it becomes clear that his worldview is terribly black and white. The government gathers personal data from people, and that is bad. The people should have a right to see what is happening behind closed doors and how their data is being used, and showing them is good. This obviously oversimplifies a complicated issue, and the most glaring of its problems is that government surveillance and data collection do keep citizens safe and have been effective in combatting threats to the country and its citizens. One of the primary aims of the state is to keep its citizens safe, and in releasing his information, Snowden jeopardized that. It is not as simple a matter that Big Brother is watching us, and that is something we need to fear.

The rhetoric that enabled the sentiment that “Big Brother is watching out *for* you” was only effective in the first place because there is truth to it. People can see the tangible effects of the protection their invasion of privacy grants them, and that makes it easy to fall into complacency regarding what the government is allowed to see and access.

Snowden will not burn out in obscurity, nor will the governments he opposed be able to quietly dispose of him as he feared would happen in the days leading up to his leak to the Guardian. He began a revolution, but that revolution is far from over. The institutions and technologies that enabled the things that Edward Snowden fought against are still very much an active force in global politics today, and their influence will continue to be exerted so long as people continue to accept them as the norm. Snowden’s work has brought the world to a tipping point where each member of society must make a choice, for good or ill. We can accept the current regime in the interest of our own security and safety, or we can stand with Snowden to look for alternatives that allow us to keep our privacy and live without fearing our government.

Conclusion

Edward Snowden has firmly established himself as a divisive figure, and though the dust has largely begun to settle from his original leaks in 2013, it is rare to find someone who does not have an opinion on him in one way or another. But to simplify his actions into right or wrong, justified or illegal, is to commit the same fallacy that Snowden’s detractors level against him. Snowden, for good or ill, appears to see the world in terms of black and white. Actions are either moral or amoral, and if they are amoral, then someone ought to take actions to make them moral. He operated according to the dictates of his conscience, and whether or not he is brought to bear for those actions remains to be seen. However, the matter is not so simple as whether or not his sharing the classified and sensitive information he gathered with the world. No, rather,

the true impact of Edward Snowden was to change the relationship of the public at large with the surveillance apparatus. As has been stated, directly through Snowden's actions the nature of modern panoptic surveillance was completely changed, going from a decentralized and largely anonymous global panopticon where the subjects were largely unaware that they were being watched to one that functions more within the Foucaultian mode. Debates as to whether or not he is guilty of a federal crime or even whether his actions were justified as a freedom fighter or he was just acting as a sanctimonious narcissist are unable to see the forest for the trees.

Snowden changed the entire surveillance game. Whether one agrees with him or not, it is clear that the system that was and still largely is in place allows for too many loopholes and vests disproportionate power in those playing the role of Inspector. By adopting technologies that allowed institutions like the NSA to collect and catalogue data largely without the American public's awareness, they acted in a way that violated constitutional rights and could have potentially jeopardized America's relationship with other global powers. Snowden blowing the whistle allowed people to once again establish a proper panoptic relationship with the people on the other side of the glass, learning once again how to engage in self-surveillance and to protect themselves from intrusive government oversight. Foucault's conception of panoptic power drew heavily not only on the gaze of the man in the watchtower, but also upon the subject's awareness of the gaze. Since the dawn of the digital age, the hierarchical powers that have very deliberately allowed the public to forget that there is someone on the other side of the screen, that someone is watching them. By pulling down the curtain, Snowden was able to reestablish that former conception of power that Foucault examined in "Discipline and Punish". The power structures and apparatuses that enabled it in the first place still exist, and largely the vagueness of the legal discourse remains an issue. However, now the subjects are aware of it, and aware of the

extent of it. The Inspectors in their metaphoric watchtowers, if they are to be believed, are only looking out for those who pose a clear and present danger to society, but to identify those people they must cross-reference data with many private citizens who have done no wrong and have no intention to do wrong. It is not hard to see how Edward Snowden viewed this as a breach of a social contract and an upset of the delicate balance of power established between the people and their government of a supposedly free state.

The difficulty of panoptic power has always been the temptation to turn it towards totalitarian means. The dystopic vision present to us by George Orwell is simply that temptation carried to its logical extreme. However, as has been proved many times in the decade and a half since September 11th, panoptic power can be effective as a shield for the people, protecting them from threats even before those threats can be made manifest. There is a balance here that needs to be kept, and Snowden reestablished that, doing what he thought was best for the people. Whether or not Edward Snowden will be remembered as a hero or a traitor will be decided by history.

What cannot be disputed is that at the very least, he will be remembered.

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