

Chapter 2

Tear down the walls: on demolishing the panopticon¹

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Introduction

The panopticon is oppressive. Since Foucault's famous reinterpretation of Bentham's utopian project of prison architecture, the panopticon has stood for sinister manifestations of power/knowledge. Today, however, the panopticon is oppressive in an entirely different sense. That is because the panopticon is now considerably more than a brick and mortar edifice, but is also easily the leading scholarly model or metaphor for analysing surveillance. In this latter role the panopticon has also become oppressive. The sheer number of works that invoke the panopticon is overwhelming. More problematically, the panoptic model has become reified, directing scholarly attention to a select subset of attributes of surveillance. In so doing, analysts have excluded or neglected a host of other key qualities and processes of surveillance that fall outside of the panoptic framework. The result has been that the panoptic model has been over-extended to domains where it seems ill-suited, and important attributes of surveillance that cannot be neatly subsumed under the 'panoptic' rubric have been neglected.

Analysts familiar with the work of Thomas Kuhn will detect some suggestive resonances between the current situation of surveillance studies and Kuhn's understanding of the operation of 'normal science'. Rivalling Foucault's *Discipline and Punish* as one of the most important

books of its generation, Kuhn's *The Structure of Scientific Revolutions* (1970) advances a non-rationalist model for understanding scientific change. Central to his approach is the notion of paradigms, which are exemplars of research practice (Hoyingen-Huen 1993; Horwich 1993). In the day-to-day world of normal science, researchers uncritically employ and extend such models, using them as established examples of good practice. Indeed, for Kuhn, it is the acceptance of shared paradigms which makes normal science possible.

As normal science progresses, it inevitably produces a number of anomalous counter-instances. Such anomalies are not easily assimilated into the paradigm and are typically set aside as curiosities to be explained in the fullness of time within the existing paradigm. If the anomalies persist, increase in quantity, arrive with increasing frequency or are simply too weighty to ignore, then the field is primed for a paradigm shift. In such a context, research becomes more speculative and wide-ranging as researchers explore alternative models that might help explain the anomalies. When a new model is finally embraced, the field undergoes a paradigm shift. The old exemplar is abandoned as a new model for future inquiry comes to command the field. Such shifts are not exclusive to world-historical scientific revolutions, but can also characterize developments in a professional subspecialty (Kuhn 1970: 49). Scientific communities do not embrace new paradigms because they solve the pressing issues of their field, but because they offer a suggestive promissory model for future inquiry. Their major achievement is to serve as the foundation for future research practice.

The field of surveillance studies now mirrors the situation of a normal science on the cusp of a paradigm shift. For a quarter-century the panopticon has been the exemplar for inquiries into surveillance. In the process, however, a host of anomalous findings have emerged that do not match what is conventionally understood to be the panoptic model of surveillance. My analysis here details some, but by no means all, of the important anomalies that do not fit that orientation. It suggests that these are sufficiently numerous, weighty and significant to reveal the panopticon to be of limited relevance for appreciating the contemporary dynamics of surveillance. The concluding discussion articulates some reservations about the prospect or desirability for the emergence of a new model for understanding surveillance, proposing instead that surveillance studies conceptualize surveillance in relation to particular governmental projects.

Yet another tour of the panopticon

Eighteenth-century social reformer Jeremy Bentham (1995) proposed the panopticon penitentiary as a utopian project for curing a number of social ills. It had a unique architectural form which sought to maximize the visibility of inmates through the arrangement of space and the play of lighting. Inmates would be isolated in individual cells that circled a central observation tower. Guards in the tower could monitor the inmates while themselves remaining unseen. In this way a few watchers could scrutinize the behaviour of many inmates.

This system of visibility was to operate in conjunction with explicitly articulated behavioural norms in an effort to transform an inmate's behaviour. Hence, it was essential that prisoners be aware that at any given moment they were, or might be, under scrutiny. This constitutes the disciplinary component of the panopticon, which sought to instil a form of productive 'soul training' designed to encourage an inmate to reflect upon the minutia of their behaviour in a subtle and ongoing effort to transform their selves in prescribed directions.

Foucault's (1977) discussion of the panopticon is a brilliant analysis of the particularities of this unique architectural project. However, if that were the extent of his ambitions it is unlikely that his work would have circulated beyond a handful of historians and criminologists. It certainly would not have emerged as one of the most popular concepts in contemporary social thought if Foucault had not also proposed that the principles inherent in the panopticon themselves served as a model for understanding the operation of power in contemporary society. Consequently, he claims that the panoptic schema 'was destined to spread through the social body; its vocation was to become a generalized function' (Foucault 1977: 207). Panoptic schemes, following Foucault, become a principal means for managing a host of different populations through the dispersion of disciplinary power more generally.

My reservations are with how this claim to generalization has been embraced in the study of surveillance. It is a profound understatement to say that the panopticon dominates the study of surveillance. This influence takes various forms. Most common are those analyses which detected panoptic attributes in any number of surveillance arrangements, extending panoptic thinking to various new domains. Others have drawn attention to how computerization has augmented longstanding bureaucratic ambitions through processes of 'dataveillance', and advanced the notion of an 'electronic panopticon' to recognize the important role played by these new technologies in the routine operation of surveillance (Lyon 1994; Gordon 1990). Others have suggested that

the sheer expansion in the volume of contemporary surveillance calls for a radicalization of Foucault's thesis, and proposed the notion of a 'superpanopticon' to recognize this escalation in the volume of social monitoring (Poster 1990: 93).

Recently there has been a distinct shift towards a more critical tone in the literature. More authors are self-consciously accentuating the limitations of the panopticon for understanding contemporary surveillance (Bauman 1992; Yar 2003). Roy Boyne (2000), for example, outlines a number of reasons why the panopticon model might not fit contemporary dynamics in surveillance and power more generally. He concludes by suggesting that analysts can best visually represent this problematic relationship by placing the terms 'panopticon', 'panoptical' and 'panopticism' under erasure – drawing a line through them as a way to simultaneously represent their presence while denying their continuing relevance. Nonetheless, by even his own account, Boyne believes that the panopticon can still serve as a model against which to compare contemporary developments in surveillance and power relations (2000: 303).

In addition to the superpanopticon, electronic panopticon and post-panopticon, there are references to the 'omnicon' (Goombidge 2003), 'ban-opticon' (Bigo this volume), 'global panopticon' (Gill 1995), 'panspectron' (De Landa 1991), 'myoptic panopticon' (Leman-Langois 2003), 'fractal panopticon' (De Angelis 2001), 'industrial panopticon' (Butchart 1996), 'urban panopticon' (Koskela 2003), 'pedagopticon' (Sweeny 2004), 'polyopticon' (Allen 1994), 'synopticon' (Mathiesen 1997), 'panoptic discourse' (Berdayes 2002), 'social panopticism' (Wacquant 2001), 'cybernetic panopticon' (Bousquet 1998), and the 'neo-panopticon' (Mann, Nolan and Wellman 2003). These proliferating opticons signal the point that I am accentuating. Each new 'opticon' points to a distinction, limitation, or way in which Foucault's model does not completely fit the contemporary global, technological or political dynamics of surveillance. At the same time, the inability to abandon the metaphor signals that the panopticon now stands for surveillance itself. At times it appears that characterizing surveillance as 'panoptic' is little more than a force of habit as opposed to a sober evaluation of whether the surveillance practices under description conform to Foucault's (or Bentham's) model. This is distinctive of this particular moment in the study of surveillance – a moment that might be short-lived, or might extend for many more years – characterized by a deeply ambivalent relation to the panopticon.

Ultimately, we arrive at a situation distinguished by a host of different stances towards the panopticon and panoptic processes, ranging from

straightforward extensions of this model to more critical efforts to place the concept under erasure. Nonetheless, Bentham's famous design still retains pride of place in studies of surveillance. My position here is more extreme, as I believe that changes in surveillance processes and practices are progressively undermining the relevance of the panoptic model for understanding contemporary surveillance. Foucault continues to reign supreme in surveillance studies and it is perhaps time to cut off the head of the king. The panoptic model masks as much as it reveals, foregrounding processes which are of decreasing relevance, while ignoring or slighting dynamics that fall outside of its framework. The following analysis details this claim through an examination of several attributes of contemporary surveillance which exceed the express dynamics of panoptic surveillance.

Purposes of surveillance

For Foucault, panoptic surveillance serves both immediate and more general purposes. In the first instance its 'soul training' component seeks to transform individuals such that they shape their behaviour in prescribed directions. Hence, the panopticon's 'major effect' was 'to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power' (Foucault 1977: 201). The more general purpose of this transformation was related to a unique historical context; specifically to the requirements of industrial capitalism which sought to instil in the labouring classes a distinctive temporal and bodily discipline which meshed with the routines of the emergent factory system (Thompson 1991).

Since Bentham's initial formulation, one of the greatest changes in the operation of surveillance has been the proliferation of new purposes for surveillance, many of which transcend the functions initially envisioned for the panopticon. In some ways this connects with both Foucault's and Bentham's interest in the panopticon, as both saw it as an ideal form that could be enlisted in the service of various functions, including education, medical treatment and punishment. All such projects, however, share a common rationalizing thread in that they sought to foster gains in the efficiency and economy of power. Surveillance now serves a host of other purposes.

As Bauman (1992) has observed, a key transformation in the wider context of panopticism has been the development of an increasingly global transnational capitalism. Greater automation, computerization and the ability to rely upon unskilled and semi-skilled workers in other

countries has reduced the needs for unskilled domestic labour. This, in turn, reduces the impetus towards incorporating the 'dangerous classes' into the workforce. Even a cursory glimpse at the routine operation of contemporary penal regimes reveals that disciplinary strategies designed to reintegrate inmates into society and the labour market have largely been abandoned in favour of forms of surveillance in the service of social exclusion. Such visibility marks the boundaries between those who are seduced into mainstream society through market processes and the global capitalist system, versus those who are abandoned to their fates in the warehouses of the modern prison industrial complex (Garland 2001).

Outside of the prison, surveillance is used for a plethora of projects, including deterrence, consumption, entertainment, titillation, health promotion, education, governance, accountability, child-rearing and military conquest (Haggerty 2006; Dandeker 1990). While surveillance regimes are designed with particular purposes in mind, they often evolve in unanticipated ways. Uses are not necessarily established in advance, but are emergent, resulting from the creative insights of individuals who envision novel possibilities for systems developed for entirely different purposes. Hence, at the societal level, it is increasingly difficult to suggest that surveillance serves a single coherent purpose, such as 'social control', or even a limited set of purposes.

This proliferation of surveillance has also meant that more and more people at home, work or leisure are constituted as viewers. Such surveillance is not just a function of rationalizing regulatory projects, but can also be enjoyable. Both watching others and exposing oneself can, at times, be pleasant entertainment activities, and are themselves occasionally part of larger processes of identity formation. Web blogs, for example, allow for a leisurely scrutiny of the ruminations and images of otherwise unknown individuals through access to texts and images that were previously embedded in private settings such as diaries, or available only through interpersonal rituals of access and revelation, as with family photograph albums. The proliferation of 'reality' shows suggests the extent to which watching others subject themselves to a remarkable degree of public scrutiny can itself be a pleasurable activity (Doyle 1998). In her analysis of webcams, Koskela (2004) suggests that for women who are continually cautioned and badgered about the dangers of revealing too much in inappropriate contexts, acts of revelation can themselves be experienced as a form of empowerment. That surveillance can be experienced from both sides of the lens as 'fun' or liberating does not fit neatly within the preoccupations of the panoptic model.

Hierarchies of visibility

The types of surveillance accentuated in the panoptic model typically involve the monitoring of people who reside at a lower point in the social hierarchy; with physicians monitoring patients, guards watching inmates and supervisors keeping an eye on workers. In this, it is reminiscent of the functioning of a microscope, where specific marginalized or dangerous groups are situated under the unidirectional gaze of the powerful who can watch while remaining unseen by their charges.

While powerful institutions continue to use surveillance to scrutinize less powerful groups, an exclusive focus on that dynamic elides a vital development in contemporary surveillance. Traditional hierarchies of visibility are being undermined and reconfigured. Surveillance is not directed exclusively at the poor and dispossessed, but is now omnipresent, with people from all segments of the social hierarchy coming under scrutiny according to their lifestyle habits, consumption patterns, occupations and the institutions with which they are aligned (Nock 1993). This increased visibility of the powerful is most apparent when individuals are transformed from respected citizen to social pariah. At those junctures the reams of data about the behaviours, actions, communications and movements of powerful individuals – much of which was arguably always available for media and official scrutiny – is capitalized on. Surveillance then undergoes a qualitative transformation from routine recording and analysis of aggregate trends to a motivated scrutiny of the documentary traces and data doubles that proliferate around powerful individuals (and most everyone else) as they go about their daily affairs. The multiplication of the sites of surveillance ruptures the unidirectional nature of the gaze, transforming surveillance from a dynamic of the microscope to one where knowledge and images of unexpected intensity and assorted distortions cascade from viewer to viewer and across institutions, emerging in unpredictable configurations and combinations, while undermining the neat distinction between watchers and watched through a proliferation of criss-crossing, overlapping and intersecting scrutiny.

Surveillance, nonetheless, continues to play an important role in establishing and reinforcing social inequalities. Groups are differentially positioned to be able to exploit these surveillance potentialities, and their abilities to do so are often structured according to traditional social cleavages. Nonetheless, today there is undeniably a greater visual and documentary scrutiny of the powerful than at any point in

the past. New technologies contribute to this transformation. The Web, for example, now provides opportunities for a virtual archaeology of the documentary traces of the powerful. The mass media have fostered a form 'synopticism', whereby the many are able to monitor the few (Mathiesen 1997). Citizens can scrutinize the demeanour, foibles and idiosyncrasies of powerful individuals to an entirely unprecedented extent. This is no minor development, and we are only on the cusp of appreciating the implications of this change. It raises questions about potential transformations to the politics of surveillance. If, as seems to be the case, powerful agents become increasingly attuned to the degree of scrutiny to which they are subjected and the reams of information they inadvertently surrender on a regular basis, they will likely develop a self-interest in the politics of surveillance. Previously this was something that they were free to ignore because they correctly assumed that such issues were predominately a concern of the poor and dispossessed. One scenario for the possible implications of this development would see privacy becoming yet another marker of class privilege as powerful groups secure spaces of comparative privacy for themselves, while leaving the poor ever more exposed to scrutiny. A countervailing tendency, however, would anticipate that the entrance of powerful individuals into the politics of surveillance in self-interested efforts to secure some modicum of personal privacy might inadvertently offer other groups a host of new legal, technological or discursive resources that they can exploit in their own struggles against surveillance.

Targets of surveillance

Panoptic surveillance is fundamentally concerned with monitoring people. However, in the contemporary context, an exclusive concentration on studying the processes whereby humans are observed neglects an enormous volume of surveillance. An electronic clipping service, for example, sends me a list of references to articles published on the topic of surveillance in the past week. This usually amounts to about 45 references, and only a fraction of them deal with monitoring human beings in any conventional sense. The majority of these articles document surveillance developments in the world of science and medicine, with titles such as 'Modeling Human Cancer Genotype-Phenotype Correlations in Mice', 'Low Grazing Angle Radar Imaging Experiments Over the South Falls Sandbank', and 'Epidemiologic Surveillance and Disease Control'.

Science studies have done an excellent job of accentuating the place of systems of visible scrutiny in the development of Western science (Rouse 1993; Lynch 1985). Much of this surveillance is not directed at humans; although this point must be qualified. Humans can be implicated in some of these processes in a more tangential fashion, as is the case with the massive global system for disease surveillance which records the presence of various classes of microbes. This documentation usually commences by some form of disassembling of their microbial hosts, which are often human, such that microbes can be detected, isolated and rendered into various forms of inscription. However, within surveillance studies little attention seems to be paid to the scrutiny of these human/technological hybrids (Haraway 1991), and much less attention has been directed to the scrutiny of entities which we might agree are entirely non-human.

Given the sheer volume of surveillance directed at non-human phenomena, the neglect of such practices represents a serious oversight. Advances in satellite imaging, for example, now allow for a remarkable scrutiny of the planet. While such systems can certainly be used to monitor human behaviour, they are more routinely used to detail the distinctive heat signature of specific crops or the natural devastation brought by tsunamis. The fact that these and other devices monitor non-human entities does not reduce their social significance, but raises a host of complicated normative issues. On the one hand, the proliferation of inexpensive sensors has spurred scientific efforts to tag any number of natural entities, from trees, to bears, to whales. Such tagging contributes to an expanding natural inventory, often motivated by efforts to transform unknown 'wild' phenomena into 'natural resources'. As such, these developments raise questions about how advances in the surveillance of nature might transform our conception of 'nature' or 'wildlife' and whether new abilities to visualize and document nature mark an important quantitative development in the centuries-old ambition by 'man' to secure dominion over the natural world. On the other hand, the surveillance of nature has occasionally brought profound social benefits. Consider the monitoring of animal-borne microbes that can infect humans. A case can be made that such surveillance has monumentally benefited the human species and secured the viability of particular human communities. The panoptic model does not seem to have inspired many analysts to explore the social and political implications of these and other forms of the surveillance of nature.

Agents of surveillance

Who or what conducts surveillance? Echoing his focus on the human targets of surveillance, Foucault directs our attention to the human guards sitting unseen in the central tower. While in an ideal panoptic setting humans need not be present for the system to function, entirely absent from Foucault's account is the use of new information technologies. Foucault's failure to foreground new surveillance technologies clearly presents difficulties for contemporary analysts keen to understand the technologization of surveillance which has arguably been the most distinctive development in this area in the past half-century.

Certainly, the panopticon is a form of technology, but in concentrating on the play of architecture in establishing systems of visibility, it provides little guidance for examining the place of the new information technologies which are now central to the dynamics of surveillance. Typically, analysts respond to this omission by reading panoptic attributes into the operation of advanced surveillance technologies. However, the specifics of many such technologies are sufficiently unique as to raise their own questions about the dynamics of surveillance which transcend the panopticon. Surveillance is now conducted using sensors, satellites, biometric devices, DNA analysis and chemical profiling. Developments in nanotechnology promise to produce armies of microscopic seeing machines. The operative dynamics of these and assorted other surveillance devices only appear to be tangentially panoptic.

In recent years budget pressures, combined with the high costs of training and maintaining human agents, the inherent unreliability of such agents, and the prospect of efficient inexpensive monitoring technologies has reduced the ratio of human-to-technological monitoring. Moreover, the role of humans increasingly involves monitoring the technologies that scrutinize the behaviours of other people, places and things, which are positioned at considerable distance. Some of these devices display a form of technological agency, automatically initiating responses when they detect motion, heat profiles, sounds, or pre-established informational thresholds and data configurations.

On the one hand, Foucault can be excused for not attending to new surveillance technologies. His empirical focus was on developments in the eighteenth-century; long before any of these devices existed. However, in another sense, Foucault's neglect of contemporary technology cannot be dismissed so lightly. Foucault was not a historian exclusively interested in understanding developments characteristic of a particular time period. His historical preoccupations were part

of a project to write the history of the present as a means to detail contemporary power relations. In that respect, he does not have recourse to the historian's justification that recent developments antedate his time period, and are therefore not his concern. Moreover, it is worth noting that the most lasting and prescient image of the place of information technologies in contemporary surveillance was provided by Orwell (1949), who wrote decades before Foucault and the full flowering of new visualizing technologies.

Even if we remain within the realm of surveillance conducted by humans, however, Foucault's panopticon has another limitation. Specifically, what are we to make of the particularities of the agents conducting surveillance? Foucault's concluding comment in his 'Eye of Power' interview (1980: 164) suggests that it might not matter who sits in the central tower, as the effects on the subject of surveillance are identical irrespective of who is doing the watching. This claim can be taken either as a misstatement related to his limited focus on the operational and functional dynamics of the panopticon and his desire to move beyond a sovereign model of power, or it is a simple mistake. In either case the panoptic model provides no sustained account of the role or importance of the watchers.

The myriad manifestations of contemporary surveillance make it abundantly clear that it matters enormously who is actually conducting surveillance. Surveillance of both people and things is typically a component of larger projects associated with a host of potential responses and interventions. The attitudes, predispositions, biases, prejudices and personal idiosyncrasies of the observers can be vitally important in shaping the form, intensity and regularity of those responses. In the surveillance of nature, for example, it matters if wildlife is being monitored by agents of Greenpeace or members of the National Rifle Association. The importance of the subjectivities of the watchers in the surveillance of people is perhaps nowhere more self-evident than in relation to the proliferation of CCTV systems. Ethnographic research on such technologies reveals that their level of intrusiveness, the specifics of how particular groups are targeted, and the precise aims of monitoring, are all shaped by the personal attributes of surveillance agents. So, as Norris and Armstrong (1999) have demonstrated, the racial prejudices of CCTV operators become manifest in disproportionate scrutiny of particular ethnic groups. Moreover, the fact that most operators are male often transforms ostensible security devices into a form of technological gendered objectification. Indeed, Foucault's failure to contemplate the specific characteristics of the operatives conducting surveillance contributes to his notable silence on how a masculine gaze

can operate as a mechanism of sexualized objectification. Hence, it is profoundly important whether the people who operate surveillance systems are members of the Canadian Security Intelligence Service, the American Civil Liberties Union or the Ku Klux Klan.

Dynamics of surveillance

The targets of surveillance as depicted in *Discipline and Punish* are largely passive. What little agency they display is directed inward upon themselves in the form of an almost inevitable process of acquiescent 'soul training'. The movement of panoptic principles into new settings is presented as entirely frictionless. Surveillance appears to proliferate because it represents a self-evident increase in the functionality of power. Entirely missing from this account is any sense of a surveillance politics. Focusing exclusively on the panopticon as an idealized model of power, Foucault elides the fact that even in Bentham's day the panopticon was ultimately an unsuccessful political project, with Bentham serving as the failed lobbyist for his utopian architectural dream.

Today a multifaceted surveillance politics operates at different societal levels, and manifests itself in complex forms and dynamics (Haggerty and Ericson 2006). Most obviously, surveillance developments are now routinely counterpoised to some form of privacy rights and civil liberties discourse, with privacy having been institutionalized as a component of the state apparatus. Surveillance politics also includes processes of public claims-making, civil disobedience and more theatrical and artistic interventions designed to eliminate or mitigate the perceived excesses of surveillance (Levin, Frohne and Weibel 2000). Individuals who are intimately aware that they are under scrutiny often respond through a creative politics of space, demeanour and productive resistance which becomes part of their day-to-day routine (De Certeau 1984; Moore and Haggerty 2001; Gilliom 2001). While there are reasons to remain skeptical about the potential for such efforts to seriously challenge the proliferation of surveillance, they nonetheless comprise an important social dynamic and constitute part of the legal and discursive context for the operation and proliferation of surveillance which is outside of the scope of Foucault's analysis.

Foucault stressed the importance that individuals must be conscious that they are under scrutiny, as without such an awareness there is no pressure towards 'soul training'. That dynamic is still operational. That said, many prominent surveillance projects can achieve their goals without fostering such a self-awareness. Indeed, there are often sound political or

commercial reasons for not revealing that you are conducting surveillance, the extent of such scrutiny or the categories used in such monitoring. One of the more startling revelations for instructors of courses on surveillance is the degree to which students are routinely unaware of the degree of scrutiny to which they are subjected. This is particularly true in relation to dataveillance, where citizens are typically only dimly cognizant that their consumption practices, movements and communication patterns are recorded, and largely oblivious to the intensity of this monitoring, its precision, or how such information is used.

Normative coding

In his wider body of work Foucault is famously ambiguous about his normative evaluation of the historical transformations in the operation of power/knowledge that he details. His preferred stance is that the developments he analyzes are 'dangerous' rather than being good or bad (Foucault 1983). His discussions of the panopticon, however, abandon such ambiguity in favour of an account that accentuates the disturbing and coercive attributes of panopticism. Most succinctly, he asserts that '[V]isibility is a trap' (Foucault 1977: 200), and refers to the panopticon's 'diabolical' character, suggesting that it amounts to 'a cruel, ingenious cage' (Foucault 1977: 205). Such concerns about surveillance are not unique to Foucault. However, in reproducing and augmenting this normative stance, Foucault further emphasizes surveillance's more dystopian potentials.

Surveillance studies replicate this normative orientation. The approach of many surveillance scholars involves a form of hermeneutics of suspicion whereby new developments are read negatively as involving inevitable and often cunningly devious expansions and intensifications of surveillance in the service of social control. Consequently, surveillance initiatives are routinely presented as raising disconcerting civil libertarian issues. Such studies are important, but in terms of developing an appreciation for the operation of the totality of contemporary surveillance, they are also severely limited. Once we recognize the incredible range of projects in which surveillance is deployed, it is apparent that surveillance studies tend to neglect surveillance practices that might be accepted as a positive development. Hence, there are few studies, for example, of surveillance as part of a global system of infectious disease control or surveillance in parenting, which might accentuate the positive and essential attributes of such scrutiny (Lyon 1994).

One reason why surveillance studies tends to shy away from studying forms of surveillance that might be acknowledged to be a 'good thing' relates to the fact that surveillance scholars are trained in a tradition of critique. Acknowledging and emphasizing the potentially positive uses of surveillance practices risks moving the analysis from critic into advocate and claims-maker on behalf of the system itself.³

The hermeneutics of reading Foucault

Originally designed by Bentham, the panopticon is now inextricably linked to Foucault's work. Reference to Foucault pervades surveillance studies, with many analysts having come to this topic through an interest in Foucault's philosophy. This gives the field a considerable degree of theoretical rigour, but it also contributes to some characteristic difficulties in efforts to employ the panopticon to analyze contemporary surveillance.

A by-product of the intense scholarly interest in Foucault has been the development of a voluminous secondary literature of analysis, interpretation and explication. Driven by a desire to foster a more nuanced understanding of Foucault's work, this literature also, paradoxically, can serve as a vehicle for bewilderment. This is due to the familiar dynamic whereby important thinkers routinely spur a series of interlocutors, many of whom produce accounts that the author him/herself would find entirely alien to their intentions or even explicit positions. In the case of Foucault, the quest for novel readings and interpretations has produced a mass of texts that are often in tension with one another or entirely contradictory.

Faced with this unmanageable secondary literature, the temptation is to purify, to filter out the interpretations in an effort to concentrate on the 'pure' Foucault. Rather than encountering such an entity, however, one finds that assembled under Foucault's name are in fact a multiplicity of Foucaults. A host of Foucault's books, articles, interviews, lectures and correspondence provide a sometimes subtle, and sometimes quite dramatic, different gloss on his positions. Rather than helping to bring us closer to Foucault's true meanings, these texts instead offer up a seductive invitation to immerse oneself ever more fully into his wider *oeuvre*.

Consider, for example, my earlier claim that a limitation of Foucault's panoptic model is that it does not contain an image of resistance. A Foucault scholar might correctly respond that resistance is, in fact, a key theme in Foucault's work. While this is undoubtedly the case, it is also

true that the issue of resistance arrives comparatively late in Foucault's corpus. His famous statement that 'Where there is power, there is resistance' (Foucault 1978: 95) appears in volume 1 of the *History of Sexuality* which was published several years after his panoptic writings, and was partially a response to the persistent accusation that his prison book often appeared despairing because of a lack of any notion of resistance. The same dynamic is also in operation in relation to my earlier claim that Foucault's panoptic writings contain no suggestion as to the pleasurable aspects of surveillance. While it is certainly true that pleasure becomes an important topic in Foucault's final works, this theme is not evident in his panoptic writings.

For our purposes, this raises the question of whether the panoptic model of surveillance can be found self-contained within Foucault's explicit writing on this topic, or whether it must be informed by insights from his wider *oeuvre*. If it is the former, then it does not seem to entail a model of resistance, pleasure or any of the other phenomena and practices detailed in this chapter. If it is the latter, and the fixation on the panoptic model has adumbrated our relationship with Foucault, requiring us to interpret Foucault's work in the context of his entire theoretical project, this introduces a further layer of interpretive ambiguity due to the characteristically developmental nature of Foucault's thought. Foucault changed his mind; the genealogies differ substantially from the archaeologies and his writings on such key concepts as power, discourse, subjectivity, as well as the relationship among different models of governance, have evolved. Hence, rather than serving as a self-evident means to clarify important points, the strategy of turning to Foucault's wider *oeuvre* suggests many more layers of interpretive openings. Such is clearly the case with his writing on the panopticon and surveillance more generally. Elden (2003) for one, argues that rather than the panopticon being Foucault's definitive statement on surveillance, an examination of his wider *oeuvre* suggests that the panopticon was just one moment in an ongoing and evolving focus on practices of visibility (see also Simon 2005). Alternative models of surveillance are apparent in his works on biopower and in his brief, but suggestive, comments on the menagerie and on plague surveillance in *Discipline and Punish*.

Complicating all of this are the occasional suggestions that translation problems inevitably handicap or thwart English-language readings of Foucault. To truly understand Foucault, this argument goes, one must read the original French texts and ideally have an appreciation for the unique dynamics of the French academy. Indeed, translation issues arise fairly frequently in surveillance contexts when commentators

accentuate how the English title *Discipline and Punish* downplays the centrality of surveillance apparent in the original French title *Surveiller et punir*.

Notwithstanding the proliferation of reified one-paragraph summaries of Foucault's panopticon, it is apparent that invoking the panopticon does not easily refer to a self-evident model of surveillance that can simply be applied to different contexts. The more one dwells on the panopticon and immerses oneself in both the original texts and the secondary literature, the more conflicting interpretations one encounters, and the more questions emerge. Foucault's truths on this matter are continually deferred, and often highly contested, accentuating the fascinating complexity and open-endedness of his thought. It also suggests that 'Foucault on surveillance' is a plurality; a series of open-ended texts amenable to multiple creative readings.

These interpretive layers and ambiguities do not in themselves represent a problem that one might hope to rectify, but simply characterize the scholarly relationship with key authors. The importance for surveillance studies, however, pertains to the now common scenario whereby a discussion about surveillance devolves into passionate debate about Foucault himself – what he said, what he meant, and how he should be understood. Such exchanges marshal the full repertoire of interpretive schemata listed above, including appeals to different readings in the secondary literature, illuminating comments made in interviews, pleas for an appreciation for his wider project, differentiating contradictory statements across different texts and advocating for the necessity to read the original French texts. Occasionally accusations that someone has gotten Foucault 'wrong' emerge – a profoundly ironic claim given Foucault's post-structuralist leanings. Such hagiographic battles are often enjoyable and occasionally illuminating. However, there is also a key point in such exchanges beyond which discussion moves from *theorizing surveillance* into a form of Foucault studies.

For my purposes, I am not concerned with unearthing Foucault's final truths, but instead embrace his more pragmatic orientation, encapsulated in his statement that 'I would like my books to be a kind of tool-box which others can rummage through to find a tool which they can use however they wish' (Foucault 1994: 523). Such has been my orientation in evaluating the continuing relevance of the panopticon, suggesting that as an analytical tool it might no longer be well suited for understanding the complexity and totality of contemporary surveillance dynamics.

Discussion

The above analysis indicates that the panopticon is often introduced as a cliché, and in being increasingly reified has nearly exhausted its creative potential as a model for understanding surveillance. Exemplars as firmly entrenched as the panopticon, however, are not displaced in the absence of a new model that helps explain conspicuous anomalies and offer suggestive possibilities for future research and theorizing. In recent years a series of new candidates for understanding surveillance have been proposed, including Bogard's (1996, 2006) emphasis on 'hypercontrol', Lyon's (2003) notion of 'social sorting' as well as the model of the 'assemblage' advanced by Richard Ericson and myself (Haggerty and Ericson 2000). All of these are serious contenders for a successor to the prevailing model for thinking about surveillance. Rather than conclude by championing the model developed by Ericson and myself, however, in the tradition of contrarian thought, and of analyzing complex topics in a complex fashion, I would instead like to offer some reservations about the prospect or desirability of developing a successor model to characterize the operation of contemporary surveillance.

The term 'surveillance' is itself an analytical category, and like all such categories, is a simplifying device. It suppresses a world of specific differences under a broader rubric and involves an implicit claim that, irrespective of individual variations, the instances subsumed under the category are sufficiently similar that they warrant being considered as part of the same grouping. In the case of the analytic category of 'surveillance', however, the boundaries of that classification now risk being stretched beyond all recognition. Hence, I am wary of the prospect of developing a model of surveillance that can usefully be generalized to all or even a considerable number of surveillance contexts. It is already difficult to make confident declarations about surveillance of the type: 'surveillance is used for...' 'surveillance operates by...' or 'the effects of surveillance are...'. All such claims must be endlessly qualified due to the sheer complexity of surveillance, as manifest in the multiplication of its aims, agendas, institutions, operational forms, objects and agents. It has become profoundly difficult to say anything about surveillance that is generally true across all, or even most, instances.

There is, however a potentially useful way forward which is itself inspired by Foucault's larger body of work. In particular, there are connections with the now extensive body of research on governance and governmentality (Barry, Osborne and Rose 1996; Burchell, Gordon and Miller 1991; Dean 1999; Foucault 1991) which have an important

place for the study of surveillance. Before such a connection can be entirely forged, however, researchers must reconsider some of the methodological and substantive limitations that governmental theorists have imposed on their own work.

Studies of governmentality are not involved in the study of government, which typically refers to the operation of the formal state apparatus, legislatures and representative bodies. While the state is a key actor in many governmental projects, governance is also enacted and coordinated by extra-state agents such as corporations, non-governmental agencies, international bodies and community groups. Studies of governance also avoid sweeping declarations about the nature of governance characteristic of an entire state or society. Instead, they focus on the particularities of governmental projects, each of which involves characteristic efforts to pattern the behaviour of people in prescribed directions. Each governmental project can, in turn, be analyzed in terms of its specific rationalities and technologies. Governmental rationalities consist of the conscious reflections on the aims and ambitions of governing – how governance is understood from the position of governing agencies. Governmental technologies are the assorted tools used to achieve those governmental ambitions, and can include such varied phenomena as architectural forms, accounting formulas and surveys.

Studies of governance also forgo suggesting that all governmental projects are involved in an inevitable process of social control. In this they are in accord with Foucault's larger body of work which takes an ambivalent normative stance to changes in the dynamics of power. While governance inevitably involves efforts to persuade, entice, coerce or cajole subjects to modify their behaviour in particular directions, the targets of governance are understood to be a locus of freedom, although this freedom is inevitably bounded by various constraints. Nonetheless, the emphasis on subjects as active agents suggests that all governmental projects entail opportunities for resistance, avoidance or subversion.

Even this extremely cursory summary of the governmental approach suggests a number of resonances with the study of surveillance. One of the most important connections relates to the fact that the practice of governance is knowledge dependent. Governing a specific population requires an intricate knowledge of its particularities, tendencies and inclinations. This emphasis on the operation of knowledge, along with an understanding of the importance of different technologies for conceptualizing and executing governmental ambitions, places practices of visibility at the forefront of governmental practices. To be known,

objects of governance must be rendered into some representational form, such as image, text or data; phenomena which are central to the concerns of surveillance scholars. Indeed, surveillance in various forms is recognized as being among the most important technologies of governance, as new ways of 'seeing' a population can open up new ways of conceptualizing the aims of governance and its practical possibilities.

The emphasis on particular governmental projects also restrains any desire to conceptualize surveillance *tout court* in favour of examining how particular systems of visibility are deployed in the context of specific governmental ambitions. It allows for a focused consideration of the aims, dynamics and rationalizations of particular surveillance projects. Such a focus can also mitigate the tendency towards forms of dystopian technological determinism that are often apparent in the surveillance studies literature. Combining a normatively ambivalent stance with a focus on particular governmental projects allows for the development of a more refined normative stance towards surveillance. Surveillance is neither good nor bad. We can only develop a meaningful normative position towards surveillance projects that are coordinated and calibrated in light of particular governmental ambitions. Such an emphasis also allows for analysis of the complexities and dynamics of contemporary surveillance politics, as citizens typically do not oppose or resist surveillance in the abstract, but express concerns about concrete manifestations or imaginings of how surveillance is or will be deployed for very specific purposes by particular institutions.

The understanding of citizens as active agents, combined with the frequent suggestion in this literature that governance has political dimensions (O'Malley 2004), suggest a clear place for the analysis of the politics of governance and attendant practices of resistance. However, to date, this line of inquiry has not been embraced, as doing so would entail breaching some of the methodological dictates established by key governmental authors. Having emerged from a Foucauldian framework, governmental studies have concentrated almost entirely on discourse analysis and have been reluctant to explore the nitty-gritty politics of governance or the experience of subjects. Indeed, almost all of these studies have followed Nikolas Rose's admonition that there is no such thing as 'the governed', but instead only 'multiple objectifications of those over whom government is to be exercised' (1999: 40). Rose also proposes that studies of governance should eschew sociological realism in order to concentrate on how authorities have conceived of what it means to govern, and how governance is made possible. Specifically, he suggests that studies of governmentality are exclusively concerned

place for the study of surveillance. Before such a connection can be entirely forged, however, researchers must reconsider some of the methodological and substantive limitations that governmental theorists have imposed on their own work.

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with 'the conditions of possibility and intelligibility for certain ways of seeking to act upon the conduct of others, or oneself, to achieve certain ends' (Rose 1999: 19). In this, governmental studies self-consciously exclude a series of important issues, including the actual operation of systems of rule and the relations among political actors (Rose 1999: 19). Unfortunately, in this quest for a form of methodological and epistemological purity, studies of governmentality inevitably forgo important lines of inquiry into the actual experience of being subjected to different governmental regimes. Studies of surveillance therefore can and should embrace many of the insights about governance advanced within this Foucauldian approach, while also reserving space for modestly realist projects that analyze the politics of surveillance or the experiences of the subjects of surveillance.

Finally, studies of governance also allow for greater reflection on the monitoring of non-human entities. This is apparent in the types of phenomena which are recognized as being subject to governmental ambitions which include a heterodox assortment of such things as pregnancy, universities, pain, and economic life. While governmental authors are only interested in non-human entities to the extent that the governance of things also entails efforts to shape the rationality of human conduct (Dean 1999: 11), there are opportunities to explore whether there is an inevitable relationship between the monitoring of non-human phenomena such as forests, animals and microbes, and efforts to regulate human actions.

Surveillance studies can therefore benefit from embracing a modified governmental approach. It offers a path forward for exploring many of the silences and omissions of the panoptic model, but without falling into the temptation of advancing a totalizing model of surveillance.

Notes

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- 2 Director, Criminology Program, University of Alberta, Department of Sociology, Edmonton, Alberta, Canada, T6G 2H4.
- 3 One often encounters calls for greater or more intensive surveillance practices directed at powerful interests and institutions such as the police, politicians and corporations. These are typically advanced by political economists and assorted activist communities, rather than from individuals who study surveillance *per se*.

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