

## The New Surveillance or An Expanded Panopticon

***Eduardo Paes-Machado***

Professor Titular do PPGCS/UFBA, Brazil

Surveillance is no longer restricted only to traditional groups charged with watching. This is what Gary Marx, an interactionist sociologist, concludes in his current, comprehensive, conceptual book. The work both condenses and extends the great accumulation of knowledge by a scholar born in California, but who spent most of his career in Boston at MIT. The book focuses on a crucial topic for democratic ideals --the dignity of the person and the type of society we are becoming or can become. The topic touches on the fundamental problem of the lack of limitations and rules with respect to intercepting, packaging and marketing of user data across multiple countries. In focusing on the discovery, disclosure, concealment, access and protection of personal data the book contributes to the sociology of information.

To develop his arguments, the author uses a range of research techniques, as well as employing the method of analytic induction to formulate organizing concepts for his empirical cases. Through the analysis of these cases and using fictional narratives Marx offers a phenomenology of the topic as it is experienced by the subjects (often seen as "objects") and those who are observing them (agents). The primary focus is on organizational practices concerning individuals and individuals in their relations with each other. The emphasis is on how rules concerned with personal information relate to the new ways of extracting data, changing expectations and ways of regulating behavior in varied surveillance contexts. From this perspective, surveillance takes place in a setting of rules, expectations and behaviors involving private and public information. The latter two terms, together with secrecy and confidentiality are inherently social - because they imply another from whom the information is taken, withheld, or to whom it is communicated. Information expectations may or may not involve revealing or hiding data.

The author recognizes the legacy of fictional predecessors and essayists such as George Orwell, Aldous Huxley and Michel Foucault, but offers some additions. Compared to Orwell, current forms of control have more effectiveness and legitimacy and are more gentle, manipulative,

architected, connected, and rooted. Also in contrast to Orwell's exclusive emphasis on the role of the state, there are potential threats from non-state actors with respect to the disclosure, aggregation, analysis and distribution of personal data.

For Gary Marx, these predecessors, especially Foucault, suggest the emergence of a new type of society and new sets of practices, but those authors lacked the specificity needed to analyze the changes and to more fully capture the rich variations, the social and moral paradoxes and the topic's contradictions. In this regard the author calls for a more systematic and inclusive empirical approach that involves a variety of academic specializations, contexts, technologies and data properties. He also looks at inaccuracies and limitations in the language of popular culture.

The background and conditions necessary for the emergence of the contemporary new surveillance involve social and technological changes that undermine and transcend traditional limits that had offered some protection to thought, expression, and the self, body and group. Traditional surveillance which was based on the unaided senses and was modest in terms of scale, speed, and power relative to the so-called new surveillance, which reveals the data of institutions and of everyday life. Here we see the eye as a means of direct surveillance supplemented and even replaced by multiple senses and data sources. These include non-visual sensors and remote monitoring of communications and work environments that locate and connect different types of data. A central feature of much of this new surveillance is the digital conversion of what is collected, making information communicable and comparable on a previously unimaginable scale. The results are often inferential, circumstantial, and future-oriented.

In short, the new surveillance is defined as the scrutiny of individuals, groups and contexts through the use of technical means to extract or produce information. This is more contextual – involving geographical places and spaces, particular time periods, networks and systems, rather than specific individuals. The categories created by this new type of surveillance are more applied to population groups than to suspected individuals.

As to its goals surveillance as control needs to be relativized and put into perspective as one form that coexists with others made possible by the changes such as efficiency and predictability of institutions and services.

Surveillance as hierarchical social control has changed as a result of the development of informatics. Before that gaps in the internal and external connections of forms of knowledge limited the power of the center. Yet now the center no longer needs to be directly present. Control has become lighter and less visible, coming to even be seen as in the interest of subjects who provide information about themselves and others and control themselves. Developments in consumer surveillance have, in a shocking way, increased the extent and granularity of data available from credit card purchases.

New surveillance modalities are polymorphic since, in addition to directionality, they have bi-directionality with data strands extending horizontality and vertically whose borders are navigable. The basic categories whether involving sponsor, collector, object or audience can be separate, yet they can also be joined. The agent and the object merge into self-vigilance when individuals observe themselves. Again, self-monitoring may be imbricated with an agent of surveillance in the form of non-reciprocal and reciprocal cosurveillance. With the latter, personal data goes from the object observed to the observer and reflects differences of power and resources; in contrast reciprocal cosurveillance with networks is two-way.

Very important in all this is that data collection is embedded, imbricated and automated in the activity itself instead of being imposed upon it and being visible. The new surveillance modalities involve machines more than humans, are relatively cheap per unit of data collected and are often remotely mediated. With respect to the surveillance of subordinates or suspicious individuals, it seeks categorical, decentralized examinations of routine activities. Data transmission can be active or passive, with or without the individual's knowledge and consent and can involve video and/or audio communications and can muddy the dividing line between crowds and individuals.

Public and private organizations, both national and international have not seen a strengthening of accountability, or increased visibility or bargaining power of those who are the objects of this systematic, constant, minute scrutiny.

However, as all power generates lines of tension, conflict and resistance, there is no way to ignore the counter-tendencies of the new surveillance in the face of the all-embracing panopticon. Recalling the

Kafkaesque ironic and absurd vulnerabilities of complex systems, Gary Marx points out several important limitations of these systems. Firstly, the knowledge (and instruments) associated with the new surveillance are largely objects and opponents can use the same tools to defend, neutralize and attack targeted surveillance. In addition, the differences between objects means that a technique that works for some of them will not work for others and may even backfire.

Secondly, the availability of alternatives to full identification and various forms of anonymity can support persistent modalities of resistance and delinquency. Such opportunities, along with non-face to face interactions mean that individuals can possess multiple identities in cyberspace and a self that varies according to the audience and the will of the person. In addition, the greater tolerance brought by socio-cultural changes means that there is less need for individuals to protect themselves from previous stigmatizing information that may have been hidden before.

Thirdly, one should not lose sight of changes in regulation, which, impelled by the expansion of civil liberties and rights, have generated laws, policies and practices that limit and regulate the collection and processing of personal information of citizens. In the same way, new information consent policies provide users with the possibility of opting in or out, paying for a for a higher level of privacy, or accepting a lower level.

It should be added however that such counter-tendencies which exist in a field of disputes among a number of actors does not lessen the importance of concerns over society moving ever closer to a dystopia than we may realize.