

Electronic Journal of Sociology (2005)

ISSN: 1198 3655

Surveillance and Biopolitics

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Abstract

The paper addresses the relationship between contemporary modes of surveillance and biopolitics in terms of borders management. It is suggested that the shift from disciplinary society (panopticism) to control society (post-panopticism) is a problematic one in that the two modalities of power (discipline and control) are not mutually exclusive but coexist within the working of biopolitics and through the hybridisation of management techniques as is the case at the borders.

With the increasing uncertainties of post September 11 world, the issue of surveillance is given renewed importance through the discourses surrounding the proliferation of 'control' technologies and the rhetoric of (in)security pervading contemporary politics. Electronic technologies are seen to be intensifying the 'capacity' and ubiquity of surveillance creating 'new' forms of social control. Not that the newness of the current modes of surveillance is to be regarded from a merely ontological vantage point and especially not as 'a shift to a new type of society' (Rose, 1999: 237) *per se* but more so from the epistemic informationisation and hybridisation of control and monitoring facilitated by the spread of digital technologies which lend to the emerging trends of surveillance their label of newness while sustaining the existing *status quo* of society. Examples of these technologies include DNA fingerprinting, electronic tagging, drug testing, health scans, biometric ID cards and passports, smart closed circuit television, etc, all of which rely on algorithmic techniques as well as 'body parts' in order to perform their function of surveillance.

Whilst there is a myriad of issues pertaining to the phenomenon of surveillance, each of which deserve a thorough examination both theoretically and empirically, this paper will be mainly concerned with one specific aspect of surveillance and its relation to biopolitics and the ways in which surveillance stands as the emblem of the magnitude and dimension of that which constitutes the management of life and death. In so doing, the 'border' will be invoked as the principal example of the interwoven relationship between surveillance and biopolitics all the while drawing upon the work of Foucault and others in order to elucidate the theoretical foundations of the relationships as well as the existing juxtaposition of bodies and technologies at the border.

To begin with, and as proposed by Michel Foucault (2003 [1976]), the concept of biopolitics entails the notion of biopower which, unlike the theory of sovereign right ('to take life or let live'), is not concerned with the practice of power over the individual/social body but acts at the level of massification instead of individualisation (2003 [1976]: 243). It preoccupies itself with the notion of population in its multiplicity and on the global scale and thereby overrides the old right of sovereignty with that of 'to make live and to let die'. What characterises biopower is not so much discipline directed at 'man-as-body', as was the case in disciplinary society, but the will to control and regulate 'man-as-species' in a preventive way so much so that biological life becomes the main problem and the salient concern of politics. Biopolitics is the process by which biopower is exerted and life is managed with the aim to achieve 'equilibration', 'regularity' (Foucault, 2003 [1976]: 246) and 'normality' through mechanisms of control and modes of intervention which are 'immanent' (Hardt and Negri, 2000: 230, and Nancy, 1991: 3) to all areas of life and encompass a myriad of subtle practices operating at the level of *relations* between human beings.

This (historical/political) passage from *disciplinary* society to *control* society as Deleuze (in Hardt, 1998: 23, Rose, 1999: 233, and Hardt and Negri, 2000: 22-3) has it is what marks the fundamental shift from centralised power of institutions (such as prisons, schools, hospitals, family, etc) toward rhizomatic networks of control which proceed far beyond explicit disciplinary deployment of power to much more dynamic and implicit forms inscribed into the practices of everyday life. They are necessarily *less* authoritarian than the former mode of

coercive power (Hardt, 1998: 27). From Foucault and passing through Deleuze, it can be understood how what is in question is the dispersion and omnipresence of biopower within the various transactions, relations and flows which render individuals as 'dividuals' (Deleuze in Rose, 1999: 234) characterised by their capacities and identified by their pins, profiles, credit scoring, etc, rather than their subjectivities. This withering away of subjectivity is what makes biopower more effective and less obtrusive (Rose, 1999: 236). Without subjectivity, the possibility of resistance fades into the immanent arrangements and administrative operations of biopolitics.

It is in similar light that Foucault (2003 [1976]: 246) asserts that biopolitics does not intervene in a therapeutic way nor does it seek to individualise and modify a given person. This would entail the production of subjectivity itself. Instead it functions at the level of generality with the aim to identify risk groups, risk factors and risk levels, and therefore anticipate, prevent, contain and manage potential risk, all through 'actuarial analysis' and 'cybernetics of control' (Rose, 1999: 235, 237) rather than diagnostic scrutiny of the pathological individual. In such a model of power the state is no longer the sole agent of control but individuals/communities themselves participate in their own self-monitoring, self-scrutiny and, self-discipline through mundane and taken-for-granted regulatory mechanisms such as alcohol level testing, community care, technologies of contraception, vaccinations, food dieting, training and other forms of 'technologies of the self' (Foucault, 1988). These technologies of the self 'operate through instrumentalizing a different kind of freedom' (Rose, 1999: 237); different not in a quantitative sense but insofar as it comes part and parcel of a process of responsibilisation through which individuals are made in charge of their own behaviour, competence, improvement, security, and 'well-being'.

This passage from disciplinary society to control society is by no means a simple or a teleological one but delineates a shift wrought around a 'bewildering complexity' (Rose, 1999: 238). Attempting to trace sharp demarcation lines between discipline and control only paves the ground for a problematic insofar as, and in a 'concrete' sense, the two are not mutually exclusive but interwoven together within the fabric of everyday interactions while, at times, constituting a

Hegelian dialectic or, better put, a 'pseudo-Hegelian immediate coincidence of the opposites' (Žižek, 2004: 508). For whilst there are ostensible strategies of subtle bottom-up control, the disciplinary character of institutions and their top-down individualising regimes are far from being obsolete (Guantanamo Bay being the contemporary example *par excellence*). To deny the coexistence of the two is to reduce the complexity to illusionary divisions, to 'strategic essentialism' to appropriate Spivak's (1999) term, which may misread the entire edifice of the Foucauldian thesis, for Foucault himself acknowledges the possible *co-articulation* of the two mechanisms (discipline and control) within the two series of 'body-organism-discipline-institutions' and 'population-biological processes-regulatory mechanisms-State' (Foucault, 2003 [1976]: 250). Thus understood, the Deleuzian 'passage' would be better perceived as an ambivalent shift from 'fixity' toward 'mobility', as a 'displacement from dominant positions' (Hardt, 1998: 30, 32) instead of their entire disappearance, a 'metaphor' that introduces the crisis at the heart of disciplinary rule without completely disposing of it.

Carrying this metaphor into the realm of surveillance the passage from power to biopower, from politics to biopolitics, from discipline to control may as well be illustrated through and expressed within the passage from panopticism to 'post-panopticism' behind which the move from 'traditional' surveillance to 'new' surveillance lurks. Whilst we ought to be aware of the inherent problematic in pinning prefixes to these rather slippery conceptions/practices, we must nonetheless navigate for a moment through this metaphoric passage in order to return to that which we have set about to do i.e. to articulate the relation of surveillance to biopolitics- in terms of borders. Whilst there are many variations as to how one can read post-panopticism - as is the fate of all 'post-isms', we need, and for the sake of our inquiry, to resort to specific articulations whereby we might find ourselves lending electronic technology the primary feature without reducing the whole argument to technological determinism.

In a chapter called *Panopticism*, Foucault (1975) begins by outlining two major forms through which discipline and surveillance were exerted. The first being the spatialisation of the plague-stricken town by means of segmenting and immobilising space as well as placing individuals within enclosures and under

severe and permanent supervision. Such surveillance involves 'tactics of individualizing disciplines' (Foucault, 1975: 199) which proceed from a system of 'permanent registration' (registering the details of each inhabitant of the town) as well as mechanisms of distribution (in which each inhabitant is related to his place, his body and his condition) so that the disease is met by order, eradicating any confusion that may emerge out of the 'mixing' of bodies, be these living or dead. The second organisational form is that of the treatment of the leper which, unlike 'the plague and its segmentations', functions by means of separation and exclusion of the leper from the healthy community through mechanisms of 'branding', 'dichotomisation' and 'exile-enclosure'. From these two different images (plague and leprosy) which underlies the two different projects (segmentation and separation), Foucault goes on to explain the two ways of exerting (political) power: discipline on the hand (as is the case with the plague), and exclusion on the other (as is the case with leprosy). However, and despite the difference of the two modes, they are 'not incompatible ones' (Foucault, 1995: 199) for power functions by way of *excluding* the 'infected' (here, the image of the leper stands as an emblematic figure of 'beggars', 'vagabonds', 'madmen', etc, just as the image of the plague symbolises 'all forms of confusion and disorder') and *individualising* the excluded so much so that lepers (all those who are symbolised by this image) are treated as plague victims (all those who are caught up within disorderly spaces). Hence, power is but a concurrent amalgamation of the two forms, and according to Foucault, Bentham's *Panopticon* is *par excellence* 'the architectural figure of this composition' (1975: 200).

Bentham's utilitarian plan for a prison which is based on an observing supervisor placed in a central tower and who can see without being seen, serves as a compelling paradigm for the kind of surveillance that is intrinsic to the compound power of exclusion and individualization. As Elden (2002: 244) explains, the model of the Panopticon is where the space of exclusion (of the figurative leper) 'is rigidly regimented and controlled' (as is the case with the figurative plague victim). The idea that 'visibility is a trap' (Foucault, 1975: 200) (i.e. the presence of the tall tower at the centre does not necessarily mean the supervisor is watching), that 'collective' individualities are overridden by

separated 'individualities' (the treatment of lepers as a plague victims – the trinity of segmentation, individualisation and separation) and that power is 'unverifiable' (uncertainty about whether/when one is being watched), is what makes the model of Panopticon such a subtle and effective architectural apparatus. Power does not need to be enforced but merely 'internalised' through mechanisms of self-regulation. Such mechanisms render the observed as simultaneously the bearer (subject) of and the one subjected to power.

Not that the Panopticon is merely a method of observation devoid of other disciplinary modes of power but it is also a machine that could be used to 'carry out experiments, to alter behaviour, to train or correct individuals' (Foucault, 1975: 203) within a variety of institutional spaces, ranging from prisons to schools, hospitals, factories, etc. It is, hence, the way in which the metaphor of the Panopticon encapsulates different technologies and spaces of surveillance and discipline that Foucault places the notion of disciplinary society under the umbrella of panopticism in order to capture the diagrammatic strategies underlying power relations and in which 'positions' and 'identities' are fundamental features *vis-à-vis* the functioning of 'panoptical' surveillance.

Moving onto the concept of post-panopticism we now see how this idea may help to substantiate or contest the 'newness' of surveillance and the continuation or obsolescence of the Panopticon. According to Boyne (2000: 288), post-panopticism is a concept which 'allow the continuing pressure of general surveillance, but which will also declare that significant changes have taken place'. To elucidate what is entailed within this fluid and rather 'dubious' concept, Boyne (2000: 285) outlines some of the main arguments adopted by theorists against the use of the Panopticon as a model of understanding society:

displacement of the Panoptical ideal by mechanisms of seduction

redundancy of the Panoptical impulse brought about by the evident durability of the self-surveillance functions which partly constitute the normal, socialized, 'Western' subject

reduction in the number of occasions of any conceivable need for Panoptical surveillance on account of simulation, prediction and action before the fact

supplementation of the Panopticon by the Synopticon

failure of Panoptical control to produce reliably docile subjects.

Focusing largely on the increasing advances in information and communications technologies, each of these arguments stands, discreetly at least, as an attempt to articulate what Hardt (1998: 35) refers to as the 'Postcivil Condition' in which the shift from physical to electronic means 'heralds several profound changes in the nature and extent of surveillance' (Lyon, 1994: 55) as well as different control possibilities that (arguably) escape the Panopticon ideal. Nevertheless, such changes and possibilities tend to be mainly perceived in *quantitative* (Lyon, 1994: 56) terms i.e. with regard to the 'high' capacity, durability and transferability of electronic technologies of surveillance on the one hand, and the 'low' visibility of the observer on the other, leaving *qualitative* concerns unscrutinised. Seduction, self-monitoring, pre-emptive interventions, anticipatory preventions and so forth are all features enacted within the various practices of biopolitics and coherent with the state of technicism that characterises contemporary societies. However, the emergence of such strategies of 'risk management' by no means amounts to the redundancy of previous modes of discipline and control for this would (prematurely) entail that the 'end' of the Panopticon arrived *before* the end of the Panopticon itself (at this instant, Kafka's axiom springs to my mind 'the messiah will arrive one day after his arrival'). This instead raises an urgent need to understand the ways in which 'old' disciplinary' mechanisms are reconfigured and refashioned within the circuits of everyday existence.

The arguments leveled at the use of the Panopticon model tend to be based upon a misunderstanding of Foucault's use of this paradigm. As Rose (1999: 242) argues, panopticism did not produce 'terrorized slaves' nor did it model a prison-like society. Instead, self-managing individuals were formed through the process of power internalisation alongside a partitioning of responsibility between state and citizens. It is true though that the automatic and electronic character of new modes of surveillance is extending the dimensions of control far beyond the confines of physical inspection and observation, and it is also true that positions and identities are no longer paramount aspects of

surveillance (although in many cases, positions and identities are still the target of the gaze of surveillance). This, however, should not be confused with the formation of a (pseudo)post-disciplinary society in which the metaphor of the Panopticon is completely disposable insofar as panoptical and disciplinary mechanisms are still being deployed throughout a myriad of contemporary regimes (Hardt and Negri, 2000: 330) (see for example the treatment of so-called ‘terror aspects’, ‘asylum seekers’, ‘drug addicts’ and so on) which are immanent to various practices of *contingent* identification and *flexible* subjectivisation . Therefore, and as is the case with the passage from disciplinary society to control society, the passage from panopticism to the putative notion of post-panopticism may only function if perceived from the vantage point of mobility as opposed to fixity, and anonymity as opposed to individualization. Even then it should be borne in mind that this metaphoric passage is far from being devoid of ambivalence and contradictions. In fact, it only accounts for the ‘hybridisation of techniques’ (Rose, 1999: 144) and the ‘virtualisation’ of individuality ‘to which securitization of identity can appear as a solution’ (Rose, 1999: 242) as well as the ‘fixing’ of identity as we shall see through the case of borders. Such is the logic of post-panopticism, a logic that correlates to the overall functioning of biopolitics within the realm of control society, and one that remains in a perpetual oscillation between abstraction and materialisation, between the constellation of singular body and ‘species body’, coexisting amidst the apparatuses of command, control and access, and through the ruling of ‘a permanent state of emergency and exception’ (Hardt and Negri, 2000: 18, and Agamben, 1998).

Subtle, internalised, and smooth (but not all too smooth) as it is, (post)panoptical surveillance induces a certain conscious relation to the self and organises the ‘criteria’ for inclusion and exclusion (Rose, 1999: 243). Borders are thus the spatio-temporal zone *par excellence* where surveillance gives substance to the working of biopolitics and the manifestation of biopower. In this case mobility itself becomes intrinsically linked to processes of the ‘sorting’ of individualised citizens from massified aliens. We can almost forgive theorists such as Bauman (1998, in Boyne, 2000: 286) for wanting to articulate a dichotomous logic that hinges on the notion of border, for, at times and at least

with regard to circulation (that is, the circulation of ‘people’, for as far as ‘commodities’ and ‘capital’ are concerned, their free movement is encouraged and sustained by the global capitalist machine), the world seems to be divided into two. Those who have European/American/Australian/Canadian passports and those who do not. We all know all too well what difference this makes in terms of border crossing.

Nevertheless, such conceptualisation misses the point that borders are not merely that which is erected at the edges of territorial partitioning and spatial particularity, but more so borders are ubiquitous (Balibar, 2002: 84) and infinitely actualised within mundane processes of ‘internal’ administration and bureaucratic organization¹ blurring the dualistic logic of the inside and the outside on which Western sovereignty is calibrated. The point is that in addition to this crude dual division within the global world order there are further divisions, further segmentations, a ‘hypersegmentation’ (Hardt, 1998: 33) at the heart of that monolithic (Western) half which functions by means of excluding the already-excluded on the one hand and incorporating the already-included and the waiting-to-be-included excluded on the other. This is done more or less dialectically, more or less perversely, including and excluding concurrently ‘through a principle of activity’ (Rose, 1999: 240) and interwoven circuits of security. Surveillance is the *enduring* of exclusion for some and the *performance* of inclusion for others to the point where it becomes almost impossible to demonstrate one’s ‘inclusion’ without having to go through the labyrinth of security controls and identity validation, intensified mainly, but not solely, at the borders.

It is in similar contexts that Balibar (2002: 81) invokes the notion of ‘world *apartheid*’ in which the dual regime of circulation is creating different phenomenological experiences for different people through the ‘*polysemic nature*’ (Balibar, 2002: 81) of borders. For as we have discussed, borders are not merely territorial dividers but spatial zones of surveillance designed to

¹ Examples may include access to public health services and social benefits, applying for a National Insurance Number, applying for a bank account or credit cards, etc, insofar as these activities require a ‘valid’ identity i.e. documents which ‘secure’ that the person has the right to reside in the country.

establish 'an international class differentiation' and deploy 'instruments of discrimination and triage' (Balibar, 2002: 82) whereby the rich asserts a '*surplus* of right' (Balibar, 2002: 83) and the poor continue to exercise the Sisyphean activity of circulating upwards and downwards until the border becomes his/her place of 'dwelling' (Kachra, 2005: 123) or until s/he becomes the border itself. Sadly, to be a border is to 'live a life which is a waiting-to-live, a non-life' (Balibar, 2002: 83).

The biopolitics of borders is precisely the management of that waiting-to-live, the management of that non-life (the waiting-to-live and the non-life of those who are forcibly placed in detention centres), and at times, it is the management of death. The death of thousand of refugees and 'clandestine' migrants drowned in the sea (for instance, in the Strait of Gibraltar which is argued to be becoming the world's largest mass grave), asphyxiated in trucks (as was the fate of 58 Chinese immigrants who died in 2000 inside an airtight truck at the port of Dover), crushed under trains (the case of the Channel Tunnel) and killed in deserts (in the US-Mexican border for example). It is the management of 'bodies that do *not* matter'. It is the management of the bodies of those to whom the status of the '*homo sacer*' (Agamben, 1998: 8) is attributed. It is the management of those whose death has fallen into the abyss of insignificance and whose killing is not sacrificial (except to the few). On the other hand, the biopolitics of borders is also the management of 'life'; the life of those who are capable of performing 'responsible self-government' (Rose, 1999: 259) and self-surveillance i.e. those who can demonstrate their 'legitimacy' through 'worthy' computer-readable passports/ID cards that provide the ontological basis for the exercising and fixing of identity and citizenship at the border.

The juxtaposition of death and life at the borders is by no means an *ad hoc* occurrence but an affirmation of the inadequate immigration policies and the 'immanentist' (Nancy, 1991: 3) politics of absolute enclosure. From this emerges the issue of 'sorting' that may override the term 'racism' as long as it is not designated to a specific race or insofar as it is 'racism without race' as Balibar prefers to put it. Racism for Foucault (2003 [1976]: 255) (and here racism has a figurative function just as the metaphors of leprosy and plague do) is that

which creates fragmentation within the biological continuum and caesuras within species-bodies so that biopolitical sorting and (sub)divisions could take place between those who are deemed to be 'superior' and those who are *made* to be perceived as the 'inferior' type all with the aim to preserve the 'well-being', 'safety', 'security' and 'purity' of the 'healthy' (powerful) population ('virtues' which are undoubtedly contributing to the naturalisation and taken-for-grantedness of institutional racism, and the inscription of modes of exclusionary differentiations in many subtle ways so that the need of accountability is made redundant.)

Embedded within this biopolitical overdetermination is a murderous enterprise. Murderous not insofar as it involves extermination (although this might still be the case) but inasmuch as it exerts a biopower that exposes 'someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on' (Foucault 2003 [1976]: 256), and inasmuch as it is 'based on a certain occluded but inevitable and thus constitutive violence' (Zylinska, 2004: 530); a symbolic violence (manifested, for instance, in the act of 'naming' as Butler (in Zylinska, 2004) and Derrida argue 'asylum seekers', 'detainees', 'deportees', 'illegal immigrants', etc) as well as a material one (for example, placing 'asylum seekers' and 'illegal immigrants' in detention centres), attesting to that epistemic impulse to resuscitate the leftover of late modernity and the residual of disciplinary powers that seek to eliminate and ostracise the unwanted-other through the insidious refashioning of the 'final solution' for the asylum and immigration 'question'. Such an image has been captured by Braidotti (1994: 20):

Once, landing at Paris International Airport, I saw all of these in between areas occupied by immigrants from various parts of the former French empire; they had arrived, but were not allowed entry, so they camped in these luxurious transit zones, waiting. The dead, panoptical heart of the new European Community will scrutinize them and not allow them in easily: it is crowded at the margins and non-belonging can be hell.

The biopolitics of borders stands as the quintessential domain for this kind of

sorting, this kind of racism pervading Western socio-political imaginary and permeating the rhetoric of national and territorial sovereignty despite its monolithic use of euphemism. It is precisely this task of sorting and this act of fragmenting that contemporary modes of border security and surveillance are designed making 'the management of misery and misfortune ... a potentially profitable activity' (Rose, 1999: 260) and evaporating the political into a perpetual state of technicism (Coward, 1999: 18) where 'control' and 'security' are resting upon vast investments in new information and communications technologies in order to filter access and minimise, if not eradicate, the infiltration and 'riskiness' of the 'unwanted'. For instance, in chapter six of the White Paper, 'Secure Borders, Safe Haven' (2002), the UK government outlines a host of techniques and strategies aimed at controlling borders and tightening security including the use of Gamma X-ray scanners, heartbeat sensors, and millimetric wave imaging to detect humans smuggled in vehicles

Other surveillance techniques involve the use of biometrics which consists of an 'enrolment phase' (European Commission, 2005: 46) where physical attributes such as fingerprints, DNA patterns, retina, iris, face, voice, etc are used to collect, process, and store biometric samples onto a database for subsequent usage during the 'recognition phase' in which these data are matched against the real-time data input in order to verify identity. Authorities have been keen on integrating biometric identifiers into ID cards and passports as a means of strengthening security, enhancing modes of identification and facilitating the exchange of data between different countries. Further application of biometrics in information sharing can be seen in the EU-wide database EURODAC (Koslowski, 2003: 11), used to store the fingerprints of asylum applicants in order to prevent multiple applications in several member states or what is referred to as the so-called 'asylum shopping'. Added to that, the employment of a broad array of private actors (employers, banks, hospitals, educational institutions, marriage register offices, etc) to perform the role of 'gatekeepers' (Lahav, in Koslowski, 2003: 5) (or more accurately, 'borderkeepers') and reinforce immigration controls from within the internal and ubiquitous borders, constituting 'a multiplicity of points for the collection, inscription, accumulation and distribution of information relevant to the management of risk' (Rose, 1999:

260), and the administration of life and death.

From this inventory of the kind of surveillance technologies deployed at the border and in relation to asylum and immigration, and from what has been discussed hitherto, we might be able to see how discipline and control are being merged together within the realm of biopolitics through the hybridisation of management techniques and the dispersion of networks of control. In fact, the biopolitics of borders is precisely where the metaphoric transition from disciplinary society to control society is complicated insofar as it is intrinsically entrenched within a domain of complex contestation and dialectical constellations in which the two modalities of power *coexist* through the juxtaposition of top-down and bottom-up mechanisms of discipline and control. This, being manifested in the existence of detention centres where panoptical practices are inflicted upon those who are 'imagined' as 'potential' (rather than 'actual') risk (or, in fact, as being both) as well as in the technologies of securitisation which function by means of instilling a sense of self-surveillance and self-control, constructed as the basis for freedom, legitimacy, right and citizenship (in the case of ID cards and passports for example). Not for a moment should we suggest that the era of discipline and confinement has completely ceased to exist, nor should we avoid attending to the myriad of changes taking place at the heart of contemporary societies. Instead, it is imperative to distil some fresh understanding from the actualities (and virtualities) of everyday life by abandoning teleological, dualistic and progressive discourses and venturing into what might be discovered in the vicinity of 'strange couplings, chance relations, cogs and levers that aren't connected, that don't work, and yet somehow produce judgements, prisoners, sanctions' (Foucault, in Rose, 1999: 276). To this I would add, refugees, detainees, deportees, the exiled and so on, for such is the system of biopolitics; a system of peculiar assemblages and violent ramifications to which there can be no neat analysis or simple theorisation.

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