

ARTICLE

Imagining Foucault. On the Digital Subject and “Visual Citizenship”

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ABSTRACT: One of the most exciting features in Foucault’s work is his analytics of power in terms of forms of visibility. It allows for a reflection on the conditions of seeing and thinking, thus triggering a seemingly paradoxical move: locating the limits of our perspectives entails simultaneously transgressing these limits. In a way, we decipher our own blind spot. Approaching *Discipline and Punish* through this perspective brings us to identify the digital subject as a characteristic figure of our time. In contrast to its disciplinarian counterpart, it appears to be an active, though not necessarily political subject. The notion of visual citizenship will help us to go a step further and figure out what it could mean to challenge today’s surveillant gaze.

Keywords: regimes of visibility, surveillance, algorithms, refusal

1.

Foucault’s *Discipline and Punish* is an outstanding book and certainly one of the most important for criminology.¹ It makes us examine societies from the angle of their disruptions and dysfunctions, where procedures of normation and normalization set in.² The intellectual provocation this book provides us with is, among others, that we have to be very careful with the idea of liberation and progress in history. As Foucault demonstrates in his analysis of the transition from the ancient regime of public corporeal punishment towards the modern regime of incarceration, the practice of punishment became more subtle rather than more humane. The penal reformers’ ambition at the end of the 18th century to render the power to punish more rational in the name of justice only led to a dispersion, multiplication and modification of the mechanisms of power.

¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (London: Allen Lane, 1977).

² On the difference between normation, as the disciplinary mode of setting norms in the first place, and normalization, as a distributive mode, see Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-78*, trans. Graham Burchell (Hampshire/New York: Palgrave Macmillan, 2007), 63.

There is no better regime, we learn in the end, there are only different regimes of power.³ And it was science itself, and criminology first and foremost, that enabled the dissemination of power into the capillaries of society. Knowledge is not innocent. It is not so much about discovering the truth, but rather about producing certain truths; it produces objects, or subjects, like the delinquent, and thus spaces and strategies of intervention. The individual, as Foucault has it, became knowable and thus accessible to power.⁴

After more than 40 years of publication, the power-knowledge nexus has, in a way, become common knowledge in the Foucault reception. However, criticism about the social sciences' role in rendering the social knowable, and thus governable, has given way to a concern for increasingly complex and contradictory emergent logics, where unknowability has become constitutive for governmental practices.⁵ In particular, the digital world of computers and their algorithms increasingly fashions our forms of communication today,⁶ if not our being: how we access, see and situate ourselves in the world. It is this latter focus, the inquiry into the ways of seeing, that still figures as one of the most exciting, and still underexplored, features of Foucault's analytics. Rendering things visible, we learn, is both a precondition and a tool of exercising power – as is the invisible, unseen or hidden, as the presumably unknown and unknowable. Analyzing regimes of visibility and corresponding forms of knowledge,⁷ or what we think we know and believe we see or is hidden, provides for a paradoxical move. It is to get a glimpse of our situatedness, of how we are entangled in (the historical constitution of) the (social) world, and thus, at the same time, to transgress our own perspective. It is here where the question of the political sets in, namely to see, or make us see, things differently and perhaps to introduce a different game of truth.

Approaching *Discipline and Punish* through this perspective, and taking up Deleuze's illuminating extrapolations on "societies of control"⁸ as the regime that follows the disciplinary socie-

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

⁴ Foucault, *Discipline and Punish*, 27-8.

⁵ See exemplarily: Manuel DeLanda, *A New Philosophy of Society. Assemblage Theory and Social Complexity* (London, New York: continuum, 2006); Michael Dillon, "Governing Terror: The State of Emergency of Biopolitical Emergence." *International Political Sociology* 1 (2007): 7-28. <https://doi.org/10.1111/j.1749-5687.2007.00002.x>.

⁶ Viktor Mayer-Schönberger and Kenneth Cukier, *Big Data. A Revolution That Will Transform How We Live, Work and Think* (London: John Murray, 2013).

⁷ Regimes of visibility are social and technological arrangements that establish particular orders and modes of seeing and being seen, of exposure and concealment or invisibility – and related forms of subjectivation, see Leon Hempel, Susanne Krasmann and Ulrich Bröckling, eds., *Sichtbarkeitsregime. Überwachung, Sicherheit und Privatheit im 21. Jahrhundert* (Wiesbaden: VS, 2011). Rather than the strategic moment in Foucault's notion of the dispositif, it focuses on the question of visibility in its relationship with knowledge, the knowable and the unknown, thus coming close to Jacques Rancière's inquiry into the "distribution of the sensible": *Disagreement. Politics and Philosophy* (Minneapolis: University of Minnesota Press, 1998).

⁸ Deleuze, "Societies of Control".

ty,⁹ brings us to identify the digital subject as a characteristic figure of our time. The digital subject, of course, is an artifact of our digitalized, computerized world, but it no longer resembles the passive object of disciplinary power. We can think of it as an active subject in that it makes decisions while producing data and leaving digital traces that the computerized world relies on. Yet, the digital subject sees itself faced with an intransigent world where algorithms seem to be able to deploy their own agency. This perception echoes a development in social theory that problematizes men's relationship with the material environment. So-called post-hegemonic approaches unfold a particular sensitivity to the question of the limitations of our knowledge and of how to access the world with respect to, and in conjunction with, non-human beings or things. They help us, in other words, to raise the question of our situatedness differently.

Within the scope of this article, these theoretical debates cannot be discussed at length, but will be taken as an incentive to respond to the problem in question in a Foucauldian vein. The notion of visual citizenship will thereby allow us to conceive of the subject that is always already political in its mode of connecting and being interconnected with the world. "Imagining Foucault" then takes on a double meaning. It reaches out to imagine how Foucault might think about our present condition today; and it is about the capacities of our own creative imagination, not only to think but also to see otherwise. Yet first of all: what are the features that characterize the disciplinary society's regime of visibility?

2.

The ancient regime is the period of conspicuous power, of public displays and rituals to reinforce power. This is what Foucault describes exemplarily in the first chapter of *Discipline and Punish*: the gruesome ritual of public torture of the perpetrator Damians, who literally offended sovereign power by committing a crime, is a visual offering to the people. The ritual aims at impressing, assembling and aligning the people, and eventually at strengthening the power of the sovereign. The regime shift towards disciplinary power, by contrast, demarcates a reversal of the gaze – from the symbolism of a power to punish, towards a focus on the individual as an object of knowledge. This is the birth of the prison where power acts in "reticence" behind the walls of the prison and public visibility. It is the utopia of a humane judicial system:

take away life, but prevent the patient from feeling it; deprive the prisoner of all rights, but do not inflict pain; impose penalties free of all pain. Recourse to psycho-pharmacology and to various physiological 'disconnectors', even if it is temporary, is a logical consequence of this 'non-corporal' penalty.¹⁰

⁹ "Following", in Foucault, never means that one regime replaces the other. What is at stake, instead, is the different mechanics and, if you will, the different network of relationships that feature a particular regime of power. See, for a different view, Mark G. E. Kelly, "Discipline is Control: Foucault contra Deleuze." *New Formations* 84/85 (2015): 148-162. <https://doi.org/10.3898/NewF:84/85.07.2015>.

¹⁰ Foucault, *Discipline and Punish*, 11.

The individual perpetrator will not only be confined within the walls of the prison, but also within his own being: “the soul is the prison of the body”.¹¹ This is an interesting metaphor to designate the secular form of power. Sciences like medicines, psychology, and criminology, which asserted themselves at the end of the 19th century, establish the soul as being at the heart of the individual, assigning and containing the delinquent’s personality: the character, biography, biology, and attendant pathologies. Hence, the reversal of the gaze goes hand in hand with an inversion or internationalization of the gaze: power is inscribed into the individual body and soul. The individual will be defined by their deviancy and treated according to their alleged proclivities. Delinquency becomes individualized as a societal problem that is located in the individual itself.

The architectural model of the Panopticon, as “a machine for dissociating the see/being seen dyad”, is the paradigmatic mechanism of this regime of visibility. The annular building with the tower at its center induces “in the inmate a state of conscious and permanent visibility”. Power thereby remains visible, but “unverifiable”, as one cannot discern whether there is anybody present in the tower at all: “the inmate must never know whether he is being looked at at any one moment; but he must be sure that he may always be so.” Power becomes anonymous and dispersed, and in this sense, less visible and more difficult to discern. The person in the central tower is replaceable; there may even be nothing, a void or a thing that “sees everything without ever being seen”.¹² For the inmate, as the object of power, it is therefore impossible “to return the gaze”,¹³ to literally face power. Subjection, however, is not merely a question of visibility, but also of imagination, and it is here where an active moment of the disciplinary regime comes to the fore. “A real subjection”, Foucault holds, “is born mechanically from a fictitious relation.”¹⁴ It is based on the inmate’s or subject’s *idea* or belief that he or she is being, or could be, surveilled. Invisibility, as the effect of visibility, is part of power. Anticipating the gaze means that the subject assumes, and actually accepts, the will of power, and thus contributes to their own subjection. Control of the self is also self-control.¹⁵ This is consistent with the liberal idea of the “perfection of power” that Bentham’s model of the Panopticon stands for: the state of “permanent visibility assures the automatic functioning of power”. It renders the “actual exercise” of power, and especially the use of force, “unnecessary”.¹⁶

The disciplinary subject is the captive of their imagining of an invisible power at work – which in turn contributes to rendering power operable. The subject of power is also captive of the machinery of seeing and being seen that brings the individual into being and into appearance in the first place. The annular building provides a scheme and register of producing identity and

¹¹ Foucault, *Discipline and Punish*, 30.

¹² Foucault, *Discipline and Punish*, 201-2.

¹³ Dietmar Kammerer, *Bilder der Überwachung* (Frankfurt/M.: Suhrkamp, 2008).

¹⁴ Foucault, *Discipline and Punish*, 202.

¹⁵ Mariana Valverde, “‘Despotism’ and ethical liberal governance.” *Economy and Society* 25:3 (1996): 357-372. <https://doi.org/10.1080/03085149600000019>.

¹⁶ Foucault, *Discipline and Punish*, 201.

difference, of making distinctions through equation and of establishing a gradation between the varying degrees of normalcy and deviation.¹⁷ "Examination" here is only the attending procedure of the individual becoming both the object and the "effect" of power-knowledge practices.¹⁸ Visibility then turns out to be a precondition for the production of knowledge, and the exercise of power, as is invisibility: we believe in the existence of a particular power, precisely because we cannot see it. Moreover, rather than persons or incarnate representations of power, the architectural arrangement itself, its "concerted distribution of bodies, surfaces, lights, gazes",¹⁹ embodies the principle of power that remains rather unrecognized. It is not necessarily "hidden or kept from sight", but "an anonymous body of practices spread out in different places." The gaze of power is no longer bound to a human being. As John Rajchman observes: "What makes the visual intelligible is itself unseen."²⁰

The panoptical system can be found everywhere in the disciplinary society. The factory, the military and the school only reiterate the normative mechanics of the prison. *Discipline and Punish* paints the picture of a society of permanent and eventually ubiquitous visibility – which is, however, not the same as transparency. There is nobody who sees everything, no God's eye nor the eye of Big Brother. If there is ubiquitous visibility, it is dispersed, and the eye of power is, in a way, "inverted".²¹ At the same time, the disciplinary society is limitless. It is everywhere. Its mode of subjection through rendering things visible pervades the whole body of society. There is in this sense no difference between public and private, nor even an opposition between state and citizen. There is no outside and no distinct sovereign, as there only exists what has been produced, and rendered visible, through the arrangements of power. The individual, as the object and subject of power, is constituted by power's will to see and to know; it is, first of all, a passive subject. All that we know is what he or she is expected and required to do, rather than what he or she is able or actually going to do, and whether he or she will eventually resist or evade the tentacles of power. The disciplinary subject is a subject only to the extent that it contributes to its own subjection, but it is not a political subject. Under constant scrutiny, an object and effect of individualizing procedures, it remains as anonymous as power itself, and mute. Power, ironically, has become democratic: everybody is part of the machinery. What Foucault is talking about here is, nonetheless, the human subject. *Discipline and Punish* paints the picture not only of a power that is omnipresent and pervasive, but also of the genuine modern vision of feasibility and omnipotence. What then about our current condition?

¹⁷ François Ewald, "Norms, discipline and the law." *Representations* 30 (1990): 138-161.

<https://doi.org/10.1525/rep.1990.30.1.99p0352s>.

¹⁸ Foucault, *Discipline and Punish*, 192.

¹⁹ Foucault, *Discipline and Punish*, 202.

²⁰ John Rajchman, "Foucault's Art of Seeing," in *Philosophical Events. Philosophical Essays of the 80s*, ed. John Rajchman, (New York/Oxford: Columbia University Press, 1991). 71-2

²¹ See Gehring, this volume.

3.

Just to be clear about Foucault's analytics: The disciplinarian subject is not a representation of the eponymous society, as what is at stake is not a symbolic order, but the mechanisms that pervade and fabricate society. *Discipline and Punish* is about the material constitution of norms and, notably, of the "knowable man" as "the object-effect" of practices and procedures of observation, knowledge gathering and assessment.²² It is in this sense that we may project the digital subject as epitomizing the control society 2.0 of the 21st century. The digital subject, at first sight, is a fictive subject, both in that it is about doubling reality in "data doubles"²³ – as Deleuze observes: language becomes "numerical", individuals morph into "dividuals" and masses into "samples, data, markets"²⁴ – and in that the individual is no longer of primary interest in those procedures of data production. Instead, patterns of behavior and the movements of data are gathered to predict and shape future possibilities. There are criminal ambitions to be anticipated and forestalled but also consumer desires to be addressed and invoked. Think of online-retailers' algorithms: once you've searched for something, they will tell you which book or music you might like as well. Yet, rather than merely discovering what is already there, algorithms aim at identifying the impending unknown, for example, the potential threat. They are not so much about finding the proverbial needle in the haystack (e.g. the terrorist hiding among the normal citizens), to echo a phrase frequently used by security officers, which turns out to be somewhat misleading here. By scanning big data, algorithms deploy their own register and coordinates, or their own world of legibility. They create, to take that metaphor further, their own haystack: "Big data is the new whole. The normal and the anomalous, the haystack and the clue, are supposed to emerge from big data."²⁵ Algorithms do not simply apply norms, but generate new norms of suspicion.²⁶ They present results we did not reckon with and could not anticipate. They help us to envision the unimaginable and perhaps to preempt the incalculable.

In comparison with the disciplinary society, the power "behind" the computer screen and "behind" those procedures of intercepting, scanning, and sorting data is even more anonymous and elusive. It operates unnoticeably. We can hardly figure out, for example, whether it is state agencies or commercial companies that are invested in the processing of data; and we do not know whether and when they actually watch, and what they might see. Surveillance increasingly seems to be dispersed and inconspicuous, as related technologies come to be more flexible and

²² Foucault, *Discipline and Punish*, 305.

²³ Kevin D. Haggerty and Richard V. Ericson, "The surveillant assemblage." *British Journal of Sociology* 51:4 (2000): 605-622. <https://doi.org/10.1080/00071310020015280>.

²⁴ Deleuze, "Societies of Control", 5.

²⁵ Claudia Aradau, "The signature of security. Big data, anticipation, surveillance." *Radical Philosophy* 191 (May/June 2015): 21-28, 23.

²⁶ Louise Amoore, "Vigilant Visualities: The Watchful Politics in the War on Terror," *Security Dialogue* 38:2 (2007): 215-232. <https://doi.org/10.1177/0967010607078526>.

tiny, omnipresent and invisible at the same time.²⁷ Power is no longer merely inscribed into the environment, the architecture, the order of light, as was the case with the Panopticon. Rather, the environment itself, the algorithms, appear to be the source of power, as they are able to process data and produce information.

The disciplinary society was characterized by the unconditional will of the power to know. As Foucault writes, it aimed at establishing "the 'criminal' as existing before the crime and even outside it."²⁸ The delinquent became an independent figure of knowledge. Criminological theory sought to identify the reasons and causes of crime and thus to provide the tools for predicting and preventing future crimes. The control society 2.0, by contrast, dispenses with this painstaking type of knowledge work. Algorithms do not know anything about the individual's inner self, and they do not need to. On the contrary: "Big data doesn't care about 'you'".²⁹ Individual aspirations, dispositions or desires are derivatives of the behavior of the crowd.³⁰ The individual profile that consists of patterns of behavior is the result of consulting a myriad of behaviors, or to be more precise: of mining and scanning a myriad of digital traces that individual actions and decisions leave in cyberspace.³¹ Algorithms process disparate data from various sources, and the more the better.³²

In contrast to common statistics, algorithms, which parse big data, do not operate on the basis of correlations with an empirical reality out there. They bring up their own correlates. To be sure, statistical analysis also generates its own correlates; but it doubles, it re-presents reality. In statistics, one number indicates the amount of, say, people agreeing to a question in a survey or registered offenses in crime statistics. Algorithms, by contrast, are non-representational,³³ in more ways than one: they are real operations, really present and actually performing, but nonetheless invisible, as if they were hidden in the "black box" of the computer. All that we are able to ob-

²⁷ David Murakami Wood, "Vanishing Surveillance: Ghost-Hunting in the Ubiquitous Surveillance Society," in *Invisibility Studies. Surveillance, Transparency and the Hidden in Contemporary Culture*, ed. Henriette Steiner and Kristin Veel (Bern: Peter Lang, 2015).

²⁸ Foucault, *Discipline and Punish*, 252.

²⁹ Patricia Ticineto Clough, Karen Gregory, Benjamin Haber and R. Joshua Scannell, "The Datalogical Turn," in *Non-Representational Methodologies. Re-Envisioning Research*, ed. Philipp Vannini (New York, London: Routledge, 2015), 154.

³⁰ Louise Amoore, "Data Derivatives: On the Emergence of a Security Risk Calculus for Our Times," *Theory Culture Society* 28:6 (2011): 24-43. <https://doi.org/10.1177/0263276411417430>; Claudia Aradau, and Tobias Blanke, "The (Big) Data-security assemblage: Knowledge and critique." *Big Data & Society* 2:2 (2015): 1-12. <https://doi.org/10.1177/2053951715609066>.

³¹ Tyler Reigeluth, "Why data is not enough: Digital traces as control of self and self-control." *Surveillance & Society* 12:2 (2014): 243-354.

³² Antoinette Rouvroy, "'Of Data and Men'. Fundamental Rights and Freedoms in a World of Big Data." Council of Europe, Directorate General of Human Rights and Rule of Law, T-PD-BUR(2015)09REV (Strasbourg, 2016).

³³ See Clough et al., *Datalogical Turn*, 147.

serve is input and output,³⁴ whereas the operations themselves and their logic remain opaque to most of us: not entirely incomprehensible but difficult to decipher and understand. Furthermore, algorithms do not rely on representative samples as they follow their own code and their own proto-logic,³⁵ and they are self-referential. By automatically selecting incomputable data and seemingly random information, and by mining and parsing this information on the basis of resemblance and analogy, algorithms deploy their own logic of calculation to the extent that they are able to surprise even their own programmers.³⁶ They seem to have their own agency – one that above all exceeds human capabilities. Algorithms are able to deal with big data and to convert them into particular formats so as to render them accessible to human perception and action in the first place. They thereby produce their own truth effects. Rather than predict truthful probabilities, algorithms preempt reality. Confronting us with our desires and aspirations, they always already seem to know our wishes – precisely because drawing on a seemingly incomprehensible amount of disparate data. There is no representation and no simulation of the world, as what could have been said seems to have always already been said: there is no possibility for difference to emerge,³⁷ and in this sense, no space for the political to be challenged.

Against this background, media scholars speak of a “datalogical turn” where the distinction between inside and outside, system and environment, observer and observed comes to be confused.³⁸ Whereas poststructuralism or systems theory pointed to the blind spot any observer is inevitably bound to,³⁹ today we face “the end of the illusion of a human and system-oriented sociology”⁴⁰ and at the same time “an intensification of sociological methods of measuring populations, where individual persons primarily serve as human figures of these populations”.⁴¹ Masses turn into data, and algorithms produce data, converting them into information about us. Somehow, miraculously, they tell us something about ourselves; they echo our world without representing it. Obviously, algorithms epitomize an unprecedented, technologically induced shift in our mode of sense making and even the idea of sense and interpretation,⁴² as they rely on pa-

³⁴ Alexander R. Galloway, “Black Box. Schwarzer Block,” in *Die technologische Bedingung. Beiträge zur Beschreibung der technischen Welt*, ed. Erich Hörl (Berlin: Suhrkamp, 2011).

³⁵ Alexander R. Galloway, *Protocol. How Control Exists after Decentralization* (Cambridge: The MIT Press, 2006).

³⁶ Aradau, *signature*; Janna Burrell, “How the machine ‘thinks’: Understanding opacity in machine learning algorithms.” *Big Data & Society* 3:1 (2016): 1-12. <https://doi.org/10.1177/2053951715622512>; Clough et al., *Datalogical Turn*.

³⁷ See Rancière, *Disagreement*, 103-4.

³⁸ See Clough et al., *Datalogical Turn*, 147.

³⁹ Gilles Deleuze, “How Do We Recognise Structuralism?” in *Desert Islands and Other Texts 1953-1974*, trans. David Lapoujade (Los Angeles, New York: Semiotext(e), 2004).

⁴⁰ Clough et al., *Datalogical Turn*, 155.

⁴¹ Clough et al., *Datalogical Turn*, 147.

⁴² Erich Hörl, „Die technologische Bedingung: Zur Einführung,” in *Die technologische Bedingung. Beiträge zur Beschreibung der technischen Welt*, ed. Erich Hörl (Berlin: Suhrkamp, 2011), 11.

rameters, not verbal language. They confront us with a different mode of thinking and a different reality, and thus in a new way our own limitations.

In our time of big data, surveillance is perceived as having undergone an unprecedented expansion and intensification, with the Snowden revelations of the massive surveillance practices of the NSA and related agencies in 2013 marking a caesura: we become aware of this situation.⁴³ It is an awareness of the virtual impossibility not to leave any digital traces throughout our everyday life,⁴⁴ and an increasing suspicion that surveillance is ubiquitous. It comes, in turn, with a sense that security agencies are incapable of tracing, tracking, and parsing, or even comprehending the world of, big data.

4.

It was Judith Butler who observed that Foucault's move towards the concept of governmentality also involved befriending the idea of the subject as a focal point of his analytics of power.⁴⁵ Power now would be examined from the angle of resistance. The notion of subjectivation is telling here, as it involves both the moment of subjection to power and of subject formation. Power brings the subject into being, but power does not exist independent of its enactment. It is immanent and only takes shape at a point of resistance.⁴⁶ The subject is such a point of resistance that recasts, redirects and sometimes reverts power. Subjectivation, however, always involves wrestling with oneself; it is governing the self and self-government: the subject is bound to power as it is to him- or herself.⁴⁷ How then to conceive of a political subject as a fold of power as well as a "line of flight"?⁴⁸ How to imagine a challenge to the current regime of visibility?

The control society 2.0, indeed, seems to presuppose an active subject. The digital subject may not necessarily be the democratic or political subject, but, as Engin Isin and Evelyn Ruppert point out, he or she is not just sub-ject to data processing and surveillance either. Using the internet and making utterances on social media also means to make decisions and, to allude to Austin's famous phrase, "to do words with things".⁴⁹ Leaving, for example, private information or

⁴³ See, for example, Zygmunt Bauman, Didier Bigo, Paulo Esteves, Elspeth Guild, Vivienne Jabri, David Lyon and R. B. J. Walker, "After Snowden: Rethinking the Impact of Surveillance." *International Political Sociology* 8:2 (2014): 121-144. <https://doi.org/10.1111/ips.12048>; David Lyon, *Surveillance after Snowden* (Cambridge, Malden: Polity, 2016); David Murakami Wood and Steve Wright, "Editorial: Before and After Snowden." *Surveillance & Society* 13:2 (2015): 132-138. <https://doi.org/10.3828/sj.2015.24.3.1>.

⁴⁴ See Reigeluth, *Digital Traces*, 249.

⁴⁵ Judith Butler, *The Psychic Life of Power. Theories of Subjection*. (Stanford: Stanford University Press, 1997).

⁴⁶ Michel Foucault, *Society Must Be Defended: Lectures at the Collège de France, 1975-76*, trans. David Macey (New York: Picador, 2003), 29.

⁴⁷ Michel Foucault, "The Subject and Power," in *Power*, ed. James D. Faubion (New York: The New Press, 2000); on the matter of the subject wrestling with itself, see Oliver Marchart, *Das unmögliche Objekt. Eine postfundamentalistische Theorie der Gesellschaft* (Frankfurt/M.: Berlin, 2013), 439.

⁴⁸ Gilles Deleuze, *Foucault*. Translated and edited by Seán Hand. (London: continuum, 1999).

⁴⁹ Engin Isin and Evelyn Ruppert, *Being Digital Citizens* (New York: Rowman & Littlefield International, 2015).

intimate photos on social media may attest to a degree of negligence or ignorance of surveillance online, but it may well also point to different forms of the subject's cherishing and living out their own ideas of privacy.⁵⁰ Furthermore, practices like encrypting messages or tactics of slowing down and deferring, for example, the response to emails or the use of social media, may amount to counter strategies.⁵¹ Nonetheless, data processing also produces particular subjects, the suspect, the friend, the acquaintance; it constitutes social relationships and subjectivities and renders particular actions possible in the first place.⁵² If we take Foucault's conception of immanent power seriously, we are still left with the question of how to conceive of a subject as a figure that, like Deleuze's "dividual", emerges from the present regime – and, literally, co-responds to the "conditions of emergence"⁵³ – without being consumed by it. As we shall see, the notion of visual citizenship will help us to capture what transgressing that regime of visibility by converting, or inverting, its logic could mean.

Thus far, we have determined that whereas the individual and disciplinary power seem to be cast in the same mold – the former being the product of the latter – the digital subject of the control society 2.0 appears to be an active subject able to make decisions – which in turn feeds the algorithms. For their part, algorithms thus come to appear as autonomous actors. They are programmed by human beings, but they are nonetheless able to unfold independently. Now, what is revealing from a Foucauldian perspective is not so much the emergence of a new phenomenon as a matter of fact – the emergence of autonomous systems and actions. It is rather the increasing *awareness* thereof in our time, and apparent in self-descriptions of contemporary societies. This is also reflected, of course, in recent developments in social theory. Take, for example, network theory, which is the theoretical perspective of "new materialism" or particular accounts of media theory.⁵⁴ What they all have in common is an understanding of the human being and human action that is not only situated within, but also confronted with its environment. Put bluntly: things do strike back. If modernity was replete with the idea of men creating their own history and world according to their own projections, but at the same time shaken by the awareness of their

⁵⁰ Helen Nissenbaum, "A Contextual Approach to Privacy Online." *Daedalus* 140:4 (2011): 32-48.

https://doi.org/10.1162/DAED_a_00113.

⁵¹ Urs Stäheli, „Entnetzt euch!. Praktiken und Ästhetiken der Anschlusslosigkeit.“ *Mittelweg* 36 22:4 (2013): 3-28.

⁵² Tobias Matzner, "Beyond data as representation: The performativity of Big Data in surveillance." *Surveillance & Society* 14:2 (2016): 197-210.

⁵³ Michel Foucault speaks of "analyzing an event according to the multiple processes which constitute it": "Questions of Method," in *The Foucault Effect. Studies in Governmentality*, ed. Graham Burchell, Colin Gordon and Peter Miller (Chicago: University of Chicago Press, 1991, 76).

⁵⁴ See, for example, Alexander R. Galloway, and Eugene Thacker, *The Exploit: A Theory of Networks* (Minneapolis: University of Minnesota Press, 2007), for network theory; Claudia Aradau, "Security That matters: Critical Infrastructure and Objects of Protection." *Security Dialogue* 41:5 (2010): 491-514.

<https://doi.org/10.1177/0967010610382687>, for the relevance of "new materialism" in critical security studies; and Gates, Kelly and Shoshona Magnet, eds., *The New Media of Surveillance* (New York: Routledge, 2009), for a media theory approach in surveillance studies.

responsibility, and perhaps also their limitations, in God's absence; and if the enlightenment was replete with the idea of progress, but also with the awareness of its dialectics, then today there seems to be an increasing awareness that we are not alone, that there are other actants and that men are, and perhaps always were without taking too much notice of it, intrinsically bound to their environment. Security studies talk about incalculable threats we have to learn to live with, theories of the Anthropocene require us to take care of mother earth and its inhabitants, and studies of globalization processes realize that the "there" is always already "here", and that there is no easy distinction to be made between "us" and "them" presumably coming from "out there": all these approaches share that awareness of our intrinsically being interconnected with our environment.⁵⁵ Power "itself" is no longer hegemonic, it has become ontological.⁵⁶ What is at issue then is not merely a new form of self-situatedness, but literally a radical shift in perspective.

This shift in perspective is what Foucault already figured out as being the moment of difference between the regime of disciplinary power and the government of security. "Discipline works in a sphere that is, as it were, complementary to reality." It fabricates its own subject in a way that it "cancels out the reality to which it responds." It is prescriptive. Security, by contrast, "tries to work within reality",⁵⁷ where it sees itself confronted with "the problem of the 'naturalness'".⁵⁸ Empirical reality is to be taken seriously as a force to reckon with: the future, the yet unknown, is "not exactly controllable [...] or measurable".⁵⁹ Obviously, there is something external, outside the governable, becoming manifest and challenging the very art of government. Visibility then turns out not to be a merely epistemic concern, but rather an onto-epistemological question of the "disposition of things".⁶⁰ What can be known and seen at a certain period of time is the result of a complex interplay, of the material "interrelatedness and entanglement of men and things"⁶¹ through, and this is important, practices, techniques and procedures.⁶² Techniques of data gathering and calculation, for example, are interventions in the real. They do not merely render the empirical visible, as if it were already there, instead they *realize* their field vision. "A constant interplay between techniques of power and their object gradually carves out in reality, as

⁵⁵ See, for example, Ute Tellmann, Sven Opitz and Urs Staeheli, "Operations of the global: explorations of connectivity." *Distinktion: Scandinavian Journal of Social Theory*, 13:3 (2012): 209-214.

<https://doi.org/10.1080/1600910X.2012.728359>.

⁵⁶ Scott Lash, "Power after Hegemony. Cultural Studies in Mutation?" *Theory, Culture & Society* 24:3 (2007): 55-78. <https://doi.org/10.1177/0263276407075956>.

⁵⁷ Foucault, *Security*, 47.

⁵⁸ Foucault, *Security*, 22.

⁵⁹ Foucault, *Security*, 20.

⁶⁰ Foucault, *Security*, 77.

⁶¹ Thomas Lemke, "New Materialisms: Foucault and the 'Government of Things'." *Theory, Culture & Society* 32:4 (2015): 3-25, 5. <https://doi.org/10.1177/0263276413519340>.

⁶² The "entanglement between men and things" then is not to be thought of as an oppositional, but rather as a relationship of mutual constitution.

a field of reality, population and its specific phenomena.”⁶³ The population that comes to be an object of government is both a “natural” entity and an artificial configuration. As “a datum that depends on a series of variables”,⁶⁴ it comes into being through the lens of certain procedures of information processing and thus to be perceptible as a living “milieu”.⁶⁵

What then does this perspective contribute to our reading the present as a regime of visibility defined by a particular relationship between what is visible and invisible, or rather, what is *thought* to be invisible or hidden and what we *believe* to see and to be inaccessible to us? ⁶⁶ In view of the digitalized world of data, the network theorist Alexander Galloway observes that it is not a coincidence that an adequate visualization of the control society 2.0 does not exist to date:⁶⁷ not least because the operations of algorithms, parsing big data in the black box of the computer, elude visualization.⁶⁸ Above all, we cannot see from the outside which kind of information, values or standards have been inscribed into today’s surveillance technologies. Depending on the context of their application, these criteria and standards change their relevance and meaning.⁶⁹ Data derivatives, coming “into being from an amalgam of disaggregated data – re-aggregated via mobile algorithm-based association rules”, produce *mobile norms*.⁷⁰ Furthermore, the data and visualizations that algorithmic operations produce are not direct correlates of the empirical world. Nonetheless, they are able to mirror the outer world and to predict our desires, or fears, in a way that they become real: we read what they have to tell us and thereby co-constitute the “facts” – indeed, we like the suggested book, click on it and buy it. In the framework of surveillance and crime control, this could mean that individuals suddenly see themselves under suspicion because algorithms say that their profile matches certain patterns.⁷¹ Finally, we cannot discern at all if and when we are being watched, and by whom. It is not merely that governmental agencies, on the one hand, and companies like Microsoft, Google or Facebook, on the other, here compete with

⁶³ Foucault, *Security*, 79.

⁶⁴ Foucault, *Security*, 71.

⁶⁵ Foucault, *Security*, 20-1.

⁶⁶ For a focus on what we believe we see and cannot see in a cultural perspective, see Henriette Steiner and Kristin Veel, eds., *Invisibility Studies. Surveillance, Transparency and the Hidden in Contemporary Culture* (Bern: Peter Lang, 2015).

⁶⁷ Alexander R. Galloway, “Are Some Things Unrepresentable?” *Theory, Culture & Society* 28:7 (2011): 85-102, 95. <https://doi.org/10.1177/0263276411423038>.

⁶⁸ See on this argument also Susanne Krasmann, “‘A taste for the secret’: Moment-Aufnahmen einer Soziologie des politischen Geheimnisses.” *Leviathan* 44:4 (2016). <https://doi.org/10.5771/0340-0425-2016-4-491>.

⁶⁹ See, for example, Zygmunt Bauman and David Lyon, *Liquid Surveillance: A Conversation* (Cambridge: Polity, 2013).

⁷⁰ Amoore, *Data Derivatives*. 31.

⁷¹ On the adaption and aspiration to the presumably objective data algorithms present us, see Reigeluth (2014); on the problem of the presumed objectivity of machine readings, see also Danah Boyd and Kate Crawford, “Critical Questions for Big Data.” *Information, Communication and Society* 15:5 (2012): 662–679. <https://doi.org/10.1080/1369118X.2012.678878>.

each other as much as they work hand in hand, willingly or not; it is, above all, the very world of digital communication and algorithms itself that social media share with surveillance technologies. The liberal claim to transparency, in perpetual tension with state secrecy, today seems to be undermined by the technological condition itself of what we are able to see and to know. Surveillance appears to be incomprehensible, opaque, independent of the respective governmental policy of secrecy. The relationship between state and citizen in this sense has undergone a dramatic shift. "What is invisible", to keep up with the regime of the Panopticon, is no longer "just the light which illuminates things or makes them visible."⁷² The "see/being seen dyad" itself has become fluid, depending on the imperceptible operations of the algorithms that seem to be able to decide independently what to bring to the surface.

It is no coincidence that the whistleblower Edward Snowden in this situation came to be perceived as the counter figure of the current regime of surveillance. His revelations helped render the clandestine and illegal surveillance practices of the NSA and related agencies visible and disputable in the first place. Snowden, in a way, epitomizes the figure of the active digital subject. As a former member of the secret service, he chose to no longer support his agency's practices. The revelations were an act of resistance in the classical sense. Yet Snowden also became a representation of his own cause, as the public debate increasingly focused on the person himself.⁷³ If we want to discard the link between resistance and subjectivation and instead envision a possible mode of challenging the current regime of visibility, we need a slightly different conceptualization. This is where the notion of visual citizenship becomes useful.

According to the sociologist Craig Calhoun, "Citizenship is the way we inhabit the society, especially democratic society";⁷⁴ it is how we locate ourselves in society and relate ourselves to the world, also in a global dimension. This sense of being in and relating ourselves to the world is first and foremost a visual one, a way of knowing "the larger society in which we are citizens" and the mode of existence of others; learning about conflicts and disasters happening in the world; even a way of imagining this world globally, as a globe, a landscape that is being mapped and that is separated through the sea and so on. Hence, our being and being together with others in the world is as much shaped by face-to-face encounters as by media images. It is a question of connecting to and being interconnected with the world. Being with others, in Jean-Luc Nancy's sense,⁷⁵ is always being with. And this is where we may spot the difference, not to a Foucauldian perspective, but to the disciplinary subject's regime. As an object of power that is rendered visible

⁷² Rajchman, *Seeing*, 72.

⁷³ See Gloria González Fuster, Rocco Bellanova and Raphaël Gellert, "Nurturing Ob-Scene Politics: Surveillance Between In/Visibility and Dis-Appearance." *Surveillance & Society* 13:3/4 (2015): 512-527, putting emphasis on the latter aspect: that the secret practices by and large remain secret to this day.

⁷⁴ Craig Calhoun, "What is Visual Citizenship?" (2010), accessed September 4, 2016, <https://vimeo.com/25369048>; see also Jennifer Telesca, "Preface: What Is Visual Citizenship?" *Humanity. An International Journal of Human Rights* 4:3 (2013): 339-343.

⁷⁵ Jean-Luc Nancy, *Being Singular Plural* (Stanford: Stanford University Press, 2000).

and knowable, it is deemed to be the passive, a-political subject. Visual citizenship, by contrast, conceives of the subject as always already being a political subject, namely as the one who is able to look and to see; who is, in other words, entangled with the world through a visual mode of “worlding”.⁷⁶ This conception in visual terms resonates with Foucault’s notion of the subject of experience that is always historically situated and, as a fold, at the same time embodies a transformative force.⁷⁷ With these conceptions in mind, the work of the US-American photographer and geographer Trevor Paglen, which will be introduced as a final example, may give us an idea of a different mode of seeing.

5.

Paglen, among others took photos of surveillance bases, for example, of the NSA/UK Government Communications Headquarters (GCHQ) (image 1) and of a classified “listening station” deep in the forests of West Virginia (image 2).⁷⁸



Image 1: Trevor Paglen: “NSA/GCHQ Surveillance Base, Bude, Cornwall, UK” (2014).
© Trevor Paglen; Metro Pictures, New York; Altman Siegel, San Francisco

⁷⁶ For further interesting notions of the Heideggerian term, see, for example, AbdouMaliq Simone, “On the Worlding of African Cities.” *African Studies Review* 44:2 (2001), 15-41.

⁷⁷ Gilles Deleuze, “Breaking Things Open, Breaking Words Open,” in *Negotiations 1972-1990* (New York: Columbia University Press, 1995): 83-93.

⁷⁸ See, for more information, Trevor Paglen’s website: <http://www.paglen.com/>.



Image 2: Trevor Paglen: “They Watch the Moon” (2010)

© Trevor Paglen; Metro Pictures, New York; Altman Siegel, San Francisco

What do we see, or believe we can see? The object of the photo is not by itself secret, but part of a governmental practice of secrecy. The buildings are there and they are visible, in principle; but it is no accident that they are difficult to photograph: hard to access, located in the middle of nowhere, and tricky to spot. They are hidden behind barbed wire and protected by CCTV systems and security services. This did not prevent Paglen from taking that photo from a distance of several miles and, he insists, from high ground on public territory. Paglen challenges power not by disclosing, in this case, the secret practices and attendant apparatus of intelligence gathering, but simply by demonstrating that these are there. The pictures do not claim to prove anything, they are neither representational nor even indexical.⁷⁹ They are, he asserts, of “useless evidence”, and the blurriness of the images serves both “an aesthetic and an ‘allegorical’ function”.⁸⁰ But the pho-

⁷⁹ Rune S. Andersen and Frank Möller, “Engaging the limits of visibility: Photography, security and surveillance.” *Security Dialogue* 44:3 (2013): 203-221, 216. <https://doi.org/10.1177/0967010613484955>.

⁸⁰ Jonah Weiner, “Prying Eyes. Trevor Paglen makes Art out of government secrets.” *The New Yorker*, October 22, 2012.

tos demarcate more than just a re-distribution of the sensible,⁸¹ a subversion of conventional forms of representation in photojournalism.⁸² They challenge the idea of the will to know.

The images do not tell us how secret services work and to what extent they monitor us. They do not inform us but rather guide our attention. They render visible what we already knew and could have seen, but perhaps didn't grasp visually. As Foucault famously contends:

We have long known that the role of philosophy is not to discover what is hidden, but to render visible what precisely is visible, which is to say, to make appear what is so close, so immediate, so intimately linked to ourselves that, as a consequence, we do not perceive it.⁸³

We know of the existence of secret services, but this does not mean that we are aware of their practices. And, conversely, being aware of their existence is not the same as challenging their practices. It may well also lead to self-censorship,⁸⁴ which would be the same effect as with the Panopticon: we anticipate that we are being surveilled precisely because we are not able to see those who might watch. Paglen's photos do and do not challenge the existence of secret services when playing with their logic. "Secret services do not want to be seen." The photos do just this: expose that which is deemed to be hidden, concealed, by rendering something visible, or rather, by capturing the secret at the limits of its ability to hide. As Paglen comments on his work:

If you're trying to photograph something that is secret, somebody is doing everything that they can in order to make this thing disappear. However, everything that is in the world, whether it's like a secret airplane or a secret satellite or something like that, has to intersect the visible world at some point. And at those boundaries you can find something; whether it is a hazy picture of a military base in the distance or whether that's a locked door with a key code on it. And to me, in terms of photographing this invisible, it is about identifying where those boundaries may be.⁸⁵

Interestingly, we on our part receive the required information by the author to be able to read the images. We believe what we are supposed to see, because we re-cognize some common features. The photographer himself, indeed, enacts "a right to look" and a different mode of seeing, thus "sketch[ing] new configurations of what can be seen, what can be said and what can be

⁸¹ Rancière, *Disagreement*.

⁸² Andersen and Möller, *visibility*.

⁸³ Michel Foucault, "La philosophie analytique de la politique," in *Dits et écrits II, 1976-1988*, edited by Daniel Defert and Francois Ewald (Paris: Gallimard, 2001 [1978]), 540-541.

⁸⁴ Jon Penney, "Chilling Effects: Online Surveillance and Wikipedia Use." *Berkeley Technology Law Journal* 31: 117-201, available at SSRN: <http://ssrn.com/abstract=2769645>.

⁸⁵ "Photographing Secret Sites and Satellites | Meet Trevor Paglen", accessed 4 September 2016, <https://www.youtube.com/watch?v=9IgfU0VwdkQ> [0:34-1:11].

thought".⁸⁶ But Paglen does more: he returns the gaze. He faces the secret services with their own conspiracy and forces them to be seen in such a way that it is a response to, and reflection of, the opaqueness of the contemporary control society 2.0. This is not about a new project of the self, but about enacting a different game of truth.⁸⁷ It is to leave the will to know where it is,⁸⁸ and, in a way, to invert the observation that "big data doesn't care about you". – Perhaps that's it: that we, as citizens, dismiss the old habit of power, that is, its enervating will to know. And perhaps this is the challenge of imagining Foucault in the 21st century: not to resist power but to refuse it;⁸⁹ not just to escape, but to demonstrate that we know, without following power's enduring path.⁹⁰

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⁸⁶ Jacques Rancière, *The Emancipated Spectator* (London & New York: Verso, 2009) 103; see also Andersen and Möller, *visibility*, 217, and Nicholas Mirzoeff, "The right to look." *Critical Inquiry* 37:3 (2011): 473-496. <https://doi.org/10.1086/659354>.

⁸⁷ Michel Foucault, "The Ethics of the Concern of the Self as a Practice of Freedom." *Ethics: Subjectivity and Truth. Essential Works of Foucault 1954-1984*, edited by James Faubion (New York: The New Press, 1997).

⁸⁸ See in a similar vein, concerning the politics of secrecy, Clare Birchall, "Aesthetics of the Secret", *New Formations* 83, January (2014): 25-46, and her plea, "To stay with the secret as secret".

⁸⁹ See, on this distinction, Mark B. N. Hansen, "Foucault and Media. A Missed Encounter?" *The South Atlantic Quarterly* 111:3 (2012): 497-528, 505. <https://doi.org/10.1215/00382876-1596254>: Whereas "resistance" occurs "from within", refusal, "originating from a site outside", is "more radical". Our point here, however, is that refusal involves eluding to be sub-ject to power– see, of course: Gilles Deleuze, "Bartleby; Or, The Formula." *Essays Critical and Clinical*, trans. Daniel W. Smith and Michael A. Greco (London and New York: Verso, 1998).

⁹⁰ This is what comes close to Foucault's notion of parrhesia: Michel Foucault, *Fearless Speech*, edited by Joseph Pearson (Los Angeles, CA: Semiotext(e), 2001). As Zachary Simpson points out: "Parrhesia is not merely being honest. It is, rather, an act of truth-telling. Parrhesia functions to enact truth", without being non-discursive (Zachary Simpson, "The Truths We Tell Ourselves: Foucault on Parrhesia." *Foucault Studies*, 13 (2012): 99-115. 101. <https://doi.org/10.22439/fs.v0i13.3461>).