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# Panopticon and surveillance: an ethical approach to social control

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# Table of contents

# Introduction

The main subject of this dissertation is the formulation of the most known project of Jeremy Bentham, the Panopticon penitentiary, and its relation to modern surveillance. In the first chapter, we will analyse how the panopticon was originally conceived by taking into account both its structure and its ideological basis. Indeed, we will consider the most significant changes that the penitentiary had undergone during the years, with particular attention to issues such as the infliction of punishment, solitary confinement and the value of economy. Secondly, there will be an account of how scholars responded to the Benthamite project, since the reactions were different and each one highlighted a different facet of the panopticon; in particular, Foucault's interpretation will be thoroughly discussed, as he deeply influenced the image that the panoptic prison assumed in light of modernity and hidden relations of power. Indeed, the panopticon has become the synonym of surveillance and social control.

This leads us to explore and define the main elements that compose surveillance. In the second chapter, the contribution of new information and communication technologies is taken into consideration in order to explain the deep changes in society: indeed, surveillance is a product of this latest process. Since modern technologies help monitoring most of the people and gaining personal information about them, modern societies are defined not only as information societies but also as surveillance societies. Thus, scholars have tried to get a complete understanding to this newfound phenomenon by giving different accounts about networks, databases, information and so on. Moreover, in order to analyse surveillance practices in an exhaustive way, the concept of privacy is discussed and its extent verified for confirming whether it is an effective countermeasure to surveillance. In conclusion, privacy will not turn out to be the best means to confront surveillance and, as a consequence, there will be the need to take into account a different perspective: this entails reshaping surveillance to reconcile its Janus-faced nature characterised by both care and control.

Eventually, the last considerations will lead us to underline Bentham's ethics, mainly consisting in his interpretation of pain and pleasure, his definition of interests and his desire to implement social reforms. Indeed, the utilitarian philosopher can contribute to contemporary surveillance in the form of a model that expresses ethical and democratic considerations, since surveillance and the panopticon are being increasingly interrelated. Since surveillance must not necessarily be linked to social control and abuse, the aim of this dissertation is to purpose an innovative and sustainable panopticon, which can positively influence surveillance societies without underestimating their risks and promote a dialogue between institutions and persons through the reintroduction of an ethical stance.

# CHAPTER I

## Bentham and the Panopticon

In this first chapter, the object of analysis will principally be the Panopticon prison as Jeremy Bentham envisioned it; consequently, the dissertation will also include the further modifications and changes that Inspection House underwent, since the Panopticon was a life-long project and it evolved in terms of scope and values. After describing the functioning of the panoptical penitentiary, we shall turn to the different perspectives that scholars have reserved to the Benthamite architectural work: first of all, Himmelfarb's interpretation, which is deeply linked to the philosopher's personality; secondly, the Panopticon's shift to being the centre of bureaucracy, as Hume underlines; finally, Foucault's vision of the Panopticon as the pinnacle of modernity and modern social control. With the latter interpretation, the Benthamite project will be connected to a darker twist of everyday life and will become the synonym of surveillance.

## 1. *Jeremy Bentham and the origins of the Panopticon*

Jeremy Bentham has undoubtedly been one of the most significant philosophers throughout the XVIII century, with noteworthy contributions in several fields. Contemporary scholars recognize him as the father of utilitarianism and pioneer of legal positivism. Nevertheless, the *Panopticon or The Inspection House* is the Benthamite opus that elicited the largest number of dissenting opinions and it is still considered full of controversy and ambiguity. Indeed, the project can be interpreted either as an architectonic concept leaving no room for human dignity or an attempt to reform prisons and establish a universally-recognized educational model. Following the last assumption, this penitentiary model reveals an innovative purpose in favour of prisoners' rehabilitation, which was a ground-breaking notion for the penal justice of that time.

Thus, the panopticon is a multifaceted subject which fully expresses a utilitarian attitude in terms of maximization of happiness and avoidance of pain. When elaborating the invention, the philosopher found a means to apply previous considerations that had long been in his mind, the principles of utility as criteria for institutions and government. At the same time, the climate of thoughts and assumptions dominating the Enlightenment severely influenced Bentham in the elaboration of his work. In his framework, all individuals were responsible for their own actions and were assumed to be potentially rational, not subject to invisible or subconscious laws. Consequently, according to Janet Semple

(Semple 2003, 93), Bentham saw no way of judging a man's moral improvement except by measuring the improvement in his work.

The concrete possibility of reformation through hard labour originates from the inspection house, which was firstly devised in 1787. In 1785-6, Bentham travelled through southern and eastern Europe up till Russia to visit his brother Samuel, who was employed as naval engineer for the prince Grigorij Aleksandrovic Potemkin in Krichev. There, Samuel had devised a circular inspection house to supervise Russian peasants while they manufactured; this episode inspired Jeremy Bentham to write the *Panopticon Letters*, which also satisfied the purpose of proposing designs for a house of correction in Middlesex. The *Letters* thoroughly described how the inspection principle could be applied to penitentiaries, hospitals, schools and other kind of institutions alike. As Bentham underlines:

> 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 and Božovič 1995,3)

Thus, the author highlights one of the main advantages of his project, that it "will be found applicable, without exception, to all establishment whatsoever, in which (…) a number of persons are meant to be kept under inspection" (Bentham and Božovič 1995, 33-34). Indeed, the panopticon provided a template for whatever kind of institution that required it.

Once back to London, Bentham then added two *Postscript*s in 1791, where he revised and modified the inspection house in detail, since he was again immersed in the reality of English politics and prisons. The postscripts were the product of the need to persuade government of the viability of the project and the desirability of entrusting Jeremy Bentham with its execution (Semple 2003, 99). Indeed, the panopticon had been the philosopher's obsession for twenty years and Bentham always hoped to apply his ideas in penal reform as a practitioner. In this sense, he believed in reforming and changing the popular idea that the discomfort and the discontent of the inmates should be the first object of any convict person (Semple 2003, 113). The panopticon was the appropriate medium in which Bentham's utilitarian concepts could find realization and a more humanitarian attitude could be adopted.

## 2. The Panopticon's structure

In this section, the content of both the *Letters* and the *Postscripts* will be analysed; firstly, the physical changes in the panopticon's architectural structure will be reported, in order to shed light on 'the prison-keeper's dilemma'. Thus, since the penitentiary's design needed to express the Benthamite ideological stance, it will be noticed how the project was modified not only on a structural level but also on a conceptual one. Indeed, Bentham explicated his main ideas through physical and concrete means such as the walls, the windows, the number of convicts, the activities that had to be done etc. within the panopticon penitentiary. Finally, a specific vision regarding issues such as the infliction of punishment, the notion of criminal mind, solitary confinement and economy emerges.

### 2.1 Letters 1787

The basic purpose of the Panopticon was to allow an efficient observation of the inmates: this task was enabled by the well-known structure. In the *Letters*, the shape was to be circular, with cells all divided from one another that extended around the circumference and towards the centre. The height of the building was variable, depending on the number of convicts. At the core, there would be an inspection area of galleries and lodge, disjoined from the main building and linked to the outer perimeter only by stairways, none of the ceilings or floors coinciding. Between the inspector's lodge and the cells there would have been vacant space, defined the annular area (Bentham and Božovič 1995, 35). The peculiar feature was that, from the central tower, the contractor could easily watch over the prisoners while remaining invisible.

Furthermore, in each cell there would have been a large window facing the outward circumference in order to light the whole structure, whereas the inward circumference would have been structured by an iron grating so as to cut off each prisoner from the view of the other inmates. In fact, the partitions were to be carried on a few feet beyond the grating into the intermediate area: in this way, the gaoler was able to see the convicts, but not vice versa. Lastly, while communication between prisoners was eliminated, inspector and criminals were able to talk through 'conversation tubes' reaching the governor's lodge. Yet, assuming that the omnipresent governor was always exercising surveillance on them, Bentham expected that this "new mode of obtaining power of mind over mind, in a quantity hitherto without example" (Bentham and Božovič 1995, 31) would grant an efficient production and the rectification of criminals' misbehaviour in order to avoid punishment.

Thus, the *Letters*' main contribution had been to bring about Bentham's ideas on social reformation and utilitarian principles into a concrete project, defined by a precise type of structural project. Its development was dictated by the inefficiency and inhumane conditions in Britain's penal regime, so

that the panopticon penitentiary could substitute the current penal system and allow for a decrease in the cost of prisons; in this way, the convicted criminals would be subject to a disciplinary regime based on the maxim that the more strictly we are watched, the better we behave. However, since the *Letters* were written during Bentham's stay in Russia, they were revised once the philosopher came back to England and were followed by two *Postscripts*, where one can witness an evolution in Bentham's thought.

## *2.2 Postscripts 1791*

The first architectural sketch was modified in a subsequent moment in order to further elaborate the details of the building and transmit the core of Bentham's ideas and change of opinion regarding a series of pressing issues. Indeed, considering a structural point of view, the main adjustment regarded the governor's habitation: while in the *Letters* the central lodge would be occupied by the inspector's family, in the *Postscripts* there was the introduction of living quarters per suggestion of architect Willey Reveley: as a consequence, a central area would be opened out to light and air, originating a "dead part" in the building which would be employed for passages and staircases, a vestry, an organ, a clock tower and a belfry (Semple 2003, 118).

Nevertheless, as an all-seeing building, the gaze wat to be of paramount importance and its effect was guaranteed by the "inspection-lantern". Since the prison-keeper was also the book-keeper, Bentham faced the so-called "prison-keeper dilemma": if there was enough light in the lodge for the inspector to manage the books, this would inevitably end up in the convicts being able to see him from the cells; vice versa, if the light was not sufficient, the governor would be unable to keep his books even if inspection would be successfully granted. The dilemma was resolved by resorting to a lantern in the *Postscripts*: according to Bentham's scheme, the lantern was to be shaped like two short-necked funnels joined together at their necks, it was pierced in certain places and pieces of smoked glass, through which the inspector looks, are inserted in the wholes. Consequently, there was sufficient light in the lantern for the inspector to keep the book, but inspection was still granted, as prisoners could not perceive and determine when they were actually watched (Bentham and Božovič 1995, 15-16).

Indeed, the central inspection lodge remained the pivotal feature both architecturally and administratively. Architecturally, along with the lodge's alterations to solve the "prison-keeper dilemma", the top sloping walls screened the interior from the view of the upper cells, while the bottom formed the room screened from the lower cells. Bentham also envisioned a system of numerous galleries, stairs and passageways that had a double purpose: keep the prisoners under constant observation and protect the wanderers from the inmates (Semple 2003, 118-119); in fact, the

philosopher expected the public to visit his Panopticon: it was the answer to the dilemma *quis custodiet ipsos custodes*, suggesting that also the guardian would be checked by a third party. In Bentham's words, the management of the Panopticon was entrusted to "the great open committee of the tribunal of the world" (Bentham and Božovič 1995, 48).

Therefore, the Benthamite panopticon was to be transparent and fulfilled a double task: to keep prisoners isolated from the outside world and, in the meantime, to ensure that public knowledge would safeguard convicts. This expedient was a useful countermeasure to prevent a possible tyranny of authority: indeed, one of the potential risks of the building was the degeneration of the governor's prerogatives into absolute power exercised on the criminals. To contrast the possibility of watchmen taking total control, Bentham came up with a system of checks, which contemplated the reciprocal observation between the governor and other subordinates working in the central lodge and public access to the prison. Thereby, the philosopher was providing an administrative system, to be both universal and incessant, and representing the most effective and imperishable security against abuse.

## 2.3 The relation between punishment and criminals

However, this does not mean that prisoners enjoyed an enviable treatment. Punishment was concrete and necessary, yet Bentham followed twelve main principles in order to safeguard also the criminal's interests: punishment should be variable both in intensity and duration; it should be equitable, imposing a roughly equal degree of pain regardless of the individual's circumstance; it should be commensurable (a greater offence should attract a greater penalty); it should possess "characteristicalness" (have some obvious connection with the crime, perhaps by analogy); it should be exemplary to deter others; it should be frugal (keeping a man inactive in prison is an expensive waste of productive power); a punishment should tend to reform the criminal, not encourage him in his vices; it should prevent him repeating his crime; it should be convertible to profit to compensate for the wrong, it should be popular to avoid public resistance to the law; it should be simply described and easily understood; and it should be remissible for those unjustly convicted (Semple 2003, 26-7).

From this account, it is evident that the criminal is not seen as an outsider but as a member of society. Hence, the panopticon's convict becomes everything that was not allowed to be in a traditional prison: a human being, an economic subject who has the right to happiness and life outside of the Inspection House (Welzbacher 2011, 63). Bentham is convinced that the end was to guarantee the good conduct and maintenance of convicts after their punishment's expiration, while keeping in mind economy, humanity, and justice. Thus, according to the philosopher, the most acceptable punishment was the active and laborious imprisonment, not certainly death penalty. Moreover, Bentham was convinced

that the greater the apparent evil of the penalty, the less the real evil needed be (Semple 2003, 31) in virtue of the maximization of happiness through less pain possible. Furthermore, in *Principles of Penal Law*, Bentham already suggests that productive prisoners in the panopticon would only be encouraged by the prospect of reward, since "the labour obtained by the force of fear is never equal to that which is obtained by the hope of reward" (cited in Semple 2003, 27). The idea was to automate a disciplinary system.

Nevertheless, the panopticon was not taken in consideration solely as a project expressing utilitarian principles, but had also stirred apprehension and suggested a lack of humanity when Bentham defined it "a mill for grinding rogues honest" (cited in Semple 2003, 152). This contrasting image is further fostered by the structure of the panopticon itself, which was studied and revised relentlessly by Bentham in the years between the *Letters* and the *Postscripts*, along with a *Proposal* to the government in order to implement the project. Apart from the general structure, the philosopher also envisioned the convicts' routine, labour and future expectations in an extreme detailed way, from their state of cleanliness up to their management and spiritual redemption. Bentham gave attention and put effort on every single element that was going to form the greater picture, the Inspection House.

## 2.4 Panopticon's principles and ideology in Postscripts

All these considerations regarding inspection can be summarized in five main principles: first, the prisoners were watched by authority to ensure discipline and good behaviour; secondly, the governor would watch the actions of his subordinates; thirdly, these subordinates would watch the governor; fourthly, the inmates would spy on each other; and fifthly, the whole structure would be thrown open to the public (Semple 2003, 140). In other words, the principle of inspection worked on multiple levels, channelling a profound desire for a transparent management within the structure. In order to achieve these principles, the panopticon had to accommodate three fundamentals: lenity, severity and economy; only through these propositions the panopticon could reach its essential objectives, namely imprisonment, deterrence and reformation.

Lenity suggests a more humane approach to the prisoners' detainment, according to which criminals should not be starved, overworked, chained, beaten, and in general suffer from the governor's mistreatment. This was granted through various means, such as sanctions on the gaoler for every actual death of convicts under his custody per a specific insurance scheme. By the second rule, severity, a felon's condition should not to be made more suitable than that of the poorest class of

subjects in terms of freedom and living conditions. Finally, the third principle, economy, was considered the primary rule and in *Postscript II* Bentham stated that:

> Saving the regard due to life, health, bodily ease, proper instruction, and future provision, economy ought, in every point of management, to be the prevalent consideration. No public expense ought to be incurred, or profit or saving rejected, for the sake either of punishment or of indulgence (Bentham and Bowring 1843, 123).

Thus, for the utilitarian philosopher, economy was the key feature of the panopticon, since it was the necessary prerequisite for the profits that would make the prison viable. In consideration of the fact that the whole system depended on it, economy was seen as the cardinal virtue of all administration.

In light of such accounts, the panopticon had to be financially viable and the key to economy lay in contract management, that Bentham devised in order to grant security and connect interest with duty, the pillars of the whole project. The governor was also defined as contractor in this type of arrangement, in which he would be motivated by "the principles of reward and punishment", for whatever he gained in profit would be his reward, and whatever loss he suffered would be his punishment. Thus, the contractor would be motivated by something more reliable than love of power or love of reputation, namely love of money. The contractor's reward would reflect the success of his management: the more successful, the more money he would make. In this way, duty and interest are indissolubly linked (Schofield 2009, 78).

Consequently, contract management was the very heart of the panopticon and demonstrates Bentham's insistence in applying modern free-market ideology. As he writes in the *Letters*:

> I would do the whole by *contract*. I would farm out the profits…to him who, being in other respects unexceptionable, offered the best terms (Bentham and Božovič 1995, 51).

The settlement envisioned a governor/contractor who would appoint all subordinates and decide on the details of the prisoners' regime, regulating their work and imposing discipline. Moreover, he would choose the trades he considered to be most lucrative (Schofield 2009, 78). Following this scheme, Bentham argued in favour of "interest" management on three grounds: it would be more economical; it would avoid creating a new pyramid of salaried places; but, above all, it would be more critically scrutinized (Semple 2003, 137). Consequently, the panopticon's success would depend principally on the profitability of prisoners' hard labour, which would be ensured by the contractor: the convicts would be involved in laborious employments for the most part of the day. Thus, work was the source of profit of the governor as well as the starting point for reformation.

The inmates' sedentary work would occupy fourteen hours a day and, following the project, it would be encouraged by the prospect of reward and gratification. In fact, in the *Proposal*, Bentham emphasized that the cruelties of whipping and irons would be banished. He recognized the need for some punishment but a minimal one; boredom and the prospect of a reward would foster work (Semple 2003, 127). Bentham firmly believed that industrious employment would generate new habits, which would render work a pleasurable activity. Still, work would be considered punishment, but one that could turn convicts into honest men and make profits in the process. The inmates were to be inspired by the chance of buying indulgences and better food:

> Reward, not punishment is the office you must apply to. Compulsion and slavery must, in a race like this, be ever an unequal match for encouragement and liberty (Bentham and Bowring 1843, 144).

However, the panopticon was still a penitentiary and, among possible punishments, Bentham also contemplated solitary confinement in the *Letters*; yet, when writing the *Postscripts,* he completely changed his mind and ultimately rejected this Enlightenment feature. This was one of the most significant developments in his ideas of penology between 1786 and 1790. Furthermore, Bentham went against the Victorian penitentiary model, in which men were packed together in prisons, but were still alone in their own isolation. In his panopticon, the philosopher developed another type of solution: three or even four inmates would be placed in the same cell, so that they could support each other. Solitude as punishment would only be applied for short periods, since if prolonged it would turn out to be counterproductive and only leading to despair or apathy.

When taking into consideration the inmates, Bentham reveals a Janus-faced nature. On one hand, Bentham's guideline was profit: in this sense, the panopticon was the best-suited engine in order to work prisoners as hard as possible, for as long as possible, so that their activities would be of the most lucrative kind. On the other one, the philosopher embraced the concept of the "blameworthy self", so that criminals were seen as potential rational beings responsible for their own actions; consequently, they had to accept punishment after breaching the laws. This moral perception of the prisoner reveals the possibility that the criminal mind could be reformed, following a removal from temptations and adoption of habit. Thus, the convict was still seen as a part of the society, as well as any other individual, despite being a dysfunctional one.

Moreover, Bentham was also invested in the future of his criminals once the sentence had been served out. First of all, the governor would lose money if they were to be convicted for a second time, so it was in the contractor's interest to avoid that ex-prisoners would relapse in a life of crime. Thus, the philosopher devised a scheme to perpetuate honest behaviour and avoid pecuniary loss; the

relationship between master and convict was mutually advantageous. According to Bentham's arrangement in *Postscript II*, the ex-convict could either be enlisted in military service in the army, the navy or the East India Company; an alternative would rely on some responsible householder willing to put up £50 as surety for good behaviour (Semple 2003, 161).

Despite the favourable conditions and future benefits that the panopticon assured, the convicts were deprived of one of the most absolute goods for a human being, namely freedom. So, while convicts would enjoy a series of 'luxuries' for that time, Bentham himself recognized the deep amount of suffering this situation implied:

> Should I like to be in their case? What man at liberty could answer otherwise than in negative. They are in health. They suffer neither hunger thirst nor cold; true; but not a moment of their time is at their own disposal (…) there is not a moment of their time during which they are not either at work or under discipline (Semple 2003, 114).

Furthermore, the lack of freedom would be aggravated and ensured by the absolute inspection of prisoners. The feeling of being constantly observed by a presence who could see without being seen is represented by the central lodge, that is "the heart which gives life and motion to the artificial body" (Bentham and Božovič 1995, 109). In other words, the governor is not only the constant gaze dominating the project, but it is the entity that triggers an educational and reformative system (Welzbacher 2016, 77). By its very definition, the term "panopticon" recalls a tool that "sees everything": instead of investigating natural phenomena of the outside world, Bentham takes this device and points it toward men. As a result, the emblem of the inspection house is an ever-open eye encircled by the words "Mercy, Justice, Vigilance". This symbol soon represented men's self-determination, the middle-class individual's emancipation and overcoming the old system (Welzbacher 2016, 72).

In sum, the panopticon was structured in such a way that Bentham's ideas could be instantly visualized with the building. In other words, the Inspection House incarnated the philosopher's Weltanschauung, an architectural project and the very embodiment of his own ideology at the same time. Although he lavished attention on structural detail, the building itself would result of second importance with respect to the scheme of management (Semple 2003, 116). Thus, Bentham deeply desired to transmit that management was the main aim, while the construction of the building per se was among one of the main means to reach this end. In order to implement this scheme, men were stripped of all privacy. Whereas the idea of constant surveillance could certainly be unsettling, and Bentham was aware of it, the panopticon and its central inspection principle would have multifarious benefits:

Morals reformed—health preserved—industry invigorated—instruction diffused—public burthens lightened—Economy seated, as it were, upon a rock—the Gordian knot of the Poor-Laws not cut, but untied—all by a simple idea in Architecture! (Bentham and Božovič 1995, 31).

Despite the revolutionary character of the Benthamite project during that particular period, following interpretations took into account other facets of the panopticon and its creator so as to allocate the penitentiary within a wider picture.

## 3. Scholarship on Bentham

In this section, a number of scholars' thoughts are summarised to give a complete analytical background on Bentham's panopticon. In fact, there are several interpretations of the Benthamite opus, such as Himmelfarb's account of the panopticon which revolves around the philosopher's personality and his personal crave for economic gain; still, authors like Hume focused more on the panopticon as the centre of bureaucracy, considering the modern mechanisms of administration; finally, authors such as Ignatieff fostered a rather worrying image of the panopticon penitentiary, which becomes the centre of modernity itself. The latter interpretation was popularized in particular due to Foucault's contribution in "*Discipline and Punish*", where the panopticon is described as the exemplary mechanism to spread power in capillary trend throughout major institutions and business. Nevertheless, scholars like Semple challenged this view and claimed that Foucault deeply underestimated the humanitarian attempt that was in place during Bentham's time.

### 3.1. Himmelfarb and economic greediness

In "*The Haunted House of Jeremy Bentham*", Gertrude Himmelfarb examines the Panopticon according to the philosopher's personality and the central importance of the penitentiary in his life. Indeed, Bentham is described as obsessed towards his most cherished project: this was demonstrated by the fact that the philosopher fought with the Parliament for decades to realize the inspection house plan and establish it in a more concrete way with respect to his writings. Thus, Himmelfarb's starting point for her critique is the scheme devised by Bentham and the presence of a contract manager, who was the absolute and omniscient figure within the project; the scholar underlines the fact that the utilitarian philosopher would have played himself this role. Even if this touch were lacking, "one would be tempted to assume psychological identification" (Himmelfarb 1968, 58).

According to Himmelfarb, the panopticon is the best means to implement economic exploitation of restricted groups for the monetary advancement of society in general and of the keeper in particular. Thus, following this interpretation, economy is the *sine qua non* and the Inspection House constitutes a rather ruthless get-rich-quick scheme: Himmelfarb bases these assumptions on the *Postscripts*'

changes, where "the overwhelming consideration of economy" represents the difference (Himmelfarb 1968, 49) and reveals that all panopticon's values are solely economic; in this sense, she argues that the one of the greatest adjustments from the *Letters*, namely solitary confinement, was due to the heavy expenditure required. Thus, economy in terms of profits that could be gained is the sole purpose of the Benthamite machine.

Consequently, economy is not a significant benefit of panopticon over conventional prisons in line with the desired of a parsimonious parliament, but it is the goal. Again, economy is not a compulsory criterium for the independent power of the keeper, but it is the very sole purpose where that independence will be exercised. As a result, Himmelfarb arrives to the conclusion that Bentham proposed to manage the panopticon because he intended to enrich himself through the hard labour of an unfortunate few: this radical account depicts the utilitarian philosopher as a greedy individual, whose overriding aim in pushing for the panopticon scheme was sordid gain, not enlightened humanitarianism (Semple 2003, 7); therefore, Jeremy Bentham's avaricious nature was mirrored in the penitentiary accordingly.

In sum, Himmelfarb interprets the panopticon in light of Bentham's rapacious entrepreneurial spirit, regarding him as a self-absorbed philosopher-legislator looking for a way to obtain the most profitable result out of a wicked machine. Thus, Himmelfarb acknowledged the ambiguity between Bentham's protestations of benevolent motivation when trying to run the inspection house and his image as contract manager (Himmelfarb 1958, 70); nevertheless, she fails to recognize the contemporary context where Bentham took action, whereas Hume's elucidations relocate the philosopher within a peculiar administrative situation.

### 3.2. *Hume and the administrative interpretation*

L.J. Hume focused his efforts in Bentham's numerous manuscripts concerned with administration, such as the *Constitutional Code*; instead of studying Bentham based mainly on his dispositions, he also discusses the philosopher's ideas on administration sympathetically and sees them emerging from XVIII century ideas about government. Indeed, Hume believes that political thought during that time was far richer than it seemed, in terms of notions regarding government institutions: within this context, Benthamite contributions enabled the utilitarian philosopher to broaden and deepen those thoughts much further than his contemporaries could have foreseen. Thus, Hume demonstrates how modern state theory requires acknowledgment of the organization of government and how this influenced Bentham in formulating a general theory of organization and management, with pillars like individual responsibility and unity of authority.

One can safely argue that Bentham recognized the dynamic character of bureaucracy and, for this reason, he is considered to be one of the fathers of modern science of public administration. Thus, Hume's work in "*Bentham and Bureaucracy*" facilitates comprehending that Bentham rejected the notion of government as an organic characteristic of society, closely related to a population's particular history and culture; on the contrary, for Bentham, government was a machine to calculate and obtain the greatest happiness for those involved in the governmental process in the most reliable way. From this account, governmental institutions should be organised in order to grant maximum efficiency in terms of economic gains even though it was not the sole motive; consequently, according to Hume, the only method for accomplishing such a system was the "absolute supremacy of the legislature over the executive" (Semple 2003, 242-243).

Taking into account these conceptions, the panopticon becomes the pivotal point in Bentham's philosophy, since it summarises and materialises his main thoughts regarding administration, the role of government and the construction of a democratic and rational society. Moreover, the panopticon encompasses a theory of organization that anticipates XX century's ideas of scientific management, since it introduces notions such as reward, production economics, inspection and the connexion between duty and interest. Nevertheless, Hume argues that when "the executive, in defiance of Parliament's wishes had deliberately blocked the scheme" (Hume 1974, 36-54) Bentham started his more hostile criticism on misrule, influence, despotism and the administrative power of the executive. Thus, Hume reconciles Bentham's perseverance on contract management in the panopticon plan with his later view that government might become an efficient administrative instrument, since contract was suitable for that stage in social progress (Semple 2003, 6).

However, despite the effort to give a consistent interpretation of the panopticon as the centre of modern bureaucracy, Hume underestimates the radical character that Bentham developed later on in life: in fact, the scholar takes into sole consideration the early writings of the philosopher, leaving a void for a complete understanding. Thus, Hume's study of the development of Bentham's ideas on administration fails to fully deal with the scope of the later theory of democracy (Rosen 2006, 578). A more comprehensive account of the panopticon in relation to Bentham's ideology was given by Ignatieff and Foucault, who deeply influenced and changed the contemporary conception of the inspection house.

## 3.3. Ignatieff and Foucault

In "*A Just Measure of Pain*", Michael Ignatieff allocates the panopticon within the history of British penal history and agrees with the majority of commentators that Bentham's architectural project

constituted a new form of power in the late XVIII century. The scholar reports that the Panopticon represents a clear rupture between an ancient and a modern regime of power: the former is follows a paternalistic trend, characterised by a weak state and reliance on physical terror to maintain order, while the latter consists of a strong state, controlling society through discipline of the mind rather than body (Werrett 1999, 2). According to Ignatieff, the panopticon becomes the emblem of modern power because it is "the most haunting symbol of the disciplinary enthusiasm of the age" (Ignatieff 1978, 109).

The scholar carries on an analysis through a dispassionate point of view, which describes Bentham as one of the most prominent exponents of this new thinking; he was one of the commentators who fostered a vision of the panopticon as the centre not only of bureaucracy, but of modernity itself. Thus, Bentham's project becomes a suitable mechanism to imprison and to spread a new type of power: indeed, Ignatieff strongly believes that there is an interdependent relation between Benthamite democracy and social control; as he underlines:

> Bentham's two personae – the advocate of parliamentary reform, and the publicist for the Panopticon – were not contradictory, but complementary (Ignatieff 1978, 109).

However, Ignatieff was not the only academic who attributed a negative connotation to this "mill", which resembled a technological device to subjugate men in a silent way (Semple 2003, 152). In the XX century, Michel Foucault popularized the idea of the panopticon as the epitome of social control in modern times: what was an innovative and influential approach to prison architecture in the XVIII century, became the seed of biopolitics. The panopticon was not just considered for its original structure and utility, but, for Foucault, principles of surveillance, observation and correcting unwanted behaviour did not stop at the prison gates; discipline run throughout modern life, into the organization of schools, hospitals, and businesses, making for a "carceral society" under a managerial gaze (Giddens & Sutton 2013, 835-36).

In *Discipline and Punish* (1975), Foucault writes a genealogical study of the history of punishment, concerned with the emergence of the discipline of penology and the associated predominance of prison as an instrument for punishment. In his account, he dedicates a whole chapter on "Panopticism", since Foucault recognized the Benthamite project as the prototype for a menacing instrument in a new physics of power: he notices that during the XVIII century there was a shift from punishment of the body to discipline directed at the mind; consequently, power had become invisible and the subjects constituted the spectacle of rulers. The panopticon is the emblem of a new type of power, which makes possible to mechanically create a real subjection from a fictitious relation. As the French author underlines:

> 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 rules; he becomes the principle of his own subjection. By this very fact, the external power ay throw off its physical weight; it tends to be the non-corporeal; and, the more it approaches this limit, the more constant, profound and permanent are its effects: it is a perpetual victory that avoids any physical confrontation and which is always decided in advance (Foucault and Sheridan 2012, 202-203).

Indeed, in this context, power is invisible and more like an unseen furtive presence. Therefore, inmates would not be able to tell whether they were actively being observed and so the hope was that good behaviour would be encouraged without the high cost of actually monitoring everyone. This ploy led Foucault to consider visibility a "trap". Surveillance was the best-suited medium to promote a moral conduct within the panopticon, that was later on regarded as a cruel cage and a laboratory of power. Every positive and educational aspect of the panopticon now appeared as a negative feature in Foucault's eyes, who links the panopticon to the direct origins of a modern disciplinary society.

> (…) methods, which made possible the meticulous control of the operations of the body, which assured the constant subjection of its forces and imposed upon them a relation of docility-utility, might be called "disciplines (Foucault and Sheridan 2012, 137).

This is the Foucauldian definition of disciplines, which were mechanisms of power regulating individuals' behaviour in a society. This process was brought about by the organization of space, time and people's activity; they "carve out individual segments and establish operational links; they mark places and indicate values" (Foucault 2012, 148). Due to a historical transformation, there was an extension of the mechanisms of discipline throughout the XVIII century; thus, with panopticism, there is a functional mechanism that improves the exercise of power by making it lighter, more rapid, more effective, a design of subtle coercion for a society to come: it is defined as discipline-mechanism (Foucault 2012, 209). Thus, power not only becomes invisible, but it must identify, marginalize, and 'treat' those who are regarded as incapable of participating in, or unwilling to submit to, the disciplines of production.

In sum, in the chapter dedicated to Bentham's panopticon and its consequences, Foucault describes power relations which manifest themselves as supervision, control and correction. The author himself traces the project to the XX century and defines it as:

> One of the characteristic traits of our society. It's a type of power that is applied to individuals in the form of continuous individual supervision, in the form of control, punishment, and compensation, and in the form of correction, that is the molding and transformation of individuals in terms of certain norms (Foucault 2002, 70).

Consequently, many scholars were influenced by Foucault's account of the panopticon and Bentham's legacy was somewhat regarded as the embodiment of social control through institutions in order to manipulate and discipline the deviant individual. Because it is not possible to know when the eye of inspection would be upon the subject, discipline is fully internalized: the subject contributes to his own subjection. In the Foucauldian world, subjects become objects of a pitiless examination and manipulation to such a degree that they themselves have been persuaded to become the agents of their own subjection (Semple 2003, 9, 144).

## 3.4. Semple and the anti-Foucauldian view

Therefore, according to Foucault, mechanism-discipline is enforced with the support of complex systems of surveillance. But commentators such as Janet Semple argue that surveillance is a tool of administration like any other; condemnation, implied or explicit, of Bentham must rest on his ideas, not on the spectres raised by the sinister resonances in minds sensitized by the horrors of the XX century events (Semple 2003, 144). Foucault denounces, in ethical terms, individuals like Bentham who struggled to reform the gaol, because the outcome was a carceral institution of total control: as a consequence, they are inevitably blamed for the consequences of their actions, not for their expressed intentions. Despite these harsh considerations, in the context of the ruthless brutality of its time the panopticon was essentially humanitarian (Semple 2003, 132-33, 314).

Thus, in *Bentham's Prison*, Semple strongly argues that Foucault's concerning depiction of the panopticon as a mechanism to subjugate humans has led him to underestimate the sincerity of Bentham's intentions: the panopticon is best seen as an instrumented invented by a "realistic, kindly man looking for ways to ameliorate the lot of the poor and the outcast in his own time" (Semple 2003, 314-315). By means of the inspection principle, the philosopher fostered the concept of a philanthropic prison where the rules of utility and efficiency would dominate and ensure the greatest happiness of the greatest number. Thus, it is no surprise that Semple underlines that Foucault was not able to comprehend Bentham's theory of government and "in making him an exemplar of modern subjection he has done hum a grave injustice" (Semple 2003, 321); indeed, she goes on and adds that:

> By an odd irony, Bentham shared many of Foucault's fears; fear of secret, furtive power, fear of oppression, and fear of delusive language. He also shared his insight that people might collaborate in their own subjection. Foucault attempted to turn transparency itself against Bentham (Semple 2003, 321).

Finally, Foucault's contribution has been undeniable and added a new twist to our understanding of what modern life implies: his work still remains significant with regards to a darker side of modernity that has always accompanied its progressive face. Because of this, Bentham's panopticon has been

taken as an example in formulating concepts such as "surveillance society" and suggesting an enhanced type of surveillance, with the aid of new technologies. Nevertheless, most of the times these accounts inspire fear and revulsion, while disregarding Bentham's original intent of moral reformation and only focusing on images of ceaseless vigilance. But is not there a way to reconcile the innovations of the XXI century with the intent of co-operation between "rulers" and "ruled" of the XVIII century?

## *4. Conclusion: Bentham's contribution to contemporary thought*

Thus, Bentham's project had been a pioneering idea during his time and it also influenced contemporary thought: the possibility of building a structure that could be used as a template to reform society is certainly alluring. The panopticon had undergone a gradual change on both physical and ideological grounds, since the philosopher modified it in order to fulfil at best the principles of utility. Thus, the panopticon's scope and values, such as maximization of overall happiness and avoidance of pain, were settled in such a way as to also grant a more humane approach toward the convicts and optimize costs at the same time. Indeed, Bentham devised a building which could channel his thoughts and considerations about institutions and government in a concrete way.

Indeed, the utilitarian plan epitomises both a compliance to Enlightenment assumptions and willingness to deeply revolutionize the dominant thought: hence, human beings are responsible for their actions and do not lose their status as members of society, in the case that they become criminals. Despite the interpretations given to the panopticon during the XVIII century and the leverage of Bentham's psyche on the penitentiary, the panopticon addresses issues that had not been previously tackled in such a solid way, like the extent of punishment and contract management. Still, later analyses on the subject revealed a more worrying aspect of the panopticon: among these, Foucault's interpretation is certainly the most popular and powerfully resonates across contemporary society.

With the contributions of following scholars, the panopticon has become the synonym of surveillance: nowadays surveillance is principally linked to modern technologies which help monitoring most of the people and gaining personal information about them. Regardless of the numerous benefits to which innovative technologies lead, surveillance is thought only as means to achieve an Orwellian government dominated by unprincipled control. In conclusion, in order to merge and harmonise Bentham's reformative considerations with this unsettling perspective, we need to analyse first the relationship between surveillance, technologies and society itself and, eventually, turn to the philosopher's ethical reflections.

# CHAPTER II

# Surveillance, Panopticon, and modernity: handling social control

In this chapter, it will be discussed about the connections between the Panopticon and modern surveillance theories: before doing so, one must analyse society in light of the new advancements in technologies, which bring about deep changes in society and how it relates to larger information fluxes. Thus, when considering surveillance, one must take into account that so-called "information societies" can be defined, by the same token, surveillance societies. Indeed, scholars have tried to give a clearer understanding to this newfound phenomenon in many ways and as a consequence there are several theories, such as Deleuze's *dividualism* or Poster's superpanopticon. Despite the various interpretations of surveillance, there has been one sole response to it: the enhancement of privacy protection. After illustrating the various attributes and explanation of privacy, we could argue that it does not include a general social concern, but only raises individual issues and it proves to be ineffective. We shall then turn to how surveillance reinforces divisions by sorting people into social categories and argue for a more inclusive framework, trying to reconcile the Panopticon with an ethical and human side.

## *1. Defining surveillance*

In this section, we will firstly analyse surveillance and the multiple meanings that have been associated to it; secondly, since surveillance has drastically changed with the developments in information and communication technologies (ICTs), it comes to be frequently associated with the concept of information and "information flux", which unveiled new aspects of power and control over individuals. Thus, surveillance is so strictly related to information that it is natural to argue that nowadays surveillance society and information society coincide. Therefore, this outcome requires further inspections and interpretations: indeed, many scholars focus on particular aspects regarding this phenomenon, such as the rise of databases as instruments of social ordering or the amplification of institutions' and agencies' control over contemporary everyday life.

### *1.1 What is surveillance?*

Bentham's liberal project has become famous through the reading of Foucault, who coined the concept of *panopticism* to describe "a type of power that is applied to individuals in the form of

continuous individual supervision, in the form of control, punishment, and compensation, and in the form of correction, that is, modelling and transforming of individuals in terms of certain norms" (Foucault 2000, 70). As a consequence, Bentham's vision was modified from his original intent, which was aimed at internalizing discipline and eventually eliminating the need for the inspector altogether. This means that truly continuous and all-seeing inspection was not desired at all. Bentham's project was devised in such a way as to prevent further panopticons in the future, in a non-panopticon era where misrule is minimised and pleasure maximized (Galič et al. 2016, 15). Nevertheless, the panopticon has become the very synonym of surveillance even in modern times.

In Western societies, surveillance represents one of the main topical issues, since the type and scope of persons and spaces being surveilled has exponentially increased during the 21st century. According to Lyon, surveillance is "any collection and processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been garnered: this surveillance seeks out factual fragments abstracted from individuals" (Lyon 2001, 2). Moreover, surveillance is purposeful, in the sense that it can be justified; it is routine, because it entails our daily business; it is always systematic, as a rational schedule dictates its unfolding; and finally, it is focused, with great attention to details. Thus, recalling Foucault's conception of the Panopticon as a blueprint for technologically-driven power relations that are integrated throughout the entire productive apparatus and keeping records of the whole population, the concept of surveillance is intrinsically connected to both information and society.

As a result of the latest advancement in technologies since the early 1960s, modern life had dramatically changed in every aspect and had revealed new facets with regards to identities and power relations. Nowadays, people must deal with a consistent quantity of information, that continues to escalate and has a strong impact on individuals, communities, and institutions; with the term "information flux", scholars refer to all the information that passes through personal data and the outside world. It must also be underlined that: information is not synonymous with knowledge, and interferences and interpretations do not flow freely across personal boundaries; information is not homogeneous or arbitrarily interchangeable, and some pieces of it are more valuable than others; finally, the value of any piece of information is variable (Bossetwitch and Sinnreich 2012, 228). In order to cope with this peculiar situation, people recur to the use of technologies to enhance their abilities so as to perform certain processes, such as storing, altering, combining and transforming information. Thus, technologies and human being influence and co-constitute each other by being part of one hybrid information processing system (Gorzeman and Korenhof 2016, 77).

## 1.2 Surveillance society

However, one cannot talk about the complex network of information and communication technologies (ICTs) without also highlighting that society has been strongly influenced by this ongoing process. Indeed, "information society" refers to the condition in which new technologies pervade all aspects of life, with computers and telecoms offering tropes to understand everything from social relationships to the workings of the brain (Lyon 2001, 24). As Lyon notes, this definition explicitly leads to a clear technological determinism, which fails to encompass the real world of material bodies and active selves: the tangible realities of chaotic city life, social divisions, political struggles, and economic divisions are still in place and cannot be completely avoided (Lyon 2001, 24). Nonetheless, if they are fully implemented, technological devices effectively give a precise order to social activities, limiting and constraining everyday life. One of the main examples regarding this phenomenon is how computer power allows to collect data in order to be stored, matched, retrieved, processed, and circulated. This is the reason why, according to many scholars, information societies are by definition surveillance societies.

Undeniably, surveillance practices are growing at an accelerating rate whenever information infrastructures are established: all information societies are, by the same token, surveillance societies. Surveillance societies indicate that surveillance activities have long since spilled over the edges of government bureaucracies to flood every conceivable social conduit; this is the main point of departure from the Orwellian "Big Brother" totalitarian system. In this case, surveillance has become 'societally pervasive' (Lyon 2001, 33). According to the Surveillance Study Network (SSN), surveillance societies are "societies which function, in part, because of the extensive collection, recording, storage, analysis and application of information on individuals and groups in those societies as they go about their lives. They feature, in different measure, the routine collection of data about individuals with the specific purpose of governing, regulating, managing or influencing what they do in the future". Despite this multifaceted description, surveillance societies are not solely destined to shape into a totalitarian regime, even though they would be capable to do so, as Gary T. Marx argues. In sum, surveillance societies are visible in all information societies, since they are manly characterized by an intensified attention to personal data and a crave to influence every aspect of modern life.

## 1.3 Surveillance theories

Numerous surveillance theories were formulated to grasp the new reality influenced by technology, but they all originated from Foucault's architectural theory of surveillance: according to this

framework, surveillance is often physical and spatial. In *Discipline and Punish*, the Panopticon was taken as a diagram, used to analyse power relations and models of governing within multiple aspects of society: nevertheless, this phenomenon remains hidden and indiscernible, precisely because it is well-embedded in the societal network, which is what makes it so powerful and ubiquitous. As Foucault notices, panoptical mechanisms of watching and being watched had been ingrained in daily life; as a consequence, when everyone could potentially be under surveillance, people will internalize control and morals – discipline becomes a technology. In this way, Foucault shifted the perspective from the goal of governing to the mode of governing: the main goal is still to prosper as a society, yet the mode of governing shifts from a sovereign society to one of discipline, which represents a shift in method as well as in object, from populations to individuals (Galič et al. 2016, 16). Thus, discipline moves across different institutions and touches several units of information (that is, docile bodies).

Foucault's analysis of an objective observer with disciplinary power matched well with the rise of closed-circuit television (CCTV) cameras. In fact, in both cases the watcher cannot be seen and there is a constant gaze holding the possibility to see everything; through this technology, the same result is achieved: citizens in public space can be induced to behave according to the norm. Nevertheless, some characteristics of CCTV and other devices for electronic surveillance cannot be completely in tune with the panoptical model, because society and institutions have drastically changed from those considered by Foucault. Therefore, there are alternative accounts that theorize surveillance while either leaving out the Panopticon (intended as Foucault's model of disciplinary power) or developing a different point of view with respect to Bentham's project to find new units of analysis and distinct outcomes.

In postmodern societies, power and control seem to have become more dispersed and flexible. One of the most popular post-structuralist accounts about surveillance, building on Foucault, was formulated by Gilles Deleuze. In *Postscript on the Societies of Control* (1992), the author recognizes that Foucauldian institutions are no longer in place, but that a shift from disciplinary societies to 'societies of control' had taken over; in his words:

> We are in a generalized crisis in relation to all the environments of enclosure–prison, hospital, factory, school, family. The family is an "interior," in crisis like all other interiors–scholarly, professional, etc. The administrations in charge never cease announcing supposedly necessary reforms: to reform schools, to reform industries, hospitals, the armed forces, prisons. But everyone knows that these institutions are finished, whatever the length of their expiration periods (Deleuze 1992, 3-4).

Thus, Deleuze highlights the ways in which computers track persons instead of barriers or walls incarcerating them. The Deleuzian society is characterised by digital personae subject to computer-based surveillance and data classification, where a minority decides who gets a password: "what is important is no longer either a signature or a number, but a code (…), a password" (Deleuze 1992, 5); the access to information is marked by the ownership of precise codes. Therefore, one of the main results is that those who gain the password can also keep records of whoever tries to enter and is not authorised to do so: this mechanism underlines a new purpose, which is to include and exclude. Thus, power assumes a different significance and consists in controlling access. As a result, the world is no longer defined by mass/individual dualism, but by the transformation of individuals into 'dividuals': the Panopticon blurs and people are split up into pieces, with data-bodies becoming more important than real and docile bodies.

The notion of the 'dividual' and the turn to access points, such as borders and airports, points towards an innovative direction where the gaze is directed to individuals as entities with many roles, represented in many different places. As Deleuze notes:

> In the societies of control, one is never finished with anything–the corporation, the educational
> system, the armed services being metastable states coexisting in one and the same modulation, like
> a universal system of deformation (Deleuze 1992, 5).

The philosopher focuses on open spaces and points attention to control at distance, using technologies of power that reform bodies and minds through daily routines instigated by those in power (Galič et al. 2016, 20). In conclusion, in order to fully understand how control exercises its power on bodies, Deleuze gives an example invented by Felix Guattari:

> Felix Guattari has imagined a city where one would be able to leave one's apartment, one's street,
> one's neighborhood, thanks to one's (dividual) electronic card that raises a given barrier; but the
> card could just as easily be rejected on a given day or between certain hours; what counts is not the
> barrier but the computer that tracks each person's position–licit or illicit–and effects a universal
> modulation (Deleuze 1992, 7)

Another innovative and poststructuralist point of view in the surveillance inquiry comes from Mark Poster, who takes into account the Panopticon's viability in terms of the sum of indispensable functions for the government of a modern society. Poster highlights the importance of the Foucauldian 'power of discourse', which shapes subjects as such and gives them cultural significance; therefore, the cultural construction of the subject indicates how "discourse was configured as a form of power, and power was understood as operating in part through language" (Lyon 2001, 114). In modern contexts, this process is connected to the notion of "mode of information", which stands for relations

of power revealed by an electronic exchange of information, and to the elaboration of new languages. Therefore, the modern electronic discourse operates through a series of database's grids of specification that codify data subjects and reveal much about the domination involved.

Poster's analysis starts from the database as imposing a new type of language, which tends to normalize individuals and define deviants. Thus, discursive power establishes discipline, as long as the database's language allows for molding subjects: discourse reveals its power by positioning "the subject in relation to structures of domination in such a way that those structures may then act upon them"; hence, the panopticon's power is manifest in the way that the whole discourse and practice of the system bears down, constituting the subject as criminal and normalizing him or her into rehabilitation (Lyon 2001, 115). According to Poster:

> In the electronic age, spatial limitations are bypassed as restraints on the controlling hierarchies. All that is needed are traces of behaviour; credit card activity, traffic tickets, telephone bills, loan applications, welfare files, fingerprints, income transactions, library records, and so forth. On the basis of these traces, a computer can gather information that yields a surprisingly full picture of an individual's life. As a consequence, Panopticon monitoring extends not simply to massed groups but to the isolated individual. The normalized individual is not only the one at work, in an asylum, in jail, in school, in the military, as Foucault observes, but also the individual in his or her home, at play, in all the mundane activities of everyday life (Poster 1984, 103).

In this way, individuals leave traces of behaviour that are then memorized into the databases of numerous agencies and institutions, which produce the electronic image of these real bodies. For Poster, databases imply panoptic principles: social control is exercised through the classification of individuals, who are separated along an axis running from "normal" to "deviant". Consequently, databases function as a Superpanopticon: in fact, database 'text' is no one's and everyone's, and yet it is owned by some institution and thus amplifies that institution's power; through this mechanism, power is easily extended, since subjects constantly participate in their own subjection with cell phone calls, automated bank transactions and so on (Lyon 2001, 115). As a result, Poster concludes that "individuals are plugged into circuits of their own panoptic control" (Poster 1996, 184). The Superpanopticon shapes subjects in a dispersive and decentred manner and leads them to follow its own codes within a system of surveillance without walls and guardians.

In response to Poster's superpanopticon and other theories relating to electronic enhancement, Lyon makes a further step in order to underline certain limits in the previous accounts on surveillance. In this specific case, the critic arises from the fact that Poster has not fully considered the notion of biopower and its ramifications; in fact, Lyon notes that:

One could argue that Poster's superpanopticon actually depends upon biopower for its operation. For Foucault, biopower originated in the dusty-sounding statistical study of populations. But it "made knowledge-power an agent of transformation of human life". (…) Translate this into computer language and its significance emerges. Not its massive expansion and automation in the contemporary surveillance and simulation of behaviours under the sign of mobility. Contrast can see that what began in the "era of moral science" has precise ramifications for the codes that order social life today (Lyon 2001, 120).

Building from this, Lyon claims that Poster does not "go far enough" and attempts to propose a different perspective in order to shed light on the importance of the actor within an information/surveillance society; in *Surveillance Society*, after analysing the main strands of surveillance theories and their main manifestations, Lyon conveys the concept that bodies may disappear from social relationships in a media-dominated world, but they are not unavoidable. Therefore, the disembodies relationships embedded in surveilled data do not entirely lose contact with the embodied activities of persons whose behaviour is taken so as to construct another electronic self. In sum, the point here shifts towards a more attentive consideration of the self and humanness in general.

Thus, all these interpretations regarding surveillance shed light on its different aspects and demonstrate that it is a multifaceted concept, difficult to define and grasp in an absolute way. In fact, Foucault's account reveals a process which shifts the focus to individuals and ultimately leads them to internalize discipline, while Deleuze's assumptions underline the need to recognize the disappearance of institutions and the rise of databases to sort and control people; additionally, Poster's superpanopticon emphasises the rise of databases in relation to new types of language and the possibility to discipline individuals in a fluid trend. Finally, Lyon calls for a deeper consideration of the dualism between real self and electronic self, with a focus on re-introducing concrete bodies. This attention towards non-virtual persons sometimes has been translated into appeals for privacy protection. Indeed, privacy has been considered the proper remedy to surveillance, even though it shows drawbacks. In order to better understand the relation between privacy and surveillance, we now turn to analyse this complex notion.

## 2. *Privacy as a countermeasure to surveillance*

The separation between private and public sphere of an individual's life has always been a highly debated topic, yet privacy refers to the particular period when modern technologies have numerous possibilities to monitor an influence people's lives. Thus, privacy imposes itself as the only viable countermeasure to surveillance techniques: hence, the definition of surveillance and the value

attributed to it need to be explored and correctly defined, since some scholars also argue that privacy per se does not exist at all. Then, after analysing the various meanings and different accounts regarding privacy, we will turn to the main issues that this concept presents in relation to contemporary surveillance, namely the fragmentation of the community and lack of social concern.

## 2.1 What is privacy?

An issue that arises whenever surveillance practices and systems are brought about regards the protection of privacy. Since information technology enables innovative forms of centralization of monitoring and might be associated to the exploitation of people's identities, data protection is often suggested as a remedy. Of course, human beings treasure the protection of their personal sphere of life and these recent ICTs threaten their privacy while rendering possible several negative consequences as a result to the access of personal data. Even though the term "privacy" is evoked in numerous fields in everyday life, it does not enjoy a univocal definition and its scope is still indeterminate; indeed, there are different accounts of privacy, but the majority of them agree that it is somewhat important in human lives. One of the first distinctions between public and private came from Aristotle's separation between the public sphere of political activity, the *polis*, and the domestic sphere regarding family, the *oikos*: this implied that privacy referred to a domain that was not destined to governmental interference.

Nevertheless, at the end of the XIX century *The Right to Privacy* (1890), written by Samuel Warren and Louis Brandeis, initiated a more systematic discussion about privacy: one of the argumentation points in the essay was that privacy is equal to "the right to be left alone", in the sense that it regulates behaviour among people by disciplining subjective interrelationships; the concept was further illustrated in the *White v. Davis* ruling, which states that:

> The right of privacy is the right to be left alone. It is the fundamental and compelling interest. It protects our homes, our families, out thoughts, our emotions, our expressions, our personalities, our freedom of communion and our freedom to associate with whom we choose. It prevents governments form collecting and stockpiling unnecessary information about us, and from issuing information gathered for one purpose in order to serve other purposes or to embarrass us (cited in Tomkins 1998, 55).

This laid the foundation of privacy as control over information about oneself and denounced the intrusion upon a person's solitude. Nevertheless, many critics argue that privacy should be defined without assuming its value *a priori*: hence, one must take into consideration privacy as a specific condition involving individuals, before describing it as a right. Bearing in mind this point of view, privacy as a condition can assume three main functions: first of all, privacy can safeguard freedom of

action without being affected by external provocations nor being subjected to constraints; in this case, privacy is equal to the condition according to which an individual can carry out his or her own autonomy, that is, the ability to decide for one's self. However, the notion of decisional autonomy could stir controversies in terms of scope of action. So, in order to define privacy in a more circumscribed manner, one could argue that it could either be access to personal information or, thirdly, the control of this information by the involved subjects: within this framework, personal pieces of information relate to elements that an individual does not want to diffuse regardless of the reason others want to know them (Bocchiola 2014, 23). Consequently, there is no violation of privacy when information is gathered in a legitimate way or divulged with prior consent.

## 2.2 The value and issue with privacy

Once the theories on the condition of privacy have been explained, one can start arguing about its value. According to the first point of view, privacy can be included in the group of fundamental and inviolable rights that every person is granted. Following another strand, privacy assumes consistent significance in that it creates a sphere of personal action, whose access is limited and reserved; nevertheless, this account becomes confusing because the space of action heavily depends on social, cultural and historical context. Instead, the supporters of the third theory claim that privacy's importance stems from the fact that it grants the involved subjects to regulate the access to information as they wish: this implies a shift from the social context to the individual's capacity to decide the scope of privacy protection (Bocchiola 2014, 22-23). Lastly, Judith Jarvis Thomson in *The Right to Privacy* (1975) acknowledges in a reductionist trend that privacy has no value *in se*: all the cases in which privacy is violated can be well explained as violations of other rights, such as property rights or rights over the person and so on. Ultimately, privacy is constituted by a cluster of rights and not by a single, universal and fundamental right.

Having illustrated the main issues about privacy and its meaning, it is not possible to have an exhaustive view on this debate without also mentioning how computers, the Internet, mobile computing and many applications of basic technologies have evolved along privacy. As already mentioned, ICTs have brought major sociological changes so that some scholars formulated the existence of an "Information panopticon" (Zuboff, 1984): this model envisioned a computer-controlled supervision, where there are no time and space constraints and no physical arrangements of buildings; the transparency accessible to the watchmen in the inspection tower becomes universal with computational digital technology based on information (Seele 2016, 846-847). Moreover, Lyon argues that inequalities are reinforced and personhood potentially threatened in this new virtual world;

hence, the increased connectivity caused by information technology and its current shifts poses many questions and sparks alternative defence mechanisms.

As a result, the computerization of personal data had engendered policy responses in all countries dependent on information infrastructures: what goes under the term of privacy has become a policy area in its own right, with a general agreement on fair information principles across different countries; Lyon reports that the principles regulate how personal data should be handled:

> Those involved should be accountable for information entrusted to them, should be clear about the purposes of collecting information, and should ensure that it is collected with the knowledge and consent of those to whom it pertains. The harvesting of personal information should (…) not be disclosed to other parties without consent. (…) Information policies should be open and data subjects should have access to and the right to correct their personal information (Lyon 2001, 129).

Therefore, in a normative sense, the technological advance started in the XX century had required considerations of the desirability of this development and the evaluation of potential and effective regulation by technologies, institutions and law. In claiming privacy, persons want more concretely to prevent others from harming them, discriminating them or making assumptions about their identity. It is safe to state that one of the main benefits granted by privacy is the attention given to the personal dimension within a mass and virtual universe.

Nevertheless, even though privacy appears as the complementary item in the surveillance/privacy binary relation, it fails to fully become an effective countermeasure. As Lyon argues, privacy tends to stress only certain aspects of surveillance, while leaving out other crucial elements because it reduces surveillance to an individual matter instead of an inherently social concern (Lyon 2001, 4). Furthermore, the author also points out that privacy rights are embedded within the hegemony of agents in favour of surveillance techniques, such as government departments and corporations; despite the worrisome features, surveillance is able to grant speed, safety and security. Following this framework, privacy is conceived as part of the hegemonic system of consent to the dominant liberal culture of law and establishment. Hence, regardless of the apparent feeling that privacy can challenge contemporary surveillance, this means falls short of regulating policies and maintains a status quo.

## 3. Conclusion: reshaping surveillance

In view of the latest considerations, a new facet of surveillance comes forward and sheds light on the inner nature of this phenomenon. In fact, surveillance often generates a sense of threat and alarmism, however it can be used as the term describing contemporary society: that is, a system where there is a growing reliance on bureaucratic institutions for social administration and control. Surveillance is

Janus-faced, since it involves care and control at the same time (Lyon 2001, 3, 142); it contains both urges for control and facilitation, for social management and empowerment. If we accept this kind of argumentation, then surveillance can be viewed as a product of modernity and as a condition that holds desirable aspects. For instance, in many cases, the employment of surveillance techniques grants a higher level of security and lower crime rates, like information and communication technologies help gathering data about suspects of potential risk (Levi et al.2004 , 199); furthermore, we take for granted the codes of classification that hold together and coordinate social life in a methodical manner. We may conclude that surveillance society is not a conspiracy, but it is the way we go about our lives on a daily basis.

However, many theories did not put stress on one of the major aspects within this postmodern world: that is, social sorting. In a surveillance society, social sorting is endemic; whether in government or commerce institutions, large personal information databases are observed to define a specific target, such as peculiar markets. According to this depiction, surveillance is a valuable instrument for categorising and classifying populations, not just invading the personal sphere or violating the individuals' privacy. Scholars like Lyon argue that the most concerning facet of surveillance is the reinforcement of divisions by arranging people into social categories. All things considered, social sorting grants different opportunities to different groups and often amounts to subtle and malleable ways of ordering societies. As a result, these categories assume material force because they include and exclude, declare eligible or not, and everyone continuously participates in this process (Lyon 2001, 152). The world of surveillance is far more complex than what it appears.

This phenomenon dramatically recalls how the Panopticon operates in order to reform individuals: from this point of view, the original Benthamite project is the best device to implement a total rehabilitation of the criminal mind; thus, the target is represented by those who would benefit from discipline imparted, so as to being reintegrated in the community. This implies a social sorting based on the fact that certain individuals were defective and needed to be subjected to the engine of the Panopticon. Nonetheless, this becomes even more significant when we analyse the pauper panopticon, devised by Bentham in order to reform those who had a misconceived notion of their interests to allow them to become functional members of society (Quinn 1997, 4). In a similar trend, surveillance society is able to sort individuals into various social categories and hide social fractures behind a more fluid system, affecting life chances and social destinies: with the aid of technological means, the categorization of populations is even wider and touches everyone.

In conclusion, the computer-based scrutiny of ordinary daily life for citizens as they participate in contemporary societies, that is, surveillance societies is both a matter of concern and relief. New

social theories of surveillance have tried to explain the processes behind this phenomenon, evoking the imagery of the Panopticon as the emblem for constant social control; nevertheless, surveillance most of the times reveals just an ordinary description of day-to-day routine, where information and communication technologies play a more decisive role. Having considered these facts, is it then possible to reconcile in a positive way the notion of surveillance as both care and control within the Panopticon project in order to requalify its purpose and scope?

# CHAPTER III

## Ethical requalification of surveillance and Panopticon

In this chapter, we will resume the analysis of surveillance's most frightening aspect, namely social sorting, and clarify the need to take in consideration its significance within a panoptic scheme; nevertheless, it will be argued that Bentham's ethical premises are crucial in order to understand the Panopticon as a corrective structure with a reformative purpose. Thus, the inspection house, which had been used as a synonym of surveillance, can be requalified; at the same time, also contemporary surveillance itself can assume a more precise significance and emerge as an asset in a more globalized context. Still, in order to maintain an ordered situation and grant more safeguards to individuals, it should be underlined the necessity of action from both institutions and agencies. In conclusion, the Panopticon and its following meaning assume a more approving aspect, one to which everyone consents.

## 1. *Surveillance and categorisation*

According to what was said about surveillance society in the previous chapter, it is clear that the concept is ambiguous and difficult to grasp, since it may involve both care and control, as Lyon's explanation of control reports. The subject of surveillance is being watched with a purpose, which involves both the context that it is operating within and it entails controlling and disciplining the subject into certain behaviours or set of norms; nevertheless, it also comprises care in the sense that there is a safeguard in its account: the subject of surveillance is being watched according to a peculiar purpose. Thus, surveillance space can be used as a context where agents are empowered to take action and formulate individual responses. However, the most popular imagery still revolves around surveillance's negative aspects.

Modern life is characterised by the constant presence of surveillance devices, such as cameras, sensors, time cards, computer-based programs and so on; these are few examples of all the means that are employed every day to monitor persons for a better efficiency or improved security. Despite the many advantages that innovative technologies have to offer, there are still numerous downfalls: one of the main accusations made by scholars such as Lyon is the presence of a subtler dimension, which results in processes of systematic categorisation, classification and social sorting (Lyon 2001, 25). When dealing with the growing density of surveillance practices in everyday life, it is vital to maintain a system of checks and balances regarding transactions, exchanges, movements and calls. Thus, a

technologically-enhanced setting originates a mechanism for exclusion and inclusion and encourages discrimination among the population, with strengthened inequalities.

Indeed, social sorting is a phenomenon that stems from the necessity to predict and simulate behaviours and embraces all socioeconomic strata. For instance, Gandy (1993) states that companies employ databases enclosing consumer information to individuate potential targets and allure them into consumption. Indeed, there is a panoptic scrutiny in amassing, classifying and assessing information about an individual's economic value in relation to markets. Nevertheless, we have to be aware that the first and foremost purpose of the Panopticon was not to sort, but to cure and reform (Green 1999, 35). Hence, "dataveillance" fails to integrate the internalization of the gaze and to bring about a disciplinary impulse; in order to get a better perspective of the panoptic purposes in the Benthamite project and, in this way, harmonise it with modern surveillance, it is necessary to analyse Bentham's ethical premises.

## 2. Bentham's ethics

Bentham is considered one of the most influential philosophers on utilitarianism, a strand of thought claiming that a morally right act or policy is that which produces the greatest happiness for the members of society; thus, it involves an account on human welfare, or 'utility' (Kymlicka 2002, 10-12). Utility is defined in terms of happiness and Bentham viewed the feeling of pleasure as the chief human good. Thus, in this section, we will examine Benthamite account on pain and pleasure, determining the value and quality of happiness, his interpretation of interest and finally how his thoughts were to be applied in everyday life in the shape of social reform. This latter analysis will be crucial in order to requalify Bentham and the panopticon.

### 2.1 Pain and pleasure

Jeremy Bentham presents his ethical theory principally in "*An Introduction to the Principles of Morals and Legislation*" (1789), where he argued that human nature was ruled by two main controlling forces:

> Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality, he will remain subject to it all the while. The principle of utility

recognises this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. (Bentham 1970, 11)

Thus, according to the utilitarian theory, the primary forces are pain and pleasure, which individuals derive from physical, moral, political and religious dimensions of their lives: for instance, persons find pleasurable to have power in the political sphere, or having a good reputation and anticipating divine rewards in terms of moral and religious occupations (Lyons 1997,44). From this, it must be underlined that this kind of hedonism assumes an ethical character, since it explicates that actions are considered only in terms of pain avoidance or production of pleasure. In so far as an individual's happiness is obtained by balancing pleasures over pains, the utility of an act is independent from its value per se or its originating motive: what matters is represented by the consequences that the action brings, namely if it entails benefits or costs. Thus, when deciding to act or what kind of action should be taken, an individual should only consider and calculate the extent of pleasure and pain that the action under consideration would occur to him and the persons involved.

When taking into account Bentham's hedonism, its intent and framework are unequivocal: the philosopher devises a dualistic system where pleasure is good and pain is bad; these feelings can manifest both in a physical and in a mental level. As a result, the quality of an action and its consequence are outlined by certain assumptions: first of all, one must consider how strong the pleasure or pain is, namely its intensity; secondly, the action takes place in a moment of time, so its duration will be implied; thirdly, one must be more or less certain about how likely the pleasure or pain will be the result of the action; then, one must also calculate its proximity as immediate actual sensation; fourthly, an action's fecundity is a crucial criterion, since it indicates how likely it will lead to further pleasures or pains; finally, purity, or the extent to which pain and pleasure may be experienced together, must be taken into account. Moreover, one can also include extent, namely the number of people affected by said action (Bentham 1970, 38-39).

Therefore, these criteria are what a person needs to assume and calculate before acting: this operation is defined as the felicific calculus, and involves peculiar processes such as multiplying the number of intensity units by the number of duration units and so on (Mitchell 1918, 165). However, this is only an ideal model, since calculating all these criteria at once has proved to be extremely difficult (Bentham 1970, 40), but it shows Bentham's willingness to rely on reasonable facts. Thus, the main principle of utility, which hints at the net balance of pleasure over pain, should be the focus of both individual and governmental action. The philosopher thought that since people were ruled by self-interest expressed as pleasure seeking and pain avoidance and communities were not ethically viable if everyone did what they pleased, there was a need for sanctions to promote utility (Lyons 1997, 45).

Sanctions are forces that require conformity to law and social conventions; in order to be efficient, they must be intertwined to both surveillance and punishment (Lyons 1997, 44). Moreover, their outcome influences people's behaviour in the sense that as long as they work positively, they will promote utility and self-interest because they will uniquely lead to pleasure; otherwise, a negative application of sanctions would only aggravate a personal situation, leading to an inevitable change of interests. Thus, the sanctions help guiding and determining a person's moral conduct, and are a crucial element in order to grant that an essentially self-interested human being would be encouraged to perform actions that promote the greatest happiness not only for himself, but for the whole community. Therefore, one must analyse both the individual and the institutional aspects within Bentham's theory.

## 2.2 Individuals and interests

Bentham's starting point for his account on human nature involves the endorsement of Hobbesian psychological egoism: Thomas Hobbes (1588-1679) held a pessimistic view of human beings, since he claimed that they were unsocial by nature; from this premise, he argued that individuals have their own objectives, mainly survival from others, and that they enter society in order to satisfy their most urgent necessities. Within this framework, self-interest determines what is good and bad, leaving each individual to be his own judge. Bentham is somehow influenced by this account when he acknowledges that people are dominated by self-interest, in terms of pleasure seeking and pain avoidance; yet, the utilitarian philosopher also recognises the apparent incompatibility of Hobbesian egoism with his wish to grant overall happiness. Thus, Bentham devises a mechanism in order to reconcile this two opposing views.

In fact, the father of utilitarianism attempts to reconcile this antagonism by arguing that whatever encourages the general happiness, then it also brings the agent's happiness. If all men act in accordance with their own interests, which frequently allows to mean what men regard as their self-interest; however, Bentham argues that individuals are interested to some extent in the happiness of others, but generally, if left to themselves, there is bound to be an incongruity between the persons' actual behaviour and the behaviour which could lead to the greatest happiness of the greatest number. In light of this situation, the legislation functions to either coerce or induce individuals to conform their conduct with respect towards the principle of utility. Moreover, this system will also permit moral leaders to shape men's desires in order to make them spontaneously associate the happiness of others with their own (Viner 1949, 365).

Through the association of one's own pleasures to the pleasures of others, individuals would contribute more to the augmentation of general happiness and the installed harmony would let individuals' interests to coincide with social interests. Thus, a person's interest is constructed by governmental action, in the sense that law and other agencies provide them with motives to follow courses of action useful to the whole community. As a result, even if each one could be the best judge of their interests, their judgement may not always be the most appropriate; the void between interests' perception and real interests must be filled by the legislator, who constructs communitarian objectives. The goal is to divert individuals from what they should not do and to offer them motives, which entail pleasure over pain, for channelling their desires and serving the public interest. Indeed, it is clear that Bentham put stress on the role of institutions and reforms.

## 2.3 Social reforms

Jeremy Bentham can be considered a social reformer. Because a person's happiness is defined as the net aggregate between pleasure and pain, this is "the sole end which the legislator ought to have in view: the sole standard in conformity to which each individual ought, as far as depends upon the legislator, to be made to fashion his behaviour" (Bentham 1970, 34). Thus, lawmakers have to be responsive to the social context they are dealing with: since an action's value is determined by its consequences and effects, its quality can only be determined instrumentally and cannot be morally wrong or right per se. As a consequence, law is not immutable and monolithic, but can require modifications if the situation so commands: if the effects of a policy change, then also its moral quality will change; as Rosenblum recalls, "law-making must be recognized as a continual process in response to diverse and changing desires that require adjustment" (Rosenblum 1978, 9). Bentham is perfectly in tune with this type of reformative background.

The utilitarian thought presented an innovation in the XVIII-century philosophical context in the sense that its main objectives were to be achieved through actual application: this required a conversion of the utility principles into elements possible to be applied and employed in a way that the philosophically abstract principle itself could not be. Bentham was a firm believer in concrete manifestations of pleasure maximization and pain avoidance, which for instance were expressed in reduced crime rates and health enhancement. Within this setting, the role of sanctions and punishment is fundamental to grant the government that everyone would observe the law for promoting overall happiness: thus, policies such as surveillance in the panopticon should not be considered with respect to a moral stance, but we should only consider whether they promote the principles of utility; if this type of policy is institutionalized, then asking if it is a good social policy or not is redundant (Lyons 1997, 45).

In the panopticon case, Bentham's aim is not only to employ a maximally efficient institution in terms of economic gain, but also to create an institution that can be morally justifiable at the same time. The most crucial imperative in the Benthamite project is to punish as to maintain social order, and yet remain humane; from this point of view, we can argue that punishment assumes normative responsibilities. "The power of mind over mind" as an instrument of government is exercised to fulfil these utilitarian principles: for example, in the pauper panopticon, Bentham not only wishes to reform the conception of poor's interests directly, but endeavours to develop strategies which will facilitate their independence, meaning their pursuit of interests which they have come to possess as a result of a particular complex pattern of social interaction (Quinn 1997, 4).

Having said so, we may conclude that Bentham's ethical stance reveals that the Panopticon did not represent the starting point for a series of reflections on punishment, inspection and moral reformation, but quite the contrary: the utilitarian penitentiary is the culmination of Bentham's ideology and demonstrates the philosopher's willingness to assume the role of legislator. While some might argue that these attempts were just aimed at centralising control and augmenting Bentham's profit, others stand by the conviction that Bentham had a more philanthropist purpose in mind (Bader 1975, 253-254) . If we adopt the latter vision, then it will be possible to redefine the Panopticon's meaning and, with it, the interpretation of surveillance: instead of a perfect machine for social control, the Panopticon/surveillance has the potential to be an empowering mechanism.

## 3. *Contemporary surveillance*

Surveillance is directly linked to a new type of society, namely surveillance society. Technology and society continually influence each other and are intertwined; in this section, Lyon's solution to the concept of surveillance as a controlling and categorising mechanism is an appeal to ethics and consideration to individuals. However, one must go further and add something to this newly constituted ethical dimension of technology: in fact, institutions must be involved in order to provide a legitimate framework. Within this context, the panopticon can be requalified and regarded as a reference in order to urge institutions and agencies to take action with ethical considerations. Indeed , the panopticon can assume a positive interpretation, since it is part of a humanitarian form of relief.

### 3.1 *Lyon's re-embodying bodies*

Going back to surveillance and its controlling nature over individuals, David Lyon argues that surveillance power is not necessarily or directly linked with coercion and violence: as a classificatory power, it engages in social sorting, that may be panoptic as well as productive (Lyon 2001, 152). One of the main effects that information fluxes and, in general, communication technologies has been the

gradual disappearance of bodies: several scholars argue that there is an emerging "surveillant assemblage", which operates through the abstraction of human bodies from their territorial setting and separating them into flows. Then, these series of flows are reassembled into "data doubles" which can be observed and targeted for intervention (Haggerty et al. 2000, 606). According to Lyon, disappearing bodies is a basic problem of modernity, since it encouraged the practices of surveillance to keep tracks of vanishing personalities.

As a consequence, what was once considered "private" is now subject to the monitoring of public computer systems, causing people to become more cautious about technologies that can be employed with a more positive approach. Given the current situation, Lyon argues that re-embodying persons may be the most convenient way for people to reshape technologies for appropriate purposes in order to obtain a different kind of social situation; indeed, re-embodying persons would mean influencing how surveillance systems work, with the addition of this new notion, and how modern social thought conceptualises the humans' field of action. Of course, for Lyon this operation concretely indicates an ethical stance which should inform our being human in postmodern information societies (Lyon 2001, 151). Thus, in the same way that the Panopticon can be ethically requalified with utilitarian considerations, also surveillance has the possibility to take an ethical stance, which starts with re-embodying persons.

By re-introducing "bodies" in the discourse regarding surveillance society, the agency and active participation of individuals is newly discovered. Affirming the value of embodied persons helps in introducing again people's tendency to act according to the feeling of pleasure and the rejection of pain, it gives attention to the personal sphere of the individual: surveillance is re-thought from the "viewpoint of the citizen, the consumer, the systems designer or the policymaker" (Lyon 2001, 153). Indeed, notions of control and suspicion resembling the Orwellian dimension have a negative effect on contemporary surveillance; so, social and individual gains can be obtained through the introduction of a new approach that involves both the individual per se and the social sphere where he partakes. Lyon only claims the need for this new framework and the strengthening of ethics, nevertheless one must take into account also the context and, mostly, concrete methods to implement this innovative vision.

## 3.2 A call for awareness

Indeed, strategies of surveillance aiming at having control over the timing and spacing of human activities in liberal democracy can operate to empower the individual by acting upon through consensus, providing voting rights, enabling taxes to be collected etc. Through Lyon's proposal of

re-focusing the attention to individuals, surveillance becomes intrusive to the extent that persons regard their rights undermined: hence, a positive framework can ensure empowerment of the individual. Nevertheless, this process cannot come to a full realization unless institutions and agencies provide a frame of reference in order to organically reconcile surveillance to a more humane aspect. For instance, social improvements can be delivered by increased state intervention into the informational dimension of our lives, resulting in a welfare form enhanced by technology.

Nevertheless, all contemporary institutions subject their members to forms of bureaucratic surveillance: individuals with different financial practices, education and lifestyle, will come into contact with different institutions and hence be subject to unique combinations of surveillance (Haggerty et al. 2000, 618). Yet, this notion can be subverted and conceptualised as a method to better individuate what are the best courses of action depending on an individual's background: this procedure has the potential to bring care for the Other, which is one of the primal demands of humanness. Since surveillance is double-faced, it is necessary for institutions, whether public or private, to always have ethical considerations with regards to the bodies they observe.

Certainly, Bentham's philosophy can be helpful to underline this new necessity in contemporary society. Indeed, just like lawmakers have to be sensitive to changing social circumstances, so modern institutions have to be aware of promoting a formula that could result either in controlling persons or safeguarding them. So, it is crucial to understand that a positive flux of information from institutions of power to individuals may improve social equality and individual agency by providing accountable checks and balances through distributed oversight (Bossewitch et al. 2012, 238). Even if surveillance technologies are easily deployed as strategies of social dominance, individual agents have the capacity to formulate individual responses: if we re-embody bodies and peel away suspicion, modern surveillance can offer the chance for social inclusion and democratic rights (Green 1999, 29).

How does the panopticon enter such a discourse? According to Semple, the panopticon should be seen as an instrument of government, as an agency, not the government itself (Semple 1993, 314). The penitentiary was designed to bring about cooperation and, ultimately, give a chance of reformation. Within Bentham's context, his idea was considered quite philanthropic; within contemporary context, it is possible to talk about a sustainable kind of panopticon, in contrast with its modern conceptions. If we requalify the original philosophical considerations into the current social currents of thought, then a postmodern panopticon would enhance democratic items and grant constant checks on governors through the aid of information and communication technology, in favour of a society where overall happiness is technologically maximised.

## 4. Final remarks: a sustainable panopticon

Having taken into account all the previous considerations on the subject of the panopticon and surveillance, an expected statement would be that Bentham and its project gave rise to modern surveillance techniques which culminate in monitoring and controlling populations. Nevertheless, this is a conclusion too simple to predict and observe: instead, we must recognize the multifaceted aspects of the panopticon and surveillance itself, which lead us to acknowledge a more humane aspect within the Benthamite project. Despite the efforts of scholars such as Lyon, who indeed underlined the Janus-faced nature of surveillance and panoptic technologies, Bentham's project and surveillance are still mostly considered as adverse entities within contemporary society. However, Bentham devised a system of checks and balances that made the panopticon's functioning effortless and effective, revealing that the philosopher put much thought on the wellbeing of the inmates in order to safeguard their prerogatives.

Undeniably, the image of an architectural structure where the convicts were to be visible all the time and constantly observed by an all-seeing inspector does not encourage discourses about care and humanness. Indeed, Bentham's intentions were directed towards the implementation of the principles of utility, which mainly involved the maximization of happiness and avoidance of pain; however, the panopticon building does not visually suggest happiness and avoidance of pain for the convicts, but seems to disregard convicts' wellbeing altogether. Those who are influenced by this account are clearly missing the ideological purpose that Bentham actually accomplished within the penitentiary: in fact, we must consider first and foremost the presence of a public control over the governor himself in order to reconcile the Benthamite panopticon with the possibility of achieving a contemporary sustainable panopticon in the era of surveillance society.

Bentham was not intent on designing and managing a structure that facilitated only the surveillance of those who were confined in institutions such as penitentiaries, hospitals, mad houses and so on: in fact, he thought that the template of his inspection system would be jeopardized by a degeneration in the powers of the inspector into an absolute power. As a result, the philosopher believed that the best countermeasure was to put the inspector himself before the public eye and so he devised information-forcing methods to fulfil this task. In his words, the management of the panopticon also depended on "the great open committee of the tribunal of the world" (Bentham and Božovic 1995, 48), which would function as an effective remedy to avoid a possible tyranny of the authority. Thus, the whole outside world, including judges and magistrates, was encouraged to visit the inspection house and view every prisoner within it.

Moreover, apart from the public participation, Bentham also added further checks on the governor's prerogatives: for instance, he would be accountable to the court of the King's Bench, in front of which he would have to present a report on the moral, medical and economical condition of the establishment, and to answer any question posed by anyone on any aspect of his management (Semple 2003, 148). Yet, the most significant means of controlling the governor's actions were Bentham's scheme of insurance: in fact, the monetary profit of the manager depended on the work he imposed on the inmates, thus the inspector's motivation depended on the prospect of remuneration (Semple 2003, 149). This system worked efficiently to induce the governor to keep the criminals alive and in good conditions despite their imprisonment; in this way, both the inspector and the inmates were incited to perform their duties zealously. Thus, the panopticon can be best thought of as a machine promoting an enduring and practical security against any possible kind of abuse, while enhancing accuracy and judicial discipline at the same time.

However, Bentham did not limit his mechanism of balances and care to the panopticon project, but envisioned its application to the environment outside these peculiar institutions. The philosopher expressed the desire to extend the concept of management's transparency achieved by open public access to the inspection tower and highlight public scrutiny. Thus, the inspection principle was spread to a wider circle of witnesses, in order to contrast secretive supervision: indeed, Bentham feared secret disindivisualized power. As a result, he opted for the Public Opinion Tribunal, where the general public was able to assess if the rulers conformed with its interests after having been informed about the process of decision-making and the possible outcomes: indeed, this mechanism was designed to allow the subject many to observe the ruling few. The architecture of this government offices would have ensured that the functionaries could be supervised, their hours of attendance checked, their appointments monitored, and their actions scrutinized (Semple 1992, 116).

Through this apparatus, it is possible to assume an alternative point of view regarding Bentham and his misunderstood plan. If we take into consideration the latest assumptions, then Bentham ought to be read as one of the most eloquent proponents of democracy: all his works aimed at broadening the scope of democratic theory, through the expansion of instruments for making the elites accountable to society and fostering the participation of non-elites. It is worth recalling that the panopticon was one of government's instruments and, as such, it was also an example of the attempt to improve the communication between citizens and the state. Even though Bentham realized that democracy was a fragile structure, for rulers would always be tempted to use secrecy to blind the people to their oppressions while subjects wished to rely on them: thus, good government could only be achieved by

constant vigilance or, in panopticon terms, the junction of interest and duty could only be achieved by inspection (Semple 2003, 322).

The reciprocal observation between the governed and the governors can be applied also in the age of modern machines, where a growing amount of persons demand countermeasures to fight against violations of their personal data. Nevertheless, since privacy falls short to extend its constituent elements in a more inclusive framework (Lyon 2001, 4), we must attempt to reconcile Bentham's original philosophical considerations to current circumstances. Indeed, if the panopticon came to be considered the very synonym of surveillance, then surveillance itself must be reconsidered in light of the democratic aspects that characterize the panopticon as Bentham initially envisioned it. Thus, the concept of transparency of information and communication provides a link between the different elements of Benthamite utilitarian philosophy and modern surveillance systems. As a consequence, the technology of social reform allows for the construction and qualification of a sustainable panopticon per se.

Within an innovative panopticon, characterized by high interactivity between citizens and state institutions, there are favourable conditions to establish a genuine dialogue and discuss proposals with an intentional attention towards people's needs and interests. Since industrialized societies nowadays are already dominated by the constant presence of technological devices which favour surveillance, the only "escape" is a complete integration with it: for instance, the internet is an indispensable tool when it comes to sharing information between peers and express either satisfaction or discontent for government's initiatives in virtual arenas. Thus, in this situation, the panopticon would be a feasible model because it would be charged with democratic principles; moreover, it would ensure that both governors and governed operated on equal premises.

Surveillance is a rich arena of study: the virtual world contains multiple possibilities for a gaze with democratic impulses which can be frustrated, as well as surveillance with an agenda of control which can be resisted (Green 1999, 42). Thus, masses are not necessarily destined to be constantly controlled without doing anything about it, but information and communication technologies can improve and encourage their agency in the matter: as a result, a balance must be sought with facilitative, reformative and democratic impulses in new technology. Moreover, institutions and agencies themselves should assume an ethical understanding with regards to human beings and their relation to happiness maximization and pain avoidance, so as to facilitate the participation of the public just like the panopticon was supposed to do according to Bentham.

Thus, the panopticon today is viable in the form of a more sustainable and modern project, which grants that the advancement of technologies is not uniquely destined to monitor and control everyday

life. Consequently, the panopticon should not be disregarded without a serious consideration about its pitfalls and benefits in a contemporary environment. My attempt has been to show how Benthamite thoughts and works can still be influent in an age characterized by the collection and processing of personal data, since the principles of utility can be employed to shed light on a more positive approach to surveillance. Indeed, this dissertation underlines how both Benthamite philosophical assumptions and surveillance theories are interrelated and can harmonise in order to adopt ethical considerations and democratic resolutions in the immediate future.

# Conclusion

This dissertation has assumed mainly a theoretical approach in order to propose a new type of panopticon, since there are nowadays different institutions and means in order to amplify and implement agencies' power. Before analysing the current environment, we firstly had to explore and delineate the main characteristics of the project that inspired the modern metaphor of social control: Bentham's panopticon. Of course, the utilitarian project occupied most of Bentham's life and, as such, it had been subjected to different changes: the most crucial aspect, from an ideological point of view, was to highlight the status of convicts as effective members of society; thus, prisoners were assumed to be reasonable and should not be abused nor punished through solitary confinement nor death penalty. Indeed, the purpose of the panopticon was to reform and reintegrate persons into society.

Secondly, there was also a necessity to take into account the processes that are happening in an era dominated by the advent of information and communication technologies: the analysis underlines that fact that most of the population feel more threatened than advantaged by the application of modern devices; this preoccupation comes from the negative association of technologies with constant surveillance of one's life and, as a consequence, the risk of our actions being controlled. Indeed, nowadays the individuals fear that their personal sphere could get jeopardized, which is why the study also involves an account of privacy, its multiple meanings and, finally, its main pitfalls. Moreover, the analysis of surveillance serves the purpose of developing a framework that considers information societies as surveillance societies: from there, it is possible to individuate the issues and find elements that adjustment in order to requalify a more positive aspect of surveillance itself.

Indeed, in the final chapter, the aim is mainly to integrate Bentham's ethical stance into contemporary surroundings and claim that there is a necessity to involve institutions with single individuals together: this is possible to implement through the use of democratic considerations that lead to an open dialogue so as to accommodate the interests of both persons and agencies. This proposal stems from the intent to requalify the original panopticon project and encourage a new method of action in order to discuss policies with an attention to people's needs and active status. Thus, a sustainable panopticon will foster a growing participation of the general public and reduce the concerns regarding a possible takeover of surveillance practices within contemporary society: individuals are already operating in a technologically-advanced world, but the extent to which they are able to influence it must be granted by a universal framework, similar to a humane panopticon.

# Bibliography

Bentham, Jeremy, James Henderson Burns and H.L.A. Hart. 1970. *An Introduction To The Principles Of Morals And Legislation*. London: Athlone Press

Bentham, Jeremy, and John Bowring. 1843. *The Works Of Jeremy Bentham*. Edinburgh: W. Tait.

Bentham, Jeremy, and Miran Božovič. 1995. *The Panopticon Writings*. 1st ed. London: Verso.

Bocchiola, Michele. 2014. "Libertà senza privacy". *Biblioteca della libertà, XLIX*, no. 211: 17-33

Bossewitch, Jonah, and Aram Sinnreich. 2012. "The End Of Forgetting: Strategic Agency Beyond The Panopticon". *New Media & Society* 15 (2): 224-242.

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

Foucault, Michel, and Alan Sheridan. 2012. *Discipline and Punish*. 1st ed. New York: Vintage.

Foucault, Michel, Paul Rabinow, and James D Faubion. 2002. *The Essential Works Of Foucault 1954-1984*.

Galič, Maša, Tjerk Timan, and Bert-Jaap Koops. 2016. "Bentham, Deleuze And Beyond: An Overview Of Surveillance Theories From The Panopticon To Participation". *Philosophy & Technology* 30 (1): 9-37.

Gandy, Oscar H. 1993. *The Panoptic Sort*. Boulder, Colo.: Westview.

Giddens, Anthony, and Philip W. Sutton. 2013. *Sociology*. Polity Press.

Gorzeman, Ludo, and Paulan Korenhof. 2016. "Escaping The Panopticon Over Time". *Philosophy & Technology* 30 (1): 73-92.

Green, Stephen. 1999. "A PLAGUE ON THE PANOPTICON: Surveillance And Power In The Global Information Economy". *Information, Communication & Society* 2 (1): 26-44.

Haggerty D. Kevin, Richard V. Ericson. 2000. "The Surveillant Assemblage". *British Journal Of Sociology* 51 (4): 605-622.

Himmelfarb, Gertrude. "The Haunted House of Jeremy Bentham", *Victorian minds*. *New York:* Knopf, *1968*

Hume, L. J. 1981. *Bentham And Bureaucracy*. Cambridge: Cambridge University Press.

Ignatieff, Michael. 1978. *A Just Measure Of Pain*. 1st ed. London: Macmillan.

Kymlicka, Will. 2015. *Contemporary Political Philosophy*. Oxford: Oxford University Press.

Lyon, David. 2001. *Surveillance society: Monitoring everyday life*. Buckingham: Open University Press

Lyon, David, and Elia Zureik. 1996. *Computers, Surveillance, And Privacy*. Minneapolis: University of Minnesota Press.

Lyons, Richard G. "Jeremy Bentham's Ethics of Surveillance: A Critical Analysis." *Journal of Thought* 32, no. 4 (1997): 43-52.

Mitchell, Wesley C. 1918. "Bentham's Felicific Calculus". *Political Science Quarterly* 33 (2): 161.

Poster, Mark. 1984. *Foucault, Marxism And History*. Cambridge: Polity Press.

Quinn, Michael. 1997. "The Fallacy Of Non-Interference: The Poor Panopticon And Equality Of Opportunity". *Journal Of Bentham Studies* 1 (1): 1-28.

Rosen, Frederick. 2006. "Jeremy Bentham: Recent Interpretations". *Political Studies* 30 (4): 575-581.

Rosenblum, Nancy, 1978. *Bentham's Theory of the Modern State*, New York: Cambridge University Press.

Schofield, Philip. *Bentham: a Guide for the Perplexed*. London: Continuum International Publishing Group, 2009.

Seele, Peter. 2016. "Envisioning The Digital Sustainability Panopticon: A Thought Experiment Of How Big Data May Help Advancing Sustainability In The Digital Age". *Sustainability Science* 11 (5): 845-854.

Semple, Janet. 1992. "Foucault And Bentham: A Defence Of Panopticism". *Utilitas* 4 (01): 105-120.

Semple, Janet. 2003. *Bentham's Prison*. 1st ed. Oxford: Clarendon Press.

Thomson, Judith Jarvis. 1975. "The Right to Privacy." *Philosophy & Public Affairs* 4, no. 4: 295-314

Tomkins, P L. 1998. "Panopticon: Technology, The Individual And Social Control In The Early 21St Century". *The RUSI Journal* 143 (2): 51-57.

Viner, Jacob. "Bentham and J. S. Mill: The Utilitarian Background." *The American Economic Review* 39, no. 2 (1949): 360-82.

Warren, Samuel D., and Louis D. Brandeis. 1890. "The Right To Privacy". *Harvard Law Review* 4 (5): 193.

Welzbacher, Christian. 2016. *Il folle radicale del capitale*, Liberilibri.

Werrett, Simon. 1999. "Potemkin And The Panopticon: Samuel Bentham And The Architecture Of Absolutism In Eighteenth Century Russia". *Journal Of Bentham Studies* 2 (1): 1-25

# Riassunto dell'elaborato finale

L'oggetto di questo studio è incentrato principalmente sulla figura del Panopticon, progetto di carcere penitenziario ideato da Jeremy Bentham durante il XVIII secolo e la sua interpretazione successiva in relazione alla sorveglianza moderna. Bentham fu uno dei filosofi più prominenti in epoca illuminista, poiché contribuì in diversi ambiti, come il diritto, e venne considerato uno dei padri fondatori della filosofia utilitarista; tuttavia, egli divenne celebre proprio per la progettazione del Panopticon, un modello carcerario che ancora scatena controversie nella letteratura critica: infatti, il progetto può essere concepito sia come un piano architettonico che non ha considerazione alcuna per la dignità umana, oppure come un tentativo di stabilire un modello riformativo universale. Secondo quest'ultima interpretazione, lo schema panottico rivela un intento innovativo a favore della completa riabilitazione dei prigionieri, fattore senza precedenti per il sistema penale dell'epoca.

Una prima formalizzazione dell'idea avvenne nel 1785-6, quando Bentham visitò suo fratello Samuel Bentham in Russia: quest'ultimo lavorava al servizio del principe Grigorij Aleksandrovic Potemkin come ingegnere navale e, per terminare in breve tempo l'ampliamento di infrastrutture civili a Krichev e monitorare meglio gli operai, elaborò una prima forma di architettura panottica. Questo singolo episodio incoraggiò Jeremy Bentham a scrivere una serie di *Lettere*, che descrivono un modello polivalente facilmente applicabile a qualsiasi tipologia di istituzione in cui le persone debbano essere tenute sotto osservazione. Infatti, il compito principale del carcere panottico, come suggerisce la sua etimologia, era quello di osservare in modo efficiente e costante i carcerati.

Tutto ciò era possibile grazie alla ben nota struttura: un edificio circolare, con le celle dei prigionieri divise da pareti, situate lungo la circonferenza e la torre dell'ispettore al centro. Le celle e la torre sarebbero state separate da uno spazio vuoto, l'area ad anello; la peculiarità dell'edificio era data dalla possibilità per l'ispettore di monitorare e controllare i prigionieri senza rendersi visibile: la torre dell'ispettore avrebbe avuto finestre corrispondenti a quelle delle celle permettendogli, quindi, di essere illuminata di giorno dalla luce delle celle stesse, mentre di notte egli si sarebbe affidato al supplemento di lampade; però, quest'ultima caratteristica non venne concepita da Bentham durante la stesura delle lettere, ma nei *Postscripts* del 1791. Perciò, l'analisi compiuta va a toccare le modifiche apportate dal filosofo nei decenni successivi alla prima ideazione del panopticon, in quanto il progetto impegnò Bentham per tutta la sua vita: difatti, il filosofo cambiò idea riguardo a determinati particolari sia a livello strutturale che ideologico del carcere, la cui evoluzione venne testimoniata proprio nel passaggio dalle *Lettere* del 1787 ai *Postscripts* del 1791.

Il panopticon doveva seguire tre principi fondamentali per raggiungere molteplici obiettivi, quali la custodia sicura dei detenuti e il lavoro forzato: infatti, il carcere era regolato secondo clemenza,

severità ed economia. Quest'ultima era considerata l'attributo più importante, in quanto requisito necessario per ottenere profitti e sostenere le spese del panopticon; non a caso, l'economia dominava tutti gli aspetti della gestione ed era vista come la virtù cardinale di qualsiasi amministrazione. Ciò che rendeva possibile questo meccanismo era il contratto, il quale regolava il rapporto tra *contractor* e struttura stessa: infatti, l'ispettore sarebbe stato motivato sia da prospettive di profitto che di punizione, poiché ogni guadagno monetario sarebbe stato la sua ricompensa e ogni perdita monetaria avrebbe rappresentato la sua punizione. Dunque, l'ispettore avrebbe sempre adempiuto al contratto in modo efficiente per ottenere una quantità maggiore di denaro.

La maggiore fonte redditizia era il lavoro forzato compiuto dai detenuti, che veniva considerato anche una forma di punizione; infatti, Bentham riconosceva la necessità di riforma tramite punizione, ma essa avrebbe dovuto promuovere il minor male possibile. Ciononostante, il panopticon era un penitenziario e, in quanto tale, Bentham contemplò anche la solitudine forzata: tuttavia, nei *Postscripts*, egli cambiò idea per diminuire i costi di costruzione ed evitare che i carcerati arrivassero all'apatia. Il prigioniero era considerato un essere razionale responsabile delle proprie azioni e un membro della società a tutti gli effetti: la permanenza nel panopticon gli avrebbe dato l'opportunità di rimuovere le tentazioni e riformare la mente criminale.

Tuttavia, molte interpretazioni successive alterarono l'intento originale del filosofo utilitarista, che promuoveva la massima felicità per il maggior numero di persone. Quindi, alcuni studiosi come Himmelfarb videro nel panopticon un progetto nato dall'ingordigia di Bentham stesso, descritto come un avido imprenditore; altri, come L.J. Hume, espansero la portata del carcere e lo considerarono il centro della burocrazia moderna: infatti, il progetto panottico riassume e materializza un tipo di gestione prettamente scientifico. Tuttavia, la chiave di letture più celebre della casa d'ispezione venne data da Michel Foucault in *Sorvegliare e Punire*, in cui il panopticon diviene la quintessenza del controllo sociale moderno: il filosofo francese espresse timore nei confronti del progetto benthamiano poiché esso venne definito "una macchina per piegare le canaglie in onesti, e i pigri in industriosi"; in ciò, Foucault vide le potenzialità della macchina panottica come prototipo di uno strumento per stabilire un nuovo tipo di potere, invisibile e inverificabile, che avrebbe pervaso l'intera società in ogni suo aspetto. Perciò, nonostante innumerevoli tentativi di riqualificare il carcere di Bentham, l'interpretazione foucaultiana ci ricollega a concetti negativi e preoccupanti, quali la sorveglianza e la società della sorveglianza.

Dal momento che il panopticon viene spesso letto tramite la visione foucaultiana di costante supervisione, il progetto di Bentham è diventato col tempo sinonimo stesso di sorveglianza: la sorveglianza è un concetto ampliamente discusso nel mondo odierno alla luce dell'avvento di nuove

tecnologie. Essa è di solito definita come qualsiasi collezione ed elaborazione di dati personali, siano essi identificabili o meno, al fine di influenzare e gestire coloro i cui dati sono raccolti: questo tipo di sorveglianza cerca frammenti astratti da individui per poi riutilizzarli sotto una nuova lente. Tutto ciò è possibile poiché la vita moderna, col supporto di tecnologie dell'informazione, ha rivelato ulteriori sfaccettature riguardanti identità e relazioni di potere. Di conseguenza, la società stessa è stata trasformata e oggi viene adottato il termine "società dell'informazione" per descrivere la condizione in cui la tecnologia pervade tutti gli aspetti della vita quotidiana.

Infatti, le attività di tutti i giorni vengono limitate e regolate secondo un ordine stabilito dalle tecnologie moderne: ad esempio, in molte situazioni giornaliere, i computer collezionano dati da memorizzare, combinare, recuperare, processare e calcolare. Ciò ci porta a considerare la società dell'informazione al pari con la società della sorveglianza: indubbiamente, le pratiche di sorveglianza si sviluppano in modo sempre più rapido ogni volta che vengono installate infrastrutture di informazione. Per questo motivo, c'è identità tra società dell'informazione e società della sorveglianza; quest'ultima indica il riversamento di attività sorveglianti oltre la burocrazia di governo per incidere su qualsiasi arena sociale: in questo caso, la sorveglianza diventa socialmente pervasiva.

Perciò, sono state formulate numerose teorie per spiegare questi fenomeni attuali, anche se molte traggono ispirazione da Foucault: il panopticon rappresenta la forma paradigmatica, o diagramma, del potere disciplinare, che si diffonde nella rete sociale in modo indiscernibile; di conseguenza, quando qualsiasi persona potrebbe trovarsi sotto ispezione, gli individui tenderanno a internalizzare il controllo e la morale. Ciononostante, vi sono anche considerazioni differenti: il post-strutturalista Deleuze parla di "società di controllo", dove le istituzioni tendono a scomparire a favore di database che sottolineano un nuovo fine, ossia includere ed escludere gli individui secondo le loro identità digitali. Un diverso punto di vista viene adottato da Poster, il quale evidenzia l'importanza del potere del discorso di stampo foucaultiano: esso configura soggetti e dà loro un significato culturale. Nei contesti moderni, questo processo è connesso alle "modalità di informazione", che spesso rivelano rapporti di potere instaurati tramite uno scambio elettronico delle informazioni: di conseguenza, Poster formula l'idea di un Superpanopticon, in cui il potere è decentralizzato e dispersivo.

Accanto a queste teorie sulla sorveglianza, Lyon argomenta il bisogno di una più profonda considerazione del dualismo tra vero io ed io elettronico, con particolare attenzione alla reintroduzione di individui concreti. Quest' accortezza nei confronti di persone non virtuali è spesso stata trasportata sul piano concreto in richiesto per una maggiore protezione della privacy: quest'ultima viene frequentemente considerata come il rimedio più appropriato contro sorveglianza,

tuttavia bisogna tenerne conto i limiti, che partono proprio dalla definizione stessa di questo concetto molto complesso.

Sebbene la privacy sembri essere l'unica contromisura all'effetto panottico che caratterizza le società contemporanee, la sua natura si rivela difficile da delineare. Infatti, la privacy può essere definita come il diritto di essere lasciati soli: tuttavia tale definizione assume, senza dimostrare, il valore della privacy stessa; perciò vi sono varie specificazioni sul concetto di privacy, come la condizione che garantisce a un individuo di tutelare la sua libertà di agire senza influenze da parte di terzi, oppure quella che premette a ciascuno di realizzare la propria autonomia. Inoltre, si può definire la privacy in maniera più stretta parlando di accesso a informazioni personali o di controllo delle informazioni personali da parte dei soggetti coinvolti. Quindi, il valore stesso della privacy diventa ambiguo e sfocato per arrivare ad interpretazioni riduzioniste che negano il valore della privacy in sé, ma ricollegano una sua violazione alla trasgressione di altri diritti.

Poiché è difficile trovare una definizione univoca per il concetto di privacy, non è possibile considerare questa nozione come rimedio efficace contro la sorveglianza panottica. Inoltre, la privacy tende a indicare soltanto gli aspetti che coinvolgono l'individuo, tralasciando l'influenza della sorveglianza sulla società intera. Per questo motivo, bisogna rimodellare la sorveglianza includendo entrambi i suoi aspetti di controllo e premura e svelando così la sua natura da Giano bifronte: quindi, dovremmo accogliere la sorveglianza sia come prodotto della modernità che come modo di essere della società nel XXI secolo. L'unica precauzione da adottare si riferisce alla capacità delle tecnologie odierne di categorizzare e classificare intere popolazioni, andando a rinforzare le divisioni sociali, ciò potrebbe essere ricollegato al funzionamento del panopticon stesso: tuttavia, dal momento che l'intento del progetto benthamiano non era la classificazione bensì la riformazione dei detenuti, allora anche la sorveglianza può essere valorizzata alla luce di quest'ultima considerazione.

Seguendo questa linea di pensiero, occorre analizzare la teoria etica di Bentham per riconciliare i presupposti per un modello positivo di sorveglianza con il progetto panottico. Il filosofo utilitarista riconosce che la natura umana è prettamente dominata da due forze: piacere e dolore; quindi, tutte le azioni compiute dagli uomini vanno considerate solo in termini di massimizzazione del piacere e annullamento del dolore: perciò, questo tipo di edonismo ha un carattere etico. L'utilità di un'azione è indipendente dal suo valore in sé o dal motivo originario: bensì, deve essere considerata in base agli effetti che essa causa, nello specifico se comporta benefici o costi. Dunque, sia gli individui che il governo devono concentrarsi sui principi dell'utilità: siccome spesso gli individui vengono guidati da interesse personale, è compito delle istituzioni stabilire sanzioni affinché si possa ottenere maggiore efficienza, la quale richiede sorveglianza e punizione.

Tenendo conto dell'egoismo psicologico dato dalla natura umana, Bentham argomenta che qualsiasi elemento porti alla felicità generale, allora esso porterà anche alla felicità individuale: così facendo, l'associazione del piacere personale con quello relativo agli altri instaura un'armonia tale da promuovere e far coincidere gli interessi comunitari con quelli individuali. L'obiettivo è distogliere il singolo da ciò che non bisogna fare e offrirgli dei buoni motivi, che di solito promuovono un piacere maggiore al dolore, per supportare l'interesse sociale. Effettivamente, Bentham può essere considerato un riformatore: ad esempio, il panopticon non doveva solo produrre profitti economici, ma anche proporre un modello di istituzione moralmente giustificabile. Dunque, il penitenziario utilitarista rappresenta il culmine dell'ideologia benthamiana e dimostra la volontà del filosofo di assumere il ruolo del legislatore.

Prendendo in considerazione l'etica di Bentham, la sorveglianza non è necessariamente collegata a violenza e controllo: tra varie interpretazioni, Lyon dichiara il bisogno di introdurre nuovamente i corpi concreti delle persone in un mondo dominato da moderne tecnologie per assumere considerazioni etiche e umane. In questo modo, verrebbe reintrodotta la partecipazione più attiva dell'agente: affermando il valore dei corpi reali, si potrebbero nuovamente spingere gli individui ad agire secondo i principi di piacere e dolore. Data la situazione, la filosofia di Bentham può essere utile per sottolineare questo nuovo bisogno e ideare una nuova forma di panopticon sostenibile relativo alla presenza di moderne tecnologie.

Infatti, nel carcere panottico originario Bentham aveva escogitato numerosi sistemi per controllare i controllori stessi, dando una risposta al dilemma *quis custodiet ipsos custodes* e provvedendo a salvaguardare i detenuti. Infatti, egli temeva che il sistema di ispezione potesse degenerare a causa del sopravvento dei poteri assoluti del governatore: dunque, per porre fine a questo rischio, Bentham pose l'ispettore stesso sotto lo scrutinio dell'occhio pubblico in modo che la popolazione intera potesse visitare il carcere e accertarsi che non avvenissero soprusi. Tuttavia, Bentham progettò l'applicazione di questo sistema anche oltre il panopticon affinché legislatori e governanti potessero essere controllati tramite il Tribunale dell'Opinione Pubblica.

Perciò, Bentham dovrebbe essere considerato uno dei maggiori esponenti della democrazia: ogni suo lavoro è teso a promuovere la teoria democratica, attraverso l'affermazione di strumenti che rendano le élite responsabili nei confronti della società e aumentino la partecipazione del resto della popolazione. Solo in questo modo sarà possibile instaurare un dialogo tra le due parti. Nella società contemporanea, dobbiamo tentare di riconciliare le considerazioni benthamiane con le tecnologie della sorveglianza: siccome oggigiorno il panopticon è sinonimo di sorveglianza, allora la sorveglianza stessa deve essere presa in considerazione alla luce di interpretazioni democratiche che

caratterizzano il panopticon. Di conseguenza, la tecnologia intesa come strumento di riforma sociale permette la costruzione di un panottico sostenibile.

In questo studio si dimostra come, all'interno di un panopticon più innovativo, caratterizzato da un'elevata interattività tra cittadini e istituzioni statali, esistano condizioni favorevoli per stabilire un dialogo genuino e discutere proposte con una maggiore attenzione alle esigenze e agli interessi delle persone. Di conseguenza, il panopticon non dovrebbe essere ignorato senza una considerazione approfondita dei suo aspetti svantaggiosi e convenienti nella società contemporanea. Il mio tentativo è stato quello di mostrare come i pensieri e le opere di Bentham possano ancora influenzare un'epoca caratterizzata dalla raccolta e dall'elaborazione dei dati personali, poiché i principi di utilità possono rappresentare una valida alternativa per delineare un approccio più positivo sulla sorveglianza.