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Surveillance as biopower

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This chapter explores the relevance of Michel Foucault’s concepts of biopower and governmentality for understanding the rationalities of contemporary surveillance in a way that is grounded and attuned to contemporary social and political transformations.

The thesis it addresses is twofold. First, surveillance is not only a form of a liberal governmental rationality seeking maximum effectiveness and managing the market and the population by observing, classifying and sorting individuals, but is also intended to capture the contingent features of the “uncertain” (l’aléatoire) that characterizes our times. Uncertainty, which had been already presented by philosophers such as Thomas Hobbes as one of the main attributes of the human condition, alongside indeterminacy, represents a significant feature of the actual context. Classical modernity’s aim as represented by Enlightenment thought and science was basically to remove unknowns and uncertainties. But uncertainty that has never been totally removed is still there. If in Hobbes’s times it was generated by crude human characteristics like greediness and selfishness, it is now produced both by the transformations of late modernity whose main features, says Zygmunt Bauman, are being “light, liquid, mobile, slippery” and the changes occurring in security regimes by the new forms of violence and their dissemination through transnational, private and virtual networks. These dynamics impact the claims to truth, knowledge and power which no longer rely on the traditional markers of certainty like territory, hierarchy and rationality that modernity had set after the seventeenth century. In this context, the biopoliticized surveillance, that is surveillance taking the human body and its movements as the focal points, appears like a political technology of population management and a technique of reassuring populations in complex and uncertain contexts of our times where security has become a high priority.

Second, biopower understood in its Foucauldian formulation as power over life and the species’ body is not the exclusive attribute of the state, but can be achieved anywhere by any organization through information gathering and data-management processes and tools. Indeed, in light of the current transformations occurring in the space of mobility as well as in the nature and the location of regulative powers, we witness a new modality of (bio)power. As societies become more dependent on information and communication technologies (ICTs) there is a change in power, intensity and scope. Becoming more and more hybrid, power deterritorializes and connects dots which are not in the first place designed to be connected. Moreover, power is now exercised in non-traditional locations like datawarehouses, software, airline and phone companies. The actual holders of power are not exclusively states but private organizations like Google where information about billions of people is offered to everybody as material
for processing and assessing without limitation, hierarchical order and precise location. Hence the emergence of a new way of managing individuals, their life and living: an electronic and digitized (bio)power which is more open-ended, flexible and embedded in domestic life as opposed to the classical territorialized bio-power of the nineteenth century which was the attribute of first the sovereign and then the market.

This chapter shows how basic biological features of human beings such as their unchangeable body parts, their biometric features, behaviors and everyday life activities like moving, traveling, communicating and connecting, have become objects of surveillance. It will examine how surveillance becomes a biopolitical security and power technology and how its regulatory measures transform it into a technology of certainty (Ceyhan 2008) which is supposed to compensate for the loss of confidence generated with the transformations of late modernity.

As Bauman contends in his series of books on “liquids,” the transformations of modernity generated new challenges for individuals and societies and also a loss of confidence on traditional regulative forces and institutions which are no longer capable of serving as a frame of reference for human action.

The argument of the transformation of actual surveillance into a new biopolitical form of power will draw both upon Foucault’s analysis of biopower that we will consider in association with the notion of the “treatment of the aleatory” (the uncertain) and the concept of governmentality developed in his lectures at the Collège de France between 1978 and 1979 (Foucault 2004 [2007] Lectures 1, 2 and 4). These concepts are still relevant for understanding the rationalities of contemporary surveillance, especially the form it took with the terrorist attacks of 9/11, and its elevation into global political technology since then. However, as aforementioned, the transformations of modernity and violence call for the adaptation of some of Foucault’s arguments to the new context, especially to fluidity and digitization, significant phenomena that we intend to include in the analysis of contemporary surveillance.

Surveillance as a technology of biopoliticized security

The concept of biopower was initially introduced in the first volume of the History of Sexuality as a form of power over life which emerged at the end of the eighteenth century and whose vocation is to “make life alive” (Foucault 1976).

How could power exercise its highest prerogatives by putting people to death, when its main role was to ensure and multiply life, to put this life in order [...]. The object of this biopoliticized power is the ‘species’ body, the body imbued with the mechanisms of life and serving as the basis of the biological processes propagation, births and mortality, the level of health, life expectations and longevity.

(Foucault 1976: 138, 139)

With this concept, Foucault reversed the emphasis on the threat of death characterizing the ancient times at the expense of the protection of life and initiated the problematic of taking life (body, health, sexuality, race) as the focal object for governing population’s and individuals’ self and social life which he pursued in his lectures at the Collège de France in terms of biopolitics of security and security technologies (Foucault 2004). The baseline assumption is that power focuses on the population by presupposing individuals as living subjects, and politics is essentially all about efficient techniques of estimating the fertility of territories and the health and movements of the population (ibid.).

For Foucault, security and biopower are intimately interrelated in that the biopoliticized problematic of security deals with an object that is constantly transforming and revolving around “the economy of the contingent” (Foucault 1976: 47), “the regulation of circulation and the promotion of reproductive powers and potentials of life” (ibid.: 16-20; 44; 45). The Foucauldian conception of security is broad and comprises several meanings. Different from discipline which is exercised on pre-determined individuals, security is exercised on an entire population of individuals for managing their life, health, psychology and behaviors. It refers to different meanings regarding whether it is exercised in terms of series
of mobile elements and events, or in terms of milieu as the space in which circulation occurs (Foucault 2004: 22).

The notions of circulation and milieu are central to the Foucauldian analysis of liberal regimes (Foucault 2004: Lessons 1, 3, 13). Circulation is the space of the operations of human beings and defines the principle of organization of modern biopolitics. Foucault looked at circulation both in terms of town planning and the circulation of commerce, networks, goods, ideas and orders. Moreover, the problematic of circulation includes both the freeing of circulation and also more generally the suppression of the dangerous, the problem of “differentiating good circulation from bad circulation,” maximizing the first one at the expense of the second (ibid.: 20). It then comprises the surveillance of dangerous populations such as “all floating populations, beggars, vagrants, delinquents, criminals, thieves, murderers” (ibid.).

Milieu is basically the regulative space of circulation. Foucault borrowed this notion from mechanics and biology after his reading of Canguilhem and Lamarck as the space in which populations are secured from death on the basis of their collective life, health and environment. It is the imaginary and real enclosure in which certain species not only are present, but can grow and prosper. Milieu is what is needed to account for action at a distance of one body on another (Foucault 2004: 20) and a set of natural givens, rivers, marshes, hills and a set of artificial givens and agglomerations of individuals’ houses (ibid.: 22, 23). The milieu is the constant entanglement of a geographical, climatic and physical with human species as it has a body and a soul, a moral and physical existence (ibid.: 24). Circulation is the principle of ordering of movements and interactions which can be put in series of indefinite number of events such as the number of boats that dock at the wharf or trucks that are coming to the city, etc. These series comprise indefinite numbers of units like houses, people, goods that pile up. Security is then the management of such kinds of open series which therefore can only be controlled by an estimate of probabilities (ibid.: 22).

In Security, Territory, Population (2004 [2007]) Foucault examined the different meanings security is invested with. These meanings go from the sense security was given in relation to sovereignty and territoriality to the meaning it held with the advances of liberalism in the eighteenth and nineteenth centuries, He then arrived to consider security as the statistical modeling of dangerous and/or risky behavior and the normalization that this modeling generates for populations (Lectures 1, 2 and 3). In his endeavor, he also specified that security is not limited to the protection of the territory but centrifugal; widening constantly its scope to include more events such as production, psychology, behaviors, etc. (Foucault 2004: 46). This reading of security is still relevant today as we witness the broadening of security focal objects to new and unexpected objects like the body parts, personal information, biography and data. Such mutation is generated with the transformations of violence, the new forms it has taken, and also with changes in science, technology and knowledge like the discovery of DNA and the production of cutting-edge security technologies such as biometrics, face-recognition technologies, intelligent tracking systems and the whole computerization and digitization processes. These technologies are characterized by their pervasiveness as they are not just tools for security agencies but invade the daily life of individuals. Not only are they part of the public space (as with camera surveillance) but they also participate in the securitization of individuals’ computers, data, luggage or houses. Moreover, some of them, like biometrics, participate in the regulation of individuals’ health as they are intensively used in ophthalmology and endocrinology.

In this chapter surveillance is considered as a political technology of population management. As the vast literature produced by surveillance studies indicates surveillance is an old activity that has existed as long as humans have existed and interacted with each other (Lyon 2006). In modern times it had been intimately connected with the regulation of the capitalist society and the modernization of the army and the nation-state. According to the Foucauldian problematic of biopoliticized security, surveillance can be understood as the very form of liberal governmentality seeking maximum efficiency for the regulation of bodies and species. It is an activity undertaken both by governments and institutions and even by the subjects themselves against each other. Regarding governmental forms of governmentality, according to Foucault, the idea that government should intervene in society means that the population should be managed and even
remediated or improved to ensure its members can participate productively in the market. This implies the regulation of subjects through means and diverse techniques, which are based upon the medical metaphor of body, circulation and flow. In this perspective, the biopoliticized regulation of population requires that the population has to be known both in terms of its actual behavior and with respect to the probabilities of its future behavior (what will the population probably do?). Hence the development of a whole series of systems of knowledge focusing on the identification, the tracking and the surveillance of individuals considered as dangerous for the population’s health (as it was in the nineteenth century) and well-being. However, in reality, the scope of surveillance is much wider than this. As Lyon posits, surveillance is ambiguous, and is understood in its ambiguity from care to control, and the role of visibility of the surveilled is taken as seriously as the process of observing, classifying and studying (Lyon 2006). Surveillance covers all aspects of the public and private life of individuals as they are implemented in the real-time and also in terms of future intentions and projects (ibid.).

Indeed, in the aftermath of the 9/11 attacks the response was the increasing surveillance of society not in its classical state/society relations terms, but electronically and remotely within a space of fluidity and movement whose reach goes over traditional state borders. Processed across cutting-edge technologies that are becoming more and more sophisticated, surveillance is directed towards the tracking of all movements and itineraries wherever individuals go in their daily life as well as their communications and connections (Lyon 2003). But, while aiming at controlling and regulating populations’ movements and preventing the emergence of risky features such as “bad circulation,” which Foucault presented as the circulation of “all floating populations like beggars, vagrants, delinquents, criminals, thieves, murderers etc.,” its aim is also reassuring populations in the context of fear and uncertainty created by the 9/11 terrorist attacks.

**Surveillance as a means of reassurance by the treatment of the uncertain (the aleatory)**

In his analysis of biopower and security apparatuses (*le dispositif*) Foucault dedicated a short but insightful portion to the question of the uncertain (the aleatory) that he considered as one of the natural processes that liberal governmentality must deal with and regulate (Foucault 2004: 32-56). Along with the space of the exercise of security, the norm and the population, the aleatory event is one of the four general features of security apparatuses (ibid.: 13, 32-56, 69-75). It is generated both by the contingent character of the event (like food scarcity which is not exactly famine but the current shortfall in the amount of grain needed to sustain a nation) (ibid.: 32) and its correlation with a variety of factors such as anti-hunger measures whose aim is to prevent the occurrence of probable events which often do not correspond to the reality (ibid.: 34).

Today these various factors are economic, environmental, biological, scientific and technological. Any incidence or change occurring on one of them may impact the biopolitical management of populations. This explains the task allocated to security apparatuses as to predicting the probable risks that may occur with the ongoing changes in environment, science, technology and health. The concept of the aleatory appears then as the explanatory variable that justifies the focus on the technologies of risk management that enable the prediction of these changes before they occur.

Foucault contended that the treatment of the uncertain (the aleatory) relies on statistics and the constitution of series of events likely to occur, such as overlaps, comparisons and calculations of costs (Foucault 2004: 11). Constituting an important dimension of the rationalization of state power, statistics were referred to in the seventeenth and eighteenth centuries as “the science of the state” or the descriptive study of the “curiosities of the state” (Deflém 1997: 155). The study of crime and diseases being one of the essential “curiosities” of the state, they were initially used in the realm of security to establish regularities. Later, by the middle of the nineteenth century, with the introduction of mathematical theories of probabilities they became more and more based on probability calculation (ibid.).
In the Foucauldian understanding, statistics and other techniques like surveillance are presented as “apparatuses (dispositifs) of security” rather than classical security means (Foucault 2004: Lectures 1-3). The concept of apparatus that Foucault borrowed from Deleuze does not refer to any single device or techné, but reflects an ensemble of both physical and non-physical means. Indeed, in Deleuze’s understanding apparatus meant “a heterogeneous ensemble, a sort of network that includes both the said and the unsaid, that is to say discourses, laws, regulations, administrative enunciations, institutions and architectural ensembles” (Deleuze 1989: 185). Following this, Foucault envisioned security apparatuses as connecting any physical security phenomenon such as theft with a series of both measures, means, discourses and likely events (probabilities) that are expected to occur. Not only do these apparatuses calculate risks, but they also calculate their costs and foresee the reactions of power and set the optimal acceptability level by the population (Foucault 2004: 8). In consequence, security apparatuses introduce a new form of power different from classical disciplinary power, which relies mainly on coercion. Indeed, contrary to disciplinary measures, security apparatuses do not intervene directly in the game but shape the rules of the game. Instead of being straightforwardly implemented, they operate indirectly or remotely. As such, they participate in what Foucault calls “governmentality,” that is the ensemble constituted by the institutions, procedures, analyses and reflections, calculations and tactics which can support “that very specific but very complex form of power whose main target is the population, major form of knowledge is the political economy and essential technical instrument are security apparatuses” (Foucault 2004: 111).

As parts of this ensemble, statistics rely on data and are concerned with the mapping of the incidence of contingent behavior considered in relation to multiple factors revolving around different spheres of life like health, sexuality, race, biology and so on. Referring to such a variety of possible domains and issues as well as to their correlations and preoccupied by their impact on behaviors, Foucault introduced the problematic of “probability and risk” without however developing them in detail as did later on scholars like Giddens and Beck. Even if the analysis of the concepts of risk, danger and probability needed in-depth developments, they however enabled Foucault to frame his problematic of security in combination with the developments of liberalism that Michel Sennelard, in his afterword to Security, Territory, Population, defined as “risk calculation” contending that the incitation to live dangerously implies the establishment of a variety of security mechanisms (Sennelard in Foucault 2004: 402).

The emphasis on the translation of the uncertain/aleatory into risk is relevant today for analyzing contemporary surveillance and the mobilization of the statistical knowledge for establishing probabilities about the likelihood of risky events to occur. In the aftermath of the 9/11 attacks surveillance and identification technologies have become the preferred way to manage risks and predict future dangers. Observing the emphasis put on risk-based surveillance approaches and solutions, Lyon stresses that more and more people and populations are labeled as suspicious and at the same time surveillance techniques have become increasingly intrusive and also opaque and secretive (Lyon 2003). And Deflem points out that “strategies of risk make up people not as legal-political subjects, but as statistical parameters in an equation based on objective knowledge of past and present conditions” (Deflem 1997: 152). To supply these parameters emphasis is put on the observation and analysis of behaviors as well as the tracking of movements.

The implementation of security as the assessment of probabilities is considered by political authorities as a means of reassuring populations in times of uncertainty. In the context of the adoption of precautionary measures for coping with potential dangers and risks before they occur and contending with people’s emotions, this approach is widely considered as politically rewarding even if there is no such macro and micro level empirical measurements of its real efficiency. However, its reliance on sophisticated data analysis and management technologies seems for some portion of populations a scientific approach to predict insecurity while some others put emphasis on the serious privacy and freedom problems its approach generates.
Algorithmic surveillance and management of behaviors

In contemporary security and surveillance apparatuses, risk analyses are realized in computerized databases where sophisticated softwares are displayed to process data. Deploying complex algorithms for the prediction of risky behaviors and/or people, these softwares implement a “silent surveillance” that Norris et al. called “algorithmic surveillance” (Norris et al. 1998).

As exemplified by the UK implementations, surveillance systems such as Closed Circuit Television (CCTV) have been widely installed in public spaces of almost all urban areas. Related to the evolutions of crime and violence, these solutions are continuously improved in light of the top technological advances. Currently, the objective of the progress to the state-of-the-art is not only identifying criminals and violent behaviors with precision, but also predicting future risky behaviors and/or people. In this perspective several solutions such as GPS, RTLS (Real Time Locating Systems), RFID (Radio Frequency Identification) tracking devices, intelligent video cameras and selection and sorting algorithms are currently widely displayed in surveillance applications. The immediate task of these devices is both real time precise detection of dangers and risks and prediction of future risks. For instance, in videosurveillance, various systems have emerged to display the digitized model of video cameras in real time to recognize normal behavior and detect and alert on all abnormal patterns of behavior.

To realize these tasks, surveillance technologies rely heavily on algorithms. As Introna and Wood contend (2004), algorithms that form the foundation of computing have become the principal layer of contemporary surveillance apparatuses. Essential to the way computers process data, algorithms are a list of well-defined mathematical instructions for completing a task such as calculation, data processing and automated reasoning. They are introduced in computer programs by software to carry out specific tasks that computers have been programmed to understand. This process is known as coding. Software is essentially composed of many coded algorithms linked together to produce a desired output from the hardware. Algorithms can thus be deployed as event generators as they combine the understanding of the scene with the users defined criteria to trigger special programmed events (alarms, etc.) or outcomes (profiles of risky people).

Relying upon complex analysis of data, “algorithmic surveillance” (Norris et al. 1998) is thus designed to uncover relationships among widely disparate information and enable predictive analysis of behavioral patterns. Contrary to the classical panoptic form of surveillance that Foucault described, based on Bentham’s model for prisons, actual surveillance is characterized by embedded, silent and hidden processes that make it difficult for individuals and society to be aware of and scrutinize it (Introna and Wood 2004). Moreover these processes threaten to replace social negotiations with technological process of judgment and generate unexpected social, ethical and juridical consequences (Lyon 2003, 2006).

One of the most distinctive features of this surveillance is that its predictive orientation is aimed at the detection of criminal acts, and at all human behavior in order to detect the risky ones. Even if this surveillance is processed through sensors, mathematical instructions and sequences of computer operations and thus appears neutral, such emphasis enhances in fact the biopolitical character of surveillance. Indeed, following the Foucauldian analysis of population management by security technologies we may then argue that through sophisticated surveillance mechanisms behavioral features of individuals and populations became an object of the political strategy of biopower. As aforementioned the principal technique of this power is the calculation of probabilities within a series of events, calculation of costs of action, normalization and correlations between different probabilities.

Towards a hybrid form of biopower

However, in current times the above-mentioned techniques and instruments are displayed slightly differently than with the nineteenth-century biopower.
As highlighted earlier, the questions of circulation and its regulation are essential for Foucault’s work concerning both disciplinary power and biopower. Both powers sought to order, channel and discipline populations. In biopower Foucault developed a principle of how people are governed based upon the regulation of circulation and flows and made the health of the body the match against which the techniques of power would be measured. He thus made medical metaphors of circulation and flow as the new principles of governmentality.

Contemporary parameters of political technologies are also established in relation to movement, and the body and behaviors constitute the centerpieces of its regulation. However, the space of circulation and the nature of the regulative power have considerably changed. Not only has the space of mobility been extended outside the state borders and embraced the whole globe, but it has also become virtualized and open-ended with the display of a variety of technologies of information and communication as well as the development of huge databases where flows of information are processed and data mined. Consequently, more than a straightforward biopolitical power of the subjugation of bodies, what we witness today resembles better the politics of artefacts, which, by its very design, includes certain interests and excludes others (Lascoumes et al. 2001; Introna and Wood 2004). These artefacts are heterogeneous systems that function like assemblages and transform the locations of power and politics. They connect different technologies like biometrics, video cameras, GPSs and algorithms and produce an insidious form of surveillance, which impacts individuals’ lives not from the outside but from the domestic and private spheres where these technologies become more and more integrated. This makes us define a new form of governmentality and regulative power that is located in non-traditional places like the Internet (Google, for instance), shopping malls, marketing services, phone companies, businesses and high-tech corporations. In these mundane, functional and dynamic locations, social negotiation is replaced by customer management, risk assessment, market analysis, and efficiency and efficacy measures (Lyon 2003, 2006).

Google for instance has become the most powerful biopolitical surveillance tool as it gathers, processes and mines large volumes of information about people and groups. Billions of people use it for information, communication, research and location purposes. Ever since these services are used, the searches always leave a mark that Google data-mining algorithms process in order to “connect the dots” of information and data which are initially unconnected. These dots concern all aspects of the past and present life of individuals and process both public, private and sensitive information. Data-mining software uses these dots and all the historical information to build a model of customer behavior which is used to predict which information would be likely to respond to further requests. Based on marketing and advertisement techniques (Lyon 2003), such an engine governs the public and private life of individuals without their consent. Moreover, Google’s projects don’t stay only at the level of information and search services, but also concern the field of molecular biology and genetics. As part of its further services Google has already downloaded a human genome map and is working closely with biologists on specific genetics projects that may lead to important developments in science, medicine and health. By this Google makes it clear that its aim is participating in the dream of anticipating the future and managing accordingly people’s life, health, leisure and security.

This complex assemblage of silent artefacts introduces what Lascoumes et al. have called “hybrid” systems (Lascoumes et al. 2001). Hybrids are heterogeneous systems designed for multiple tasks implemented without following an overarching direction from the beginning. They represent diverse interests and values and link generic technologies, which are not a priori designed for being connected (ibid.: 35–36). This translates in security applications as the linkage of a priori autonomous tasks like identification, surveillance, marketing, tracking, risk management, systems security, etc. These tasks which are not initially all framed for providing security and managing populations are brought together for functional reasons for providing security, services and comfort.

Today we witness a new modality of power. With the politics of artefacts there is a step change in power’s, intensity and scope. Biopower is not only the attribute of the state, but can be reached through
digitization and assemblage of autonomous tasks and interests in unexpected locations by “friendly looking” organisms like search engines, software companies, airline companies and data warehouses. As such contemporary biopower is hybrid. It opens new assemblages of technologies and techniques and is no longer processed by the sole control of populations through sexuality and health, but by the tracking of individuals’ body parts (biometrics) and behaviors as well as the scrutiny of their projects and thoughts. This explains its increasing focus on unchangeable body parts like fingerprints, iris and retina and on individuals’ behaviors and tastes in normal life as the very sites of risk assessment and prediction.

Contemporary biopower looks to be always evolving as it runs behind the dream of the anticipation of future events and projects. This never-ending race raises however serious and crucial problems for individuals as the strategic means and the basic materials of this race are their information and personal and public data. In this context, more than a problem of physical insecurity, individuals in non-conflict places face problems of data security as well as unexpected privacy issues that neither national nor federal juridical frameworks have anticipated so far.

References


