The Digital Cage:
Digital Surveillance and Bureaucratic Governance.

Tom Jarvis

[The calculability of decision-making] and with it its appropriateness for capitalism… [is] the more fully realized the more bureaucracy 'depersonalizes' itself, i.e., the more completely it succeeds in achieving the exclusion of love, hatred, and every purely personal, especially irrational and incalculable, feeling from the execution of official tasks. In the place of old-type ruler who is moved by sympathy, favour, grace, and gratitude, modern culture requires for its sustaining external apparatus the emotionally detached, and hence rigorously 'professional' expert.[1]

Introduction:

Technology can act as a powerful catalyst for the reorganization of social relations. Much has been written on the extent to which information technology is facilitating a form of deterritorialized social relations and whether or not those relations are delegitimizing the Westphalian model of sovereignty. Relatively less has been written on the extent to which bureaucratic regimes have adopted these new technologies in an effort to reassert the capacity for governing these new forms of social relations.

Tom Jarvis is a 5th year Political Science and Economics student. In the fall of 2006, Tom hopes to attend UVic's Political Science Masters program. After that, Tom plans to pursue his Doctorate and a career in writing and teaching Political Science at the university level. Tom's primary areas of study are literature and how technology, culture and perception structure one another. When he isn't buried in books, Tom can usually be found on either the soccer field or tending bar. Tom would like to thank his parents, family and friends for the unwavering love, support and patience.

It would ultimately be dangerous to regard information technology as exclusively an emancipatory phenomenon. Excellent work has been done on the ways in which the profoundly political and problematic implications of technological innovations in other sciences.[2] It is my intention now to apply a similar method of problematizing the medium of digital information gathering ('dataveillance'[3]) and surveillance.

In *Parables for the Virtual*, Brian Massumi treats, among other topics, the power of technology as a catalyst for the organization of social relations. Massumi deploys Michel Serres' soccer ball analogy[4] as a means of expressing exactly what he means when he speaks of technology as an organizing agent of social relations.

> Put two teams on a grassy field with goals at either end and you have an immediate, palpable tension. The attraction of which the goals and ground are inductive signs is invisible and non-substantial: it is a tensile force-field activated by the presence of bodies within the signed limits. The polarity of the goals defines every point in the field and every movement on the field in terms of force – specifically, as the potential motion of the ball and of the teams toward the goal… If the goalposts, ground, and the presence of human bodies on the field induce the play, the ball catalyses it. The ball is the focus of every player and the object of every gesture.[5]

In this piece Massumi is employing a broader definition of "technology" than is common. The technology of the soccer ball acts, in Massumi's (and Serres') example to transform the "field of tension" from an arrangement of human beings in a spatial field into a cohesive social phenomenon: the soccer game. It is not my contention that technology is somehow both a necessary and sufficient condition for particular sets of social relations. It is clear that human beings can and do facilitate these relations through their participation.   However, it should likewise not be ignored that the technology has developed a degree of agency in allocating and evaluating social actors and assigning them a function to perform within the framework established by that technology.

What then is this technology which has transformed social relations so tremendously that the regimes of governance must react? My answer is two-fold. Firstly, the technology of digital information storage and exchange (information technology and telecommunications; IT henceforth), has rapidly and profoundly deterritorialized social relations.

Throughout history in most human practice, simultaneity depended on vicinity, on territorial proximity. Now, what happens when we can do things together in real time, but from very distant locations? There is simultaneity, but the spatial arrangement that allows it is a different one. It is based on telecommunications, computer systems, and the places from where this interaction takes place. This is the space of flows: not just the electronic/telecommunications circuits, but the network of places that are connected around one common, simultaneous social practice via these electronic circuits and their ancillary systems.[6]

Manuel Castells' "space of flows" is incredibly incisive with this point. The profound reordering of social relations such that they can be organized without a spatial component presents a fundamental problem of governance.

The capacity to track individuals and govern their movements is a tenant of territorially-based systems of sovereignty. Without the spatial component, social interaction becomes exponentially more difficult to regulate. Thus we establish the foundation for the second half of this dual movement in question. How have bureaucratic regimes embraced this transformation of spatiality into digitality? How are they appropriating this technology in order to reassert their ability to regulate social behaviour and maintain the bureaucratic structure of governance?

To be clear, this paper will not deal with the potential for abuse or misuse of surveillance as a method of law enforcement and national defence. Nor will it examine the risks inherent in the possibility of identity theft or the problem of incorrect information in dataveillance profiles. This paper will seek to problematize the digital as a medium of amassing information on individuals and to examine the administrative logic which would seek to engage in the kind of social ordering which surveillance and dataveillance facilitate.

Surveillance as a Method of Social Sorting:

As with database marketing, the policing systems are symptomatic of broader trends. In this case the trend is towards attempted prediction and pre-emption of behaviours, and of a shift to what is called 'actuarial justice' in which communication of knowledge about probabilities plays a greatly increased role in assessments of risk.[7]

In *The Panoptic Sort*, Oscar Gandy Jr. examines the ways in which the economic dynamism of capitalism thrives on the capacity to make informed and predictive decisions about individuals. Gandy deploys the example of credit rating assessment in examining how information is vital to efficient operation in the market place:

> In 1934, the Spiegel Corporation was an industry leader in the development of a pointing system, which it used to evaluate applications for credit. Spiegel… gathered data in four critical areas that were then used as the primary factors in the decision to grant credit… I refer to this process as the 'panoptic sort,' the all-seeing eye of the difference machine that guides the global capitalist system.[8]

Gandy's penetrating analysis of the market for information and the operational logic of the sorting of human beings. This logic functions so as to establish and select an efficient set of bureaucratic responses. Gandy's writing pioneered the assessment of informational profiling as a mechanism of social sorting.

The Panoptic Sort departed from more traditional analysis of the time because it examined the possibility that the formation of Castells' "space of flows" could be exploited by bureaucratic structures. Gandy further developed theories of the disciplining and governing of individuals by means of the architecture of digital systems. This kind of analysis of the phenomenon of digital information networks is evident in the work of later writers.

However, Gandy's work was limited in that his examination focussed on capitalist institutional bodies as the primary operators of social sorting practices. In *Surveillance as Social Sorting*, David Lyon, et al., took the next conceptual leap in applying this assessment to governance.

> … Paul Virilio and Gilles Deleuze – have observed that the processes of social ordering have been undergoing a change over the past decade of two. They argue that today's surveillance goes beyond that of Michel Foucault's disciplinary society, where persons are 'normalized' by their categorical locations, to what Deleuze calls the 'society of control' where similarities and difference are reduced to code.[9] The coding is crucial, because the codes are supposed to contain the means of prediction, of anticipating events (like crimes), conditions (like AIDS), and behaviours (like consumer choices) that have yet to occur.[10]

In an effort to add to this body of work, David Phillips and Michael Curry offer the "phenetic urge;"[11] that is the urge of bureaucratic regimes to classify and categorize individuals according to observed criteria. This analysis is probably the most penetrating in examining modern practices in surveillance and dataveillance. The term "the phenetic urge" captures the desire of bureaucratic administrative bodies to employ digital information systems and other surveillance technologies in order to observe, gather information about, amass profiles on and allocate individuals into discrete categorical structures. What is the impetus behind the phenetic urge? Is this impulse endemic of bureaucratic structures? It is to these questions we now turn.

The Phenetic Urge – Why:

Having established that information gathering by modern bureaucratic administrative bodies is being articulated through the logic of the phenetic urge, we must now ascertain why this is so. It is incumbent upon us to interrogate the nature of bureaucratic regimes with an eye to their organizing logic.

With this purpose in mind, we turn again to Weber's theory of bureaucracy. Weber held that, as hierarchical systems of social organization, bureaucracies thrive on stability and predictability. For the sake of efficient organization, the bureaucracy requires the maximum degree of stability and predictability in order that its responses to the requirements of those governed are appropriate, efficient, and effective. Weber's primary critique[12] (if it can be called that), was that bureaucracy, as a technology of mass social organization, was so efficient that it would eventually usurp all other social models.

> Imagine the consequences of that comprehensive bureaucratization and rationalization which already today we see approaching. Already now… in all economic enterprises run on modern lines, rational calculation is manifest at every stage. By it, the performance of each individual worker is mathematically measured, each man becomes a little cog in the machine, and, aware of this, his one preoccupation is whether he can become a bigger cog… It is apparent today we are proceeding towards an evolution which resembles [the ancient kingdom of Egypt] in every detail, except that it is built on other foundations, on technically more perfect, more rationalized, and therefore much more mechanized foundations. The problem which besets us now is not: how can this evolution be changed? – for it is impossible, but: what will come of it?[13]

While I am not yet ready to embrace Weber's sense of hopelessness in the face of the bureaucratic model, as I will discuss later, it should be apparent now that his assertion about the spread of the bureaucratic model was startlingly accurate. The logic of institutional governance has reached epidemic levels in the Westphalian model and informs the operating mentality of all capitalist bodies. And, if the speculation will be allowed, I suspect this is not restricted to the Westphalian or capitalist models. As Weber's analysis in *Bureaucracy* was not particular to Westphalian or capitalist bureaucratic structures, I believe he would support this assertion. Indeed, his primary criticism of Marx was that Weber saw no possibility of emancipation as socialist regimes would be bound by the same bureaucratic logic as their capitalist predecessors. As has been noted by urban theorists, the social organization of large population masses necessarily turn to efficient and institutional models to achieve societal goals.[14]

So why then must these bureaucratic systems seek to reduce diversity into predictability and stability? A lot of work has been done on this topic; two of the most influential pieces are Christina Chociolko and William Leiss's *Risk and Responsibility* and Kristin Shrader-Frechette's *Risk and Rationality*, both of which seek to treat the issue of risk-aversion in different models of social governance.

> We believe that health and environmental risks (especially those to which people are exposed involuntarily) are controversial because people believe – with good reason, we might add – that they cannot control their exposure to the chance of unfair and uncompensated loss. This belief arises, in part, because the experts testify that there are large uncertainties in the estimates.[15]

When we overlay these arguments on risk aversion and with Weber's assertions about bureaucracy, we see the broader logic of modern institutional bureaucratic regimes starting to take shape. The predictability and stability of the "cogs" is necessary for the mechanism of bureaucracy to function. This points out to us why, without the capacity to regulate behaviours in a de-spatialized context, bureaucracies find the unpredictability of de-spatialized social relations particularly abhorrent. In order to maintain their capacity to govern effectively, bureaucracies need to adapt to this change in terrain.

Secure Flight:

We now turn to some examples of this phenetic logic as it is being employed today as a mechanism of sorting and assigning value to individuals. When Adm. John Poindexter was announced as the head of the Orwellian "Total Information Awareness" program in August of 2002, the Computer Assisted Passenger Pre-Screening System, or CAPPS II, was trotted out shortly thereafter. While the Total Information Awareness system ultimately foundered in the face of massive public and bi-partisan resistance, the CAPPS II program however, has enjoyed a longer life, despite a later change of moniker.

CAPPS II proposed that when passengers booked a flight they would be required to provide information such as full name, address, date of birth, and home phone number. Criteria such as method of payment, destination, layovers, etc would also be recorded.[16] This information would then be compiled into a profile and transferred to federal authorities. There, it would be compared to both federal and commercial databases.

Corporations such as the beleaguered ChoicePoint, LexisNexis and Acxiom (called 'data aggregators') troll public information databases such as the US Postal Service's change of address database and compile information into profiles. Data aggregators such as these firms claim to have some 8 billion documents in various profiles on approximately 290 million Americans. Needless to say, in many cases, these profiles are extremely detailed.

Extensive media coverage has surrounded such companies, often catalyzed by the horror story of an unwitting individual who finds him or herself incorrectly flagged as a credit risk, ex-convict or even someone who has an incurable medical ailment and is consequently no longer able to buy a home, find work or get medical insurance. ChoicePoint has been particularly besieged by the media since its much-discussed involvement in the mis-registration of 8,000 African-American voters in Florida as felons during the 2000 presidential election.

These digital CAPPS II profiles would be matched up with corresponding profiles in the Federal government's terrorist database and the profiles of these data aggregators. After which, the system would determine a relative level of risk and assign a corresponding colour of "flag" to the would-be passenger. Green flag signals that the individual has been determined to not represent a risk and will be allowed to fly. Yellow flag signals that the individual could potentially pose a threat and should be investigated further. A red flag is the highest level

of alert and indicates to the observing authorities that it is necessary for them to summon law enforcement to detain the individual[17].

The CAPPS II system was, just like the TIA program, met by substantial public and bi-partisan resistance. However, rather than scrapping the program like they had with the TIA, federal authorities renamed the program Secure Flight and marginally reduced the scope of information available to it. Mainstream controversy still surrounds the Secure Flight program due to the inability of the Transport Security Administration (TSA) to meet projected targets for stress-testing the system[18] and persistent rumors that personal information such as marital status, ethnicity and credit information will also be included in the profiles.

What should be noted here is the reduction of the individual case into a series of parameters which are accessed and interpreted by the digital system. The profile, which is amassed through the Secure Flight protocol, provides a de-spatialized representation of the individual being observed which can be assessed, evaluated and directed by the bureaucratic regime. The profile is more palatable for the bureaucracy; it is stripped of the diversity and dynamism of a living, breathing individual and may be assessed more readily. By reducing the individual to a series of discrete but associated parameters for assessment and evaluation, and addressing individuals accordingly, the bureaucracy transposes the plurality of individualism with the predictability, and consequent manageability, of the digital profile.

Furthermore, it may be said that the profile represents a sufficiently docile subject for the application of power. This reduction then facilitates the governing and disciplining[19] of the individuals themselves. Because the parameters of the digital profile are determined and controlled by the bureaucracy, the individual, in its ever-increasing interaction with bureaucratic structures, is stripped of its dynamism and rendered as a sufficiently docile subject of the application of power. The individual internalizes the conditions under which they are governed, they are rendered a sufficiently docile subject of the bureaucracy.

> "… [E]ach man becomes a little cog in the machine, and, aware of this, his one preoccupation is whether he can become a bigger cog…"[20]

The Re-Contextualization of Rodney King:

We have previously examined how the digital medium can be employed in dataveillance programs to create and assess reduced

visions of subject individuals. We turn now to one of the defining legal battles of the 20th Century in the contest of bureaucracy to reassert its control over the digital.

On the 3rd of March 1991, an African American motorist by the name of Rodney King Jr. was filmed by an amateur photographer as he was beaten by a group of Los Angeles city police officers. In the two trials that followed we find a vivid example of the capacity of power structures to reduce digital profiles. In this case a series of images and their constructed associations, on individual human beings to discrete phenomena and assess and assign value to each in turn. When Mr. King's assailants from the LAPD were brought before the courts in 1992, defense counsel was successful in deploying a powerful set of deconstruction and contextualization techniques to examine King's movements and assert claims about the intent of these movements.

In their seminal study of this case, "Contested Vision: the Discursive Constitution of Rodney King,"[21] Charles and Marjorie Goodwin examine how the defense counsel for the police officers was able to deconstruct the video footage of the beating and re-examine each minute movement of Rodney King's body. Part of defense counsel's strategy was to establish the existence of a series of professional responses which the police officers, as members of a bureaucratic structure, were empowered or indeed required to perform. By contextualizing the police officers as extensions of a bureaucratic body, defense counsel was able to discursively associate their actions with the correct professional response to King's behaviour. By "lodging" the officers' actions within a profession, defense counsel was able to contextualize the beating as a calm and professional response to the violent and crazy King.

The expert witnesses called by defense counsel were then able to assign intentionality to each movement and project King's behaviour as hostile and out of control.[22] By assigning intentionality to the discrete physical parameters generated by King's body movements, defense counsel was able to deploy a specific set of discursive parameters and thereby assert the justifiability of the disciplining of King's body on the basis of this perceived intent.

> Within the discourse of the courtroom no one can speak for the suspect. His perception is not lodged within a profession and thus publicly available to others as a set of official discursive procedures. Within the discourse of the trial he is an object to be scrutinized, not an actor with a voice of his own.[23]

The discursive scheme which facilitated the defense counsel's re-contextualization of Rodney King, as a "martial arts expert" and "PCP crazed giant"[24] who was cast as being the one in control of the tempo of the beating by virtue of his body movements, was very successful. Defense counsel succeeded in perceptually transforming video footage of a prostrate man being beaten by a mob of armed police into a series of discrete acts of aggression, on the part of the victim, which were averted by the calm and professional administration of physical force by the officers.

The Rodney King case is illustrative of an important fact. The capacity of surveillance and dataveillance to deconstruct the individual into a series of discrete parameters which can be the object of scrutiny, assessed and assigned value and intentionality to, is not limited to the medium of data interpretation. The digital image plays a powerful constructive role in allowing the individual to be captured in the digital and rendered as an object of interrogation. This case further illustrates the degree to which these kinds of digital profiling have material implications for the interaction of individuals with bureaucratic structures and the disciplining of their physical being.

Conclusion:

We have seen how the amassing of profiles on subject individuals through the mediums of digital surveillance and dataveillance play a vital role in establishing parameters on which bureaucratic structures can act. The surveillance / dataveillance profile works to counteract the phenomenon of de-spatialized and deterritorialized social relations by rendering the information pertinent for bureaucratic-subject relations in a medium which transcends spatial constraints and facilitates the kind of stable and depersonalized relations necessary for the continued viability for the bureaucratic model.

If then, this phenomenon is accurately described in this regard; we can conclude that claims about the demise of the bureaucratic model in the face of these de-spatializing technologies have been greatly exaggerated. Perhaps, we must ask ourselves whether Weber's final analysis, on the inevitable 'victory' of the bureaucratic model over all other forms of social organization, is correct and that we should therefore cease resisting this phenomenon.

In rebut to this argument I would offer that which is presented in Stuart Hall's ground-breaking work *Representation*.[25]   In *Representation*, Hall argues that the formation of meaning is strictly a social phenomenon. That is, the event or image only has meaning inso-

far as it is interpreted by a viewing party. Hall's most incisive comments in this regard, come when he examines how meanings form conceptual maps which are the basis for social organization. As such, Hall argues that power structures seek to fix meanings and thereby influence conceptual maps and direct social activity.

This structural method of administration allows Hall to make the observation that by interrogating these conceptual maps, we can expose the underlying power structures and open up dialogue opportunities for those who are otherwise rendered voiceless by the process. Thus I would argue that the possibility for effective resistance still exists within these structures of bureaucratic power and it is therefore incumbent upon us to do as Hall suggests: we must interrogate the digital medium and examine what meanings are being fixed in place, which structures are seeking to do so, and why. Before such opportunities cease and Weber's prediction is proved correct.

Notes

[1] Max Weber, "Bureaucracy," in *Masters of Sociological Thought: Ideas in Historical and Social Context*, ed. Lewis A. Coser (New York: Harcourt Brace Jovanovich, 1977) 231.

[2] Arthur and Marilouise Kroker, "Tech Flesh 1: Resequencing the Human Genome Project," N.d., <http://www.ctheory.net/text_file.asp?pick=5> (9 May 2005).

[3] Reginald Whitaker, *End of Privacy: How Total Surveillance is Becoming a Reality* (New York: New Press, 1999).

[4] Michel Serres, *The Parasite,* Translated by Lawrence R. Schehr, (Baltimore: Johns Hopkins University Press, 1982).

[5] Brian Massumi, *Parables of the Virtual: Movement, Affect, Sensation,* (London: Duke University Press, 2002) 72-3.

[6] Manuel Castells and Martin Ince, *Conversations with Manuel Castells,* (Cambridge: Polity Press, 2003) 56.

[7] Quoted in David Lyon, "Surveillance as Social Sorting: Computer Codes and Mobile Bodies," *Surveillance as Social Sorting: Privacy, Risk and Digital Discrimination,* ed. David Lyon, (New York: Routledge, 2003) 15-6.

[8] Oscar H. Gandy Jr., *The Panoptic Sort: A Political Economy of Personal Information* (Boulder, Co.: Westview Press, 1993) 1.

[9] Gilles Deleuze, "Postscript on the Societies of Control," (*October.* 59, 1992) 3-7.

[10] David Lyon, Ibid, 24-5.

[11] David Phillips and Michael Curry, "Privacy and the Phenetic Urge:

Geodemographics and the Changing Spatiality of Local Practice," in *Surveillance as Social Sorting: Privacy, Risk and Digital Discrimination,* ed. David Lyon (New York: Routledge, 2003) 137-52.

[12] See 13.

[13] Max Weber, *Bureaucracy* From Lewis A. Coser, *Masters of sociological thought: Ideas in historical and social context,* (New York: Harcourt Brace Jovanovich, 1977) 232.

[14] Louis Wirth, "Urbanism as a Way of Life," in *The City Reader,* Eds. Richard T. LeGates and Frederic Stout, 3rd Edition, (New York: Routledge, 2003) 98-100.

[15] William Leiss and Christina Chociolko, *Risk and Responsibility,* (Montreal: McGill-Queen's University Press, 1994) 8.

[16] Ryan Singel, "Passenger Screening, Take 10." in *Wired News,* N.d. <http://www.wired.com/news/print/0,1294,66433,00.html> (31 Jan 2005).

[17] Sara Kehaulani Goo, "Fliers to be Rated on Risk Level" in Washington Post, <http://www.washingtonpost.com/wp-dyn/articles/A45434-2003Sep8.html> (09 Sep 2003).

[18] Dean, Lisa S. "Privacy Impact Assessment; Secure Flight Test Phase." Department of Homeland Security: Transportation Security Administration. Docket No. TSA-2004-19160.

[19] Michel Foucault, Discipline and Punish: The Birth of the Prison, Translated by Alan Sheridan, 2nd Edition (New York: Random House Inc., 1995).

[20] Max Weber, *Bureaucracy* From Lewis A. Coser, *Masters of sociological thought: Ideas in historical and social context,* (New York: Harcourt Brace Jovanovich, 1977) 232.

[21] Charles Goodwin and Marjorie Harness Goodwin, "Contested Vision: the Discursive Constitution of Rodney King," eds. B.L., Per Linnel Gunnarsson and Bengt Nordberg, *The Constitution of Professional Discourse* (London: Longman, 1997) 292-316.

[22] Ibid, 292-3.

[23] Ibid, 308.

[24] Ibid, 292.

[25] Ed. Stuart Hall, *Representation: Cultural Representations and Signifying Practices,* (California: Sage Publications, 1997).