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### Abstract

The objective of this paper is to revisit the metaphor of the Panopticon, borrowed by Michel Foucault from Jeremy Bentham to describe the development of disciplinary institutions in Western societies from the early nineteenth century, and to examine its relevance for the analysis of modern electronic means of surveillance. Widely used in the early stages of the study of new surveillance technologies, the metaphor of the Panopticon, particularly in the field of ‘surveillance studies,’ is growingly seen as inadequate to understand the impact of the latest surveillance tools and practices. This paper seeks to show that dominant interpretations of Foucault’s use of Panopticon as referring to techniques of domination or to ‘power over,’ while legitimate as regards some of his earlier writings, overlook Foucault’s later works on technologies of the self. That is, in Panoptic *dispositifs* in particular, as well as in settings involving power/knowledge configurations defining ‘normality’ more generally, individuals may end up exercising power over themselves without any coercion. It is argued here that the development of modern information and communication technologies may be said to produce a setting, the description of which as ‘panoptic’ is even more pertinent than was the case with respect to Western societies of the nineteenth and twentieth centuries. Building upon recent empirical works on the ‘chilling effect,’ particularly in the wake of Edward Snowden’s revelations in 2013, the article discusses modern technologies of the self—self-restraint and self-censorship—that new technologies, enabling different forms of surveillance, produce in Western societies. It also outlines the areas in which the notion of the Panopticon may be useful in terms of guiding research into self-discipline and self-restraint in the context of the proliferation of modern techniques of surveillance.

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### Introduction

The publication of Michel Foucault’s *Surveiller et Punir* (1975), and especially of its translation in English in 1977 (with an unfortunate modification of the title as *Discipline and Punish*), was an important landmark in the study of surveillance. It stimulated an increased interest in this field, which was further fuelled by the emergence of computers and searchable databases and later by all the communication and information technologies that we now have in use. For the field of surveillance studies, Foucault was “a foundational thinker” (Murakami Wood 2003: 235) whose work on the rise of the modern ‘disciplinary society’ led social theorists to “take surveillance seriously in its own right” (Lyon 1994: 7). The central concept, extensively borrowed from Foucault’s work in the study of surveillance, has unquestionably been the Panopticon, which Foucault himself borrowed from Jeremy Bentham, who, in his turn, was influenced by the project of a factory that his brother Samuel developed for the Russian prince, Potemkin; his brother, in his turn, had been influenced by the organisation of dormitories in the Parisian Military School.

Now, it is important to note that those scholars who have used the metaphor of the Panopticon to study modern surveillance have largely employed it to analyse the increased capabilities of modern ‘watchers’—predominantly the state and, to a lesser extent, business firms—to acquire more power over the ‘watched.’ In other words, the emphasis has been placed mostly on the enhanced capacity of intrusion into the lives of individuals, on the increased ability to know more about their actions, and on the implications of this growing capacity to exercise power over individuals—that is, on power as *domination*—that new technologies of surveillance have rendered possible. Thus, for example, Mark Poster interprets the Panopticon as “an imposition of a *structure of domination*” (1990: 214, emphasis added) “a means of controlling masses of people” (230). Robbins and Webster (1999: 90) similarly emphasise repression and discipline in their discussion of the panoptic settings. Fiske (1999) sees panoptic surveillance as “the most efficient form of power, the most *totalitarian* and the hardest to resist” (218, emphasis added). Thomas Allmer (2012) argues that by the Panopticon, “Foucault understands disciplines as forms of operational power relations and technologies of *domination*” (18, emphasis added). Those who focus on modern surveillance as a technique of profiling and social sorting also tend to emphasise the coercive or deprivational dimension of the Panopticon, in this case with respect to some specific categories of population as, for example, Gandy maintains in his classic *The Panoptic Sort* (1993). Didier Bigo (2006) develops a similar analysis, reformulating the notion of the Panopticon as “Ban-Opticon” to stress the use of power and exclusion with respect to migrants and ethnic and religious minorities. Those who develop a Foucauldian analysis of surveillance of employees emphasise the extent of the power that panoptic organisation of the workplace gives to managers to discipline workers (e.g., Zuboff 1988). For Robbins and Webster (1993), in this respect, the Panopticon is “the precursor of Scientific Management” (245) of Frederick Taylor, where surveillance played the key role in enforcing compliance and achieving productivity targets.

Such interpretation of Foucault’s work on disciplinary techniques as domination or repression tends to overlook his repeated emphasis that this aspect of power is not the only one and, as a matter of fact, not the most important one. For example, already in his lectures in 1975-1976, Foucault (2003) states:

Without wishing to boast, I think that I have in fact long been suspicious of this notion of ‘repression,’ and I have attempted to show you, in relation to the genealogies I was talking about just now in relation to the history of penal law, psychiatric power, controls on infantile sexuality, and so on, that the mechanisms at work in these power formations were something very different from—or at least much more than—repression. (17-18)

At the same time, the fact that numerous interpretations of his work (particularly of his early texts on asylums and prisons) stress primarily this repressive aspect of the ‘power of the gaze’ is understandable because, as Foucault himself acknowledged in 1981, in his studies of different Panoptic *dispositifs* he had concentrated predominantly on the oppressive aspect of power relations involved, not emphasising strongly enough what he would later call the “technologies of the self”—the manner in which panoptic settings make individuals perform *on themselves*, without coercion, different operations and exercises of power: “When I was studying asylums, prisons and so on, I perhaps insisted too much on the techniques of domination ... But *it is only one aspect of the art of governing people* in our societies” (Foucault 1985: 367, emphasis added). We will see below that although this is, indeed, largely the case with respect to his early works, even there there are passages in which he did discuss self-restraint and self-discipline.

At present, the notion of the Panopticon is increasingly seen by those who study surveillance as no longer adequate to grasp all the recent developments in technologies of surveillance. The situation is rather curious because, on one hand, Foucault’s Panopticon was first largely interpreted in a one-sided and a rather limited manner (essentially as repression and domination), and this narrow interpretation is now dismissed as inadequate; on the other hand, the dismissal of this partial understanding of Foucault’s concept is now also used to call for the abandonment of Foucault’s contribution to surveillance altogether,

with numerous calls to ‘go beyond Foucault’ and to develop ‘post-Foucauldian’ theorization of surveillance. David Lyon’s statement expresses well this tendency: “for newcomers to Surveillance Studies, panopticon seems like a brilliant idea. However, for some who have studied surveillance for some time, mere mention of the panopticon elicits exasperated groans ... So we come across electronic panopticons and superpanopticons as well as variations such as the synopticon or the polyopticon. Enough” (Bauman and Lyon 2013: 49)! Even earlier, some prominent scholars in surveillance studies explicitly rejected Foucault’s approach to surveillance. Thus, Haggerty and Ericson (2000) stated that Foucault’s concept of surveillance “fails to directly engage contemporary developments in surveillance technology” (607). Similar arguments were made by Williams and Johnstone (2000) on the grounds that the Panopticon implies an all-encompassing gaze, while modern technologies (particularly CCTVs) monitor only selective spaces (192). Lianos (2003) makes a more forceful rejection of Foucault’s concepts because, according to him, they “refer to the past” and cannot be applied to new “objects of study that they were not made for” (413, 427).

In the light of the above, the purpose of this paper is to revisit the notion of the Panopticon, as first described by Bentham and as later employed by Foucault, emphasising that the ‘power of the gaze’ in such *dispositif*, in addition to its repressive character, also has another dimension, which is self-restraint and self-discipline. To underline the significance of this dimension of power, particularly in Western liberal democracies, the paper discusses how modern communication and information technologies enable different forms of surveillance (by governmental and commercial entities, as well as ‘peer-to-peer’ or ‘lateral’ surveillance carried out by individuals over other individuals) that produce a setting, the description of which as ‘panoptic’ is even more valid than it was with respect to Western societies of the nineteenth and twentieth century. Building upon recent research on the ‘chilling effect,’ particularly in the wake of Edward Snowden’s revelations in 2013, the article discusses modern ‘technologies of the self’—self-restraint and self-censorship—that are practiced in such settings by individuals.

By attempting to demonstrate the continued (and even increased) relevance of the metaphor of the Panopticon, the paper evidently does not demand the employment of the Panopticon in each and every study of surveillance. What it seeks to achieve is to make a contribution to theoretical debates on modern-day surveillance by emphasising the fact that Bentham’s and Foucault’s uses of this notion, if rightly understood, prompt us to analyse those dimensions of modern surveillance that have remained largely understudied, namely how individuals, aware of being under surveillance, may end up exercising power over themselves without any coercion or use of force by other actors.

In this respect, what the argument developed here seeks to achieve is not so much to critically engage with the existing theorizations of surveillance but rather to complement them by identifying an important dimension of power, the analysis of which, in many cases, may actually be pursued within the existing non-Foucauldian or post-Foucauldian theoretical frameworks. For example, the analysis of contemporary surveillance as “social sorting” (Lyon 2003, 2006) could be extended to incorporate research not only on how individuals are sorted by different public and private actors but also on how they may sort themselves or attempt to behave in such a way as to avoid being placed in a particular category or, on the contrary, to be incorporated in some preferred group. The works on modern surveillance practices seen through the lens of a “surveillant assemblage” (Haggerty and Ericson 2000) could turn their attention to the manner in which individuals, increasingly conscious of the power of modern surveillance technologies, begin to be careful about what kind of traces they leave online and what kind of elements they will allow to constitute the resulting “surveillant assemblage” of their data profiles or “data doubles.” The same applies to more focused conceptions, such as Didier Bigo’s (2002, 2006) “Ban-Opticon,” which may include the study of not only how migrants or ethnic minorities are constructed as security threats but also of how they attempt to classify themselves using the existing (arbitrary) classifications and constructions (e.g., as ‘legal’ migrants, as opposed to the ‘illegal’ ones), thereby contributing to their reproduction.

The paper is structured as follows: in the first section, Bentham's conception of the Panopticon and its use by Foucault are discussed in detail in order to highlight the dimension of self-policing and self-discipline present in the writings of both authors; in the second section, the paper demonstrates that the development of modern information and communication technologies produces a panoptic setting, examines different instances of self-discipline and self-restraint that are practiced by individuals in Western democracies in this context, and discusses the implications of this for the exercise of different individual rights.

### Panopticon in the Writings of Bentham and Foucault

Before discussing Foucault's deployment of the metaphor of the Panopticon it is important to say a few words about its origins in the writings of Jeremy Bentham. As is well known, Bentham's project of a prison that he labelled "Panopticon"—literally meaning all-seeing—involves a perimeter building in the form of a ring with a tower at the centre, pierced by large windows, opening on to the inner face of the ring. The outer building is divided into cells, each of which traverses the whole thickness of the building and each having two windows, one opening on to the inside facing the central tower, the other outer one allowing daylight to pass through the whole cell. An overseer in the tower—the "inspector"—can see inmates in each cell without himself being seen by them. Inmates who know that they may be watched at any moment in time must behave as if they are watched all the time. As Bentham puts it,

[i]deal perfection, if that were the object, would require that each person should actually be in that predicament, during every instant of time. This being impossible, the next thing to be wished for is, that, at every instant, seeing reason to believe as much, and not being able to satisfy himself to the contrary, he should *conceive* himself to be so. (Bentham 1995: 34)

In sum, Bentham's Panopticon involves three main assumptions: first, the omnipresence of the inspector, ensured by his total invisibility; second, universal visibility of objects of surveillance; and third, the assumption of constant observation by the watched. What is important to highlight here is that for Bentham, the Panopticon clearly involved two sides of power: on one hand, the 'power over,' that is, the ability to spatially organise different categories of inmates, to observe them, to punish, and to discipline those whose behaviour violates the rules that must be followed; on the other hand, the power exercised over oneself, that is, inmates who know that they are under constant surveillance end up exercising self-restraint and self-discipline, making any coercion totally unnecessary except in some rare cases of disobedience. As Johnson and Regan (2014) observe, "this effect is precisely what Bentham believed the panoptic prison would produce. Seeing the guard tower or believing the guards were watching, inmates would adjust their behavior to conform to norms they expected the guards to enforce" (16).

It is also well known that Bentham borrowed this idea from his younger brother Samuel, who had developed a project of a circular factory for a Russian prince in which serfs, not used to factory labour, would be supervised from a central position. As Bentham (1995) relates it in one of his letters from Russia,

[i]t occurred to me, that the plan of a building, largely contrived by my brother, for purposes in some respects similar, and which, under the name of the *Inspection House*, or the *Elaboratory*, he is about erecting here, might ... be found applicable, without exception, to all establishments whatsoever, in which, within a space not too large to be covered or commanded by buildings, a number of persons are meant to be kept under inspection. (34-35)

What is less well known, is that Bentham's brother owes this idea to his earlier visit to a Parisian Military School, where one of the first models of this system of isolating visibility had been put in place in 1751 in pupils' dormitories. As Bentham (1995) says,

[i]n the Royal Military School at Paris, the bed-chambers (if my brother's memory does not deceive him) form two ranges on the two sides of a long room; the inhabitants being separated from one another by *partitions*, but exposed alike to the view of a master at his walks, by a kind of a *grated window* in each door. This plan of construction struck him, he tells me, a good deal as he walked over that establishment ... and possibly in that walk the foundation was laid for his Inspection-House. (87)

As Foucault (1980) would later remark, this was done primarily to control the sexuality of the pupils: "it seems that control over sexuality becomes inscribed in architecture. In the Military Schools, the very walls speak the struggle against homosexuality and masturbation" (150).

The fact that Bentham gave a name to a model that was already developing in the eighteenth century, particularly in hospitals and military schools (see Foucault's [1980: 146-147] discussion of this), is important. Such panoptic *dispositif*, especially in the writings of Bentham where each detail is meticulously addressed, is a profoundly utilitarian model, inspired by and created for a developing utilitarian society. The project involves the development of the most cost-efficient model of punishment, seeking both to reform convicted criminals and to prevent others from committing crimes. The old model of punishment—public executions, involving the infliction of physical pain on the convict's body—was simply no longer practicable in the context of the developing capitalist industrial society. It was necessary to find new means of dealing with large masses of vagabonds or gangs of robbers, constituted mainly by peasants who had lost access to land as a result of enclosures and of the formation of big capitalist farms. It was also necessary to instil into these individuals a new work ethic, which required qualities such as obedience, efficiency, punctuality, and so on. As Foucault (1980) argues, the objective of the development of prisons, workhouses, factories, military barracks, and schools was to create a new form of discipline, which would correspond to the needs of the rising capitalist society and the interests of the bourgeoisie:

The bourgeoisie is perfectly well aware that a new constitution or legislature will not suffice to assure its hegemony; it realises that it has to invent a new technology ensuring the irrigation by effects of power of the whole social body down to its smallest particles. And it was by such means that the bourgeoisie not only made a revolution but succeeded in establishing a social hegemony which it has never relinquished. This is why all these inventions were so important, and why no doubt Bentham is one of the most exemplary inventors of technologies of power. (156)

This argument is echoed in the classical analysis of the Panopticon by Jacques-Alain Miller, who argues that Bentham simply registers the spread of utilitarianism in society, and the Panopticon project is inseparable from his writings on utilitarianism in general: "It is clear now that the reference of a utilitarian, whatever the point of departure of his reflection, always turns out to be nothing other than the great Everything: the universe, humanity. It is in this sense that the 'Panopticon' is not a theme among others in Bentham's work: a utilitarian is fundamentally panoptician" (Miller 2016: n.p., my translation). Indeed, nothing escapes the measuring and the calculating gaze of a utilitarian; the *objectif* is always an 'improvement,' that is, the maximization of gains and the minimization of costs. When Bentham (1962a) speaks of punishment, he uses the analogy of investment: "the pain produced by punishment is like capital hazarded in expectation of profit" (396). It is the prevention that achieves the maximum return on this 'pain-capital.' The penal code is transformed by him into an economy of suffering, in which all offences must be classified by degree of seriousness, each deserving a specific punishment that would inflict proportionate suffering and which would, at the same time, exceed the capital gained by the offenders in order to prevent similar crimes in the future: "The profit of the crime is the force which urges a man to delinquency: the pain of the punishment is the force employed to restrain him from it. If the first of these forces be the greater, the crime will be committed; if the second, the crime will not be committed"

(Bentham 1962a: 399). But, being a utilitarian, Bentham seeks to draw the greatest possible gains from the punishment, and he suggests that this could be achieved by means of its maximum theatricalization. Thus, in his advocacy for the use of whipping machines (to eliminate any variation or arbitrariness in the intensity of the punishment), he states that the number of the machines could be multiplied so that a larger number of prisoners would suffer the agony at the same time, “the terror of the scene heightened, without increasing the actual suffering” (Bentham 1962a: 415).

The apparent cost-effectiveness of the Panopticon led him to believe he found a “Columbus’s egg” (Bentham 1995: 95), a truly revolutionary invention in that it would, with very limited investment, offer the greatest possible returns, namely, the possibility of “obtaining *power over mind* in a quantity hitherto without example” (31, emphasis added). All that is required is an architectural setting in which reigns a ‘human gaze’: “Preach to the eye, if you would preach with efficacy. By that organ, through the medium of the imagination, the judgment of the bulk of mankind may be led and moulded almost at pleasure. As puppets in the hand of the showman, so would men be in the hand of the legislator” (Bentham 1962b: 321).

What is crucial in these statements is the manner in which Bentham expected the inmates to modify their behaviour without coercion or use of force. And based on this conclusion, he suggested that this model could be adopted not only to punish the offenders but in all kinds of institutions where *obedience* is required.

To say all in one word, it will be found applicable, I think, without exception to all establishments whatsoever, in which, within a space not too large to be covered or commanded by buildings, a number of persons are meant to be kept under inspection. No matter how different, or even opposite the purpose: whether it be that of punishing the incorrigible, guarding the insane, reforming the vicious, confining the suspected, employing the idle, maintaining the helpless, curing the sick, instructing the willing in any branch of industry, or training the rising race in the path of education: in a word, whether it be applied to the purposes of perpetual prisons in the room of death, or prisons for confinement before trial, or penitentiary-houses, or houses of correction, or work-houses, or manufactories, or mad-houses, or hospitals, or schools. (Bentham 1995: 33-34)

Here Bentham, on one hand, as noted by Foucault (1980: 147), describes the early stages of *what was already happening* (especially in hospitals and military schools) and, on the other, anticipates the adoption of the panoptic *dispositif* in other spheres of social life, which, as Foucault would argue, started to happen in the early nineteenth century. It may be added, and this will be important for our discussion of modern electronic means of surveillance, that Bentham’s imagination had actually gone even further than the creation of a panoptic setting: in *Principles of Penal Law*, he suggested that every individual should be recognizable wherever they might find themselves at a particular moment in time, that is, not just inside a panoptic institution. To this end, he argued that it would be good to have different uniforms with names of individuals printed on them (as, he noted, was the case in the capital of Japan) or, even better, to have the names printed on the individual’s skin:

There is a common custom among English sailors, of printing their family and Christian names upon their wrists, in well-formed and indelible characters; they do it so that their bodies may be known in case of shipwreck. If it were possible that this practice should become universal, it would be a new spring for morality, a new source of power for the laws, an almost infallible precaution against a multitude of offences, especially against every kind of fraud in which confidence is requisite for success ... Imprisonment, having for its only object the detention of individuals, might become rare, when they were held, as it were, by an invisible chain. (Bentham 1962a: 557)

We can see here an extension of panopticism (although in this earlier text he does not yet use this term), in which the constant visibility of all individuals (in terms of making permanently visible their identity) would prevent them from certain forms of behaviour. I will return to this argument in the second section in the discussion of the rise of facial recognition and biometrics which allow precisely what Bentham had dreamt of.

Let us now examine Foucault's writings on the Panopticon. To begin with, he started studying panoptic settings before he actually labelled them as such. Thus, in his works on asylums and clinics, he repeatedly emphasises the emergence, towards the end of the eighteenth century, of a new architectural design of medical institutions, which allowed continuous observation of patients and in which the key element was the 'power of the gaze.' And, as he would later acknowledge and as mentioned in the introduction, he mostly examined the 'power of the gaze' as the power of the watchers, the 'power over,' or power as repression. In these institutions, by his own admission, Foucault (1980) wanted "to find out how the medical gaze was institutionalised, how it was effectively inscribed in social space, how the new form of the hospital was at once the effect and the support of a new type of gaze" (146). He thus spoke of a "penetrating gaze," an "inquisitorial gaze," an "illuminating gaze"; he argued, for instance, that "[t]he proximity that comes into being in the asylum ... is simply that of a piercing gaze, observing, scrutinizing, moving pitilessly close" (2006: 488).

However, even in these works Foucault (2006) does mention the other side of power, which is always present in such panoptic *dispositifs*, the power that the watched exercise over themselves, the power that he would later refer to as the "technologies of the self" or "pragmatics of the self." For example, he argues that the suppression of physical constraints in the asylum "was part of a whole, of which the essential element was the constitution of 'self-restraint,' where the freedom of the mad ... was constantly checked by the gaze" (487 [in this passage in French in the French edition Foucault uses the term 'self-restraint' in English]). This dimension of self-objectification is also present in his discussion of the constant feeling of guilt that the mad were instilled with as part of their treatment: "the asylum organised [the guilt] for the madman as self-consciousness ... Through this guilt, the madman became an object of punishment always offered to himself; and from that recognition of his status as object, and his consciousness of his own guilt, the madman was to return to his consciousness. This movement ... was a process to be found in the gaze" (Foucault 2006: 485).

In *Discipline and Punish*, where Foucault actually discusses the Panopticon, a lot of attention is similarly given to power as discipline and domination: "The human body was entering a machinery of power [the prison] that explores it, breaks it down and rearranges it. A 'political anatomy' ... defined how one may have a hold over others' bodies ... so that they may ... operate as one wishes, with the techniques, the speed and the efficiency that one determines" (1979: 138). He further notes that "[t]he perpetual penalty that traverses all points and supervises every instant in the disciplinary institutions compares, differentiates, hierarchizes, homogenizes, excludes" (183).

At the same time, in *Discipline and Punish* Foucault also clearly states that his study is not confined to the analysis of power as repression or deprivation. Thus, he states, for example, that his study of disciplinary institutions obeys the following general rules:

1. Do not concentrate the study of the punitive mechanisms on their 'repressive' effects alone, on their 'punishment' aspects alone, but situate them in a whole series of their possible positive effects, even if these seem marginal at first sight. As a consequence, regard punishment as a complex social function ... 4. Try to discover whether this entry of the soul on to the scene of penal justice, and with it, the insertion in legal practice of a

whole corpus of ‘scientific’ knowledge, is not the effect of a transformation of the way in which the body itself is invested by power relations. (1979: 23)

In his argument about the spread of panopticism in the modern society, Foucault (1979) also highlights the importance of ‘experts’ who emerge alongside different panoptic institutions and create ‘truths’ about ‘normality’ and ‘deviance’: “We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the social worker-judge; it is on them that the universal reign of the normative is based” (304). These knowledge/power configurations and the ‘power of the gaze’ create a structure in which individuals themselves, without coercion, end up exercising self-discipline and self-restraint, in order to be in conformity with the ‘norm’ and the perceived expectations of the ‘watchers.’ As Foucault (1979) puts it,

[s]o it is not necessary to use force to constrain the convict to good behaviour, the madman to calm, the worker to work, the schoolboy to application, the patient to the observation of the regulations ... 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 inscribes in himself the power relation in which he simultaneously plays both roles; *he becomes the principle of his own subjection.* (202-203, emphasis added)

It is certainly these techniques that he had in mind when, in an interview given in 1981, Foucault stated that “there is another type of ... technique[e] which permit[s] individuals to effect, by their own means, a certain number of operations on their own bodies, their own souls, their own thoughts, their own conduct, and this in a manner so as to transform themselves, modify themselves ... Let’s call these techniques technologies of the self” (1985: 367).

The foregoing discussion of Bentham’s project of the Panopticon and of the manner in which Foucault used it as a metaphor in the analysis of the rise of disciplinary society allows us to make a number of observations. To begin with, Bentham, seeking to maximise the utility of punishment, mostly emphasised the cost-effectiveness of the Panopticon. That is, the lack of any necessity to maintain large and costly coercive personnel because of the total invisibility of the ‘inspector,’ together with the universal visibility of inmates aware of the fact that they may be watched by the inspector at any moment, created a setting in which inmates would behave in ways expected of them ‘willingly.’ That is, they would exercise self-restraint and self-discipline. He even believed that this would lead to a change in their personality and a loss of any desire of wrongdoing. In other words, the aspect of power that is emphasised in his writings is the power over oneself, rather than power as coercion or repression. As regards Foucault, he mostly focused on the Panopticon as a *dispositif* that involves the exercise of power as repression, but he also clearly saw that the power over oneself was equally operating in the Panopticon, and he explicitly stated this on several occasions, both in his early works and especially in the later works. Both Bentham and Foucault spoke about the extension of the Panoptic model to the rest of society. Both thinkers spoke of other *institutions* in which this model could be made operational (hospitals, factories, schools, asylums, etc.), but Bentham had actually gone even further than that when he discussed the usefulness of all individuals having an immediately recognizable identity, even outside such institutions. Bearing all this in mind, let us now examine modern technologies of surveillance and see how the model of the Panopticon could help us in analysing their effects.

### **Panopticism and Self-Discipline Today**

Surveillance has always been present in social life, and its extent has particularly grown with the rise of modernity and of a centralised bureaucratic state. For example, Giddens (1985) observes that surveillance is ‘constitutive of modernity’ and it is one of its four ‘institutional clusterings,’ alongside capitalistic enterprise, industrial production, and centralised control of the means of violence. As a matter of fact, it may be argued that surveillance cuts across all these aspects of modernity, as it has been necessary for the

functioning of capitalistic enterprises, for the operation of industries, and for the use of the means of violence. A number of ethnographic studies have confirmed that even the most primitive societies have had different types of surveillance mechanisms, which were, however, largely face-to-face (e.g., Westin 1967). Nevertheless, the development of new information and communication technology marked a decisive break (or what may be seen as a Foucauldian ‘historical discontinuity’) in the nature and the extent of surveillance practices.

Thus, with the rise of computers, as observed by some scholars already in the 1970s and 1980s (e.g., Rule 1973; Marx 1988), the collected information became storable, potentially perennially, as well as easily searchable and accessible. Computers allowed for the cross-referencing of data stored in different databases, the profiling and sorting of individuals using diverse criteria, and the creating of different kinds of scoring systems to evaluate or rate individuals according to various criteria. With the more recent rise of biometrics and facial recognition technologies, as well as with the growth of social networks comprising hundreds of millions of users, the extent of the data on individuals possessed by governmental and, in particular commercial entities, has become gigantic.<sup>1</sup> As has been observed by a number of analysts, we now live in the period of “ubiquitous” or “liquid” surveillance (Bauman and Lyon 2013) in which the boundaries between different ‘watchers’ have become blurred. Thus, data collected by private entities (social networks, online shops, mobile phone networks, Internet providers, insurance companies, corporate employers, and so on) may easily end up in the hands of public-sector actors, such as intelligence and security services. Inversely, data collected by public-sector institutions may be handed over, or even sold, to private-sector actors (e.g., public hospitals sell data on patients’ medicine intake to pharmaceutical companies; police provide data to insurance companies, etc.).

What may be added to the existing literature on surveillance is a more general observation that the current phase of capitalism is characterised by two significant developments: first, the rise and the increasing importance of a new commodity—data (particularly user data)—may be added to Karl Polanyi’s list of three “fictitious commodities,” i.e., the objects that are not produced for sale but that become saleable under capitalism—land, labour, and money (Polanyi 1944). It may be suggested that user data is actually the most fictitious one because not only is it not produced for sale by users (who simply browse the Internet or share content with friends on social media) but it is also the most immaterial—it is a ‘cloud-based fictitious commodity’ (a collection of lines of code stored on a server); second, an increased significance of what may be termed ‘platform capital’—digital platforms that act either as independent means of production (that is, using only data as their inputs, as, for example, does Facebook with user data) or as auxiliary means of production (that is, when they are combined with other inputs, such as machinery, human capital, real estate, etc., as in the case of Uber, Airbnb, or Industry 4.0) (see Manokha 2018a and 2018b). What is important is that the latter cannot exist without the former: platform capital necessarily requires data, which are its ‘raw materials,’ to expand and create value. In this respect it may be recalled that Marx, in volume 1 of *Capital*, observed with reference to capital that it only comes to life when it meets in the market place “a special commodity”—labour-power (1976: 270); capital, he argued, “arises only when the owner of the means of production and subsistence finds the free worker available, on the market, as the seller of his own labour-power” (274). We may paraphrase Marx and state that for platform capital to come to life it also needs very a special commodity—in this case, data. What this means is that surveillance and ever-expanding privacy invasions, that is, the constant collection of data and its processing in more and more sophisticated ways, are intrinsic to the operation of platform capital as well as other entities whose business models also depend on this new fictitious commodity (e.g., data brokers or consultancies).

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<sup>1</sup> For example, in 2015, the NSA-processed 1 yottabyte ( $10^{24}$  bytes or 1 septillion [one trillion trillion]) of data from public-sector and private-sector sources.

The existence of digital platforms, many of which have amassed a gigantic amount of data (particularly social networks, with Facebook being an absolute leader in collecting data on more than 1.5 billion of its users as well as non-users whose online activity it also tracks [Rubin 2018]), creates an incentive for other actors (commercial entities that also rely on data for their profit-making activities as well as non-business actors, such as security services) to get access to it. In some cases, this results in the use of covert methods, such as, for example, in the case of the U.S. National Security Agency (NSA), as revealed by Edward Snowden in 2013, which extensively used Facebook data (including data that is not publicly available on user profiles), or in the case of Cambridge Analytica-Facebook scandal that is currently unfolding,<sup>2</sup> or in the case of an Israeli surveillance company Terrogeance, which has been secretly building a massive facial recognition database (Fox-Brewster 2018) consisting of faces “harvested from such online sources as Facebook” (Terrogeance n.d.). Now, what is important is that when revealed, such actions tend to generate a great deal of publicity, thereby increasing social awareness of the extent of modern surveillance and, we may add, contributing to the production of the panoptic effect: individuals become conscious that they are under surveillance, that data about their online (and also offline) activity are being collected and stored by various entities, that the digital traces they leave may be gathered and analyzed in ways and for purposes that they do not know of and at points in time that are not known to them either. In this setting, we would expect individuals to start exercising self-discipline and self-restraint. And, this is exactly what happened after the Snowden revelations, as a number of studies about the ‘chilling effect’ that they produced have established. Let us look at some examples of such studies and their findings.

To begin, the concept of ‘chilling effect’ (first used with reference to the U.S. First Amendment to describe the action of holding back free speech in the context of surveillance [Dolich 1993]), is now widely used to describe changes in behaviour made by individuals, aware of being under surveillance, to be in conformity with the perceived norms or expectations of the surveyors. This is very similar to the self-discipline and technologies of the self in panoptic settings discussed in the previous section with reference to the works of Bentham and Foucault. This resemblance is often acknowledged in this body of literature (e.g., Marder et al. 2016a). Now, as regards the ‘chilling effect’ of Edward Snowden’s revelations of surveillance carried out by the NSA and other intelligence agencies, what is notable about them is that nothing else happened—there was no increase in coercive or repressive measures by security agencies—only the disclosure by Snowden of the extent of surveillance (particularly the fact that the information obtained by the NSA came from such a wide range of sources, including platforms such as Facebook). And yet, as a number of studies that have been undertaken after the publication of Snowden’s files demonstrate, a large number of individuals immediately changed their behaviour both online and offline. The greatest impact that the Snowden files produced concerned the freedom of expression. Thus, according to a Pen American Center (2013) survey carried out in 2013, 1 in 6 U.S. journalists and writers started avoiding speaking or writing on a topic they thought would solicit a reaction from security services, and another 1 in 6 seriously considered doing so. According to another survey of journalists (Lashmar 2017), particularly of those engaged in investigative journalism, after the Snowden revelations there has been a “paradigmatic shift” in journalist-sources relations (665). Journalists, who need confidential sources providing public-interest information, usually from within organisations, have observed an increased reluctance on the part of their sources to reveal sensitive information because of surveillance. As stated, for instance, by Scott Shane of *The New York Times*, people are saying: ““So you want me to risk going to prison so your story is a bit better. I don’t think so”” (quoted in Lashmar: 681). The consequence of the ‘chilling effect’ on the sources of investigative journalists is that the public is left uninformed on key issues (Penrod 2004), which, as Lashmar observes, is “a most serious threat to the model of journalism as practised in Western democratic countries” (665). A different study of the ‘chilling

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<sup>2</sup> At the time of writing, it was revealed that Cambridge Analytica, the London-based political and corporate consulting group, had gathered private data from the Facebook profiles of more than 87 million users without their consent using a Facebook-based quiz app. This event was immediately highly mediatized and led to widespread condemnations by civil society actors as well as government officials (see Manokha 2018a).

effect' of the Snowden files revealed that 14% of U.S. investigative journalists did not pursue a story or did not reach out to a particular source because of concerns over surveillance, and that 2% even considered leaving the profession entirely (Hampton et al. 2014). Another study by the Pew Research Center (Hampton et al.)—on the willingness of U.S. social media users to discuss the topic of government surveillance on platforms such as Twitter, Facebook, and others—revealed that 86% of users were “very” or “somewhat” willing to have a conversation about the government’s surveillance program in a physical setting (e.g., at a family dinner or at a restaurant with friends), but only 42% would discuss these same issues through social media.

Since the publication of the Snowden files, mass surveillance has become one of the most written about subjects in mass media. Every day we learn from newspaper and journal articles, from documentaries and news bulletins, as well as from feature films and television series (such as *The Circle* or *Black Mirror*) about new developments in surveillance. That is to say, people in Western democracies are increasingly made aware of the fact that they are being ‘watched’ by different actors, and the ‘chilling effect’ produced by the Snowden files continues to persist, as has been confirmed by two recent studies by Jonathon Penney on the effect of the Snowden revelations on the online behaviour of individuals. In one research report, Penney (2016) examined the number of Wikipedia searches by U.S. users for terms that may appear to be security-sensitive and found a 30% decline in the number of such searches after the Snowden disclosures compared to the period before June 2013. In another survey of online behaviour (Penney 2017), out of 1,200 U.S. adult internet users studied, 62% said they would be less likely to speak or write about certain topics online, while 78% agreed that they would be more cautious about what they say online. Mathews and Tucker (2015) also gathered data from the United States, as well as 10 other countries, on search volumes of select keywords. The study similarly revealed that U.S. users searched significantly less using terms that they believed might get them in trouble with the U.S. government, and a certain drop was observed in traffic for search terms rated as sensitive in other countries.

Now, it is also useful to take a brief look at the existing analyses of the ‘chilling effect’ that results from what is known as of ‘peer-to-peer’ or ‘lateral’ surveillance (Andrejevic 2007, 2010). This kind of surveillance is also related to the rise of digital platforms, particularly of social networks, but the practices of self-censorship and self-restraint result mostly from the existence of large audiences of other users and not from concerns of users about state surveillance or about their data being gathered by commercial entities to be monetised in one way or another. In other words, here users are aware that what they say or post on their profiles will be read or viewed by different categories of people. The available studies of the ‘chilling effect’ resulting from this ‘peer-to-peer’ surveillance may be divided into two broad categories: on one hand, the analyses of the ‘chilling effect’ in general terms and on the other hand, the studies of more specific issues or categories of people (e.g., the analyses of the ‘chilling effect’ with reference to issues such as sexual orientation, health, political opinions, religious beliefs, or with respect to groups such as ethnic minorities, sexual minorities, etc.). As regards the former, most general studies identify as one of the key features of social media the fact that members are confronted with multiple audiences at the same time, which requires them to meet different expectations simultaneously. In face-to-face interaction individuals usually deal with small and homogeneous audiences, and they present themselves differently depending on the audience with which they are confronted (Goffman 1959). But online social networks collapse diverse social contexts into one; as a result, in managing their online image, users tend to be subject to a ‘lowest-common-denominator effect,’ that is, they “only post things they believe their broadest group of acquaintances will find non-offensive” (Marwick and boyd 2011: 11). A number of studies have revealed the fact that users have difficulties with maintaining consistency of presentation across multiple social contexts (Donath 2007; Kairam et al. 2012; Marwick and boyd; Wisniewski, Lipford, and Wilson 2012), which is one of the factors that contributes to self-censorship. For example, a study by Das and Kramer (2013) confirmed the correlation between higher diversity of friendship circles with higher self-censorship. The authors examined “last-minute” self-censorship on Facebook using a sample of 3.9 million users over 17 days and found that 71% of users “exhibit some level of last-minute

self-censorship in the time period, and provide specific evidence supporting the theory that a user's 'perceived audience' lies at the heart of the issue" (Das and Kramer: 120). According to the findings of Brandtzaeg et al. (2010), social networks, which offer to users an "all friends in one-place solution" (1007), result in social conformity, which "often occurs when an individual's actions are exposed to increased visibility or surveillance by other members of a group" (1011), and these online networks "often turn into a form of 'big brother'" (1022) as users self-censor as a result of social surveillance (see also Farquhar 2008; Kwon et al. 2015). In addition to the 'chilling effect,' a number of researchers have observed the emergence of the so-called 'extended chilling effect,' which involves social media users imposing constraints on their offline behaviour due to the fear that pictures or accounts of their offline actions might be posted online and be made viewable to their online audiences. Thus, the study of Marder et al. (2016a) concludes that "awareness of online audiences can occur when people are not directly engaged with the Facebook interface, particularly due to the presence of digital recording devices such as cameras. This leads to a comparison between individuals' potential Facebook 'selves' with the expectations of audiences, and if discrepant this results in [self-censorship]" (589). In this respect the authors point out that social networks "have the potential to be somewhat oppressive, as users normalise their behavior both online and offline" (Marder et al.: 589). The rise of wearable technologies that can capture and communicate our day-to-day lives online "is expected to further exacerbate the extended chilling effect as surveillance will be more ubiquitous than before" (589; the 'extended chilling effect' has also been demonstrated in the study of teenagers by Marwick [2012] and by the analysis of picture 'untagging' from Facebook posts by Lang and Barton [2015]).

As regards the studies of the 'chilling effect' and self-censorship with respect to more specific questions, Kwon et al. (2015), for example, have focused on the expression of political opinions and political posting on social networks. According to them, social networks, characterised by reduced privacy, the concurrence among multiple social contexts, and exposure to heterogeneous opinions, affect "the extent to which users are motivated for social conformity and the need to self-censor" (1423). As the authors conclude, "the results of this study generally suggest that social relational environment in SNS [social network sites] produces not just normative pressures ... but also informational influences on political opinion expressions" (1431). Marder et al. (2016b) have studied self-presentational concern on 'Liking' political parties on Facebook and discovered that while users may be motivated to 'Like' a political party, some feel socially anxious about the impressions their audiences may derive from this and choose to refrain from 'Liking' the party. Similar findings with respect to political expression are reported by Sleeper et al. (2013) who also identify the presence of multiple audiences as the explanation for self-censorship: participants self-censor content because they want "to manage how they present themselves to various audiences or to avoid argument or discussion ... they would have potentially shared about half of this self-censored content, across content types, given the ability to optimally target audiences" (800). Analogous results have been reported on other specific issues. Thus, Fox and Warber (2015) investigated LGBT+ individuals' identity management on social networks and established that they self-censor and exercise self-restraint not to disclose their LGBT+ identity. In a study focused on gays, Gearhart and Zhang (2014) also show different techniques of self-censorship online by gay users (for similar findings on sexual identity and self-restraint see Cooper and Dzara 2010; Drushel 2010; Gudelunas 2012). Another issue with respect to presence of the 'chilling effect' and of self-censorship that has been identified is health (see De Choudhury et al. 2014; Young and Quan-Haase 2009).

In the light of the discussion of Bentham's and Foucault's writings on the Panopticon in the previous section—let us recall Foucault's statement, quoted earlier, that "he who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power and he becomes the principle of his own subjection"—such 'chilling effects' of surveillance on online and offline behaviour should not come as a surprise. Indeed, this is what the 'power of the gaze' in a Panoptic setting is expected to produce—self-censorship and self-discipline. In this respect, returning to the initial question raised in this paper concerning the usefulness of the metaphor of Panopticon for the analyses of modern surveillance

practices, I would suggest that not only is it still relevant but it is actually more relevant today than with respect to Western societies of the nineteenth and twentieth centuries. To further illustrate this, let us recall that Bentham's discussion of his project of Panopticon involves three key elements: the omnipresence of the inspector ensured by his total invisibility; the universal visibility of objects; and the assumption of constant observation by the watched.

As regards the first of these dimensions, as we have seen above, in the current context of data becoming one of the most important commodities and acting as the main 'raw materials' for platform capital—various digital platforms generating billions in annual revenues, whose very ability to generate revenues actually depends on constant privacy invasions, on incessant collection of data, particularly user data—and with the rise of new and more and more sophisticated technologies of surveillance, we may now speak of ubiquitous surveillance as one of the key features of the late-modern world. Now, as has been argued by the critics of the use of the Panopticon in the current setting, there is certainly no one single 'inspector' conducting surveillance. However, what is important, and especially so after highly mediated revelations and discussions of the extent of modern surveillance, such as Snowden files or the currently unfolding Cambridge Analytica-Facebook scandal, is that *from the point of view of the 'watched,'* there is a growing awareness that they are constantly being monitored, that data about them are collected, stored, exchanged, cross-referenced, sorted, filtered, and combined in ways that they do not know. And, as demonstrated by the analyses of the 'chilling effect' examined earlier, there is also an increasing awareness of 'peer-to-peer' or 'lateral' surveillance taking place. That is to say, from the perspective of the objects of surveillance, there are 'inspectors' who are invisible, and what is more, they are much more omnipresent than before the advent of electronic means of surveillance, which, as we have seen, results in self-discipline and self-censorship as Bentham had anticipated envisaged in his Panopticon project.

As regards universal visibility, it may be argued that it is much more enhanced than in the nineteenth and twentieth century. Indeed, when Foucault used the metaphor, he examined *separate* Panoptic settings, *within* each of which operated the 'power of the gaze.' Today the situation is much closer to Bentham's dream of having identity visible on all individuals with names tattooed on their skin as facial recognition and geolocation technologies increasingly allow to track virtually every individual's movement. More importantly, if in the past some form of (visual) surveillance could be exercised, for example, in the workplace, it would stop with the end of the working day; today, it may continue at home as employers increasingly engage in the surveillance of workers' sleep quality, fatigue levels, physical exercise, etc. (often using wearable technology), with data being transferred to company online platforms (Manokha 2017). Those employees who work from home on company-provided equipment are under similar surveillance as are their colleagues working in the office (employers record all the actions that they perform on their computers, take random screenshots, use keylogging software, etc.). And, with the possibilities offered by geolocation technologies, the information on the employee's movement after work may also be recorded (through their smartphone or the car they drive) by employers<sup>3</sup> or other 'watchers' (mobile network providers, security services and commercial entities operating CCTVs, especially those equipped with facial recognition, etc.). In addition to this, any online activity that individuals engage in (shopping, social media, Internet surfing, etc.) is also recorded and processed by some kind of 'watchers.' That is to say, even though the identity of these 'watchers' who collect the information at each particular moment in time may vary, it is plausible to argue that today's visibility of individuals is closer and closer to being universal.

Finally, as regards the third aspect of Bentham's Panopticon—the assumption of constant observation by the watched and the resulting self-discipline—in today's setting the 'power of the gaze' is stronger, even compared to Bentham's initial model. Thus, as was noted by Miller (1975: 5), Bentham's Panopticon had

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<sup>3</sup> For example, a Californian employee was fired for uninstalling a program from her company-issued iPhone that tracked her every move, 24-hours-per-day and seven-days-per-week (see Kravets 2015).

one important flaw, namely, the possibility that the watched might one day try to find out whether they are indeed being watched. An inmate could hazard, entirely at random, a minor pardonable transgression; if this transgression goes unnoticed, then he could commit another, this time more serious, transgression. And, if this one goes unnoticed too, the inmate might somehow exploit this discovery. The contemporary means of surveillance are different in this respect: by allowing the storing of all information perennially, they remove the possibility of such a testing. Indeed, even if a message posted on social media, or an Internet search query, or a purchase made online, or a petition signed, does not trigger an immediate reaction (e.g., from security services or from social media ‘friends’), it might always do so at some future point in time because the information about it is stored in some database and may, for one reason or another, be found and retrieved by some actor. And, as the available studies on the ‘chilling effect’ examined earlier have demonstrated, the awareness of this on the part of the ‘watched’ is increasingly present.

Thus, the metaphor of the Panopticon is clearly useful in helping us make sense of the implications of modern surveillance, in prompting us to pursue further research into the manner in which individuals, conscious of the fact that data about them are being gathered and stored, may feel the need to exercise some form of power over themselves. To begin with, it is important to examine the implications of this for the exercise of different individual rights. We have seen the impact of Snowden files on freedom of expression; however, it is necessary to study the ‘chilling effect’ with respect to this right more extensively, for instance, its potential impact on social activism and protest movements. Indeed, when one reads, for example, “Surveillance Self-Defence” guidelines for US activists written by Electronic Frontier Foundation, giving a detailed advice on how to escape surveillance when trying to organise a peaceful demonstration (see Electronic Frontier Foundation 2015, 2016), one realises that the ‘chilling effect’ of surveillance is already experienced by such civil society organisations in Western democracies who feel the need to help activists avoid it. This, of course, is not to diminish the role of social media in greatly facilitating the mobilization of activists or the organisation of protests—there have been numerous examples of this, from the ‘Arab Spring’ to #metoo and many others—nor is to downplay the importance of ‘hacktivism’ and the rise of cyber protester organisations.<sup>4</sup> It is only to point out the fact that in our digital age this kind of communication technology may not always be enabling and emancipatory, and it may also have adverse effects on social mobilization, freedom of expression, labour rights, and other individual freedoms through practices of self-censorship and self-restraint in the context of modern surveillance. Indeed, the exercise of different individual rights, particularly of civil and political rights, constitutes the basis of democratic politics, and the ‘chilling effect’ of surveillance on these rights threatens to undermine, as Agamben (2013) argued in the wake of the Snowden revelations, the very possibility of politics. Thus, it is important to study these phenomena; revisiting the metaphor of the Panopticon encourages us to engage in a more thorough and systematic study of the impact of modern surveillance on the development of ‘technologies of the self’ and of their implications for Western democratic societies.

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<sup>4</sup> An excellent example of such emancipatory and enabling potential of social media is the ongoing attempt of Russian security services to block “Telegram”—a messenger and a social network, which uses encryption that security services are unable to break. The attempts to block the messenger have resulted in widespread mobilization of its Russian users, who see the developing standoff with the government as an ‘Internet civil war’ (Petkova 2018), as well as in technological solutions, developed by the founder of Telegram Pavel Durov and his team, all based in London. So far, the action of Russian authorities has led only to a very extensive ‘collateral damage’ (unavailability in some regions of Russia of Google, disruptions in the operation of numerous commercial websites and services [most notably, Amazon]) and outright closure of over 1.5 million sites with different IP addresses. Despite all this, Telegram is up and running and this is currently being interpreted by many activists as a victory of modernity over archaism, of freedom offered by new technology over old-style repression (see Burgess 2018).

Furthermore, let us recall that Bentham came up with his project in the context of the developing capitalism and that Foucault repeatedly emphasised the link between the development of panoptic institutions and the rise of the capitalist society and the interests of the bourgeoisie. In this respect, the Panopticon may also be helpful in the analysis of the ‘technologies of the self’ in the modern workplace, and of the implications of this for the capital-labour relation in more general terms. For one, electronic monitoring of employees may contribute to the increase in the intensity of work—indeed, it has been shown in some studies that workers under surveillance may limit pauses and toilet breaks, trying to beat the targets set by the management and to outperform each other (Kelly 2016; Levy 2015; Rosenblat, Knees, and boyd, 2014); it may also contribute to the increase in the length of the working day (some employees, and particularly mid-level managers, have been staying longer at work [or have been working from home in the evenings and weekends] without any instruction or coercion to do so [see Collinson and Collinson 1997]); in addition, it may contribute to the further development of measures taken by employees to become more physically fit or lose weight when they know that data about their health are collected by their employers (Manokha 2017). The overall impact of these developments may be an increased docility of workers and a growth in relative power of capital over labour, not so much because of the exercise of power as domination or repression by employers but as a result of increased employee monitoring.

## Conclusion

Foucault’s works, particularly *Discipline and Punish*, and his employment of Bentham’s notion of the Panopticon in the analysis of the rise of disciplinary institutions in Western societies from the early nineteenth century were important elements that stimulated and informed the studies of modern surveillance. However, as we saw above, there is an increasing agreement among scholars interested in surveillance that the metaphor of the Panopticon is no longer valid in the context of the development of electronic means of surveillance (or that it has simply been used too often) and that it is now time for the field of ‘surveillance studies’ to abandon the Panopticon, as well as to ‘go beyond Foucault’ and to develop ‘post-Foucauldian’ theorizations of surveillance. The objective of this paper has been to contribute to these theoretical debates and to show that that not only is the metaphor of the Panopticon still relevant but that it is actually more relevant now than it was with respect to Western society of the nineteenth and twentieth century.

Through an analysis of the original formulation of the Panopticon by Jeremy Bentham (as well as of some of his related works) and of the manner in which Michel Foucault employed it in the analysis of the rise of modern disciplinary institutions and practices, we have seen that both thinkers emphasised the manner in which panoptic settings may produce self-discipline and self-restraint, making coercion and use of force largely unnecessary. Bentham, in his profoundly utilitarian approach to punishment, believed that with his Panopticon project he discovered a “Columbus’s egg” (1995: 95), in that with very limited investment it offers the greatest possible returns: the possibility of obtaining power over mind, offered by the Panopticon, would remove any need for maintaining coercive personnel because the total invisibility of the ‘inspector,’ together with the universal visibility of inmates and their awareness of the fact that the ‘inspector’ may be watching them at any moment, would lead them to behave in ways expected of them ‘willingly,’ constantly exercising self-restraint and self-discipline. As regards Foucault, although in his works, particularly in his early studies of the ‘power of the gaze’ in architectural designs of hospitals and asylums, he focused on repressive or deprivational dimensions of panoptic settings, in his later works he repeatedly emphasised the importance of ‘technologies of the self’ that such *dispositifs* produce and the manner in which individuals end up exercising power over themselves in such contexts.

This dimension of the metaphor of the Panopticon has largely been overlooked, with most interpretations by surveillance studies scholars focusing on the coercive or repressive side of the Panopticon, on power as ‘power over’ rather than as self-discipline. In other words, it is the notion of the Panopticon understood in

this one-sided manner that many analysts working on surveillance are now rejecting. This paper suggests that if, on one hand, we interpret the Panopticon as having at its core the practices of self-discipline, as emphasised particularly by Bentham, and if, on the other hand, we extend the ‘power of the gaze’ to include all kinds of data collection and visual surveillance, we may immediately see its relevance to the analysis of modern surveillance. The paper has argued that the present context, marked by the development of ever more sophisticated means of surveillance, resembles even more closely the Panopticon project of Bentham than the societies of the nineteenth and twentieth century studied by Foucault using this metaphor. We discussed this with respect to the three key elements that may be inferred from Bentham’s writings concerning the panoptic setting: the omnipresence of the ‘inspector’ ensured by his total invisibility; the universal visibility of objects; and the assumption of constant observation by the watched. While it may be said that we now have many more ‘inspectors,’ if, by visibility we mean the possibility of having access to information about an individual—his or her tastes, interests, income level, age-group, preferred leisure activities, hobbies, political beliefs, movements, shopping patterns, Internet search history, apps used, and so on and so forth—all of which constitute the key ‘raw materials’ for platform capital and which are constantly collected, processed, and ultimately monetised, then it appears to be plausible to argue that ‘the universal visibility of objects’ envisaged by Bentham today by far surpasses what he could imagine (even with his idea of having their names tattooed on the skin of all citizens).

What is important for the exercise of self-discipline and self-restraint, however, is the surveilled objects’ realization that they are universally and permanently visible. We have seen that such a realization has been taking place, fuelled in particular by the revelations of Edward Snowden in 2013 of the extent of the NSA’s surveillance and acquisition of data from private actors, most notably digital platforms such as Facebook, Google, Yahoo, etc., as well as other highly mediated cases of ‘covert’ data acquisition (such as the currently unfolding Cambridge Analytica-Facebook scandal). To illustrate this, we have examined the findings of recent research work on the post-Snowden ‘chilling effect,’ particularly with respect to the freedom of expression as well as more general works on self-censorship by users in their online activity. These analyses reveal the existence of the ‘technologies of the self’ that panoptic settings are expected to produce, even in Western democracies. This clearly has important implications for a whole range of individual rights as well as for democratic polities more generally.

Now, to repeat the observation made in the Introduction, the relevance of the Panopticon demonstrated here should not be interpreted as a call to use it in each and every study of surveillance. What this study has sought to achieve by revisiting this metaphor and by showing its continued (and even increased) relevance is to emphasise the need for a thorough analysis of the practices of self-discipline that exist in our digital age, to point out that new communication technologies may be not only enabling and emancipatory but may also produce these adverse effects on different individual rights. The metaphor of the Panopticon, if correctly interpreted, prompts us to investigate this dimension of power that new technologies, allowing unprecedented and ubiquitous surveillance, also enable.

Finally, putting all these arguments together, it is important to state that the dismissal of Foucault’s relevance by a number of scholars, because of the alleged inadequacy of the metaphor of the Panopticon and because of the development of new technologies that did not exist at the time when Foucault developed his ideas, is regrettable and unjustified. Foucault’s insights into power and power/knowledge configurations, into obedience and conformity, into the relationship between discourse and practice, and a whole range of other extremely rich theoretical contributions may clearly inform the analysis and theorization of power relations and forms of power that modern surveillance technologies produce or reinforce.

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