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# Surveillance and Foucault: Examining the Validity of Foucault's Notions Concerning Surveillance through a Study of the United States and the United Kingdom

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**Surveillance and Foucault: Examining the Validity of Foucault's Notions  
Concerning Surveillance through a Study of the United States and the United  
Kingdom**

Once the new surveillance systems become institutionalized and taken for granted in a democratic society, they can be used for harmful ends. With a more repressive government and a more intolerant public—perhaps upset over severe economic downturns, large waves of immigration, social dislocations, or foreign policy setbacks—these same devices easily could be used against those with the ‘wrong’ political beliefs, against racial, ethnic, or religious minorities, and against those with life-styles that offend the majority.<sup>1</sup>

It would not be much of a stretch to claim that the scenario depicted above reflects the current American reality brought about largely due to the policies of the George W. Bush presidency. In fact, it is remarkable how accurately Gary T. Marx predicted the qualms of the twenty-first century during the 1980s. With policies best reflected by the Patriot Act and actions such as warrantless wiretaps, one can make the claim that the United States experienced a “repressive government” since the 9/11 attack. The struggling economy of late 2008 and early 2009 further justifies Marx’s scenario as many Americans are losing homes and careers. Meanwhile, the actions of some Americans living along the border of Mexico to halt the supposed “large waves of immigration” of illegal aliens did affect domestic policy. And little explanation is needed to draw an example of “foreign policy setbacks.” Look no further than the hardships brought about by the military action in Iraq and Afghanistan. Many other contemporary examples can be drawn from Marx’s short passage. Racial profiling of Middle-Eastern Americans and the heightened effort to keep gays and lesbians from receiving equal rights are two such realities.

While the connections that have been drawn are intriguing, what is significant is that they all rest upon one reality in Marx’s eye: surveillance. Thus, one must ask: how pervasive is surveillance in society today and how much is it taken for granted? Is the American experience different from those of other nations? If so, what characteristics are at the root of these differences? The extent to which surveillance has shaped us, and has influenced society in general, are just two themes that are offshoots of the questions posed above. The true power of surveillance must be determined in order to understand its effects on modern cultures.

The initial inspiration for this paper was conceived while I was studying at the University of Oxford in the United Kingdom from January through June of 2008. Walking through the ancient and gorgeous city every day was an absolute privilege. Yet there was something that took my attention away from the architecture. I constantly noticed signs that read, “This area monitored by CCTV.” These signs are not located simply in a few locations. They are everywhere. In my experience, those types of signs are not found in the United States to nearly the same extent. I found myself to be a bit

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<sup>1</sup> Marx, Gary T., Undercover: Police Surveillance in America (Berkeley: University of California Press, 1988) 229-230.

jittery at times and while I never broke the law, I was uncomfortable with the fact that someone could be watching what I was doing. While I definitely knew surveillance occurred in the United States, I was never forced to seriously acknowledge it at home before. In England, however, I found myself thinking about surveillance constantly.

During my time at Oxford, I was not looking for ideas for a research project. Yet as I flew back home, I thought that this topic would make for an intriguing paper. To me, however, simply examining surveillance in different societies was not enough. I wanted to take the notions of a sociological theorist concerning surveillance and apply it to the surveilling realities of my permanent home country and the country in which I just spent a significant amount of time. With this in mind, the choice was clear as to which theorist I would choose as my starting point. The influence of Michel Foucault on notions of surveillance is undoubtedly huge. His canon, and more specifically, *Discipline and Punish*, would provide an ample backdrop for my research.

A brief explanation of Foucault's work throughout his career begins this paper and provides a better understanding of his overall power-centered paradigm. Then, a closer examination of *Discipline and Punish* reveals his thoughts concerning surveillance and shall serve as the basis for applying his theories to the realities of the United States and Great Britain. Through applying these theories, their validity is examined by determining how accurate they actually are in describing the two societies today. What I hope to determine is whether or not these societies resemble the notion of the Panopticon that permeates Foucault's writing. After this analysis is completed for each country, a historical perspective is taken to determine the factors which brought each country to its current respective relationship with surveillance. What shall be argued is that, while many of Foucault's assertions in *Discipline and Punish* are correct, his overall claim that society resembles a Panopticon is overstated based on the two countries examined.

### **Foucault: A Retrospective**

While the focus of this paper is fairly limited in size, the breadth of Foucault's work must not be understated. The innovative theories and numerous publications of Michel Foucault have earned him the reputation as one of the most influential contemporary sociological theorist. Part of Foucault's allure is that it is impossible to place him in any sort of distinctive category. For example, he has been called a philosopher, psychologist, and historicist to name a few.<sup>2</sup> Yet above all, Foucault's classification as a sociological theorist is the title for which he is most remembered. Even though Foucault never viewed himself solely as a sociologist, his publications continue to influence the current generation of sociological thinkers, particularly those with an interest in power. A brief examination of Foucault's turbulent personal life and academic influences will paint a rough picture of this complex man.

Events in Foucault's early childhood greatly influenced the development of his power-centered paradigm. Born in 1926 in Poitiers, France, Foucault experienced the German occupation of the country during World War II. His memories of Germany's domination over France made him aware of the issue of power. Scott McGaha writes, "World War II greatly influenced Foucault's thinking toward the struggles of power and

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<sup>2</sup> Sullivan, Robert R, "The Birth of the Prison: Discipline or Punish" *Journal of Criminal Justice* 24.5 (1996): 451.

knowledge.”<sup>3</sup> Judging by Foucault’s personal accounts, it becomes obvious that the occupation greatly shaped him. He wrote that he could not experience pleasure during this time; the world was an absolutely threatening place that could easily crush him.<sup>4</sup> Foucault personally felt the power that the elites could impress upon others. This momentous experience was one that stuck with Foucault throughout his life and led him to develop his central theme of the struggle of individuals against the power of society.<sup>5</sup>

Aside from his personal life, academics were the other great influence on Foucault. As Foucault made his way through the French education system, he encountered several individuals who greatly shaped his theoretical paradigm. The French academic Georges Canguilhem was an individual who had a large influence over the young Foucault. To Foucault, Canguilhem represented the strong French tradition of the history and philosophy of science. Canguilhem’s work “provided a model for much of what Foucault was later to do in the history of the human sciences.”<sup>6</sup> The importance of Canguilhem to Foucault’s work is further reflected in Canguilhem’s vehement support of Foucault and his sponsoring of Foucault’s doctoral thesis.<sup>7</sup>

Foucault’s reading of Karl Marx was another major inspiration. There exists a complex relationship between Foucault, Marx, and communism. Foucault, once a communist himself, left the party when he became disillusioned with the movement after the Soviet Union’s invasion of Hungary in 1956. While communism was devalued in the eyes of Foucault, Marxist thought still had a weighty effect on his work. Sara Mills explains that “there are many elements within his work which suggest the profound influence of Marxist analyses of power relations and the role of economic inequality in determining social structures.”<sup>8</sup> Thus, it is plain that Foucault is drawn to those with an interest in power. After all, Marx’s writing concerning power would certainly appeal to a man who experienced the Nazi domination of France during the war.

The more Foucault is examined, the more it becomes evident that power is completely entwined with his thoughts. At the same time, however, Foucault reacted against some of the principles of Marxist thought. He believed that many aspects of Marx’s paradigm could not adequately describe the complexity of French society.<sup>9</sup> Therefore, whether Foucault was drawing on Marx to develop his theories towards power relations or was criticizing particular aspects of Marxist thought within his paradigm, it is evident that in both senses Marx deeply affected him.

Given the importance of power to Foucault, it deserves to be given greater attention. The unifying and most fundamental conception in Foucault’s diverse paradigm is conceptualized uniquely by the man. Traditional theoretical frameworks view power as

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<sup>3</sup> McGaha, Scott, “Michel Foucault,” Theorist Web Project, 2000, Florida State University, 29 Jan 2009 <<http://www.criminology.fsu.edu/crimtheory/foucault.htm>>.

<sup>4</sup> Friedrich, Otto. “France’s Philosopher of Power,” *Time* 20 (1981): 118.

<sup>5</sup> Hoy, David (ed.), *Foucault: A Critical Reader* (Oxford: Basil Blackwell, 1986) 42.

<sup>6</sup> Gutting, Gary, “Michel Foucault,” *Stanford Encyclopedia of Philosophy*, 3 April 2003, Stanford University, 1 February 2009 <<http://www.plato.stanford.edu/entries/foucault/>>.

<sup>7</sup> Other professors of Foucault at the École Normale also made profound impacts on the young theorist. The existentialist Jean Hippolyte and the structuralist Louis Althusser both shaped Foucault’s early writings. Although Foucault eventually renounced existentialism and distanced himself from structuralism, his early work nevertheless reflected the input of these men.

<sup>8</sup> Mills, Sara. *Michel Foucault* (London: Routledge, 2003) 15.

<sup>9</sup> Dreyfus, Hubert L. and Paul Rainbow. *Michel Foucault, beyond structuralism and hermeneutics* (Chicago: University of Chicago Press, 1983) 34.

a possession. It is something which the rich own and which the poor try to take for themselves. Foucault did not concur with this perception of power. He did not believe that one could possess power. Instead, as Mills writes, Foucault thought that “power is something which is performed, something which is more like a strategy than a possession.”<sup>10</sup> Power, according to Foucault, is maneuvers, tactics, and techniques which encourage the oppression of one group. For example, the Nazi plan to dominate France and break the people’s will contained obvious tactics to oppress the French, such as the Obligatory Work Service, which forced many French citizens to move to Germany to help the Axis.

Yet power can also be employed in more everyday occurrences. Schools that require uniforms, for instance, are utilizing a tactic which gives the administration power and the ability to control students to a certain extent. Foucault’s vision of power was ground-breaking since it viewed the concept of power in a new, complex manner. Instead of a simple relationship between the oppressed and the oppressor, power involves a much more multifaceted chain of relations weaved throughout society. It does more than subjugate one group. Foucault’s power is productive and shapes the behaviors and actions of all individuals.<sup>11</sup> Thus, the power that an elite exerts over his subordinates can not be viewed in a one-dimensional fashion. Many influences throughout society must be examined to determine how he or she was able to gain control and utilize it.

Foucault revealed his conception of power within his major publications, which are traditionally split into two periods: archaeology and genealogy. Archaeology classifies Foucault’s work through 1968. Archaeology was Foucault’s method of historical analysis. It focuses on systems of discourse, such as thought, which operates beneath the consciousness of individuals and determines the boundaries of knowledge during a certain period.<sup>12</sup> The study of these systems allowed Foucault to inquire why some statements survive and are recognized as valid while others disappear (the belief, for example, that the sun revolves around the earth was viewed as a solid fact but eventually was viewed as an antiquated notion). He also compared the current system of discourse to those of the past. The objective of archaeology was not to reveal hidden truths or deep meanings but to “document [discourse’s] conditions of existence and the practical field in which it is deployed.”<sup>13</sup>

Using the principles of archaeology, Foucault developed his theory concerning the history of madness. Foucault was initially inspired to investigate madness because he once attempted suicide, spent time working at a mental hospital, and was also fascinated with psychology. Foucault’s first major publication, *Madness and Civilization: A History of Insanity in the Age of Reason* (1961), studied the emergence of the modern concept of mental illness. Foucault theorized that madness was not a stable condition that had unchanging identifying factors. Madness is actually defined uniquely at different times in each society by those with power. Madness should be seen as “the result of social contradiction in which [humans are] historically alienated.”<sup>14</sup> Therefore, madness has been judged differently throughout history and has taken many forms. What was taken as

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<sup>10</sup> Mills 35.

<sup>11</sup> Smart, Barry. *Michel Foucault* (London: Ellis Horwood Limited, 1985) 91.

<sup>12</sup> Dreyfus and Rainbow 77.

<sup>13</sup> Smart 49.

<sup>14</sup> Foucault in Eribon, Didier, *Michel Foucault* (Cambridge: Harvard University Press, 1991) 70.

madness in the 20<sup>th</sup> century might have been considered acceptable during earlier centuries, for example.

Foucault's paradigm also comments on the hypocrisy of modern psychiatry. It was a commonly held belief in Europe that the medical treatment of the mad during the 19<sup>th</sup> century was an enlightened improvement from the ignorant and brutal procedures of earlier centuries. Foucault, however, did not think any progress had actually been made. He postulated that treatment of the mad in mental hospitals was more concerned with preventing the mad from "infecting" the cities. Therefore, his theory implies that "the medicalization of madness is not then to be conceived as a sign of progress . . ." <sup>15</sup> Foucault similarly critiqued modern clinical medicine in *The Birth of the Clinic* (1963).

The other great contribution of Foucault to sociological theory during his archaeology period involved the concept of knowledge. In *Archaeology of Knowledge* (1969), Foucault delved into methodology and examined the abstract processes that establish something as a fact or as knowledge. According to Foucault, knowledge was not created by a group of geniuses such as Newton or Einstein. Rather, knowledge was the product of an institutionalized, rule-governed model. <sup>16</sup> Foucault's theory relates that knowledge-production was much more anonymous than traditional conceptions. Societal institutions must be examined in order to locate the origins of knowledge instead of intellectual giants.

Foucault also ties the notion of power to knowledge. He theorized that there is a dependency between the two. It is not possible to exert power without knowledge, while at the same time knowledge always engenders power. <sup>17</sup> Foucault termed this concept "power/knowledge." In other words, one cannot fully address knowledge without considering power. Furthermore, the interplay of power and knowledge is the true source for the creation of "facts." Mills expands, "it is this power/knowledge which produces facts and the individual scholars are simply the vehicles or the sites where this knowledge is produced."

those with power even have the ability to control the individual through knowledge. <sup>19</sup>

Around the time of the publication of *Archaeology of Knowledge*, Foucault participated in the revolt of 1968. <sup>20</sup> Foucault's involvement affected him deeply and encouraged him to change the emphasis of his paradigm. He thus moved on to his second phase: genealogy. From this genealogical perspective, Foucault theorized that a system of thought was not the result of rational, inevitable trends but instead the result of conditional turns in history. Smart explains that genealogy "rejects the uninterrupted continuities and stable forms which have been a feature of traditional history in order to reveal the complexity, fragility, and contingency surrounding historical events." <sup>21</sup> Genealogy, however, did not abandon all of the principles of archaeology. In fact, there

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<sup>15</sup> Smart 23.

<sup>16</sup> Mills 41.

<sup>17</sup> *Ibid.* 74.

<sup>18</sup> Caputo, John and Mark Yount. *Michel Foucault and the Critique of Institutions* (University Park: Pennsylvania State University Press, 1993) 70.

<sup>19</sup> Bridge, Gary and Sophie Watson (eds). *The Blackwell City Reader* (Malden: Blackwell, 2002) 420.

<sup>20</sup> This title encapsulates the number of student protests and strikes that occurred in France in 1968 and led to the collapse of the de Gaulle government.

<sup>21</sup> Smart 56.

are many similarities between the two approaches (such as his continued study of history). Genealogy, rather, placed emphasis on different subjects such as sexuality.<sup>22</sup>

One of Foucault's major contributions to sociology using the genealogical method involves his theories concerning sexuality and power as published in the three-volume *History of Sexuality* (1976-1984). Foucault was partly motivated to analyze sexually deviant groups because he, himself was a homosexual engaged in a long-term relationship and wanted to better understand the relationship between power and sexuality.<sup>23</sup> It was generally believed that individuals internalized sexual norms. Consequently, there would be a subconscious attempt to conform to these norms, encouraging sexual repression. Foucault vehemently rejected the widespread notion that sexual repression increases with the development of modern industrial societies. Some people, for example, refuse to conform to the norms that have been established. They engage in "perverse" forms of sexuality which gives them a rare sense of power over their bodies. This minority has experienced a form of power that "has been positive and productive rather than negative, and has ensured a proliferation of pleasures and a multiplication of sexualities."<sup>24</sup> Therefore, power has been an uplifting force in the realm of modern sexuality.

The influence of Michel Foucault has been immense. Not only widely read by sociologists, he is considered to be a credible source across many other disciplines. Foucault has remained influential partly due to the controversy regarding his work. Some people claim that he contradicts himself constantly and also criticize his change of perspective from archaeology to genealogy. Despite this debate, Foucault remains one of the sociological giants of the 20<sup>th</sup> century. His paradigm concerning power with theories analyzing madness, knowledge, imprisonment, and sexuality were truly innovative and changed the landscape of sociological thought. Foucault believed that when one died, he or she should fade into obscurity. The brilliance of Foucault's paradigm, however, has, so far, prevented him from doing so after his death from an AIDS-related illness in 1984.

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<sup>22</sup> Foucault's first renowned publication using the genealogical paradigm was *Discipline and Punish* (1975). As this is the main source used in this paper, greater attention will be given to it in the following section.

<sup>23</sup> Mills 40.

<sup>24</sup> Smart 97.

## *Discipline and Punish: A Critical Analysis*

through [the panoptic principle], a whole type of society emerges.<sup>25</sup>

It is now time to turn to *Discipline and Punish*, Foucault's tome regarding, among other topics, surveillance, punishment, and disciplinary society. The basic features of the work help explain why *Discipline and Punish* was so groundbreaking. For example, the structure of the book was not similar to the typical academic publication. Often times, in fact, *Discipline and Punish* reads more like a novel than like a serious research piece. David Garland concurs when he writes that *Discipline and Punish* takes the form of an "historical narrative"<sup>26</sup>. Indeed, the structure is one of the most striking aspects of *Discipline and Punish*. Foucault, for instance, creates strong images through his detailed description of torture and executions. He even chooses to open his work with a thorough account of the punishment of Damiens, a regicide. Startling imagery of Damiens's condemnation and punishment reveal that he was to have his flesh "torn from his breasts, arms, thighs and calves with red-hot pincers, his right hand . . . burnt with sulfur, and, on those places where the flesh will be torn away, poured molten lead, boiling oil, burning resin, wax and sulphur melted together . . ." <sup>27</sup> Through passages such as these, the intensity of punishment in centuries past is manifestly made clear to all.

From this reading of Damiens's punishment, and given the title of the book, readers might be tempted to initially perceive the work as simply a history of disciplinary measures. The complexity of *Discipline and Punish*, however, makes it difficult to determine a simplistic overriding thesis. Thomas L. Dumm attempts to present the core of the book, writing that "*Discipline and Punish* is at root a book about the practices of freedom and the conditions that bear upon those practices in the modern era."<sup>28</sup> Yet even this assertion does not sufficiently convey the entire intent of *Discipline and Punish*. If one is to attempt to relate the thesis of the book one must mention Foucault's tracking of the history of punishment as well as his thoughts concerning power making the book a work of deep complexity. Part of the reason why *Discipline and Punish* is so multifaceted is due to the depth of materials referenced by Foucault. Several critics pointed to the vast number of sources and claimed that Foucault lacked originality.<sup>29</sup> Yet after reading *Discipline and Punish*, it is evident that this is not true. There is undoubtedly a unique voice that arises from the pages and the many sources merely testify to Foucault's comprehensive research ability.

As a final note on the general themes of *Discipline and Punish*, there are three main concepts that permeate the book and influence most, if not all, of the themes expounded by Foucault. These three concepts are power, knowledge, and body.<sup>30</sup> While

<sup>25</sup> Foucault, Michel. *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977) 216.

<sup>26</sup> Garland, David, "Foucault's *Discipline and Punish*: An Exposition and Critique," *American Bar Foundation Research Journal* 11 (1986): 848.

<sup>27</sup> Foucault, 3

<sup>28</sup> Dumm, Thomas L. *Michel Foucault and the Politics of Freedom* (Thousand Oaks: Sage Publications, 1996) 78.

<sup>29</sup> *Ibid.* 74.

<sup>30</sup> Garland 853



these topics will be examined in greater depth soon enough, it is worthwhile to point out that Foucault's use of power, knowledge, and body sets him apart from other theorists as they allow him to go beyond a simple interpretation of discipline. These three principle concepts break down discipline to a level that few other theorists have been able to reach. They permit him to study the very elementary structures on which discipline is based.<sup>31</sup> As said, this careful deconstruction allows Foucault to develop and expand his academic creativity.

Although the first two parts of *Discipline and Punish* do not overwhelmingly address surveillance, it is still relevant to consider their main ideas since they relate and supplement Foucault's later notions concerning surveillance. The first part is entitled "Torture." The most recognizable passage of *Discipline and Punish* can be found at the opening of this part where it juxtaposes the brutal torture and execution of Damiens (as described previously) with a precise and uneventful prison timetable from about eighty years after Damiens's execution. The morbidly exciting section of Damiens has little in common with the dull prison timetable. The timetable states, for instance, "class lasts two hours and consists alternatively of reading, writing, drawing, and arithmetic."<sup>32</sup> So popular is this initial comparison, it is by this point almost an academic cliché.<sup>33</sup> Nevertheless, it is still a striking passage because it succinctly relates that major changes had occurred within societal disciplining in a short amount of time.

Foucault develops several of the major themes that are found throughout the rest of the book from that initial comparison. These themes include the disappearance of torture as public spectacle and the diminishment of the body as the major target of penal repression. The theatrics of public torture and executions were unequivocally diminished into a punishment that was effectively hidden. Thus, the body, which was the focus of punishment within the old *Ancien Régime*, no longer took center stage. Foucault writes, "The disappearance of public execution . . . marks a slackening on the hold of the body."<sup>34</sup> As the body became less important in the judicial process, other factors became more significant. An appropriate example can be gleaned from the role of judges. Instead of issuing torture edicts that punish a body, they attempted to "correct" or "cure" a condemned individual through non-fatal means such as imprisonment. Instead of depriving one of life, liberty is the thing that is taken away.<sup>35</sup>

Of course, capital punishment did not disappear during the transition from torture to imprisonment. It still existed for the more heinous crimes such as murder. Yet even the methods in which prisoners were executed changed dramatically. Reformers believed that rather than the long, drawn-out, and detailed tortures as described for Damiens, executions should be quick. Torture, therefore, was out of the question. The quick death brought by a guillotine fit in with the new philosophy and also meant that executions now affected life rather than the body.<sup>36</sup> Furthermore, reformers railed against guillotine executions as public spectacles so these were eventually moved indoors and became affairs away from the prying eyes of the public.

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<sup>31</sup> Garland 853.

<sup>32</sup> Foucault 6.

<sup>33</sup> Dumm 80.

<sup>34</sup> *Ibid.* 10.

<sup>35</sup> One must not assume there is no longer any hold on the body. The hold has been internalized. So, despite the lack of public executions in developed countries, there is still a hold.

<sup>36</sup> Foucault 12.

Foucault delves deeper into the characteristics of torture in order to demonstrate the monumental shift that occurred between the two penal styles. In general, torture must meet two demands: it must leave a mark and it must be spectacular.<sup>37</sup> The importance of the body, therefore, is readily apparent. Since torture always leaves a mark, the body bears openly the condemnation and guilt of the offender. This mark is a testament to the importance of the power that one person can hold over another.

The significance Foucault attaches to power is evident in his writing concerning torture and execution. He elaborates, “The public execution is to be understood not only as a judicial, but also as a political ritual. It belongs, even in minor cases, to the ceremonies by which power is manifested.”<sup>38</sup> Punishment must be considered through the lens of power because during the *Ancien Régime*, all crime was considered to be a personal attack on the sovereign. The sovereign must take revenge so that his honor would be restored. And the only way to accomplish this was through a spectacular execution. The sovereign beats down the body of the condemned and instills terror within the people; all are aware of the power of the prince due to the pomp and ritual of public executions.

According to Foucault, notions concerning torture and execution changed around the 19<sup>th</sup> century, a time when the monarchy was becoming noticeably less significant in Europe. Since the monarchy was not nearly as important as before, new ideas had to be developed concerning crime and punishment, a theme Foucault develops in the second part of *Discipline and Punish*.

The second section of *Discipline and Punish* is entitled “Punishment.” Within this part of the book, Foucault shifts focus as he no longer concentrates solely on the pre-eighteenth century form of punishment. While Foucault places some attention on describing the constitution of the new type of punishment, his main concern is to explain the transition that occurred in the eighteenth century as well as the underlying reasons behind the shift.

Here, Foucault concisely relays his thesis as to the nature of the transition of punishment, specifically relating to the penal system. He writes that “penal reform was born at the point of junction between the struggle against the super-power of the sovereign and that against the infra-power of acquired and tolerated illegalities.”<sup>39</sup> Some of the sovereign’s influence is intimately and forever tied to the execution. It is a reflection of his power. Therefore, it is simple to comprehend why the sovereign’s power was threatened when individuals began to call for an end to traditional capital punishments in the eighteenth century.<sup>40</sup> Concerning this matter, Foucault writes that reformers believed “this hand-to-hand fight between the vengeance of the prince and the contained anger of the people, through the mediation of the victim and the executioner,

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<sup>37</sup> Foucault 34.

<sup>38</sup> *Ibid.* 47.

<sup>39</sup> *Ibid.* 87.

<sup>40</sup> Some of the greatest thinkers of the eighteenth century took a firm stance against the brutality of public executions against the criminal. One needs to look no further than Voltaire to comprehend the emerging popularity of the view that public spectacles were barbaric. In *Candide*, the titular character witnesses the execution of a British admiral for failing to win a battle. Voltaire writes that this action is approved by those in charge because “it is a good thing to kill an admiral from time to time to encourage the others” (pp. 78-79). Voltaire utilizes the ludicrous reasoning for the execution to demonstrate that executions in general were a concept incompatible with the enlightened mind.

must be abolished.”<sup>41</sup> By adhering to this notion, reformers issued an inadvertent challenge to the prince: in trying to abolish the prince’s ability to exact vengeance, they were depriving the sovereign of a large source of his might.

If one considers the disappearing spectacle of public executions, he or she might be led to reflect on the supposed growing rationality of European society. Yet Foucault, as always entrenched in the realm of power, considers the issue in an entirely different manner. He claims that the reformers’ calls for more humane treatments had the effect of bringing forth a new economy of power. He elaborates, “The true objective of the reform movement, even in its most general formulations, was not so much to establish a new right to punish based on more equitable principles, as to set up a new ‘economy’ of the power to punish . . .”<sup>42</sup> This meant that a new system was intended to give a new group of individuals (who were unassociated with the sovereign) the right to subject their authority over others. At the same time, the traditional explanation attributed to the decrease in public executions (that society became more humane and democratic) is quickly disregarded. Instead, Foucault’s paradigm presents that the reform movement is a case of, simply, power shifting from one entity to another. Regardless of the motives of those exacting change in French society, the power to punish never disappeared. Foucault elaborates that “the power to judge . . . no longer depend[s] on the innumerable, discontinuous, sometimes contradictory privileges of the sovereignty, but on the continuously distributed effects of public power.”<sup>43</sup> Power is constantly present in the writing of Foucault.

There were many ramifications that occurred in society as a result of the public now possessing the power to punish. No longer is punishment intended to restore the glory of the sovereign. Foucault explains, “The right to punish has been shifted from the vengeance of the sovereign to the defence of society.”<sup>44</sup> This “defence of society” meant that punishments were allowed to become less severe since no one was trying to exact revenge. Yet the well-being of society now was believed to rest upon the effectiveness of punishment, meaning that the attention given to punishment now became huge.<sup>45</sup> Reforms to the penal system were made with intention to transform the criminal. “Vengeance” turned into a system of “correction.”

In light of the new purpose of punishment, Foucault identifies six major rules of arming the power to punish. There is the rule of minimum quantity. This refers to the reformers’ notions that a punishment must have a slightly greater disadvantage than the possible advantage that the crime would afford. Next is the rule of sufficient ideality. Instead of inflicting actual pain upon the criminal, there should only be the idea of pain, which could take the form of inconvenience (as in interment in a prison). While this rule is significant because it helps explain the shift from violent spectacle to private punishment, Foucault does not fully address that physical pain still does occur in western society, even if it is not officially sanctioned.<sup>46</sup> The third rule involves lateral effects.

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<sup>41</sup> Foucault 73.

<sup>42</sup> *Ibid.* 80.

<sup>43</sup> *Ibid.* 81.

<sup>44</sup> *Ibid.* 90.

<sup>45</sup> *Ibid.* 89.

<sup>46</sup> Examples of this phenomenon can be drawn from contemporary society. In 1997, for instance, two New York City police officers held down a Haitian immigrant and sodomized him with a broom handle, hospitalizing the immigrant for over two months.

This rule states that a penalty must have its most intense effects on those who have not committed the crime as opposed to the offender. Furthermore, the rule of perfect certainty states that the laws must be perfectly clear so that people would know when they are breaking them. The best way to do this is to publish them. Even though this may seem like an obvious step to take, this reform was a momentous shift from previous practices as laws were not disseminated to the people. The fifth rule is the rule of common truth. Semi-proofs were forbidden due to this rule.<sup>47</sup> The rule of optimal specification is the final rule identified by Foucault. It states that punishment must take into account the nature of the criminal and the crime. The ultimate aim of this rule is the individualization of each prisoner which means that each inmate would receive a prison experience that has been developed specifically for him to be of maximum use in transforming his behavior.<sup>48</sup> Theoretically, these rules are impressive. Foucault seems to identify the major laws that relate power to the right to punish.

Considering the significance Foucault later places on individualization in his discussion on surveillance, it is essential to expound further on the topic. The individual develops in the modern age of infinite examination. Just as surveillance is a key component to the establishment of infinite examination, so too is documentation.<sup>49</sup> Documentation puts into writing what surveillance has discovered and, as a result, the individual is captured and fixed onto a page. Foucault elaborates, “a ‘power of writing’ was constituted as an essential part in the mechanisms of power.”<sup>50</sup> What arises from Foucault is the sense that the single person, and more specifically, the deviant, is less successful in keeping personal details hidden from those in control as time progressed. Surveillance worked constantly to discover all pertinent information concerning the individual and the documentation of the findings guaranteed that the knowledge would be readily available for those who had access to it.

The examination associated with surveillance makes every individual a case. The ordinary individual is no longer below the threshold of description. Yet, as Foucault wisely points out, this was not always common practice. During the era of the sovereign, the regular person was by no means an individual. It was only the wealthy and powerful who were able to amass any semblance of individuality. Foucault explains, “The more one possesses power or privilege, the more one is marked as an individual . . .”<sup>51</sup> This ascending individualization was established through lives of excess as well as the building of great monuments intended to be testaments to the certain few. Ascending individualization was disbanded during the eighteenth century due to the end of the ultimate power of the monarch as well as forces such as surveillance.

Descending individualization is what replaces the old model. Instead of those with the most power receiving the greatest individualization, it is those who are lacking power that become highly individualized. Foucault elaborates, “the child is more individualized

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<sup>47</sup> A semi-proof is the practice of taking two statements that are partly true and combining them to form an alleged fact. With the abandonment of this principle, the defendant was considered innocent until he was proven wholly guilty.

<sup>48</sup> As with the rule of lateral effects, there are problems with the rule in the actual practice of the penal system. I will later cite studies which demonstrate that many prisons are not working towards individualization.

<sup>49</sup> Foucault 189.

<sup>50</sup> *Ibid.* 189.

<sup>51</sup> *Ibid.* 192.

than the adult, the patient more than the healthy man, the madman and the delinquent more than the normal and the non-delinquent.”<sup>52</sup> Foucault’s observation is astute as it convincingly offers an explanation as to why delinquents suddenly were given much more attention. It further aids in explaining why prisons became the *de facto* type of punishment. Prisons are an ideal setting for descending individualization since the prison facilitates constant supervision.<sup>53</sup>

With the six rules and individualization in mind, Foucault next describes several guidelines for which reformers advocated in the practice of punishment. Punishment, for instance, must be as “unarbitrary as possible.”<sup>54</sup> Furthermore, the convict is now considered to be property of society. This allows the penal system to put offenders to work. A final aspect of modern punishment is that a long duration in prison is believed to be the most effective method of reforming criminals. Reformer Le Peletier de Saint-Fargeau writes, “A prolonged succession of painful privations, sparing mankind the horror of torture, has much more effect on the guilty party than a passing moment of pain.”<sup>55</sup> These guidelines aid Foucault’s analysis because they further demonstrate that power has changed hands from the monarch to the bureaucratic society.

Foucault concludes this section by pondering how prison became so popular in Western society. After all, prison was initially meant to hold someone, not to punish him or her. Prisons were even considered aristocratic because the monarch and his representatives had direct control over the running of these institutions. Foucault explains, “[Imprisonment] was, in practice, directly bond up with arbitrary royal decision and the excesses of the sovereign power.”<sup>56</sup> Foucault does not believe prisons unexpectedly became dominant in the new era because of humanitarian concerns. Rather, it was partly due to self-interest. With the explosion of capitalism, the elites needed an effective system to punish the new type of crime which targeted property. It was believed prison would be an effective response to the new economic climate.<sup>57</sup> Even more significant, however, was that reformers were determined to correct and transform the prisoner. The prison was ideal because the criminal was removed from society and a greater attention to individualization could be practiced there.<sup>58</sup>

Despite the fact that Foucault does not deal extensively with surveillance in the second section, he does mention it briefly, offering a glimpse at what will come in the upcoming parts. Foucault describes that as capitalism started to emerge in Europe, crime was started to be considered in terms of fraud as opposed to bodily harm.<sup>59</sup> As a result, surveillance became more important in order to protect one’s assets.

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<sup>52</sup> Foucault 193.

<sup>53</sup> Before concluding this brief discussion on individualization, a potential weakness in Foucault’s writing must be identified. Foucault is right to point out the increasing individualization of the powerless in society but he seems to completely ignore what happens to the powerful after the eighteenth century in terms of individualization. They certainly did not escape the gaze of society. In contemporary society, this assertion resonates to an even greater extent. The lives of celebrities, for instance, are highly individualized due to gossip magazines and blogs following their ever move. It is interesting to wonder whether Foucault would have modified his views if he were still alive today.

<sup>54</sup> Foucault 104.

<sup>55</sup> In Foucault 108.

<sup>56</sup> Foucault 119.

<sup>57</sup> Garland 855.

<sup>58</sup> Foucault 127.

<sup>59</sup> *Ibid.* 77.

“Discipline” is the title of the third section of *Discipline and Punish* and contains the majority of Foucault’s views towards surveillance. Foucault opens this section by discussing docile bodies, which emerged in the 18<sup>th</sup> century. To Foucault, docile bodies are bodies that can be controlled. He writes, “A body is docile that may be subjected, used, transformed, and improved.”<sup>60</sup> This notion by itself does not appear to be any different from the period before the eighteenth century. After all, monarchs took great measures towards ensuring that the bodies of their subjects were under their control. But the difference for Foucault is that in the eighteenth century the body was not treated *en masse* as in the past. Individualization, a topic already considered above, is the key difference. Foucault believes that the docile body experiences constant coercion and supervision, though not as a slave in the traditional sense of the word. Concerning the type of discipline associated with the docile body, Foucault explains, “the elegance of the discipline [for docile bodies] lay in the fact that it could dispense with this costly and violent relation [slavery] [and obtain] effects of utility as least as great:”<sup>61</sup> the docile body performed all of the tasks of a slave without the negative connotations associated with the practice. The utility of the docile body is very significant in Foucault’s eyes because, as the body becomes more docile, the more useful it is in the eyes of the power holders.

The question to ask at this point is: how are docile bodies related to surveillance? The simple answer is that surveillance is a key component in the actual process of making bodies docile. With the goal of individualization in mind and the knowledge that surveillance was essential to achieve this, European society molded itself to the demands of these two topics. The military camp model was used as inspiration for the rest of society as it allowed for optimal surveillance. Foucault explains, “In the perfect military camp, all power would be exercised solely through exact observation; each gaze would form a part of the overall functioning of power.”<sup>62</sup> For example, soldiers slept together in large rooms so that they could be watched easily and so that a lack of privacy would discourage prohibited conduct. Through surveillance, the power-holders in the military camp could see over all and punish those who were not becoming docile bodies.

The military camp model was recognized as being extremely effective. Therefore, it influenced other major institutions in society. A particularly striking example of an application of the military model to extra-military situations is Foucault’s assertion that the architecture of buildings were no longer being constructed to be pleasing to the eye from the outside but to allow for internal control.<sup>63</sup> Foucault presents school as an exemplary institution that utilizes surveillance. He writes that schools have an “infinitely scrupulous concern with surveillance.”<sup>64</sup> Foucault’s example utilizes the *École Militaire*. An incredible amount of surveillance was placed upon the students and their rooms were more like cells than a comfortable living place. Yet for the intent of this paper, one must look at Foucault’s views towards schools with some criticism. Schools in the United States today do not come close to matching the extreme steps taken by the *École Militaire*. Furthermore, today’s modern technology, such as the internet, allows for so

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<sup>60</sup> Foucault 136.

<sup>61</sup> *Ibid.* 137.

<sup>62</sup> *Ibid.* 171.

<sup>63</sup> *Ibid.* 172.

<sup>64</sup> *Ibid.* 173.

much freedom that administrators are not able to completely control students' activities. The eye of surveillance today is not omnipresent in schools.<sup>65</sup>

Through the examples of military camps, schools, and hospitals, one can discern that surveillance played a significant role in the development of the major institutions in western society. But why did the power-holders continue to rely on surveillance after their dominance was established? Foucault contends that the answer is found within industry. Surveillance was continuously perpetuated because a lapse in surveillance could mean that an incompetent worker's fault might not be discovered. This could be disastrous as complex capitalistic industries rely on each portion of the job to be done correctly and in the exact same manner. Foucault elaborates, "the slightest incompetence, if left unnoticed and therefore repeated each day, may prove fatal to the enterprise to the extent of destroying it in a very short time . . ."<sup>66</sup> This dependency on surveillance is further exemplified by the chain of surveillance. Even the supervisors were supervised.

It is at last time to consider Foucault's most enduring metaphor and image from *Discipline and Punish*, the Panopticon. Its main features are well-known to many. The main building is situated in a circular design with a large tower in the middle. The central watchtower is outfitted with venetian blinds so that the guards can look out but the prisoners cannot look in.

The Panopticon is a metaphor for the new society that developed during the transitional eighteenth century. To illustrate the differences between surveillance before and after the eighteenth century, Foucault compares the panoptic society to the most extreme form of surveillance before the transitional period, the plague-stricken town. In times when a town was struck by the plague, careful surveillance had to be enacted in order to verify whether any individual contracted the disease. Movement was curtailed and the minutia of life was forced open to the inspection of the state.<sup>67</sup> What is important for Foucault is that surveillance was enacted over a town only when the plague struck. Or, in other words, comprehensive surveillance was present for only a limited time. Foucault explains, "there is an exceptional situation [during which surveillance is deployed]: against an extraordinary evil, power is mobilized . . ."<sup>68</sup> The surveillance that is established in order to fight the spread of the plague is taken away when a threat is not imminent.

The panoptic model, meanwhile, is a permanent cage for modern society. Surveillance is always present and constantly working in this model. Foucault writes, "The Panopticon . . . must be understood as a generalizable model of functioning; a way of defining power relations in terms of the everyday life of men."<sup>69</sup> There are no extraordinary circumstances that bring about the establishment of the Panopticon. Once it was set in motion, it continues to operate, thereby greatly and consistently affecting members of society.

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<sup>65</sup> Andrew Hope's article, "Panopticism, Play, and the Resistance of Surveillance: Case Studies of the Observation of Student Internet Use in UK Schools," is an excellent defense for the above statement. Hope details the impossible task of teachers and administrators to effectively monitor students' internet use, even with the help of tracking technology. This article will be given greater consideration in an upcoming section.

<sup>66</sup> Foucault 175.

<sup>67</sup> Bridge and Watson, 337.

<sup>68</sup> Foucault. 205.

<sup>69</sup> *Ibid.* 205.

Foucault describes the Panopticon as an ideal form for the functioning of power. In his descriptions one is hard-pressed to find any faults with the system. For example, he calls the Panopticon the “perfect exercise of power.”<sup>70</sup> The practice of surveillance is so meticulous that nothing will escape the Gaze. Foucault, in fact, sets the Panopticon on such a high level that it opens the door for criticism. As will be demonstrated, there is a discrepancy between Foucault’s ideal description of the Panopticon with the Panopticon’s actual role in society today.

For Foucault, the Panopticon exists outside the violent actions of the sovereign. This makes sense as the nonviolent Gaze of surveillance is a stark contrast to the sovereign’s acts of vengeance. The subtlety of the Panopticon is what makes its enduring survival viable.

Foucault dwells on the Panopticon’s ability to allow the guards to surveille the prisoners secretly. The gaze of the guards can be on anyone at any time. And, without the knowledge of when the guards are watching them, the prisoners must practice self-surveillance for fear of being caught doing something prohibited. Foucault writes, “He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself . . . he becomes the principle of his own subjection.”<sup>71</sup> The prisoners internalize the subjection that they experience at the hands of the guards. This reality eventually makes the actual exercise of surveillance unnecessary. Since the power of surveillance is unverifiable, one is careful not to break any rules since he or she does not know if someone is watching.

Foucault does not restrict his description of the Panopticon to prisons; he extends the Panopticon’s reach to all parts of society. He writes, “[The Panopticon] can in fact be integrated into any function (education, medical treatment, production, punishment) . . .”<sup>72</sup> The Panopticon spreads throughout the entire social body. Foucault’s insight must be admired here. He is able to recognize that many of the functions within the prison are remarkably similar to other institutions in society.<sup>73</sup> Foucault presents a very compelling case as to the omnipresence of the Panopticon.

According to Foucault, a whole new type of society is created thanks to the Panoptic model.<sup>74</sup> Institutions began to adopt the practice of keeping incredibly detailed observations. Religious groups in Paris are one such example. In the age of panopticism, religious groups began to divide themselves into small factions. Members in each group would be assigned a section of the city and it would be their responsibility to monitor that area for any immoral activities.<sup>75</sup> In this example one can clearly identify the power dynamics that Foucault highlights in his paradigm. The religious groups started to exert their authority over others through intense surveillance. With surveillance they can effectively monitor those beneath them and impose sanctions on those who question their authority. These religious figures were the precursors to undercover intelligence agents that operate throughout the world today.

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<sup>70</sup> Foucault 206.

<sup>71</sup> *Ibid.* 202-203.

<sup>72</sup> *Ibid.* 206.

<sup>73</sup> Erving Goffman, for instance, demonstrates that asylums today are a total institution, just like the panoptic prison in *Asylums: Essays on the social situation of mental patients and other inmates*.

<sup>74</sup> Foucault 216.

<sup>75</sup> *Ibid.* 212.



The more surveillance spread through societal institutions, the more impact it had on the lives of individuals. With surveillance now entrenched in the social body, the individual was constructed and lived within its confines; surveillance provided people with their identity. So, since the individual is dependent on surveillance, what happens to the sovereign? What happens to the man who used to dominate over all in society? Foucault explains the sovereign's fate in one of his more lyrical passages. He writes, "the pomp of sovereignty, the necessarily spectacular manifestations of power, were extinguished one by one in the daily exercise of surveillance, in a panopticism in which the vigilance of intersecting gazes was soon to render useless both the eagle and the sun."<sup>76</sup> Surveillance made the spectacular monarch meaningless or figureheads in countries such as England. It would be a mistake to believe that Foucault only offers surveillance as to why the monarch fell. Rather, surveillance operates in a whole system of power relations that slowly worked itself into the social fabric over time. Foucault's careful working of his sources allows him to present a very solid and convincing argument.

Some may still find it difficult to comprehend how surveillance's influence made itself into such a menacing force. Foucault's writing concerning the police offers an illuminating explanation. Before the eighteenth-century, the police were considered to be the most direct expression of royal absolutism.<sup>77</sup> The police, however, transformed into a strict administrative machine. They became concerned about minute details and things that were seemingly unimportant. A political power of the police's own started to be exerted. Concerning this power Foucault writes that "in order to be exercised, this power had to be given the instrument of permanent, exhaustive, omnipresent surveillance, capable of making all visible, as long as it could itself remain invisible."<sup>78</sup> Thus, surveillance became inseparable with the new institution of the police. The police were able to operate without the influence of the sovereign thanks precisely to surveillance. As institutions learned to operate with the help of surveillance, the sovereign lost his hold on power.

The preceding few paragraphs dealt with Foucault's ideas concerning surveillance. He presented a number of bold statements that attempted to explain the massive transformation that society experienced around the eighteenth-century. Shortly, the validity of his claims will be tested. But before this can be done, the fourth section of *Discipline and Punish* will be considered briefly as it contains some information that supplements Foucault's Discussion on surveillance and power.

The fourth section of *Discipline and Punish*, "Prison," goes into great depth on that specific institution and its power relations. Foucault begins this section by revisiting one of the questions he partially answered earlier: why is it that prisons become the default form of punishment? One further reason is that the concept of liberty became much more significant to the general population after the fall of the sovereign. One can

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<sup>76</sup> Foucault. 217.

<sup>77</sup> *Ibid.* 213.

<sup>78</sup> *Ibid.* 214.

find slogans extolling and glorifying liberty throughout the United States, for instance.<sup>79</sup> And, as prison deprives an individual of that liberty, it makes sense this type of punishment would be especially fitting in western societies. A second reason cited by Foucault concerns transforming individuals. This also goes back to individualization as custom-made prison sentences were supposedly intended to transform the criminal. This is achieved through practices such as isolation and putting inmates to work.<sup>80</sup>

Having described the prison system's main features, Foucault presents some criticisms of the institution. He states that prisons do not diminish the crime rate, that detention causes recidivism, and that the prison actually produce delinquents.<sup>81</sup> One further criticism is significant because it deals with surveillance. Foucault demonstrates that prisoners are highly surveilled after leaving prisons. They are viewed with suspicion and are treated poorly. One former prisoner from Rouen could not make ends meet due to the police's surveillance of him. Foucault writes, "he found himself unable to leave Rouen, with nothing to do but die of hunger and poverty as a result of this terrible surveillance."<sup>82</sup> This example touches on Foucault's belief that there has been a deliberate attempt to demonize delinquents. Society tells individuals that delinquents are people to be feared and must be separated so they can be watched.<sup>83</sup> Power dynamics takes a central role in Foucault's analysis of the experience of delinquents.

Foucault's most provocative statement in the fourth part of *Discipline and Punish* comes when he discusses the benefits for those in power when they punish delinquents. By exerting so much control over individuals, institutions like the police leave only a few areas open for individuals to defy those in charge. This usually involves petty crime. Since lawbreakers or protesters are often jailed for these petty acts, they are removed from the public domain. This is significant because those that do defy the law can often be considered the most dynamic members of society. By putting them in jail, elites guarantee that these dynamic members cannot influence the rest of the population to agitate for greater freedom or perhaps revolution. And when they are released, not many will listen to the ex-convict because he has been effectively smeared as a deficient member of society.<sup>84</sup> They are kept in check by the system that has been established.<sup>85</sup> Issues concerning power are undoubtedly present here. By keeping certain individuals, most often those in the lower classes, in a cycle of delinquency and imprisonment, the power-holders are allowed to hold on to their influence.

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<sup>79</sup> "With liberty and justice for all" is a passage from the United States' Pledge of Allegiance that nearly all American school children know by an early age. The word "liberty" holds a special mystique for many people in many countries.

<sup>80</sup> Foucault 240.

<sup>81</sup> *Ibid.* 265-266.

<sup>82</sup> *Ibid.* 268.

<sup>83</sup> This belief is alive today as evidenced by the ability to easily track registered sex offenders online.

<sup>84</sup> This assertion is such a strong claim, there needs to be convincing evidence to support it. Yet Foucault does not present such evidence; it is more of an assertion than an argument supported by proof. Garland concurs when he considers the same topic. He writes, "In the absence of any hard evidence that a strategy with these objectives does really exist, it would appear that Foucault is simply taking the (unintended) consequences of the prison to be its (intended) *raison d'être*" (p. 875). In this case, it is safe to say that Foucault has taken his claim a bit too far. While his assertion may make sense in theory, he does not present enough support to back it up.

<sup>85</sup> Foucault 278-279.

Before the application sections commence, Foucault's definition of surveillance will be given to provide a clear picture as to what the term encompasses. First of all, the French word that Foucault utilizes is *surveiller*. As the translator to *Discipline and Punish* notes, there is no proper English equivalent. The English correspondent of *surveiller*, "surveillance," is too restricted and too technical.<sup>86</sup> Thus, Foucault defines surveillance as a potentially aggressive action. It is clearly not neutral and can be used by one side to subjugate another. There are always motives behind surveillance and these motives are usually self-serving.

Foucault defines surveillance as a watch kept over a person or a group. But one must realize that this simple definition contains several components. Foucault considers surveillance in both a personal and complex manner. Surveillance can take place between two people such as neighbors. This type of surveillance is very simple and usually involves insignificant issues. At the same time, surveillance can involve many people as well as institutions. Thus, commanders can surveil many soldiers because these commanders have been given the authority to do so. Therefore, surveillance is not considered as one static entity. This is a benefit because Foucault allows himself to consider personal self-surveillance as well as institutional surveillance.

With this definition of surveillance established, how is one to know when a society enters into a time when surveillance has been fully enacted? There are several requirements that must be met. First of all, individual lives must be influenced by surveillance. This can be proven through demonstrating that people practice self-surveillance, for example. Furthermore, specific institutions must be examined. Schools and hospitals, among others, must have implemented a comprehensive system of surveillance. By examining institutions individually, the presence of surveillance in a society can be effectively determined. Furthermore, the level of surveillance enacted by a government must also be considered. A government must certainly embrace and enforce practices associated with surveillance in order to claim that surveillance permeates a society. Thus, this paper will examine both the personal and institutional consequences of surveillance. Among the institutions considered are schools and the military. The level of surveillance enacted by the government will be considered through actions such as the passing of the Patriot Act in the United States. This cohesive evaluation will help definitively determine the extent of the presence of surveillance as defined by Foucault in *Discipline and Punish*.

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<sup>86</sup> Foucault i

### Application: The United States

The system of espionage being thus established, the country will swarm with informers, spies, delators, and all the odious reptile tribe that breed in the sunshine of despotic power. The hours of the most unsuspected confidence, the intimacies of friendship or the recesses of domestic retirement, will afford no security. The companion whom you must trust, the friend in whom you must confide, are tempted to betray your imprudence; to misrepresent your words; to convey them, distorted by calumny, to the secret tribunal where suspicion is the only evidence that is heard.

Rep. Edward Livingston  
*Annals*, 5<sup>th</sup> U.S. Congress (1798)<sup>87</sup>

With a firm understanding of Foucault's *Discipline and Punish*, it has become the time to apply its major themes concerning surveillance to contemporary society to test their validity. The first country that will be considered is one in which Foucault lived and taught for several years, the United States. The United States is a fascinating case study because it has experienced such a change in its acceptance of surveillance from its beginnings to the present day. Judging from the citation above, many Americans at the inception of the country viewed surveillance and undercover observation as an affront to their lofty ideals. Contrast this view with the abundant warrantless wiretaps that were used during the George W. Bush presidency and one would be able to begin to glean the shift experienced within American society. After the American experience is examined, a historical perspective will be utilized to identify what factors in American history brought the country to its current relationship with surveillance.

Foucault's panoptic society and the creation of docile bodies through the use of surveillance shall be the focus of this investigation. To briefly summarize, Foucault stated that an entire society of docile bodies emerges thanks to constant surveillance and that the military camp model has disseminated throughout society. In judging Foucault's claims, these concepts are worthwhile ones on which to place focus as they are linchpins of his surveillance theories.

There is perhaps no better feature of modern American society to study when considering the accuracy of Foucault's views of surveillance than closed-circuit television (CCTV). CCTV is found in many businesses, such as department stores, as well as in public spaces. The purpose of installing these cameras varies from allegedly preventing damage to inventory to catching traffic law violators at intersections. Extensions of CCTV are also prevalent within the domestic sphere as homeowners have made the choice to install cameras to watch over their property. Even if CCTV was not as prevalent as it is today, it would still be worthwhile to study it because technology has progressed to an incredible degree since the death of Foucault. He did not have the opportunity to consider surveillance in light of these new advances and what that means for his panoptic model. This unavoidable omission of Foucault is especially glaring today

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<sup>87</sup> In Garrison, Omar V. *Spy Government: The Emerging Police State in America* (New York: Lyle Stuart, Inc, 1967) 86.

when one considers the prevalence of CCTV cameras. It is estimated that there is one surveillance camera for every 96 people in the United States.<sup>88</sup>

So, how closely does American society mirror the panoptic model when CCTV is taken into account? “How Closed-Circuit Television Surveillance Organizes the Social: An Institutional Ethnography,” an article by Kevin Walby about CCTV in the United States and Canada, helps address this question. Immediate validation of a part of Foucault’s theory can be found simply in the fact that there has been a great increase in the use of CCTV, verifying Foucault’s broad notion that surveillance will continue to increase. This popularity of CCTV is facilitated largely due to technology. Those watching the cameras do not have to be in the same vicinity, or even the same country, where the monitoring is taking place. Walby writes, “It is now common for banks and other commercial entities to outsource their video monitoring to settings situated thousands of kilometers away.”<sup>89</sup> This reality strengthens Foucault’s vision of a society with intense surveillance.

One aspect of the Panopticon that Foucault highlights is the prison’s function of individualization. Each prisoner is supposed to receive detailed attention so that their needs are met. If Foucault’s notions are correct, then this practice should have spread to American society at large. People will need to be labeled throughout their lives so that surveillance could be customized. Those considered to be degenerate members of society, for example, will be placed under higher scrutiny than those who are valued members such as successful businessmen. Graham Sewell relates in “The Discipline of Teams: The Control of Team-Based Industrial Work through Electronic and Peer Surveillance” that this essential feature of the panoptic model is present in parts of the United States today. He writes, “By scrutinizing our every activity, surveillance places us in categories—for example, criminals, consumers, patients, or workers—that are easily understood by our peers and ourselves alike.”<sup>90</sup> This feature manifests itself in practices such as racial profiling which heaps great suspicion on minorities. For example, many “suspicious names” (especially Muslim names) have been placed on a “No Fly List” in the United States as well as in other countries such as Canada. These people are screened at the airport and watched carefully.<sup>91</sup>

The phenomenon of labeling through surveillance is expressed through many different outlets in the United States. An example can be found in security at an American shopping mall. Security officers, in trying to prevent theft and damage done to merchandise, do not treat everyone as being equally likely to commit property crimes. The security officers interviewed by Walby customize surveillance by intensely watching only certain types of people. Walby explains that the security guards he interviewed “do not target suspicion equally towards all shoppers; rather, their informal watching rules direct intensified surveillance at racialized minorities, single mothers, persons receiving

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<sup>88</sup> “United States and Britain Lead the World with the Highest Number of Surveillance Cameras per Capita,” *Network Camera News*, 14 Mar 2009 <<http://www.networkcameranews.com/united-states-and-britain-lead-the-world-with-highest-number-of-surveillance-cameras-per-capita/>>.

<sup>89</sup> Walby, Kevin, “How Closed-Circuit Television Surveillance Organizes the Social: An Institutional Ethnography,” *Canadian Journal of Sociology* 30.2 (2005): 193.

<sup>90</sup> Sewell, Graham, “The Discipline of Teams: The Control of Team-Based Industrial Work through Electronic and Peer Surveillance,” *Administrative Science Quarterly* 43.2 (1998): 403.

<sup>91</sup> “Critics alarmed by Canada’s No-Fly List,” CBC. 2007. 27 Mar 2009 <<http://www.cbc.ca/canada/story/2007/06/18/no-fly-list.html>>.

income assistance, and other socially constructed categories . . .”<sup>92</sup> The security guards operate off categories that give certain people special attention.<sup>93</sup> Contrary to the popular expressions, the United States has not entered an age where everyone is treated with the same respect. The Panopticon model states gains validity because people are treated in a heterogeneous manner.

Labeling and individualization definitely occur in the workplace. And examining the corporate model further verifies another aspect of Foucault’s paradigm. The Gaze, a crucial component of the Panopticon, has found its way into the work environment. Employees in corporations are aware that many of their moves are being watched. Management information systems allows managers to monitor activities such as computer operators’ strokes per minutes as well as the amount of time it takes for phone operators to complete a transaction.<sup>94</sup> Sewell elaborates on the corporate atmosphere in the United States. He explains that the “vision of elite groups exercising control using management information systems also bears a striking resemblance to the principles of panoptic surveillance.”<sup>95</sup> It bears a striking resemblance because managers have such complete control over their subordinates. Virtually all of their activities can be checked to make sure they are performing their duties correctly. Of course, not every action of corporate employees is actually monitored but there is always that possibility, motivating some to act as if they were being watched. These individuals have internalized the fear of potential negative consequences. Thus, for these people there is no actual need for surveillance since they act as if they are always being watched. The Gaze and the automatic functioning of power strengthen the arguments found in *Discipline and Punish*.

Up to this point, several key components of Foucault’s theory concerning surveillance have been validated in the American context. Yet contemporary American society does not completely acquiesce with Foucault’s paradigm. The fundamental problem is not in any particular detail but rather with an all-encompassing theme. In *Discipline and Punish*, Foucault relates that essentially all of society will operate like the Panopticon. This is, to say the least, a bold claim. Perhaps the society that Foucault was describing has not yet come to fruition and it is indeed in our future. But at this point one can not possibly argue that the United States operates like the Panopticon.

Studying concrete examples from the American reality reveals that the Panopticon’s Gaze does not fully transition from theory to actual implementation. Foucault’s publication states that prisoners interred in a Panopticon are constantly aware that someone may be watching them. It is this awareness that causes the subjects to internalize the Gaze and modify their behavior. Yet schools, an institution that, according

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<sup>92</sup> Walby 200.

<sup>93</sup> Walby’s interviews with the security guards are a key aspect of his paper. They are illuminating and lend much to his thesis. Walby, however, only interviewed two guards in one mall (who furthermore usually work as a team). It would have been much more desirable for Walby to make a greater effort to interview more guards. One can somewhat reasonably believe that the views expressed by the guards reflect the beliefs of many guards across the country. Nevertheless, the lack of a extensive interview process is a definite weakness.

<sup>94</sup> It is common practice now for there to be an automated message at the start of a call to a corporation that states that the call may be monitored for quality control, making both the caller and the employee aware of the gaze.

<sup>95</sup> Sewell 408.

to Foucault, is an ideal place to establish a panoptic structure, actually strive to keep some of their surveillance hidden from the students. Garrison elaborates by writing that some high schools have installed one-way mirrors in order to keep an eye on students' activities. The students are not told that the mirrors are one-way or that they are being watched.<sup>96</sup> Had the school operated according to the guidelines identified by Foucault, the students would know the true nature of the mirror and would wonder if someone may be watching from behind the glass.

CCTV reveals problems with Foucault's theory that are similar to the issues discussed in the example above. Again, people must be aware of cameras in public and private spaces in order for a panoptic society to be truly established. Walby reveals that this is not the case. Cameras have become so unobtrusive and small that Americans no longer register that someone might be watching them. People are simply unaware of the cameras. Walby elaborates,

The prevalence of discreet and mundane surveillance practices does not create the automatic functioning of power that Foucault had envisioned. For instance, CCTV cameras are not noticed by the people who fall under the optical gaze. The presence of cameras does not directly alter people's behaviour . . .<sup>97</sup>.

Walby presents a particularly convincing explanation as to why Foucault's theory is partially flawed. Individuals in contemporary American society do not alter their behavior in response to the panoptic Gaze because technology has become so sophisticated that Americans have, to an extent, forgotten about CCTV. For CCTV to operate as it would in a panoptic society, it would have to exert much more power over individuals and would have to be ever-present.

One further reason why Foucault's notions of surveillance are flawed in today's world comes from another observation of Walby. In the Panopticon, the guards simply cast their gaze on the inmates. The inmates, in turn, must alter their behavior to avoid punishment. Yet in a society in which CCTV is discreet and Americans do not constantly think about its presence, it is actually those that do the gazing who alter their own actions. Walby elaborates, "it is the CCTV operators' watching behaviour which is normalized along institutional lines by being behind the camera at Suburban Mall, not the shoppers' behaviour by being pored over by the all-seeing eye."<sup>98</sup> This is a twist to the Panopticon model. It should be the shoppers and not the guards who change. Yet it is the guards who have learned to regard minorities with greater suspicion since they began their employment. Evidently, the practical application of the Panopticon to American society has not been fully effective since it is actually those that are watching that have been influenced so much by surveillance that they change their attitudes and behaviors. It is very significant that the Gaze of the Panopticon fails to affect the average American to the extent where he or she internalizes power and then normalizes his or her behavior. This reality contrasts strongly to Foucault's vision.

Thus, because questions have been raised about Foucault's theory's validity, can his complete vision of surveillance ever be fully applied in the real world? The institution

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<sup>96</sup> Garrison 165.

<sup>97</sup> Walby 193.

<sup>98</sup> *Ibid.* 209.

that is best fitted to apply his theories is the one that will answer this question. It is prison, an institution that has strived to establish a true Panopticon. Stateville Prison, located in Joliet, Illinois, is an ideal example because it has a wing that has actually been designed according to Bentham's panopticon model (see image on the following page). The facility is a maximum-security male prison that was first opened in 1925. Today, it has an average daily population of 2,773 inmates with each inmate costing the state an average of \$33,665 per year.<sup>99</sup>

The Panopticon at Stateville is perfect to study because the environment in such a facility can be controlled to a much greater extent than elsewhere. It will be demonstrated, however, that Foucault's Panopticon is not present, even at Stateville. Inmates stationed around the central watchtower put up blankets or cardboard to remove themselves from the eye of the guards. The guards allow this practice because they have no motivation to intensely watch the inmates. C. Fred Alford explains in "What Would It Matter if Everything Foucault Said about Prison Were Wrong? 'Discipline and Punish' after Twenty Years," "The practice is permitted not because the guards have learned new respect or the prisoners' privacy, but because the guards don't care."<sup>100</sup> This clearly is an affront to Foucault's conception because the Panopticon cannot remain intact without the guards playing the role of watcher that was assigned to them.

The inmates' ability to remove themselves from the Gaze is not the only feature of Foucault's theory that is absent at Stateville. Individualization, another key feature of the Panopticon, is also lacking. According to Foucault, a prisoner would be carefully assessed and placed in a unit that would be of greatest use in rehabilitating him. Yet today, prisoners are not given personal attention when determining which facility would hold them. Alford elaborates, "Where most inmates are placed depends on where the next cell comes open. There is almost no connection between evaluation and practice, and everyone knows it. Evaluation is part of the ideology of prison, not its practice."<sup>101</sup> Alford's observations are illuminating because they reveal that surveillance and other aspects involved with the panoptic society are not being implemented in the United States today. The utopian vision of prisons has been confused for its actual operations in the United States. It is clear now that many key aspects of disciplinary power described by Foucault in *Discipline and Punish* are missing from American prisons.<sup>102</sup>

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<sup>99</sup> "Stateville Correctional Center," Illinois Department of Corrections, 2003, Illinois Department of Corrections, 25 Mar. 2009

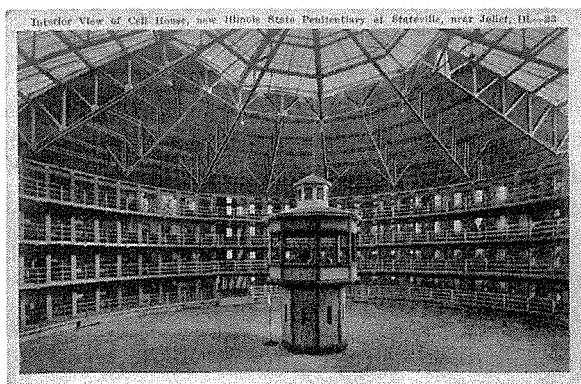
<<http://www.idoc.state.il.us/subsections/facilities/information.asp?instchoice=sta>>.

<sup>100</sup> Alford, Fred C., "What Would It Matter if Everything Foucault Said about Prison Were Wrong? 'Discipline and Punish' after Twenty Years," Theory and Society 29.1 (2000): 131.

<sup>101</sup> *Ibid.* 134.

<sup>102</sup> *Ibid.* 133.





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The imperfect implementation of Foucault's notions of surveillance at Stateville can be contrasted to a system that resembles his ideas of a surveillance society to a much closer extent. Interestingly enough, this system is not found in the military or a hospital but in the athletic department of a women's collegiate basketball team. Kevin Michael Foster describes an exhaustive program that carefully monitors virtually all of the athletes' activities in "Panopticonics: The Control and Surveillance of Black Female Athletes in a Collegiate Athletic Program."

Both the athletic and academic facilities that the athletes use are located in one building complex. The athletes have to swipe an electronic card each time they enter and leave the facility. In addition, they are required to spend a certain amount of time in the building each week for academic purposes. Tutors are brought to the facility so that the athletes have no other place to study and fines are given to those that missed tutoring sessions. Study rooms are situated in a circular manner with a central room where staff members monitor the athletes' activity. These watch rooms are outfitted with one-way mirrors so that the women do not know when they are being watched and so that one person can monitor many.<sup>104</sup> This system is a near perfect implementation of the Panopticon. Furthermore, athletes are still surveilled even when they were not at the complex. Coaches call the women at their dorms when they are required to go to bed and the athletes are also chastised if they do not wear respectable clothing to classes.

For the basketball players at this school, it can be claimed that they did live in a panoptic environment. Foster writes, "In all the ways described above, the department was a panopticon . . . including the permanent surveillance of a group of individuals through a generalized set of procedures."<sup>105</sup> The athletes, moreover, could be described as docile bodies because they readily accepted the control that was exerted over them. Many of them stated that it was actually good for them and pointed to the high graduation rates and academic success of the female basketball players.<sup>106</sup>

There is, then, a panoptic system in place in the United States. However, one should be careful when considering this program's influence. First of all, it is the only system of its kind. There is an extreme level of control and a high financial cost to

<sup>103</sup> Image of the Stateville Panopticon. "SDN Images," *SDN*, USA, 1 April 2009  
<<http://www.hks.harvard.edu/sdn/sdnimages/large.panopticon.jpg>>.

<sup>104</sup> Foster, Kevin Michael, "Panopticonics: The Control and Surveillance of Black Female Athletes in a Collegiate Athletic Program," *Anthropology & Education Quarterly* 34.3 (2003): 305.

<sup>105</sup> *Ibid.* 305.

<sup>106</sup> *Ibid.* 320.

implement such a system that it is very unlikely for it to spread to other sports programs or the United States at large at this time. Also, many college students would in no way accept such harsh provisions during a time in their lives when they have unprecedented freedom. The case study completed by Foster should be viewed as an exception and not the norm. Perhaps in the future American society will resemble a Panopticon but at this point, the country negates Foucault's overriding vision. In the end, while we have no (or very few) complete Panopticons, we still do have a society that accepts and lives with a considerable amount of surveillance every day.

### **What brought the United States to its current relationship with surveillance?**

The story of surveillance in the United States is peculiar when its history is examined. As has been stated earlier, surveillance and undercover activity was viewed as a danger to the country's religious attachment to the concept of liberty and government accountability. The secrecy involved with surveillance and undercover operations in truth do not fit in with Americans' sense of civil liberties.<sup>107</sup> How is a country that is naturally opposed to surveillance now spending more on the practice than on parks and roads?<sup>108</sup> Of course, an exhaustive examination of American history is beyond the scope of this paper. Focus will be narrowed to key events in the past century.

It is evident that the United States has come to rely upon surveillance due to a consistent obsession throughout its history with organizations supposedly attempting to dismantle the well-being of the nation. Frank Donner elaborates in *The Age of Surveillance*, "The American obsession with subversive conspiracies of all kinds is deeply rooted in our history. Especially in times of stress, exaggerated febrile explanations of an unwelcome reality come to the surface of American life and attract support."<sup>109</sup> It is due to this fear of the dangerous Other that the United States developed a culture in which subversive surveillance could be established.

The United States after the First World War is an excellent example of the fear of conspiracy leading to a culture which would foster surveillance. The unease created by a major war along with the Bolshevik Revolution influenced people to demand for surveillance intelligence to keep them safe. Donner explains, "The great American nightmare of a foreign-hatched conspiracy had become a reality. The twin traumas of war and revolution at once consolidated a nationwide countersubversive constituency and made intelligence its spokesman."<sup>110</sup> The fear of communists was one truly felt by the nation. Many supported discovering supposed communists by any mean necessary, including surveillance.

The fear of communism smoothly transitioned to a general fear of radicals over the decades following the First World War. This is partly due to consistent support from conservative American political parties.<sup>111</sup> But due to the lack of substantial numbers of Americans actually working for a communist revolution, the energy and money that was being pumped into surveillance was directed at other entities, one example being labor

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<sup>107</sup> Marx 15.

<sup>108</sup> Loendorf, Todd and G. David Garson (eds), *Patriotic Information Systems* (Hershey: IGI Publishing, 2008) 181.

<sup>109</sup> Donner, Frank J. *The Age of Surveillance: The Aims and Methods of America's Political Intelligence System* (New York: Alfred A. Knopf, 1980) 17.

<sup>110</sup> *Ibid.* 32.

<sup>111</sup> *Ibid.* 29.

unions. Through surveillance and informers American elites were able to discredit unions in the eyes of many. Donner explains that “it was easier to discredit and discourage labor unionism and strikes by association with violence, conspiracy, and revolution.”<sup>112</sup> Proponents of the surveillance vilified forces that were calling for change by associating them with communism. As this movement grew in size, the use of surveillance took a greater hold over the United States.

Another significant factor contributing to this trend was the formation of the Federal Bureau of Investigation. The FBI, initially started to regulate interstate commerce, rapidly expanded and concerned itself with other practices.<sup>113</sup> The FBI quickly embraced the practice of surveillance and it was given great power, particularly during the Cold War. Examining the appropriation requests for undercover and surveillance activities of the FBI between 1977 and 1984 demonstrates the increasing amount of power held by the bureau. In 1977 the request was for \$1,000,000. It increased to \$2,910,000 in 1980 and in 1984 the request was for a staggering \$12,518,000.<sup>114</sup>

With such a large budget, the FBI began surveilling in a broad, unfocused manner. In 1975 alone the bureau investigated 1,100 organizations. These supposedly dangerous organizations included the Children’s March for Survival, the Gay Activist Alliance, the Black Peoples’ Party, and a drug rehabilitation program. Surveillance was not simply limited to organizations. 65,000 domestic files concerning individuals were opened in 1972 alone.<sup>115</sup> This incredibly broad focus demonstrates that surveillance had taken a firm hold in the policy of the United States and that surveillance practices would not be stopped any time in the near future.

Perhaps the most telling sign that the implementation of surveillance was successful was the willingness of the American public to allow the practice to continue despite its failure to actually reduce crime or “subversive” activities of radicals. The elites have managed to convince the American public that surveillance is an essential program, even though it has had few measurable results when viewed in the context of the enormous amount of money invested into it. An FBI agent describes the situation thusly: “Why do you think the Director [of the FBI] has a large personal following in America? Because of his reputation as a crime fighter? Hell, no, crime has increased tremendously during his career. It’s because he has convinced people that he stands between them and a Commie take-over in the U.S.”<sup>116</sup> This quotation, taken from the 1970s, could easily be relevant today if “Commie” was replaced with “terrorist.” Americans have grown to view organizations such as the FBI as being vital to the well-being of their nation. There are no indications that the FBI will close any time soon. Therefore, surveillance will continue to be a major function of the United States’ government.

If one is to believe the sentiments of the George W. Bush administration, the United States has supposedly entered into an age that poses unprecedented danger for the American way of life. The events that occurred on September 11, 2001 are, according to the former president, all the proof the nation needed in order to justify an extensive surveillance program. Truly, surveillance today is “characterized as essential to

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<sup>112</sup> Donner 31.

<sup>113</sup> “FBI History,” FBI, USA, 24 Mar 2009, <<http://www.fbi.gov/libref/historic/history/origins.htm>>.

<sup>114</sup> Marx 5.

<sup>115</sup> Donner 153.

<sup>116</sup> *Ibid.* 81.

democratic governance.”<sup>117</sup> With the brief historical survey presented above, one can easily determine that Bush’s actions after 9/11 fall into the historical trend of conservatives exploiting fear in order to advocate for more stringent surveillance tactics. Bush was willing to abandon the principles of his conservative political ideology (such as less government interference in the lives of citizens) in order to gain greater power. Loendorf and Garson state the issue succinctly. They write, “Bush administration information policy raises fundamental questions about the survival of democratic values in what is increasingly a surveillance society.”<sup>118</sup> Therefore, the authors argue that Bush forfeited values that are essential to the American experience. There are several extraordinary actions involving surveillance that occurred during the Bush presidency of 2000 through 2008 that deserves particular consideration.

If there was to be one action that can be a symbol of the Bush presidency’s use of surveillance, it would certainly be the Patriot Act. Passed in the aftermath of 9/11, the Patriot Act made sweeping changes to the government’s management of information. For example, the wiretapping limits assigned to the government were expanded, allowing the government to spy on residents to a much greater extent. The Department of Homeland Security was also created and it was granted unprecedented access to information obtained by high-tech surveillance tools.<sup>119</sup> Further, the department set forth legislation that states that an attorney can retrieve information simply by claiming that the “information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”<sup>120</sup> While this is certainly not the first time when Americans have been subjected to increased surveillance by the government, the Bush administration had sophisticated technology that was not available in other eras available for use, making the administration’s practices very different.

October 2004 witnessed the renewal of the Patriot Act. This renewal brought even more controversial provisions that were justified by asserting that they would protect American lives from the dangerous Other. The changes made include the authorization to physically search homes and offices without notice, granting the FBI the ability to obtain secret court orders to force individuals to disclose personal records, giving prosecutors the ability to present evidence obtained in warrantless searches in criminal trials, and defining terrorism as vague and expansive, giving the government virtual freedom to investigate whomever they should choose.<sup>121</sup>

The changes enacted during the George W. Bush presidency clearly relate to Foucault’s notions of surveillance. The steps taken by the administration do make the United States resemble the Panopticon to an extent. The government now has the ability to keep watch over citizens to an unprecedented degree. In many cases, officials do not have to abide by the established legal procedure that upholds civil liberties. One must be careful, however, not to go too far and claim that the United States is an absolute Panopticon. Writers such as Garrison, who calls American intelligence agents “psycho

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<sup>117</sup> Backer, Larry Catá, “Global Panopticism: States, Corporations, and the Governance Effects of Monitoring Regimes,” *Indiana Journal of Global Legal Studies* 15.1 (2008): 111.

<sup>118</sup> Garson in Loendorf and Garson 2.

<sup>119</sup> Haque in Loendorf and Garson 180.

<sup>120</sup> Pub.L. 107-56, Page 115 STAT. 272, 2001.

<sup>121</sup> Garson in Loendorf and Garson 15-17.

spies”<sup>122</sup> out to monitor every move made in the country take their condemnation too far and reveal that they are overly biased. The United States has not reached a panoptic state.

### **Application: United Kingdom**

Will the British experience offer a different reality of surveillance than the one found within the United States? At the onset of this project, I expected to find that the two countries were completely different based on my personal experiences. I almost never concerned myself with surveillance in the United States but in the United Kingdom I was consistently perceptive of cameras. Also, British policies towards surveillance will be examined to determine whether they verify Foucault’s theories. Contrary to my initial suspicions, it will be demonstrated that, while Great Britain has its own unique features concerning surveillance, much of the British reality mirrors what can be found in the United States: neither country has established a panoptic society.

The crucial difference between surveillance in the United States and surveillance in Great Britain is that Britain surveilles its citizens to a considerably greater extent than in the United States. In fact, not only does Britain surveille its citizens more than in the United States, it is also the most heavily surveilled country in Europe.<sup>123</sup>

Examining surveillance conducted only in public areas reveals the extent to which Britain is attached to the practice. In 2004 it was estimated that there are over five million cameras in public places.<sup>124</sup> London alone has about 500,000 cameras in public spaces which is much higher than in comparable American cities such as New York.<sup>125</sup> These figures, collected in 2004, start to paint the picture of a country where there is one CCTV camera for every 12 residents (One should contrast this figure with the United States’ one camera per 96 residents to appreciate the level of surveillance in Britain).<sup>126</sup> Oxford, the inspiration for this paper, similarly has a high number of cameras for its population of 151,000. According to the Oxford City Council’s website, there are 76 cameras with 18 to be installed shortly. There are an additional 99 cameras run by the university that are fed to the surveillance center. There are seven staff members who monitor the cameras in Oxford.<sup>127</sup> This demonstrates that surveillance is so highly valued in the town that the people are willing to pay seven full-time salaries to keep watch over the cameras.<sup>128</sup>

With these facts in mind, one may be tempted to translate this into an assertion that Great Britain must be a panoptic society filled with docile bodies. It does make logical sense, after all, considering the amount of surveillance that takes place. This belief, however, is assuredly incorrect. The British, like Americans, have become accustomed to high level of surveillance and have virtually forgotten that they are being watched. A panoptic society can in no way be established if the population is unaware of the possibility of being surveilled.

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<sup>122</sup> Garrison 53.

<sup>123</sup> Webster, William R, “The Diffusion, Regulation and Governance of Closed-Circuit Television in the UK,” *Surveillance and Society* 2.2 (2004): 230.

<sup>124</sup> Norris in Webster 235.

<sup>125</sup> McCahil and Norris in Webster 235.

<sup>126</sup> “United States and Britain Lead the World with the Highest Number of Cameras per Capita.”

<sup>127</sup> “CCTV in Oxford,” *Oxford City Council*, 20 Jan 2009. 14 Mar 2009

<<http://www.oxford.gov.uk/community/cctv.cfm>>.

<sup>128</sup> The scope of the amount of money invested in surveillance becomes slightly clearer when one realizes that seven full-time salaries, even at the minimum wage, amounts to over £100,000 a year.

Andrew Hope's study of internet use in the United Kingdom lends justification to the assertion that individuals in Britain often do not think about surveillance. He writes, "Surveillance has gone beyond Foucault's consideration of panopticism because individuals are often no longer aware that they are the subject of surveillance."<sup>129</sup> British students on the whole do not believe that they are being monitored when they use the internet at school. The internet is a curious beast considering its rapid ascension to becoming a crucial part of many people's lives. There is a lack of fear of being surveilled on the internet due to the knowledge of the difficulty of policing such a complex and dense body.<sup>130</sup> Thus, students do not internalize the fear of being caught violating school policy regarding what websites are forbidden and therefore do not alter their behavior. In fact students do virtually no policing of themselves. Hope elaborates, "[A British student] concluded that the possibility of such surveillance did not affect his own online surfing. Indeed, research data suggested that surveillance of student Internet activity did not lead to extensive self-policing in post-primary institutions."<sup>131</sup> Hope's description is a parallel to the reality in the United States. Just like the shoppers in the American mall, British students do not continuously think of the possibility that their activities are being monitored. Docile bodies are not created through surveillance by others, nor, it seems, by self-surveillance.

The British students that were studied took their lack of self-surveillance a step further and practiced active resistance to the authority in this case, the teachers and librarians. Hope writes, "students were seen playfully obscuring computer screens with hands and books in an attempt to hide offensive e-mails . . . A more covert form of screen concealment utilized by students was adjusting the position of the monitor in an attempt to reduce screen visibility for others."<sup>132</sup> To be clear, this activity is resistance and not self-surveillance because the students were still visiting websites that violated school policy. This resistance taken on its own does not refute Foucault's vision. Foucault stated that when individuals in a panoptic society are always aware that they could be monitored, resistance would be a path that some individuals would choose. However, the British students are not operating in a panoptic society. So, when one takes their resistance coupled with a lack of self-surveillance, the British reality reveals itself to be quite different from Foucault's vision.

The British relationship between the internet and the Panopticon is the same as the one found in the United States. Government officials do not have a firm control over monitoring Americans' internet activity. Krueger explains that in the United States, "the structure of the Internet provides a poor fit for an effective disciplinary Panopticon."<sup>133</sup> Dissidents in the United States are not afraid of posting potentially inflammatory posts as internet use is not wholly monitored by the government.<sup>134</sup> Thus, both countries reveal that a panoptic society when analyzing the internet is far from the truth.

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<sup>129</sup> Hope, Andrew, "Panopticism, Play and the Resistance of Surveillance: Case Studies of the Observation of Student Internet Use in UK Schools," *British Journal of Sociology of Education* 26.3 (2005): 361.

<sup>130</sup> Hope reach this conclusion from examining five different schools and utilized semi-structured interviews, non-participant observation, and content analysis of school documents (pp. 364-365).

<sup>131</sup> Hope 367.

<sup>132</sup> *Ibid.* 367.

<sup>133</sup> Krueger in Loendorf and Garson 134.

<sup>134</sup> *Ibid.* 141.

The similarities between the two countries' internet use is not surprising in today's globalized world. The differences between developed countries, especially in terms of technology, are rapidly decreasing. A worthwhile future study could compare western nations' monitoring of internet use with a less open country such as China or Iran where intense censorship is a part of daily life. Perhaps these developing nations would resemble the Panopticon that Foucault envisioned. China, for instance, utilizes a large surveillance system for internet use in the country. There are estimated to be 30,000 or more "internet police" that search for inflammatory e-mail and for individuals who visit supposedly dangerous websites.<sup>135</sup>

One can leave the realm of the internet to discover other significant aspects of Britain's surveillance program. An area in which Great Britain differs from the United States is the government's attitude towards surveillance. Whereas the United States will include surveillance measures in legislation, Great Britain embarks on entire public relations campaign to convince the general populace of its merits. The government expresses an upbeat enthusiasm that is worth noting. For example, pamphlets were published praising CCTV. One such pamphlet was entitled "CCTV—Looking out for you."<sup>136</sup> Here, it is plain that CCTV is being billed as a benevolent force. The government is trying to convince citizens that their lives will be improved through increased use of CCTV.

Government leaders support and spread the messages extolled by pamphlets. The Prime Minister in 1994, John Major, believed strongly in CCTV. He brushed aside claims that CCTV in public spaces infringes on the civil liberties of British citizens. He said, "Closed circuit cameras have proved they can work . . . I have no doubt we will hear some protest about a threat to civil liberties. Well, I have no sympathy whatsoever for so-called liberties of that kind."<sup>137</sup> Here one finds not only support for CCTV but a condemnation of anyone who would question whether surveillance infringes on rights. The influence of those who have expressed this attitude has led the British government to make available £153 million between 1999 and 2002 for surveillance systems.<sup>138</sup>

Britain's eagerness for surveillance undoubtedly relates to Foucault's *Discipline and Punish*. In order for a true panoptic society to be established, it will require complete control by those in power. The British attachment to CCTV is perhaps an indication that the government will continue to expand its surveillance programs. One can already find that the British government has tightened its control over CCTV since the first cameras were initially installed. The government's first CCTV program in the early 1990s was unregulated and very simple. There was no complex framework to keep the Gaze operating to its fullest capacity. Today, however, there is a great sophistication surrounding the use of CCTV with an impressive networking of systems.<sup>139</sup> Thus, there is a possibility for a Panopticon to be established in Britain in the distant future thanks to the government's growing development and use of CCTV.

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<sup>135</sup> Haque in Loendorf and Garson 184.

<sup>136</sup> Fyfe, Nicholas R. and Jon Bannister, "City Watching: Closed Circuit Television Surveillance in Public Spaces," *Area* 28.1 (1996): 44.

<sup>137</sup> In Fyfe and Bannister 44.

<sup>138</sup> Webster 236.

<sup>139</sup> *Ibid.* 238.

Partly due to the government's unbridled fervor for high levels of surveillance, there is a wide acceptance for comprehensive monitoring programs in Great Britain among the populace. It is not unique for there to be wide acceptance of surveillance in a western nation. But whereas support for such activity is around 75 per cent in the United States, it reaches considerably higher levels in Great Britain. Fyfe and Bannister explain, "in Glasgow 95 per cent of those asked said they were in favour of CCTV in the city centre; in Airdrie 89 per cent believed CCTV would reduce their fear of crime; and in Sutton in south east London 85 per cent welcomed the introduction of CCTV to the town centre."<sup>140</sup> While one cannot simply rely on statistics as they can often be skewed to support a particular position, these numbers are nevertheless significant. Instead of questioning the complex issues involved with extending the government's surveilling power, people are content with believing in the power of technology and blindly approve of increased monitoring plans.

The British population supports increased surveillance largely because the majority believes they will never be caught doing an illegal act. The common view is that "if you've got nothing to hide then you've got nothing to fear."<sup>141</sup> One gets the impression that it is almost as if opposing increased surveillance means that that person must be guilty of something. There is also an assumption in Great Britain that the camera does not lie. Either one has committed a crime or one has not. There is no interpretation needed. Dovey elaborates, "The CCTV image appears to simply calibrate visual perception; it is operated by a machine, and no human mediation is involved in its production of 'pure' evidence."<sup>142</sup> CCTV is definitely viewed as being an objective practice.<sup>143</sup> Many believe that CCTV will always relay the truth.<sup>144</sup>

Britain's high level of support for surveillance and belief in the objectivity of CCTV finds meaning within Foucault's discussion of docile bodies. With such obedient support of surveillance, the British populace appears to be subservient to the all-powerful cameras. There is little active resistance to CCTV and those that do oppose such programs are branded as radicals.<sup>145</sup> Therefore, a potentially panoptic system is gaining virtually unchallenged power over the British population. It will be incredibly difficult to oppose surveillance in the future if not enough is being done about it now. As people throw their support behind surveillance, they are increasingly becoming cast in CCTV's shadow.

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<sup>140</sup> Fyfe and Bannister 43.

<sup>141</sup> Webster 236.

<sup>142</sup> In Groombridge, Nic, "Crime Control or Crime Culture TV?" *Surveillance & Society* 1.1 (2002): 41.

<sup>143</sup> One does not need to search far to discover that CCTV is far from being objective. There is one study, for example, that demonstrates that 10 per cent of targets on video surveillance were monitored for voyeuristic reasons (p. 37). It is not relevant for the intent of this paper to prove that surveillance is not an objective practice but it is important all the same to understand this reality.

<sup>144</sup> There is an entire field dedicated to the interpretation of truth in photos. It is widely held among sociologists that images can be presented in a certain manner to reflect a specific viewpoint.

<sup>145</sup> Fyfe and Bannister 44.



It is reasonable to believe that with such huge support for surveillance, there must be evidence that the programs are a success in Britain. Tables, such as the one presented below that state statistics for crime in two British towns, are often cited by proponents of surveillance.<sup>146</sup>

	Birmingham	
	Before CCTV (3 Months to 3/91)	After CCTV (3 months to 9/91)
Woundings	46	27
Robberies	79	55
Thefts from a person	89	63
Indecency	8	3
Damage	62	80

	Airdrie	
	Before CCTV (12 Months to 8/82)	After CCTV (12 Months to 8/93)
Car break-ins	480	20
Theft of cars	185	13
Serious Assaults	39	22
Vandalism	207	36
Break-ins to commercial premises	263	15

The data certainly seems as if it is the ultimate proof that surveillance does make areas safer. The drop-off in crime rates, particularly in Airdrie relates that crime apparently decreases dramatically after CCTV is introduced. Based on this data, one could easily be led to claim that the panoptic society described in *Discipline and Punish* is validated. The decrease in crime supposedly relates that criminals do take into account that they might be caught on camera. The criminals have internalized the gaze of the surveillance cameras and have normalized their behavior due to the cameras. Sufficiently docile, the cities are now a safer place to live thanks to CCTV.

The explanation presented above is tempting to use to explain the startling statistics. Yet there are problems with the data that stop it from truly validating Foucault's vision. Protestations are made by academics concerning the method in which the data was collected. Two academics who looked at the study believe the numbers are "wholly unreliable" and describe them as "*post hoc* shoestring efforts by the untrained and self-interested practitioner."<sup>147</sup> They cite the "before" and "after" times as being too short and are not matched for the time of year. Also, the data only relays crimes that were actually reported and recorded by police which may not be an accurate reflection of the total crimes committed.<sup>148</sup> Critics of this study have successfully cast enough doubt on the findings to stop any reasonable academic from claiming that the data is proof that CCTV operates like a successful Panopticon.

<sup>146</sup> Adapted from Fyfe and Bannister 41.

<sup>147</sup> Short and Ditton in Fyfe and Bannister 42.

<sup>148</sup> Fyfe and Bannister 42.

There is one further criticism of the study that inspires an interesting scenario. The study gained disapproval because it did not consider whether the cameras displaced crimes to surrounding areas without extensive surveillance. Fyfe and Bannister write, “the possibility that CCTV has displaced crime to surrounding areas not in view of the cameras is rarely mentioned or studied, and nor are control areas identified to assess comparable changes in crime in places without cameras.”<sup>149</sup> Disciples of Foucault can posit the question: what would happen if every city in the area had an elaborate system of CCTV? If criminals did indeed leave Airdrie or Birmingham, would they stop committing crimes altogether if every city had CCTV? Such a world would be the panoptic society envisioned in *Discipline and Punish*. British society, however, is nowhere close to this reality. Whether Britain could ever achieve that level of surveillance is a question one must ponder when examining the increasing amount of CCTV.

Considering the size of Britain’s CCTV program, one has to wonder whether anyone observes the observers. This issue is highlighted by Foucault in *Discipline and Punish*. In order to avoid harsh criticism and a fall into tyranny, the Panopticon must be open to public scrutiny. Foucault writes that there is an arrangement whereby “everyone [may] come and observe any of the observers . . . [Thus,] the disciplinary mechanism will be democratically controlled.”<sup>150</sup> The British system offers a rather tepid version of Foucault’s arrangement. There is a general practice in Britain that allows the public to come and investigate CCTV facilities but this does not go far enough. Fyfe and Bannister explain, “While most city centre CCTV schemes allow the public access to the control room so they can ‘observe the observers’, this is clearly not a sufficient condition for making schemes formally accountable to the local community.”<sup>151</sup> This statement is indeed valid. During my time in Oxford I had no idea that I might have had the opportunity to assess the CCTV facilities. The Oxford City Council’s website has no information on whether they allow access to the monitoring stations. The lack of clear communication validates the belief that the local community is not being included in the surveillance scheme in the United Kingdom. In order to retain reasonable control over CCTV systems in the future, those in charge must provide greater openness and eliminate what some have termed the “democratic deficit” associated with CCTV systems.<sup>152</sup>

With abundant evidence that the Panopticon is imperfectly implemented, one may be tempted to search for an area of British society that does resemble Foucault’s vision to a greater extent. One will find such a system within the phenomenon of reality television. Reality television is certainly not an exclusively British phenomenon. They are popular throughout the world, including the United States. Yet Britain is a particularly illuminating country to examine because of the people’s obsession with reality programs and its stars.<sup>153</sup> Reality shows undoubtedly adhere to the guidelines of the Panopticon. Thomas Mathiesen even calls the ability of reality shows to enable the many to watch the

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<sup>149</sup> Fyfe and Bannister 42.

<sup>150</sup> Foucault 207.

<sup>151</sup> Fyfe and Bannister 44.

<sup>152</sup> *Ibid.* 44.

<sup>153</sup> Take, for example, the late Jane Goody. Ms. Goody became a star on the reality series “Big Brother.” She later appeared on the Indian version of the program and was diagnosed with cancer on television live. She lived out the last months of her life with cameras making a documentary of her story.

few “Synopticonism.”<sup>154</sup> One British show in particular, “Big Brother,” relates the features of Synopticonism the best. Contestants are put in a house with cameras documenting their every move. Producers even boast that cameras are put in showers and by toilets so that no action will ever be missed. Viewers can log onto the show’s website and watch a live stream of the action, guaranteeing that contestants have no privacy. Of course, the control that an enclosed television studio offers producers means that it is easier to set up a complete panoptic system. To claim that it will be possible for British society to resemble “Big Brother” any time in the near future would be a gross overstatement.

Interestingly, a producer of “Big Brother” in England claims that contestants quickly forget that cameras are always pointed at them.<sup>155</sup> This is yet another example of the trouble of finding validation for Foucault’s concept of self-surveillance.

At this point, Foucault’s notions have been applied to both the United States and the United Kingdom. What emerges is that it is indeed true that Britain has developed its surveillance capabilities to a greater extent than the United States. One could say that Britain is a step ahead. This difference, however, pales in comparison to the similarities such as that people in both countries have largely forgotten that they are being watched. Thanks partly to this factor, among others, neither country has entered into a panoptic age. This crucial reality is, in the end, the most significant comparison that can be made between the two.

### **What brought Great Britain to its current relationship with surveillance?**

Trying to examine the history of Great Britain to determine what factors influenced its current relationship with surveillance is an even more daunting task than the case of the United States. Britain’s long and complex history is fraught with competing influences that both made the country have closer ties with surveillance as well as made the people averse to domestic spying. There are ample examples of instances in which influential individuals decried the use of surveillance. Yet all this protestation does not make up for the fact that Britain has used surveillance since the inception of the police force many centuries ago. Indeed, Great Britain today utilizes surveillance and CCTV to a great extent because an attachment to the practice has been instilled within the people for such a considerable time. There has been such a consistent use of surveillance throughout its history that it is almost in the British people’s genetic makeup.

One of the very early forms of surveillance was initiated very soon after the Norman conquest of England in 1066 AD. In England there was no official, organized police force. Instead, there was a cycle in which men of a town would act as police for a certain amount of time. Philip John Stead explains in *The Police of Britain*, “The first English policemen, then, were ordinary citizens, taking their turn of unpaid duty.”<sup>156</sup> There are several significant inferences that must be made from this feature of British history. One first realizes that a British-made system (as opposed to one forced onto the British by the Romans) of surveillance has been in place for over 700 years before the

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<sup>154</sup> In Groombridge 40.

<sup>155</sup> Carter, Bill, “Big Brother Hopes to Engineer an Exit, then Add a Face,” *New York Times*, 2000. 2 April 2009 <books.google.com/books?isbn=1579580602>.

<sup>156</sup> Stead, Philip John. *The Police of Britain* (London: Collier Macmillan Publishers, 1985) 9.

United States even became an independent country. This huge time span must be taken into consideration because the longer a certain practice has been established, the more it becomes ingrained into the psyche of a people. Second, the practice as set up after the Norman invasion invited many people to partake in the surveillance. There was not one small group of individuals who were responsible for maintaining order. Instead, there was a rotation that included most men in a certain town. This practice must have socialized a large number of people into accepting the workings of surveillance.

As British society progressed and became more advanced and organized, surveillance remained a permanent fixture in the police's arsenal. Andy Croll's "Street Disorder, Surveillance and Shame: Regulating Behaviour in the Public Spaces of the Late Victorian British Town," reveals that Victorian British society relied upon surveillance to maintain order in the streets. The level of surveillance was heightened during this era, as evidenced by a tightening hold over the street by police, traditionally believed to be a place of freedom. Croll elaborates, "a number of measures were introduced to regulate what were, avowedly, sites of freedom. . . . Surveillance was a key weapon in the armoury of the police as they set about fulfilling this mission. Henceforth, the public spaces of the town were to be monitored on a regular basis."<sup>157</sup> Evidently, surveillance was gaining notable power in Victorian England. It was being extended into spaces that were traditionally free from the gaze of the elite. As Bridge and Watson explain in *City Reader*, surveillance was cemented through this the privatization of public spaces.<sup>158</sup> This process could even be viewed as a primer for the installation of CCTV cameras in public spaces during the late twentieth century.

The Victorian age cemented surveillance's place in British society further through other means. The newspaper published the findings of those doing the watching and the humiliation which resulted from the public laundering added to the intensification of surveillance. Croll explains, "the paper had become an efficient means of extending the civilized gaze over the urban landscape [because] the local newspaper became [so] well placed to take on the characteristics of both a piece of surveillance technology and a shaming machine."<sup>159</sup> It is important not only to recognize that surveillance became inseparable from the British experience but also to acknowledge that newspapers (as well as the British media at large) still perform the same tasks today.

Even though Britain has a long history with surveillance, there have consistently been factions of citizens which have called out against the practice. One man, J. Hardwick, expressed his concern with the surveillance of the police in the late 1820s. He said, "the existing watch-system of London and its vicinity ought to be mercilessly struck to the ground. . . . Scenes of collusion, tricks, compromises, knaveries of all kinds [by the watchers], are brought to light daily . . ."<sup>160</sup> Sentiments such as this one were often combined with the fear that police were little more than menacing domestic spies.<sup>161</sup>

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<sup>157</sup> Croll, Andy, "Street Disorder, Surveillance and Shame: Regulating Behaviour in the Public Spaces of the Late Victorian British Town," *Social History* 24.3 (1999): 252-253.

<sup>158</sup> Bridge and Watson, 337.

<sup>159</sup> Croll 260-261.

<sup>160</sup> Taylor, David. *The New Police in Nineteenth-Century England: Crime, Conflict and Control* (Manchester: Manchester University Press, 1997) 146.

<sup>161</sup> Rumbelow, Donald. *I Spy Blue: The Police and Crime in the City of London from Elizabeth I to Victoria* (London: Macmillan, 1971) 16.

As a response to the criticism, much was done to combat the fears of police and surveillance during the Victorian era. These efforts were very successful in gaining broad public acceptance for measures that would extend the gaze of surveillance. Several high profile raids of organized groups of radicals were highlighted by the press in the 1830s.<sup>162</sup> Furthermore, nations with a more repressive government were presented to prove that Britain enjoyed a great amount of freedom. In the 1840s, writer Henningsen described the Russian citizen. He wrote, the Russian “is not only subject to this terrible surveillance within the pale of the empire, but when he travels abroad it follows him like his shadow. In the drawing-rooms of London and Paris, he dreads that the eye of the secret police may be upon him.”<sup>163</sup> Thus, concerted efforts were being put forth by the proponents of surveillance. The potentially unpopular aspects of surveillance were addressed by an effective campaign to classify the practice as being essential for the country.

A brief examination of modern Britain will provide a fitting conclusion to this section. Britain’s current practices still employ tactics that were developed a long time ago. Chalk and Rosenau explain in *Confronting the Enemy Within*, “the United Kingdom makes extensive use of its intelligence services in local community information gathering . . .”<sup>164</sup> This practice has its roots in the eleventh century when all ordinary men took turn officially participating in surveilling their communities. The United Kingdom has taken its community information gathering and extended it by recruiting terrorist insiders living inside of the country and turning them into double agents.<sup>165</sup> These practices differentiate Britain from the United States as the latter has a strong history of protecting citizens’ right to privacy.

While Britain enforces an extensive surveillance system today, it is far from perfect. There have been a number of high-profile terrorist plots that have not been prevented, most notably the attack on the London Tube. These attacks demonstrate that a Panopticon is not in operation today. One reason the system is less than perfect is that there is sometimes a lack in communication between agencies that conduct surveillance. Chalk and Rosenau write, “the issue of trust has frequently been a major underlying factor in mitigating the effective dissemination of data among and between counterterrorism agencies and bureaus.”<sup>166</sup> This is a problem, in fact, that Britain shares with the United States. Even with Britain surveilling its population to a greater extent than the United States, the country still does not utilize surveillance to its fullest capacity.

Given all the information that has been gathered and the assertions that have been made in this paper, it is worthwhile to theorize what a society that is a true Foucauldian Panopticon actually looks like. For one, there will always be the knowledge, or fear, that one’s actions are being watched. Thus, there would be no sanctuary from the Gaze and no privacy, even in one’s home. Furthermore, surveillance’s power would be directed by those in power to punish certain groups. For example, if the elite were made up of extremely conservative individuals, it would be expected that gays and lesbians would experience a higher level of scrutiny and a greater chance of being arrested or put in jail.

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<sup>162</sup> Palmer, Stanley H. *Police & Protest in England & Ireland 1780-1850* (Cambridge: Cambridge University press, 1988) 312.

<sup>163</sup> In Palmer 18.

<sup>164</sup> Chalk, Peter and William Rosenau. *Confronting the “Enemy Within”: Security Intelligence, the Police, and Counterterrorism in Four Democracies* (Santa Monica: RAND Corporation, 2004): xii.

<sup>165</sup> *Ibid*, xii.

<sup>166</sup> *Ibid*. xiv-xv.

A repression of people's innate sexuality could begin, bringing emotional and physical hardship to many. This scenario is not limited to gays and lesbians. The model could be unleashed upon others deemed "undesirable" such as members of a specific political party or religious group. In a panoptic system, the power of those doing the watching is frightening.

A panoptic society's surveillance measures would affect every aspect of a culture. The arts are a fitting example to demonstrate the effects that a comprehensive system of surveillance could possibly induce. Some of the greatest art that has ever been produced has been a result of artists criticizing those in charge. Shostakovich, the twentieth century composer, was denounced by Stalin and fell from grace. Yet Shostakovich did not repudiate his work and continued to produce music. There were even times when he fled his home because he believed he was going to be arrested. To a great danger to his life, Shostakovich continued to produce some of the most influential work of the twentieth century. Now, picture Shostakovich in a panoptic society. If Stalin had the ability to watch over every move Shostakovich made, it is very possible that he could have been arrested very early into his career. Even if Shostakovich was not arrested, the weight that a complete system of surveillance placed on him might have swayed him to cease composing music if he knew that the Gaze was on him at all times.

This brief example is meant to demonstrate that a panoptic surveillance society would be a very cold place with few comforts that most people in the United Kingdom and the United States have come to enjoy. Now one must ask: what is stopping either of the two countries from turning into a Panopticon? First, even though George W. Bush has hacked away at civil liberties, there is still a strong notion that individuals have a right to privacy. It will take many lifetimes before this value is forgotten. A Panopticon will also take a group of leaders who are determined to enact such a system. While someone like Dick Cheney has been made into a villain, one can not say with absolute certainty that even he was working to such an extreme goal. A final obstacle is a logistical one. Technology today is simply not advanced enough to implement a Panopticon. There is so much internet activity, for example, that easily tracking everyone's movement online is simply impossible. There are so many different ways of communication today. This guarantees that privacy will continue to exist until technology makes a huge leap forward and develops software that can effectively monitor all activity.

What can be learned from this discussion is that while surveillance is undeniably pervasive today, it has the potential to be considerably worse. If people sit down and consider the track that many countries are taking today, they might be influenced to fight against these developments. Indeed, I believe that a greater consciousness is necessary in order to protect ourselves from one day becoming a Panopticon. Even though I believe technology will not progress to the point where every action can be monitored within our lifetime, it is important to be aware of and address this possibility for the sake of future generations.

## Conclusion

CCTV is a significant tool in the fight against crime in Oxford. The impact of CCTV can help detect crime, as well as identifying missing persons and other public safety issues.<sup>167</sup>

The one thing that has been made the most obvious throughout the course of this paper is that surveillance has surely entrenched itself within the United States and the United Kingdom. Today, it plays an important role in almost every citizen's life in these two countries. Take the quotation above, for example. The Oxford City Council boasts of surveillance's usefulness. It seems that for many, a stable society means a surveillance society.

The writing of Foucault can be examined in order to shed light on the current state of surveillance. His notions concerning the Panopticon, individualization, and docile bodies are insightful to say the least. While many of his notions are correct, it would be inaccurate to claim that either the United States or the United Kingdom has entered into a panoptic age. But perhaps it would be incorrect to claim that Foucault is wrong. One could take the stance that he will be right eventually. After all, it does seem as if both countries are enacting surveillance policies that fit in with Foucault's vision. Perhaps I would be reaching different conclusions had I written this paper 50 years in the future.

While conducting research for this paper, I ran into a few imposing difficulties. The most pressing of these problems was that it was challenging to stay on topic. *Discipline and Punish*, as well as Foucault in general, is such a well-researched piece that touches on so many issues that I found myself being pulled in many different directions. There is such a breadth of material in the book that I could apply Foucault's insights in a number of different manners. I easily could have written entirely new papers based specifically on punishment theory or on modern prisons. I had to remind myself constantly to not stray from surveillance.

Another problem that I found involved current statistics. I was able to find many statistics concerning surveillance but many of them were outdated and not suitable for the paper. I was forced to go to the internet to find what I needed. Yet not all of the websites were reputable and it was a tough exercise in academic criticism when I was trying to determine which figures were accurate.

A future study of this topic would be aided by studying developing countries as opposed to exclusively developed countries. The level of sophistication in these countries' technology as well as the legislation regulating surveillance would certainly be different from the two countries examined in this paper.

Needless to say, my eyes have been opened even further through studying Foucault over the past academic year. I now truly cannot go a day now without thinking about surveillance. *Discipline and Punish* is a momentous book in that even if it is not completely correct today, it may very well describe society accurately sometime in the future.

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<sup>167</sup> "CCTV in Oxford."

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