

## ARTICLE

### **The Inverted Eye. Panopticon and Panopticism, Revisited**

Petra Gehring, Technische Universität Darmstadt

Translation: Donald Goodwin

**ABSTRACT:** Panopticism is commonly taken to rely on something like a panoptic gaze – a reading of Foucault which still prevails in the discussion of today’s surveillance (and subjectification) technologies in the wake of *Surveiller et punir*. In my re-reading of the relevant chapters of Foucault’s book I argue that the gaze does not occupy a central role in the techniques of discipline and power that Foucault describes. Quite to the contrary, Foucault analyses virtualization and automatization procedures that – after cutting off of the King’s head – invert and eliminate the sovereignty of the gaze as well: they also rip out the sovereign’s eye. *Surveiller et punir* thus should be read as a book about a certain eyelessness of the modern political. Where truly modern power is assumed to be, there is nothing to be seen. This also means that panopticism does not provide a master key to understand digital technologies of power.

**Keywords:** Panopticism, power; examination, subjectification, examination, digital technologies

*“L’efficace du pouvoir, sa force contraignante sont, en quelque sorte, passées de l’autre côté – du côté de sa surface d’application. Celui qui est soumis à un champ de visibilité, et qui le sait, reprend à son compte les contraintes du pouvoir; il les fait jouer spontanément sur lui-même; il inscrit en soi le rapport de pouvoir dans lequel il joue simultanément les deux rôles; il devient le principe de son propre assujettissement.”*

*„Die Wirksamkeit von Macht und ihre zwingende Kraft gehen in gewisser Weise auf die andere Seite über – die Seite der Oberfläche, auf welche sie sich anwendet. Derjenige, welcher einem Sichtfeld ausgesetzt ist und dies weiß, übernimmt die Zwangsmittel der Macht und spielt sie gegen sich selber aus; er schreibt das Machtverhältnis in sich ein, in welchem er gleichzeitig beide Rollen spielt; er wird zum Prinzip seiner eigenen Unterwerfung.“*

*„The efficiency of power, its constraining force have, in a sense, passed over to the other side – to the side of its surface of application. He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon*

himself; he inscribes in himself the power relation in which he simultaneously plays both roles: he becomes the principle of his own subjection.”<sup>1</sup>

On at least two occasions in the course of its reception, the Panopticon, the surveillance structure designed for full vision, rose to the level of an icon of social and cultural criticism. Immediately after the publication of *Surveiller et Punir*, Foucault’s analysis of the panoptic complex went to the heart of the institutional criticism articulated by the antiauthoritarian movement: institutions of the welfare state with their programs of humanization of education and prison regime are exposed as forming machines that do not only penetrate deeply into the individual; it is precisely these institutions that establish the individual’s modern—which also means today’s—manner of being. The kind face of a society that has (almost) no corporal punishment, but instead new spaces free to be shaped by civil actors, corresponds to the grimace of meticulous psychotechnical ordering. The will to form the person transforms even the youngest and the most stupid person from within, not to speak of the criminal. In this context, the Panopticon represents a kind of beginning inasmuch as from 1900 on, psychoanalysis, occupational psychology, sport psychology, brain surgery, psychopharmaceuticals and other pseudo-humane optimizing measures follow—and in the seventies, the readers are quite aware of this.<sup>2</sup>

At the end of the nineteen-nineties, the Panopticon as analysed by Foucault was read as a symbol for the digital era. Data are collected in all everyday domains of life, including those where behaviour is the critical factor, but also in those that are only related to consumption (leisure and entertainment activities), and this collection seems to be something like a “panoptic” practice, though it is one that largely abstains from the architecture of detention. Quite the contrary, it now penetrates public space as a whole. Video surveillance and automatic recognition of faces and movement are especially prominent in this regard; but beyond that, the inescapable awareness that user traces on the net, digital payment transactions, and digital communications are tracked is reminiscent of Bentham’s transparency machinery. Furthermore, the voluntary self-presentation of private people who unabashedly chat on the net or pose for cameras looks strangely compulsive. Confronted with numerous new technologies and phenomena, a movement critical not of the prison system, but of data policy, draws on Foucault’s analyses. Bentham’s panopticism seems to amount to an early form of comprehensive individualized monitoring—or

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<sup>1</sup> Michel Foucault: *Surveiller et punir. Naissance de la prison*. Paris: Gallimard 1975, p. 204; German: *Überwachen und Strafen. Die Geburt des Gefängnisses*, trans. by Walter Seitter [translation slightly modified; more on this below, pgg]. Frankfurt am Main: Suhrkamp 1976, S. 260; English: *Discipline and Punish. The Birth of the Prison*, trans. by Alan Sheridan. London: Allen Lane, 1977, pp. 202 f. [My italics in all versions, pgg].

<sup>2</sup> Today, the will to form the person already begins before birth with biomedical measures to make the best of each individual; it seems to have become the will to complete renewal. The archaic option of killing the incurable, later the “extermination” of worthless life, is now irrelevant. Genetic preselection and prenatal “therapy” make anxiety about how to come to terms with impaired individuals superfluous (at least conceptually) by means of intervention before they even come to be.

at least it represents a comparable case that can be used to reveal characteristics of today's surveillance, which is enhanced by digital technology.

However, I will attempt to show that both waves of the reception misread Foucault's analyses of early modern architecture for reformed institutions—as a “laboratory”,<sup>3</sup> as “political technology”<sup>4</sup> and as a “diagram of a mechanism of power reduced to its ideal form”<sup>5</sup>—and for this reason have a foreshortened understanding of the Panopticon. On the one hand, the panopticism chapter was read lopsidedly in terms of a theory of the subject,<sup>6</sup> and on the other hand it was visualistically twisted, with a bias towards making visible.<sup>7</sup> It was not a rare thing for both to be done at once. One way or the other, the idea of an internalization of the guard's look, presumably caused by panoptic pressure, was established; this look took effect so to speak from within, as powerful and constitutive of the subject.<sup>8</sup>

By way of an interpretation of this kind,<sup>9</sup> one point of Foucault's analysis is missed, one that is both historically and systematically decisive. The Panopticon is indeed a perfidious technique to control the gaze. But it is also an arrangement to promote the devaluation of the gaze

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<sup>3</sup> Cf. SP 206/Germ. 263/Engl. 204.

<sup>4</sup> Cf. SP 207/Germ. 264/Engl. 205.

<sup>5</sup> Ibid.

<sup>6</sup> For instance, by describing its operating principle as “sublimation”, e.g. Robert Castel: “From dangerousness to risk”, in: Graham Burchell, Colin Gordon, Peter Miller (Eds.): *The Foucault Effect. Studies in Governmentality*. Chicago: University of Chicago Press 1991, p. 281-298, p. 288 (“sublimated form of the observing gaze”). — As is well known, Foucault distinguished the individual (and individuality in general) from the subject as a possible result of specific historical processes (for example techniques of examination or self-examination). It is in this sense that I use the concepts.

<sup>7</sup> We can then read, for example, that according to Foucault “a light of violence” was the legacy of Enlightenment, “a light, that involves the subject not only in social relations organised for increasing subjection but also in the normalization of self-regulatory processes—the forever vigilant inner eye of ‘conscience’.” Cf. David Michael Levin: *Keeping Foucault and Derrida in Sight: Panopticism and the Politics of Subversion*. In: David Michael Levin (Ed.): *Sites of Vision. The Discursive Construction of Sight in the History of Philosophy*. Cambridge: MIT Press 1997, pp. 397-465, here p. 442.

<sup>8</sup> In the 1990s and to the present day, visualism was furthered by Deleuze's early proposal that power should be interpreted as force, the body as visibility and the subject as a “fold” of the one into the other creating an interior; cf. Gilles Deleuze: *Foucault*. Paris: Minuit 1986.

<sup>9</sup> As is typical of anthropological and psychological bias, this is not particularly based on argumentation. Rather, many Foucault interpretations simply insinuate that the “visual surveillance adduced by Bentham” is generalized by Foucault (in contrast to Bentham) to a “ubiquitous form of modern exercise of power”; sooner or later, the principle of operation of panopticism transforms inspection into introspection so that the “mechanism of visual analysis” founds a “voluntary submission” that functions as a “parody of the modern idea of autonomy”; cf. Peter Niesen: “Die Macht der Publizität” [The power of publicity], in: Ralf Krause, Marc Rölli (eds.): *Macht. Begriff und Wirkung in der politischen Philosophie der Gegenwart* [Power. Concept and effect in present-day political philosophy]. Bielefeld: transcript, 2008, pp. 221-244, here p. 225 (the excerpt preceding my article is quoted in the passage in question).

because it brings about a kind of reversal, an evacuation, an inversion of the eye—yet neither in a quasi focusing manner (perhaps individualizing, socializing, and to this end with an ‘inward’ penetrating power) nor in a quasi all-seeing manner, as an omnipotent gaze spread ‘all-round’. The mode of operation and the effect of panopticism is rather a kind of non-sightedness, a suspension and expiry of the gaze and thus also of the power of the eye. And this does not happen in favour of a generalized eye that seemingly remains present, but rather in favour of disciplining forms that completely withdraw from sight. The Panopticon would then be a transitional phenomenon. It marks the threshold to a non-visual, anocular and faceless operation of power.

I speak sweepingly of an “inversion” of the eye—and of the visual function in general—as the genuine point of the panoptic scenario; I do so to contest the idea of the internalization of the other’s gaze, to enhance awareness for the non-visual as an element of the effective panoptic axes (subduing the individual body, guarding the guards, partitioning and individualizing) and to amend the common idea of the contribution of the panopticism chapter in *Surveiller et punir* to Foucault’s diagnosis of the beginning of modernity: it is not so much that the guard’s eye finds its way into the prisoner, rather it is inverted to a functional minimum. Panopticism theses that are fixated on the eye would accordingly have to be turned inside out. And the modern era that begins around 1800 and develops throughout the nineteenth century<sup>10</sup> can, in keeping with Foucault, be called everything, but never an era of the eye.

Let me briefly reconstruct (1) Foucault’s arguments in my way: the chapter on the *moyens du bon dressement*, the “means of correct training” directly preceding the panopticism chapter, plays the decisive part, not Bentham.<sup>11</sup> I demonstrate (2) that the regime of the panoptic gaze does not really aim at the creation of inwardness. Furthermore, I would like to identify (3) what Foucault does *not* say with regard to the role of the eye in the context of disciplining and in the panoptic diagram. This concerns the complexes of subjectification and self-government; both of which are far from having anything to do with forced self-visualization. Rather, with respect to subjectification, other power mechanisms play the decisive part: the technology of the *examen*—that is, arrangements of examinations, probation, tests<sup>12</sup>—as well as the broad subject of sexuali-

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<sup>10</sup> It is well known that, according to Foucault, not only the era of the human sciences, but also the modern era in general begins with the nineteenth century. This is in accordance with current European historical scholarship, which views the years around 1800 as a transitional period (“Sattelzeit”) or as a “threshold” between the epochs. When I speak of the modern era, I adhere to this usage; moreover, I mean (as did Foucault) that what began *after* the period of panoptic prison architecture—medicalization, psychiatrization and eugenic attempts to obliterate crime—are still not a thing of the past.

<sup>11</sup> It was interesting, particularly for political theory, to read Foucault’s analyses as applicable to Bentham’s social thought as a whole. Nonetheless, Bentham’s vision (which Foucault only presents in the book as a complement) should not be overestimated with respect to its significance for the phenomenon of institutional buildings designed with a view to seeing and being seen. Panoptic architecture existed apart from elaborate political theory. Above all, it manifests an engineering knowledge that adheres to certain maxims of optimization.

<sup>12</sup> On the topic of the examination in connection with Foucault, see Andreas Gelhard’s and Andreas Kaminski’s studies: Andreas Gelhard: “Das Dispositiv der Eignung: Elemente einer Geschichte der Prüfungstechniken”

zation, an intensification of relations to self and other; and in the context of these relations, the eye, if it plays a part at all, plays a completely different one than in panoptic institutions. As far as subjectification is concerned, *Surveiller et punir* (and in general the tenets on discipline) can only be read fruitfully in connection with *La volonté de savoir*. Accordingly, the two analyses should not be overburdened, each for itself, but rather related to each other with regard to the question of the subject.

Finally, it seems important to me (4) that panopticism not be sweepingly declared to be the signature of the times for the twentieth and twenty-first centuries. Rather, I propose that it be interpreted as a tile of a historical mosaic in terms of a transitional figure—in the transition to post-panoptic phenomena of power such as eugenics or Freud’s talking-cure. The reformed institutions built on a panoptic design display a regime of the gaze that in part is pre-modern; it teaches us indirectly something about the forms of observation and registration that shortly thereafter in fact took effect ‘spacelessly’ without a tower representing eyes, blind windows or a camera physically in sight to which they could be attributed. In my interpretation, we learn from Foucault’s analysis of the Panopticon not so much something about subjectification as about the power of the permanence of technical systems, and about forms of automation of what used to be physical observation, an automation that, though simple, undermines the perception of being perceived. Precisely at this point, the leap into the present seems to me possible: It is not with a view to anxious reflection on the person under “surveillance” in front of the camera that Foucault’s text is helpful. Rather, it seems to foreshadow a post-panoptic analysis of power, for example an analysis of the present day’s epoch-making, completely decentralized collection of data that, strangely enough, we blindly tolerate and just as blindly carry out. I shall only suggest this briefly in summary, again advocating that the panopticism chapter should not be read as a text on the presence of the eye, but rather on a metamorphosis of technology that not only makes the observer superfluous in the control of human beings, but even the gaze itself.

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[The dispositive of aptitude: elements of a history of examination techniques]. In: *Zeitschrift für Medien- und Kulturforschung*, Nr. 1 (2014), pp. 43-60; 2014; id. “Entgrenzung der Psychotechnik: Der neue Geist des Kapitalismus und das Problem der Prüfungstechniken“ [Dislimitation of psychotechnique: the new spirit of capitalism and the problem of examination techniques], in: Andreas Kaminski and Andreas Gelhard (eds.): *Zur Philosophie informeller Technisierung [On the philosophy of informal technization]*. Wissenschaftliche Buchgesellschaft, Darmstadt, pp. 185-203, and Andreas Kaminski: “Maßstäbe der Macht. Psychologische Prüfungen als Techniken des Selbst“ [Measures of power. Psychological examinations as techniques of the self]. In: id. and Andreas Gelhard (eds.): *Zur Philosophie der informellen Technisierung*. Darmstadt: Wissenschaftliche Buchgesellschaft 2014, pp.171-184.

1.

In Foucault's genealogy of the prison system, the period of discipline with its typical partitioning detention institution is not the end point. *Surveiller et punir* analyses disciplinary betterment as a transformation that was followed on the way into the modern era by more transformations—above all the socio-political and criminological paradigm of delinquency, which initiated the era of a systematic pathologization of the criminal, the attribution of somatic (perhaps “genetic”) reasons for incorrigibility and, when deemed necessary, invasive therapeutic scenarios. Beyond training and detention, medicalized measures for prevention herald the era of punishment in a truly modern sense.<sup>13</sup>

First of all discipline: Foucault portrays it as an innovation in a political structure in which up until then the visibility of the ruler was the main point. In the classical age, the exercise of power took place demonstratively: the “eye” made hierarchy evident inasmuch as the sovereign displayed himself and his symbols as magnificent and threatening. The subjects could “see” both the splendour and the force of the order. Discipline reverses the direction of view, so to speak, and at the same time the vectors are distributed and multiplied. This, too, is a regime of the gaze, but one that uses the gaze as a means of coercion, one that arranges a play of looking, an “obscure art of light and the visible”<sup>14</sup> so that it leads to activation and serviceable formation, that is, to the “training” (*dressement*) of the subject. Being seen thus takes on the meaning of registration. It becomes the key to minute control and self-discipline, requiring practice from the individual to look at himself or to give a report (*rapport*) on himself. As Foucault demonstrates, the establishment of a standardized external body posture plays an important part; but in addition, an analogous effect on the level of the training of the person is also desired. Discipline thus corresponds to the educational expectation that, by way of training behaviour, the disciplined individual will authentically adopt what he or she is supposed to learn.

The gaze of *policey* actors engaged in instruction and betterment is mistrustful. It is also “hierarchical” again, as we can read at several points in *Surveiller et punir*,<sup>15</sup> and above all it is anonymous, that is, though it comes from above, at the same time it comes in a new, diffuse way from somewhere or other. Force is immediately involved: tools and instruments of the exercise of force opening the gaze—with a mode of operation that presupposes visibility, visual and cognitive transparency—are often one and the same in disciplinary arrangements. *Surveiller et punir* demonstrates this for the factory, the school, the military and for prisons. Just as the medical gaze opens the patient's living body, discipline penetrates into the body and its abilities in a quasi-

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<sup>13</sup> Foucault studies these paths of pathologization of eighteenth century forensic medicine in a lecture that he held in 1974–75, that is, before the publication of *Surveiller et punir*, dating the decisive stages for France in the middle of the nineteenth century; cf. Michel Foucault: *Les Anormaux. Cours au Collège de France, 1974-1975*. Paris: Seuil/Gallimard 1999.

<sup>14</sup> Cf. SP 173/Germ. 221/Engl. 171; and on the spotlight as an analogy for the field of vision of the disciplinary gaze also SP 189/Germ. 241/Engl. 187.

<sup>15</sup> Cf. e.g. SP 173/Germ. 220f./Engl. 171.

exploratory manner, at first as mere training, and later increasingly becoming interested in the inner attitude. Foucault compares the disciplinary site with a photographic dark room,<sup>16</sup> and the new architectural arrangements of the time with a “therapeutic operator”<sup>17</sup> as well as with a microscope<sup>18</sup> because walls are put in place in order to separate *and* to create transparency. Architecture creates sections in which the eye (in Bentham’s utopia even more: the eyes of as many visitors to the institution as possible) can and is intended to look into a jumbled picture of the social world. Mechanistic and vitalist paradigms are in close connection. Society as a whole becomes a commonwealth of cells.<sup>19</sup>

What Foucault emphasizes is: Disciplinary power is itself invisible power. There is a negative reason for this in the reversal of the direction of illumination: the subjects are seen and exposed instead of displaying the ruler and his entourage. But above all, in a positive sense the switch from techniques of ruling that function symbolically to techniques that function causally takes effect. Discipline is directed towards the small things, and attempts to gain as complete control as possible not by representation, but physically. It perfects its core operations—partitioning, surveillance, regenerative interventions—both qualitatively and over as long a period as possible in order to promote effectiveness: it connects with fine, functional, even “organic” (not to speak of “vital”) criteria, and it attempts to initiate its measures as early as possible to maintain them permanently. Since the temporal aspect of disciplinary work—ensuring permanent visibility of the individuals to be disciplined and providing for their permanent observation—involves an enormous effort, the patterns of discipline are in great measure of an economic nature; we shall return to this point.

A surveillance that is not merely “hierarchized” (*hiérarchisée*), but also “continuous” and “functional” (*continue et fonctionnelle*) is, according to Foucault, “one of the great technical ‘inventions’ of the eighteenth century”; this is precisely what characterizes the abstract system behind the panoptic form: a “network” (*réseau*) of mutually supporting effects of power, “supervisors, perpetually supervised”,<sup>20</sup> a “machinery” (*machinerie*) or an “apparatus” (*appareil*) that not only from the ‘top’, but also inwardly “produces ‘power’ and distributes individuals in this permanent

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<sup>16</sup> Cf. SP 174/Germ. 222/Engl. 172.

<sup>17</sup> Cf. SP 175/Germ. 223/Engl. 172.

<sup>18</sup> Cf. SP 175/Germ. 224/Engl. 173.

<sup>19</sup> This well-known expression is a quotation from the physician Virchow, who, in a manner typical of his time, projected the mixture of social division of labour (society) and legal hierarchy (the state) into organic “life”. “What is the organism? A society of living cells, a small state, well equipped, with all the furnishings of senior and junior officials, servants and masters, large and small.” Cf. Rudolf Virchow: “Atome und Individuen” [Atoms and Individuals] (1859). In: *Vier Reden über Leben und Kranksein* [Four lectures on life and being ill]. Berlin: Georg Reimer 1862, pp. 35-76, here p. 55; of course, in *Surveiller et punir*, medicine is only touched in passing.

<sup>20</sup> Cf. SP 179/Germ. 228/Engl. 176.

and continuous field".<sup>21</sup> This analogy of a vector network or a forcefield is probably implicit when in *Surveiller et punir* Foucault speaks of the "physical" character of disciplinary power or of the "'physics' of power"<sup>22</sup> and of the panoptic formation of individual and social bodies as a "new physics of power".<sup>23</sup>

"Unavoidable visibility of the subjects",<sup>24</sup> the inevitability of being described and describing—the point I want to make is this: the topic here is indeed the physical in a physical sense, it is not psychology. If the pragmatics of training involves continuous monitoring, the specific aspect of the panoptic machinery consists not so much in the visual orientation as such or in a deepening of the visual element in general, but rather in the operative surplus of securing (or re-adjusting) behavioural patterns along set values and in the automatization that it brings about: On the one hand, permanence is produced (continuousness in every point: partitioning, seeing, being seen, and the certainty that this is the case); on the other hand the corset of architecturally controlled axes of visibility functions such that it distributes and orders fields of vision and places all the users of the building in the same form of asymmetry. Hierarchy is there, but it is no longer the origin that counts, but only its effect. For its part, this effect reproduces itself purely technically in the literal sense of the word, that is, without any personal contribution, by means of the impenetrable intermediation of walls and openings, as the presence of an architecture that controls and even substitutes axes of vision. "The Panopticon is a marvellous machine which, whatever use one may wish to put it to, produces *homogeneous* effects of power",<sup>25</sup> Foucault writes.

Thus, the question arises as to how a "machine" that in such a manner orders the effects of power with the goal of disciplining in fact *works*.

## 2.

"L'efficace du pouvoir, sa force contraignante sont, en quelque sorte, passées de l'autre côté – *du côté de sa surface d'application*."<sup>26</sup> The German translator, Walter Seitter, translates this statement, which comes after the passage quoted above on the Panopticon as a marvellous machine, as follows: The effectiveness, the constraining force of power passes "over to its target" (auf ihre

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<sup>21</sup> Cf. SP 179/Germ. 229/Engl. 176–7.

<sup>22</sup> Cf. SP 179/Germ. 229/Engl. 177.

<sup>23</sup> Cf. SP 210/Germ. 267/Engl. 208; the fact that this revolves on the opposition of two physics, namely one centred on the body of the sovereign, thus "corporal", and another that is "physical", a physics of the numerous forces that traverse space in (potentially changing) distributed form, becomes particularly clear in this passage on Bentham's panopticism. Cf. the statement in SP 179/Germ. 229/Engl. 177 that discipline is "all the less 'corporal' in that it is more subtly 'physical'" [in French, the passage reads: "Pouvoir qui est en apparence d'autant moins 'corporel' qu'il est plus sagement 'physique'."]

<sup>24</sup> Cf. SP 191/Germ. 243/Engl. 189: "visibilité inévitable des sujets" — the German translation uses quotation marks here ("unerbittliche Sichtbarkeit der 'Subjekte'"), in order to emphasize the ambiguity that 'subject' need not mean an epistemological ego-position, it can also designate a role: "subordinate person".

<sup>25</sup> SP 204/Germ. 260/Engl. 202 (my italics, pgg).

<sup>26</sup> SP 204 (my italics, pgg).

Zielscheibe). “[D]u côté de sa surface d’application”—it would be better to render this more literally: Power passes over to the surface on which it then takes effect: “to the side of its surface of application”, as Alan Sheridan quite precisely translates. In the process, power becomes non-bodily, “it tends to the non-corporal” (il tend à l’incorporel), writes Foucault.<sup>27</sup>

The point is still effectiveness in or on bodies; the panoptic effect is described as the effect of a compelling force. Nonetheless, a systematically displaced effect comes into operation: Under the control of the building, the separate bodies of the prisoner, the guard, the visitor are all integrated into the machinery, and no one has to do anything to bring this about. The creation of defined, even of merely possible lines of sight spares the physical confrontation or collision.

According to the text, “the major effect” of the Panopticon is that “the inmates should be caught up in a power situation of which they are themselves the bearers”;<sup>28</sup> the architectural apparatus ensures an “automatic functioning”<sup>29</sup> of power. Precisely this was different in the times when a guard enforced the hierarchy ‘by hand’ so to speak. Hence Foucault repeatedly uses the metaphor of automatizing in connection with the panoptic disciplinary arrangement; beyond that, he also speaks of a disindividualization of power and of the fact that under the aspect of power only bodies (and no longer persons) count.<sup>30</sup>

We readers are familiar with the following passage, which, however, suggests that there is more that occurs:

He who is subjected to a field of visibility (*champ de visibilité*), and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection (*assujettissement*). By this very fact, the external power may throw off its physical weight (*ses pesanteurs physiques*)...<sup>31</sup>

The transition from the physical to another kind of physics—does inwardness take effect here beyond the mere knowledge of being seen? At any rate, physically onerous force is replaced by another type of force—by a self-constraint, a self-observation, from the point of view of what the guardian’s gaze sees.

In the German translation, however, the passage in question reads differently and is rendered in clear psychologizing terms. The person being observed,

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<sup>27</sup> SP 204/Germ. 260/Engl. 203.

<sup>28</sup> SP 203/Germ. 258/Engl. 201.

<sup>29</sup> Cf. SP 202/ Germ. 258/Engl. 201.

<sup>30</sup> Cf. SP 203/Germ. 259/Engl. 202: “It is an important mechanism, for it automatizes and disindividualizes power.”

<sup>31</sup> SP 204/Germ. 260/Engl. 202f.

[h]e who is subject to visibility, and who knows it, adopts the constraints of power; he pits them against himself; he internalizes the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection.<sup>32</sup>

It seems to me that this wording — “internalisieren” (internalize) for “inscrire en soi” — together with the idea that it suggests a double role that is not only firmly inscribed, but emphatically internalized, has promoted the interpretation that the panoptic operation aims at and brings about subjectification in a sense that is ‘already’ modern. It is not only German-speaking readers of *Surveiller et punir* who interpret this key passage in terms of a subject cliché that belongs to ego psychology of the twentieth century. This “internalized” gaze of the guard is said to turn the person observed into an ego-subject—perhaps in a manner reminiscent of a Hegelian master and slave scene, perhaps because we think of Freud’s super-ego, of Sartre or of Foucault’s catchword “techniques of subjectification” (which, however, referred to ancient ethics).

I caution against this interpretation, not only because there is no mention of becoming a subject in the panopticism chapter—apart from the enthralling word “assujettissement”, which, as we know, means making subject in the sense of the counterpart to domination, the assignment of a lesser role; the word thus alludes to the *subiectum* in the very simple sense of the word and by no means to modern subjectivity with its reflective inwardness. The more important reason, however, is that the power relationship is “inscribed” into the individual in the mode of “knowing that” (simply due to the architectural disposition) and that it cannot concern any other knowledge than knowledge of the individual’s own body—inasmuch as the individual expects that this body can be seen and knows prospectively how it can be seen at any moment. Movements of the body, forbidden gestures, facial expression, restlessness: all of this is subject to a kind of observation that requires permanent self-control on the part of the person under observation. However, the full extent is that the self-awareness required by the regime applies to the visible surfaces, that is, one’s own exterior. In this case, discipline means: in the grasp of the panoptic system, in which the physical gaze is replaced by the virtuality of a permanent gaze, individuals sooner or later routinely anticipate the bodily behaviour that they have to display.

Constraint is thus transformed into self-constraint and fixed. The genuinely novel point about the inner doubling, however, is the permanence created by the virtualization of the observer’s gaze and the economic savings inasmuch as the external eye, chains and the like become dispensable. Subjectification, however, takes place here no more and no less than when an automatic speed camera forces us to observe a prescribed speed limit. The novel point is not the disciplining effect of being seen, but rather that the alterity of the other’s gaze can be replaced such that machinery displaces all possible perception of the observation being interrupted (there was an eye, now there is no eye there). Instead, the eye becomes a spectre. Accordingly, it is not the case that another’s gaze is inscribed in the person subject to observation as their ‘own’, quite the opposite:

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<sup>32</sup> Cf. Germ. 260.

the other's gaze was previously virtualized. And precisely this non-gaze, about which we know without seeing it, becomes chiasmatically anchored—in the form of a secondary gaze that compels the person under observation to conscious, bodily self-control without any need to exert physical compulsion or the force of the genuine eye.

Foucault never mentions any identification processes, say that the person under observation identifies to any great extent with the guard (who has just disappeared) or with the image that he leaves (which is only for the virtual eye). That is not what Foucault is aiming at because that is not the point at all. Panopticism does not presuppose internalization and identification with the guard's eye, but rather a new form of absence of this eye. What it establishes is an eyeless technique of control and in this sense precisely an anocular machinery: based simply on the knowledge of the persistence of the possible axes of vision, it turns the visible outside of the individual's own body into the "physical" prison of behaviour. Classical force is superfluous inasmuch as it is removed from its "physical" sources (chains, eyes) and its effects not merely retained, but perpetuated and, in the ideal case, even augmented

### 3.

There are numerous systematic reasons within the text for a rejection of a visualistic interpretation of panopticism or one centred on subjectification.

On the one hand, Foucault separates his analysis of the "examination" from the panopticism chapter in precisely this respect. Whereas the panoptic regime is one of automatized training—consisting of many "small theatres",<sup>33</sup> as the text puts it, that is, a behavioural omniscope that *individualizes* and perfects a form of oppositionless and eyeless, performance-orientated self-control of the body known to be visible, thus actually producing actors. In contrast, *Surveiller et punir* depicts the examination as the genuine instrument of *subjectifying* in the disciplinary era. Here we do not see performers but rather testees. For techniques of examination, the central point is neither a visible eye nor, so to speak, an inverted eye, a permanent being seen in the form of knowledge of the gaze. Rather, from the very beginning we are in a world in which power operates unilaterally, itself invisible, but invasive. The dominant metaphor is now that of the spotlight directed at the individual because they have to produce something on their own and perform in their own name, individually. The aspect of the examination does *not* consist simply in being seen, but rather—presupposing "the fact of being constantly seen, of being able always to be seen"<sup>34</sup> as its mode—it consists of an objectifying "ceremony"<sup>35</sup> that is performed, measuring and documenting individuality and then restoring it as a kind of success or gain on the level of latent essential potentials or capacities (that is, transgressing mere visible attributes or a bare behaviour-

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<sup>33</sup> Cf. SP 202/Germ. 257/Engl. 200: "They ... [i.e. the cells, pgg] are like so many small theatres, in which each actor is alone, perfectly individualized and constantly visible."

<sup>34</sup> Cf. SP 189/Germ. 241/Engl. 187.

<sup>35</sup> SP 190/Germ. 241/Engl. 187.

al scheme). Backed by sanctions and also reinforced by positive stimuli, examination procedures enable a sense of achievement: they create options and success thresholds *for* subjectivity in a manner that disrupts any theatre metaphor.

Whereas the panoptic space exacts the permanent demonstration of a behaviour, the examination is a technology that produces expressive performances that can be attributed to the individual together with a corresponding interior closely bound to the examination result—a psyche for psychologies. Thus, the examination (and not panopticism) is the context within which Foucault for the first time explicitly characterizes power as productive: “Power produces; it produces reality” (*il produit du réel*);<sup>36</sup> it also produces the individual, in particular, the “true” individual.

The fact that techniques of examination that turn the individual into a “case” do not yet completely foresee the modern formation of something like subjectivity for the first time in the nineteenth century is a point that Foucault vigorously demonstrates in *La volonté du savoir*—the book in which the history of the examination is integrated into the history of “sexualized” desire. In the second half of the nineteenth century, compulsions to confess developed from a novel, biological–psychological inwardness of the drives, and produced not only these drives, but also the subjectivity corresponding to them, a subjectivity that is precarious in a typically modern way. The history of the examination thus merges seamlessly into a history of criminalization and of medicalization, and also into a history of the naturalization of inheritance, of the species and of heterosexual binary sexuality. Moreover, it is not by any means a visualism that dominates modern techniques of selfhood. The subject of desire is no longer a subject that merely obeys an eye directed at surfaces from a distance, whether it is an eye visible the person under observation or not. Now, the concealed interior behind all outer bodily surfaces does indeed become a highly charged topic. Drives cannot be seen, and they cannot be controlled by superficial means, by way of corrections to what is shown. ‘External’ role competence is mere appearance and must yield to self-scrutiny. Therapeutic suspicion declines visuality, it rejects mere “theatre”. Genuine expression therefore requires not the objectified individual as a body in a cage, but rather efforts to explore bodies and behavioural patterns in equal measure. Partitioning, observation, documentation are not sufficient. At best, they accompany experiments in opening up a “subjective” depth, the essence of which ultimately remains concealed to both the senses and to language. The tools of the specialist in psychosomatics or psychotechnique can be a metaphor for these experiments, but not, however, the guard’s gaze.

According to the final sections of *Surveiller et punir*, “delinquency” is the *modern* response to the question of criminality in the full sense of modern; it, too, leaves visualism behind. Nothing of what in its complex way ineradicably drives entire social groups from within to deviant behaviour, whether environmentally conditioned or inherited, can be detected externally “on” the bodies, on the behavioural surface as a “target” or main “surface of application” for power. Rather, like sexuality delinquency it is a latency phenomenon, inaccessible to the supervising gaze. The

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<sup>36</sup> Cf. SP 196/Germ. 250/Engl. 194.

limitation of behaviour that is merely affected, say an imitated conformity that is induced by panoptic means, is no longer sufficient for the reformatory criminal law of the period around 1900. Instead of “deeds” and “violations of law”, “character” (or “mind”) and “life” (or genetic disposition) count in the penal system.<sup>37</sup> But no eye, not even an anonymous, an adopted or an inverted eye, can ever look into desire, genetic disposition, libido, into “being”.

Modern disciplining procedures disengage from visual reminiscences at the points where they have mutated to technologies of inwardness and depth. They become “humane” in a new sense, not merely that they are physically less violent, but rather in the sense that the interventions are mimetic–interpretative and performed only in the “invisible” realm. It could be said that the eye closes when the personalities of offenders are inferred from mounds of court records, the degeneration of cells is traced or dreams analysed. At best, the observer is needed between the phases of intervention because as a matter of course individualization imperatives apply and no one is allowed to escape, even from the most modern facilities for subjectification. Apart from this, panopticism has done its part and is acquitted of its duties wherever bio-, psycho- or socio-political subjectification techniques take effect—apart, perhaps, from Bentham’s model of democracy in which the need for transparency in modern publics is still ideologically mirrored.

#### 4.

There still remains the question of the timeliness of Foucault’s analysis of panopticism. That surveillance is intended to ‘make visible’ is an obvious assumption and is also adopted by the criticism of surveillance focused on new digital techniques.<sup>38</sup> There are indeed many voices in surveillance studies that emphasize, for example, the primacy of the ordering function of the Panopticon.<sup>39</sup> Nonetheless, the fervour of research into images and visibility was sparked by the domi-

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<sup>37</sup> What Foucault ironically calls the “Declaration of Carceral Independence” (cf. SP 250/Germ. 317/Engl. 247) marks the withdrawal of the penal system as an autonomous project of betterment from the verdict and the court’s appraisal of the deed. Accordingly, modern penal systems no longer enforce a court verdict (conceived as a reaction), but rather themselves assess, on the basis of the results of the phase of imprisonment, how to deal with the offender in the future. If the penal system has an ideal at all, it is the ideal of producing individuals who become different. This corresponds to forms that in the twentieth century take leave of the time limits of prison penalties, for example detention in forensic psychiatric institutions, called “Maßregelvollzug” (disciplinary detention) in Germany. The possibility of release is then reviewed regularly (on the basis of expert opinions). But the end of detention is no longer scheduled.

<sup>38</sup> Cf. a programmatic declaration in the journal *Surveillance and Society*: “Surveillance tries to make visible the identities or the behaviours of people of interest to the agency in question,” David Lyon: “Editorial. Understanding visibility, mobility and the phonetic fix”, in: *Surveillance & Society* 1 (2002), 1-7, <http://www.surveillance-and-society.org/articles1/editorial.pdf> [1.3.2016].

<sup>39</sup> Cf. Bart Simon: “The Return of Panopticism”, in: *Surveillance & Society* 3 (2005), 1-20, [http://www.surveillance-and-society.org/articles3\(1\)/return.pdf](http://www.surveillance-and-society.org/articles3(1)/return.pdf) [1.3.2016], here: 4, who, however, then refers the processes of “panoptic sorting” quite unclearly to questions of “self” and “subjectification” (of the prison inmates, or more generally of the monitored individuals).

nant theme of the circular institution with the cells that can be seen from all perspectives. The fiendishness of a surveillance state is projected into the lens of the digital camera, and it works completely without a surveillance tower and prison walls;<sup>40</sup> or a super-ego function of the internet as a digital subjectification machine is painted on the wall, and the modern subject—especially the young—submit to this machine by way of an inconceivable auto-socio-eroticism and pleasure in being observed. From the reality show on television through the video diary to the selfie, the Panopticon seems to be everywhere.

My thesis, by contrast, is as follows: The panopticism analysed in *Surveiller et punir* is an early ideal—with respect to its nature as an individualizing force and with respect to the nexus of being seen and seeing oneself. Even the withdrawal of the observing eye into the multi-directionality of an invisible, enduring gaze transformed into the mere knowledge of the possibility of being seen must not mean that the paradigm of the theatre is left behind. Viewed historically, panopticism remains a phenomenon of transition. At all points in which the eye is dominant in its physical function aiming at the monitoring of external behaviour, the panoptic arrangement remains premodern, i.e. a part of the legacy of the era of the king's representative with visible and visually demanding presence, including the acquired doubling thanks to which the prisoner applies the generalized gaze to himself. He becomes a play-actor, but only that, an actor, not the subject of language and desire of a Freudian ego-*imago*.<sup>41</sup> The successors to the examination techniques—techniques, which were also invented in the disciplinary era, techniques completely removed from the eye—will, though, more probably have subjectifying effects (and this means: effects in the sense of production of interiors, likely unfathomable ones, included in more general ego discourses) than do the “little theatres”, which only discipline the behaviour of the body in detention. It therefore seems questionable whether the (self-)examination routines, the consumption desire aiming at knowledge, the libidinous charge of virtually available (own) possibilities and the scientific experimental practice, which, in a way that is yet to be explored, form the basis

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<sup>40</sup> Cf. Simon, “Return of Panopticism”, p. 13: “When walls are removed but the supervisory capacities remain we enter the conditions of new surveillance.”

<sup>41</sup> The fact that it was and remained a genuine function of the Panopticon to create opportunities for resistance (cf. Simon, “Return of Panopticism”, p. 9) is not merely theoretically correct. The possibilities to form people simply by exposing them to being seen and, if needed, by imposing negative sanctions are limited; this can be recognized by the fact that with regard to successful betterment the prison falls short of institutions in which examinations are dominant and go hand in hand with positive subjectification opportunities, for example the prospect of education. What *Surveiller et punir* demonstrates is accordingly the “failure” (*échec*) of the prison, a failure that ultimately remains constant for over a century (cf. SP 275/Germ. 349/Engl. 271): it does not produce conformity, but rather increases delinquency. There is a central message of the book that is closely linked to this point: where subjectification is not (yet) dominant, resistance is possible; but this message does not receive enough discussion, and this lack of discussion is encountered not only in connection with techniques of surveillance.

of present-day forms of data acquisition, should be called “surveillance” at all.<sup>42</sup> The metaphor of an “economy” of new and powerful possibilities that Foucault often used seems to fit the recording and distributing of digital data better than the topos of “making visible” or that of rule by the gaze.

As I have shown elsewhere, punishment technologies of a modern type—consider electronic monitoring devices—are by no means visual or “panoptic” in effect.<sup>43</sup> This brings the operation of mechanization, or, appealing to the German term “technicization” (Technisierung) that Foucault called “automatization,” into the focus of our interest; from my point of view, this is the genuine panoptic invention. Have we already recognized its historical importance?

In my opinion, we need to understand the process of inversion better. The Panopticon does not improve visual interventions; rather, the highly intricate local work of the eye on which the power of the bodily gaze is based is rationalized such that a mere functional unit guarantees the possibility of being seen more effectively and efficiently. The Panopticon would be “modern” in a challenging manner precisely where it teaches us to domesticate bodies with resources that do not comply with a regime of internalized vision, but in an economy of the *dispensability* of the eye. Ultimately, the virtualized gaze promotes the eyelessness of the political. Modern power is characterized by the fact that there is *never anything to be seen* where power is assumed to be.

It could then be said: Whereas Bentham’s transparent democracy still imagines something like a universal “synopsis” and in this point remains premodern, the prison architecture that he describes is far more advanced. Beyond the visual pattern, the Panopticon conceives a cybernetics of discipline, an exercise of rule and force without a personal opponent, without the guard (who is replaced by the building), in general without alterity. This does not promote inwardness as much as incorporation and the involuntary disciplining effects of a mimesis of the machine. Even today, users who interact with technology see at best their own gaze mirrored in windows,

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<sup>42</sup> Does the net “observe” at all? Do Google, Facebook “observe”—do even security firms or the NSA observe? It may well be preferable to speak of interlocked communication and security markets in which primary products for informational value creation circulate. It is in no small measure the net users’ own desire to produce data and their own data hunger, perhaps even their passion for play or hunting, that are gratified. Those who today trace me on the net are not ‘observers’. They are advertising experts, hordes of sexists, anonymous packs looking for victims for the games in which fantasies of omnipotence are tried out.

<sup>43</sup> GPS-linked alarm technologies of the type of digital tags or foot bracelets, for example, do not merely virtualize the guard’s gaze; rather they restrain the individual’s movement pattern by means of a discipline that is so discreet as to be privative. They remove the criminal’s body from the space of public perception shared with others. The fact that the person concerned knows of invisible technogenic boundaries does not only amount to effects reminiscent of drill; rather, the digital arrangement is the equivalent to an artificial bodily handicap, an amputation that is performed virtually, remaining hidden to the world of the ‘eye’. Cf. Petra Gehring: “Eine Topo-Technologie der Gefährlichkeit. Digitale Einsperrtechniken und sozialer Raum” [A topo-technology of dangerousness. Digital techniques of detention and social space]. In: Andreas Gelhard, Thomas Alkemeyer, Norbert Ricken (Hg.), *Techniken der Subjektivierung* [Techniques of subjectivation]. München: Fink 2013, pp. 299–314.

screens and other devices. But most often we routinely recognize what has to be done so that everything is correct.

“We are much less Greeks than we believe”, writes Foucault in *Surveiller et punir* with regard to the premodern, somehow visual dream of democracy; moreover, we are “neither in an amphitheatre, nor on the stage, but in the panoptic machine”.<sup>44</sup> In search of the role of the subjugated person (defined by the fact that there is someone who subjugates), we could add, we will naturally find no one. Our eyes are mistaken. We are blind to the extent that in search of a ruler we see only a void.

Regardless of cameras, enthusiasm for film and media—the twentieth century, with its beginnings in the nineteenth, proves to be a thoroughly eyeless century, both politically and with respect to the constitution of the subject (keyword “examination”). It may well be that the presence of mass-media pictorial rhetoric is overestimated. Other techniques penetrate deeper, techniques that include knowledge of automatic registration and the permanent possibility of processing the traces that I leave. And it may be that the perceived flood of images in the twenty-first century does not attest to the triumph of “gazes” that are now media transported and thus omnipresent, but rather to the triumph of mere “knowing about” together with the extinction of the idea that the gaze even has an origin as crossing vectors of possible gazes are becoming abstract system phenomena. At any rate, panopticism has thus rendered the Napoleonic eye, the sun-eye, “useless”.<sup>45</sup>

In order to bring the argument to a head, let me conclude with four propositions; the first two address Foucault research, the other two are concerned with the discussion of surveillance in the wake of *Surveiller et punir*.

4.1. An analysis of power in Foucault’s sense with a sensitivity to technology will have to reconstruct concrete constellations of surveillance, monitoring, investigation and subjectification precisely, separately and specifically to the time period. There is a considerable gap between circular hospital or prison architecture and the epoch of the moving image as a mass medium together with automatic motion recording. Panopticism does not provide a master key to understand digital power technologies.

4.2. The discussion of the disciplinary society still lacks an economic definition of discipline—a definition that takes Foucault’s basic idea of innovative “*discipline-normalisation*”<sup>46</sup> seriously and thus focuses on gains of effectiveness and efficiency, but not on anthropology or psychology. Why should such a definition not be extracted from the comparably simple case of panopticism?

4.3. Continuous visual surveillance is a disciplining technique, but not a subjectification technique. The two must be analytically separated, even if up to the present day the one coexists

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<sup>44</sup> SP 219/Germ. 279/Engl. 217.

<sup>45</sup> Cf. *ibid.*

<sup>46</sup> Cf. Foucault, *Les Anormaux* 48/Germ. 75.

with the other. The operation of panoptic buildings is rarely found in the modern era in the pure form because the modern era is no longer a period of the eye. Consider the intelligence tests of the twentieth century, the sensors of ultrasound devices, the visualization equipment for a brain scan, being fathomed by questionnaire research, the predictive genetic test—or even spying devices such as the military drone: all of these technologies are of the examining intervention type. They produce depth, they make something visible that is hidden within the subject and is subjectively essential (inner life, intelligence, thought, collective attitudes, genes, the terrorist hideout). At best, such techniques quote the eye. But in their core they are post-panoptic. They rely on registration that is performed out of sight and on data acquisition procedures that run unawares—and which thus as a rule do *not* merely result in behavioural discipline, but rather lead to a fundamental subjective disquiet.

4.4. The parents' and children's bedrooms of the bourgeoisie, that is, the oedipalized nuclear family, and the psychoanalytic couch cannot be interpreted as a "physical" regime of the gaze; the same applies to one's own social network in Facebook and even to NSA surveillance. When we speak of people under surveillance today, of databased selves and in general of modern subjectivity, we must not be fixated on being seen. Performance-oriented self-commitment, fearful self-enjoyment, self-exploration and ego narratives are certainly more significant for an analysis of subjectification in digital society than the panoptic phenomenon.

Petra Gehring  
Professor for Theoretical Philosophy  
Technische Universität Darmstadt, Karolinenplatz 5  
64293 Darmstadt  
Germany  
gehring@phil.tu-darmstadt.de