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# The Panopticon Factor: Privacy and Surveillance in the Digital Age

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**Abstract**

*This paper questions the use of new technologies as tools of modern surveillance in order to: (a) advance the research done by Michel Foucault on panoptic techniques of surveillance and dominance; and (b) give new insights on the way we use these new surveillance technologies in violation of democratic principles and legal norms. Furthermore it offers new arguments in support of Foucault's account on the expansion of Bentham's Panopticon scheme as universal model of modern day democratic institutions. Therefore the purpose of this paper is to (c) shed new light on the various ways the deployment of new technologies reinforces the Panopticon model; and (d) analyze the effects produced by the emerging modes of surveillance that empower various new mechanisms of domination and control of individuals. This research paper seeks to (e) examine to what extent technology influences the course of our social, political and behavioral changes; and propose a framework for (f) evaluation and transformation of democratic institutions and practices that rely on the use of modern communication tools and technologies. Our cities have become a new kind of technologically driven Panopticon and this model has achieved perfection as increasingly fragmented, disseminated and ubiquitous device of power and dominance.*

*Keywords: Michel Foucault, Jeremy Bentham, Panopticon, surveillance, body, power, knowledge, technologies of power, governmentality, technologies of the self, biopower, democracy*

## 1. Introduction

First introduced in "Discipline and punish", 'Panopticism' is as a social theory originally developed by French philosopher Michel Foucault. It established Foucault's authority on surveillance issues and pushed him into the

focus of the currently developing field of surveillance studies.

His unmatched skill and ingenuity in questioning and investigating the political as an integral part of the "art of living" (technē tou biou) led to new perspectives in comprehending the social instruments of dominance; namely, his writings on Jeremy Bentham's Panopticon prison model, revealing the disciplinary mechanism behind democratic practices and institutions with universalizing function that explores various modalities of discipline as an apparatus of power.

In light of recent socio-political events and developments the importance of Foucault's work becomes even more apparent than ever before. By constantly addressing the need to shed light on the various obscure political and institutional practices under the guise of being in accordance with the law,[1] Foucault managed to grasp the panoptic nature of modern democratic society and institutions, ultimately changing the way we comprehend power, knowledge, and politics accordingly, by disembodying their intricate and intimate relationship. Foucault's inquiry moves towards an ethico-political critique, ultimately consolidated under the form of aesthetical critique, or, what came to be known as hermeneutics of "technologies of the self."

Foucault's project aims nothing short of "*aesthetics of existence*" as in art of living (technē tou biou), broadly speaking an all-encompassing individual (aesth) *ethics* that resists the attempts of assimilation of the private (sphere of self-improvement, self-empowerment and individual autonomy) by the public (sphere of politics, law, justice, moral etc.). Thus it can be argued that in a certain sense he moves towards certain aestheticization of the political, but not in the way many authors (such as Benjamin) argue-usually unfavorably. In Foucault's case it is not a question of "aestheticization of politics", as in the case of fascism or communism-commonly given examples-or any other political project for that matter. The aesthetical is not perceived as a dimension of art in and of itself but as *technē* in like manner Foucault deployed and used it as part of the larger corpus of technologies of the self. Therefore Foucault's aesthetic of existence is technē as an art or skill that takes into consideration the social and political

skillfulness of the individual to perform duties as part of the citizenry. Foucault has never ceased to underline the importance of being a citizen as a crucial and pivotal role of each and every individual. Another important tool that Foucault promotes through the scope of technologies of the self is the corpus of parrhesiastic techniques aimed at cultivating free speech and individual autonomy that helps the task of cultivating the aforementioned political skillfulness of the citizenry.

Of late the multiplication of disciplinary techniques, Foucault prognosticated, reached a pinnacle of supremacy benefiting from the technological progress and development, while being gradually exposed through numerous revelations as documented in recent times.[2] Emerging from a doubtful and obscure set of political ideals these attempts are aimed at establishing long-term evolution platform of surveillance systems in the form of an All-seeing and All-knowing panoptic police state. The panoptic nature of the mode of government and socio-political system as a whole is revealed by the way various power structures deploy disciplinary techniques through institutional and political organization and mobilization in order to maintain social cohesion and obedience. There is an underlying tendency to look at this problem in a reductionistic manner, thus, setting forth into motion a redundant debate that focalizes solely on the problem of unrestricted state surveillance of individuals and ignores the larger issue of panoptic power in the current socio-political settings and institutions. It should be noted that in no way does this exhaust the problem of modern-day panopticism. Therefore it is a necessity to shed light upon the various mechanisms of power that condition thought and belief systems and go beyond the confinement of academic and political debates, as part of a wider problem that concerns each and every one of us as citizens as well as the future evolution of open democratic society and mode of governance.

## 2. The Panopticon model

Let us examine the particularity of the Panopticon model by giving a

brief description of the interior design and conception of the original building conceived by Bentham. It is a cylindrical type of building with multiple floors and a lantern shaped rooftop. Conceived circular in shape, filled with individual cells that have two openings, one looking inward through a glass door and second looking outward through a small window on the wall. Every cell accommodates only one individual. An inward ring shaped space of the building functions as a gallery that allows movement from one cell to another, and a cavity where the central tower is situated. From the central tower a supervisor can simply by using the tower's circular shape, look at everything that happens in each cell. In this manner, the central tower functions as an all-seeing eye that monitors people in the cells, and this is done in a completely anonymous way, because no one knows who is in the tower or even if there is anyone inside it at a particular point in time. This suggests a power of surveillance, which is completely anonymous, deindividualised, and non-material, a disembodied kind of power. [3]

A special feature of the Panopticon is that anyone can enter the central tower at any given time, allowing for democratization of the exercise of power because it is also possible to monitor the supervisors. [4] Therefore, we have a centralized model, with a visible center, where the inner movements remain invisible to the one being observed, allowing for dissemination of anonymous, impalpable and unremitting power. The impression of being under perpetual surveillance is in itself enough to run this kind of system of incarceration.

Such a framework for perpetual monitoring allows for creation of an effective economy of time and space. This ability of incessant immobile supervision means that "all of the exercised power is nothing more than an optical effect." [5] We are able to observe everything, the entire time, all while the effects of power remain immaterial, impalpable and ubiquitous. Foucault notes that the supervising process is accompanied with simultaneous sampling and transfer of information, thus allowing for transcription of individual behavior and production of specialized knowledge. Effectively it is this accumulation of knowledge that allows classification and categorization of the confined

individuals, and functions as an intersection where knowledge meets power inside the Panopticon walls. Foucault highlights two important characteristics of the Panopticon laid out by Bentham: first, the Panopticon scheme can empower with "herculean strength" any plausible institution that will operate based on its model, and second, it constitutes a new way to give "power of mind over mind." [6]

This herculean strength is exerted over any given individual in a way that it is never actually applied on the body itself. In a sense it is comprised of some sort of immateriality and thus makes this process mobile migrating from mind to mind. According to Foucault it is this game-play between the herculean strength and the mind or spirit that Bentham sought inside the Panopticon. The power of mind over mind is where we find the general disciplinary form of the Panopticon.

The power is exerted over the body but it is never actually applied on the body itself, being invisible it alters the mind/spirit of the individuals by subjugating the body primarily. The relation body/mind or body/spirit takes on another dimension because it's the body itself which bears the effects of being directly dominated, given its incarcerated, but it is the mind/spirit the one who shoulders the effects of individuation. Therefore it is important to examine carefully the effects of the "technologies of power", exerted through the ways and means of various "techniques of domination." Foucault draws attention to a particular subset of these technologies used for administering populations he refers to as "techniques of governmentality", i.e., a set of organized practices through which subjects are carefully fabricated in order to suit certain modes of government (Michel Foucault 2003). These techniques allow for specific discourses to emerge in support of specific centers of power and render possible certain modes of social management of individuals. Foucault's attempt to unveil the internal mechanisms of power exerted over individuals through various techniques and practices of domination, led to the conclusion that the framework of generalized panopticism-in which disciplinary power functions-and its capacity to deploy a vast network of perpetual surveillance accompanied

by immediate punitive power is gravely underestimated. [7] What really made Foucault look closer at Bentham's Panopticon scheme was the simple realization that this particular model outgrew the creator's original idea. As Foucault argues, Bentham's Panopticon is not simply a model for a prison or "any sort of establishment, in which persons of any description are to be kept under inspection" [8], but, it is a "model or a form for any kind of institution." [9] Foucault sees Bentham's model, originally designed as a blueprint for variety of establishments the likes of inspection-houses, as applicable to any kind or form of institution. Hereafter we can fully comprehend Foucault's interest in the panoptic nature of present-day institutions, which operate inside a system that collects information as an extension of a centralized power scheme, integrally part of unprecedented exercise of power. It is from this point in history that we can trace the birth of the modern democratic institutions (Michel Foucault 2003).

### 3. Panoptic evolution of disciplinary techniques

The particularity and significance of the Panopticon scheme is that it allows for rapid evolution of disciplinary tools and practices while its core values and mechanisms of punitive and disciplinary power remain unaltered. Therefore, close observation and analysis of the actual terminal forms of power would be the most substantial way to examine its evolution outside the limits of any given institution in particular.

Gradually since the end of the 18th century entire regions of public and private life became interpenetrated by exponentially more and more sophisticated and complex systems of disciplinary power, subtly subjugating individuals through dissemination of disembodied power as demonstrated by the panoptic scheme. However, it is not until the second half of the 20th century that we begin to witness real multiplication of disciplinary practices and tools, as a progressive extension of the Panopticon cells, implemented through ever-increasing technologies of power and dominance.

There is a distinctive feature of the modern-day Panopticon system, we

will refer to as *cellular dispersion of disciplinary practices and tools.* [10]

Let us focus our attention on one of the most recent, intrusive, terminal forms of power, the video-surveillance technology (CCTV). The ceaseless development of new technologies allows for uninterrupted expansion and proliferation of optical effects of power. What's at stake? Contested public space or the city in its entirety, where individuals are no longer incarcerated in a prison cell technically speaking, but nonetheless are subject to permanent intrusion of privacy; in the same way the Panopticon's purpose is to serve as establishment in which variety of persons are to be kept under inspection, just as Bentham envisioned. Therefore the city itself is fast becoming a new kind of augmented Panopticon, with CCTV cameras being installed everywhere the Panopticon's central tower is being fragmented and disseminated, thus becoming ubiquitous and at the same time increasingly mobile. [11]

This conquest of space and organization according to the needs of the new disciplinary practices requires a new economy of time and space. The boundaries of the Panopticon become indiscernible and operate in an anonymous fashion. It doesn't matter anymore if someone is watching behind the camera monitors because every instant is recorded for further use and documentation. This continuous event-logging allows simultaneous video surveillance of individuals, in-bulk and en-masse, or, in other words new form of conquest through creation of new economy of time and space. The Panopticon has new powers at its disposal that allow a spatiotemporal conquest of the human habitat, because at this point of technological prowess we can go back and see what happened in particular time and place/space, thus acquiring new supervisory powers unimaginable in Bentham's era. We live in an era in which *we master time as a tool for monitoring and subjugating individuals* in a manner unprecedented in the history of humanity. In my opinion, we witness the implementation of a new form of *virtualized system of disciplinary power.*

*Why virtualized?*

Because the most important characteristics of the Panopticon: non-materiality, disembodied and anonymous exercise of power, the undetectable

absence or presence of those watching and the possibility to be monitored at any time, are of virtualized nature-having potentiality or effectuality while being in a state of perpetual (dis)simulation.

Virtualized systems of disciplinary power should not be confused with so-called systems of virtual reality, because they are not some sort of *simulation of reality*, they are used as tools for total *domination of reality* as we know and experience. We are faced with the ambition of total control in all areas of public and private life. With the implementation of video-surveillance techniques such as CCTV (as one of Panopticon's most recent extensions) Bentham's dream really achieves itself beyond its initial imagination.

However, the exercise of panoptic power does not stop only at the video-surveillance level, the possibilities augment constantly with the increased technological domination of society and our overall dependence on technology in all aspects of our daily lives, such as the use of the internet and the increasing number of mobile devices we use.[12]

For instance, since the emergence of web-based social networking services in the 90s and their integration with GPS location based services, individuals using various social networks put highly sensitive information in their personal profiles, such as full name, home address, contact information, birth date, family tree, job description, personal hobbies, check-ins at given locations at various times etc. All of this allows for targeted tracking of individuals accompanied by simultaneous professional, personal and psychological profiling.[13]

## 4. 1787

In "The End of History and the Last Man," Francis Fukuyama argues that "the present world seems to confirm that the fundamental principles of socio-political organization have not advanced terribly far since 1806." [14] In agreement with the views of Alexandre Kojève, Fukuyama considers the French revolution to be a historical endpoint that establishes the fundamental principles of modern-day socio-political organization, i.e., the principles of liberty and equality.

According to Fukuyama our political ideals and modes of governance have not advanced very far since, and are simply being implemented extensively around the world in a process that is ongoing to this very day-under the guise of globalization. Coinciding, the writings of Jeremy Bentham on the Panopticon prison model predate Fukuyama's estimate by a small time margin dating back only few years to 1787. On that account, Foucault's argument extends further back than Fukuyama's; together they outline the historical importance and simultaneous occurrence of the French revolution and the Panoptic model as fundamental principles of socio-political organization; suggesting that: *the mechanisms of panoptic surveillance and disciplinary control-Foucault argues-as well as the fundamental principles of socio-political organization-Fukuyama and Kojève argue-have not advanced very far since 1787*. Consequently, by combining the aforementioned arguments we are able to expand the scope of socio-political changes further back, from the initial estimate of 1806 to 1787-the year that marks the birth of the panoptic scheme; a historical endpoint where the mechanisms of panoptic surveillance and disciplinary control coalesced with the changing tide of fundamental political principles becoming the backbone of modern-day socio-political power, organization and control.

The notion of power is crucial to Foucault's understanding of the evolution of the mechanisms of panoptic surveillance and disciplinary control. Traditional theories of power tend to represent it as a macrostructure, concentrated in the hands of a ruling class as opposed to commoner's class. While this kind of analysis is useful in helping us reveal some of the terminal forms of power and its extensions, it is by no means an exhaustive survey of the topic of power and dominance. This is the very reason why Foucault tried to establish a combined power/knowledge theory by showing that both, power and knowledge, and their tentacles dig deeper than we could ever imagine and that there is no clear line of distinction between them, thus it is best if they are analyzed together in pair. Therefore the criticism that Foucault had some sort of indifference in proposing a new political model of social organization is consistent only within a traditional view of class-power struggle schemes. It is

the socio-political frame or logic itself that needs to be put under scrutiny, not through revolutionary lens but by shifting the way we see ourselves as individuals and society as a whole. He viewed power as a field of multiple relationships that produces series of sprawling effects of domination, which are neither stable nor sustainable (Michel Foucault 1976). Modern power cannot be located because it is being exerted throughout a multitude of indefinite sources, it is not fixed but rather mobile and cannot be grasped nor shared. The idea of power as being rooted in macro-structures is wrong, says Foucault, and in order to explain this he employs the iceberg analogy-the tip of the iceberg serves as hint of the true size of something larger and more complex because in reality the tip is much smaller than the submerged body itself-consequently introducing an idea of power that follows rather postmodern perspective of heterogeneous, diverse, multiple, discontinuous, and above all a productive power rather than destructive one. Disciplinary power is a positive, productive, multiplying force and supported by material extensions it emerges simultaneously in multiple relationships. [15] Foucault's power builds individuals, gives sense of one's own body and identity, and, it is to be found everywhere. In other words, these new techniques of domination over individuals exercised as part of the framework of generalized panopticism, inadvertently encourage new individual experiences of selfhood, allowing for new practices and forms of technologies of the self to emerge. Accordingly, Foucault expands the theme of technologies of power with his work on technologies of the self, highlighting a vulnerability or weakness in the exercise of power by accentuating the importance of technologies of the self as means of creating individual autonomy within the macro-disciplinary system.

## 5. Conclusion

Foucault still gathers criticism for allegedly failing to propose new political model of governance in order to surpass the limitations of the current revealed through his research. His critical studies on political power structures and mechanisms undermine any accusations that he has renounced bearing any

form of political responsibility. In my opinion Foucault never sought to replace the incumbent with a new model of governance. By simply criticizing the very schematics of power he wasn't willing to propose another alternative scheme in order to replace the current one, because by doing so he anticipated that this would continue to nurture the very essence of the problem, the *self-sufficiency of power.*[16]

Foucault's research on panopticism has drastically changed the political landscape by forcing traditional narratives to be reviewed in a new light visibly marking a turning point in humanities in general. Therefore, leaving us indebted to further question what are we in our actuality as society. This is possible by further exposing the power structures involved in the process of production and assimilation of knowledge. The well-established authority of science has come under scrutiny as well, because as Foucault has demonstrated the scientific corpus of knowledge is far from being unbiased or independent since it constitutes an integral part of the power structures in place; therefore allowing us to question the ensemble of aims, goals and objectives of produced knowledge.

One of Foucault's biggest achievement is the meticulous documentation of the anatomy of power by the ubiquitous Panopticon scheme used to empower various institutions that use this model and exercise disciplinary power. In Chomsky & Foucault (2006) he reveals that the real political responsibility and "true political task is to criticize the gameplay of the supposedly neutral and independent institutions; to criticize and blast them to the extent that the obscurely exercised political violence on the inside gets revealed in order for us to be able to fight against them" (p. 53). [17] This means that *the only means of resistance* we have at our disposal is to shed light, to put all of these practices in the spotlight, and try expose them to the public eye. Therefore, as Foucault argues, the only viable alternative is to find ways to improve the current model and gradually seek replacement when many necessary conditions are met that will allow a gradual shift in the balance of power in favor of something new.

Notes:

1. In recent times examples abound where democratic governments overstep their constitutionally prescribed roles through unconstitutional acts by conducting mass bulk surveillance, crushing pubic dissent by arresting whistleblowers and all of those speaking out against governmental abuses, treating with violence peaceful assemblies solely attempting to petition democratic governments for redress, conducting extrajudicial drone assassinations and tortures etc.
2. Whistleblowing practices are nothing new, nevertheless it is noteworthy to mention one of the most recent cases, regarding the nature and the magnitude of the revelations that were exposed to the public. On June 5, 2013, Glenn Greenwald published an article in the Guardian revealing that the National Security Agency (NSA) was collecting telephone records of millions of telephone customers in bulk. Next, The Washington Post published the details of an Internet surveillance program called PRISM, which showed how the NSA obtained direct access to the systems of nine Internet companies, including Google, Facebook, and Apple. With the first revelation, we learned the government can collect the numbers of both parties on a call, as well as information about the duration and the location of parties involved in the conversation. From these unique identifiers known as meta-data the government can effectively track down the caller. The second revelation about PRISM puts all major Internet players in a compromising position because the companies all agreed to comply with government demands to unrestricted access of user data. Since these first series of revelations we have seen new and steady waves of increasingly alarming disclosures.
3. For more detailed description of the Panopticon, refer to: BENTHAM, Jeremy. *Panopticon: Or the Inspection House (1791)*, Kessinger Publishing, 2009.
4. See FOUCAULT, Michel. *Le Pouvoir psychiatrique, Cours au Collège de France. 1973-1974*, Paris, Seuil, Gallimard, 2003, p. 78.
5. *Ibid.*, p. 79.

6. See *Ibid.*, p. 76.
7. A recent example, where the reach and complexity of modern-day surveillance techniques and their terminal forms of power is being gravely underestimated, can be found in the revelations of Edward Snowden who disclosed to the public a draconian governmental apparatus used by the US government and its allies in an effort to spy on the entire globe, reminiscent only of works of fiction such as 1984 by George Orwell and Brave New World by Aldous Huxley.
8. See BENTHAM (2003).
9. *Ibid.*, p. 75.
10. The argument for *cellular dispersion of disciplinary practices and tools* was published for the first time in: Sekulovski, J. (2013). Panoptisme Généralisé. In F. Laruelle & G. Grelet (Eds.), *Postures et pratiques de l'Homme: libéralisme, philosophie non-standard et pensée japonaise*. (pp. 123-139). Paris, France: L'Harmattan.
11. For example, there is a massive proliferation of optical devices such as CCTV cameras in the public areas of modern day cities. The figures show that currently only in Britain, there are more than 4 million CCTV cameras installed in public spaces across the country. Only in London there are approximate figures of 500,000 cameras. Another example is France, where now there are over 340,000 CCTV cameras installed with a particularly high concentration in Paris, up to two-thirds and constantly increasing, with yearly growth between 25000 and 30000 new CCTV systems. Source:«Vidéosurveillance», [http://fr.wikipedia.org/wiki/Vid%C3%A9osurveillance#En_France], (page consulted November 28, 2015).
12. In recent times, attempts of passing several laws created unprecedented controversy. These laws aimed to authorize the signatory countries to combat international counterfeiting in a more efficient way, at the expense of freedom of expression over the Internet. The end-goal being continuous monitoring in breach of our privacy over the Internet without the need for prior judicial authorization. They are: ACTA (Anti-counterfeiting Trade

Agreement), SOPA (Stop Online Piracy Act) and PIPA (PROTECT IP Act). Other acts such as the NDAA (National Defense Authorization Act) in the United States are even more dangerous to the lives and freedoms of its citizens. While SOPA and ACTA can be used for the surveillance of individuals over the Internet without prior judicial authorization, the NDAA, under the pretext of fighting terrorism threats, wants to establish martial law over the entire territory of the US ready to be used at any time without previous warning, a sort of permanent martial law under disguise. The law in question can exercise absolute power, where the legal indefinite detention without trial and torture of American citizens on mere suspicion becomes a state prerogative. While public action has achieved success in the battles against the ACTA, SOPA and PIPA bills, the NDAA passed the vote in the state Senate on December 2012, thus enforcing a *democracy of suspended rights* on all American citizens.

13. A lesson that should have been learned from the world's most recent history is that various forms of political regimes have used costly state operated apparatus to try and gather these kind of individual information while encountering great difficulties. On the contrary, we are now willingly giving away all of these information by entrusting it in the hands of various secretive governmental agencies and multinational corporations every time we use the internet, various social networks etc. Intelligence gathering agencies such as the National Security Agency (NSA) or The Government Communications Headquarters (GCHQ) gather this kind of personal information with ease by readily disposing of every piece of private information we put online that would be very difficult to collect otherwise.
14. See FUKUYAMA, Francis. *The End of History and the Last Man*, New York, Free Press, 1992. Fukuyama contends that "Alexandre Kojève, the great Russian-French interpreter of Hegel, argued that history as such had ended in the year 1806 with the Battle of Jena-Auerstadt, when Napoleon defeated the Prussian monarchy and brought the principles of liberty and equality to Hegel's part of Europe. In his typically ironic and playful way, Kojève

suggested that everything that had happened since 1806, including the sturm und drang of the twentieth century with its great wars and revolutions, was simply a matter of backfilling. That is, the basic principles of modern government had been established by the time of the Battle of Jena; the task thereafter was not to find new principles and a higher political order but rather to implement them through larger and larger parts of the world" (Fukuyama, Kindle HD, 2011). Fukuyama agrees with this assessment and considers that it deserves to be taken seriously. So instead of 1989 as the year when history ends he argues instead in favor of Kojève's position which sets the year as 1809.

15. See FOUCAULT, Michel. *Histoire de la sexualité I, La volonté de savoir*, Paris, Gallimard, 1976.
16. *Self-sufficiency of power* refers to an enclosed system of power/knowledge with a distinctive feature of being able to reproduce itself indefinitely. Since the couplet power/knowledge is inseparable and there is no clear line of distinction between them, from a Foucauldian perspective being simply two sides of the same coin, it can be said that power and knowledge constitute one single self-sufficient and auto-referential system that can indiscriminately perpetuate itself. François Laruelle speaks of philosophy (as a specific form of knowledge) likewise, and, of self-sufficient or self-contained practice of philosophy because of its inherent ability to perpetually reproduce itself acting as enclosed auto-referential system that has the unilateral capacity to incorporate new types of knowledge under its authority.
17. For more detailed account see: CHOMSKY, Noam et FOUCAULT, Michel. *Sur la nature humaine, Comprendre le pouvoir, Interlude*, Bruxelles, Éditions Aden, 2006, p. 53.

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