Panopticism, impartial spectator and digital technology

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ABSTRACT: *Panopticism* is Michel Foucault's term for the internalisation of surveillance and cultural control that is closely linked to the panopticon or surveillance architecture (associated with prisons) of Jeremy Bentham during the 18th and 19th centuries. The purpose of this article is to argue that Adam Smith's concept of the impartial spectator provides an alternative perspective of internal surveillance that may enhance moral development and resistance to oppressive forms of control. For Smith, this is established through analogical imagination that is used for self-observation to enhance prudent behaviour. The impartial spectator and its resistance to totalitarian behaviour is specifically relevant in contemporary society because of the dominant role of digital technology and scandals that have exposed digital media as participating in digital forms of surveillance, digital personae, artificial intelligence and control. It will also be highlighted that digital surveillance is closely connected to the capitalism that has infiltrated all domains of society, from socio-personal relationships to the workplace.

Keywords: Adam Smith, algorithms, Michel Foucault, search engines, subjugation

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Introduction

Michel Foucault's analysis of the development of the disciplinary society in the 18th and 19th centuries accentuates an important link between power as a function of discipline and surveillance and capitalism. Foucault (1991, p. 221) notes that these aspects are a function of the 'accumulation of men' and the 'accumulation of capital' – a dual process that reflects the generalised and individualised functioning of power. This is represented by Jeremy Bentham's panopticon, or surveillance architecture, mostly used in prisons to observe prisoners. Panopticism is the internalisation of the watcher as a means of control, where the prisoner becomes his own guard (Foucault, 1991). It emphasises the cognitive processes involved in the power exerted on people through surveillance to bring about behaviour change.

Brunon-Ernst (2012, pp. 1–2) notes that this perspective of Foucault is part of the 'authoritarian school' that views Bentham's work as a source for state control; as opposed to the 'liberal school' that focuses on the 'rule of law' and the promotion of 'civil and political rights' in Bentham's work. Brunon-Ernst's (2012) argument builds on the research of the London-based Bentham Project of Janet Semple and Michael Quinn that provides a more nuanced perspective on the panopticon of Bentham by highlighting that it was a more humane improvement of the criminal justice system of the nineteenth century. Consequently, the initial one-sided perspective associated with Foucault's panopticism is a distortion of Bentham's philosophy. Conversely, in this article the analysis of Foucault's panopticism is followed from the perspective of Brunon-Ernst (2012) and Laval (2012)

who argue that Bentham and Foucault share similar theories of power because there is a deeper complexity in the panopticon that Foucault's panopticism misses, although panopticism and Foucault's theory of liberalism draws on Bentham's utilitarian liberal thinking (Brunon-Ernst, 2012).

In the work *Adam Smith and the Circles of Sympathy: Cosmopolitanism and Moral Theory*, Fonna Forman-Barzilai (2010) argues that the impartial spectator of Adam Smith shares many characteristics with the panopticism and the cultural criticism of Michel Foucault presented in *Discipline and Punish: The birth of the prison* (1991). Consequently, the same criticism of panopticism by Foucault as a form of subjection or sociocultural control can also be directed at Smith's impartial spectator because, in both cases, sociocultural norms, values and approbation are the basis for behaviour change (e.g. social determinism). Forman-Barzilai (2010) is critical of the potential of Smith's impartial spectator to resist subjection because it leads to the same control of behaviour as Foucault's panopticism. Although Forman-Barzilai's understanding of panopticism is also constrained by a reductionist assessment of Bentham's panopticon as noted by Brunon-Ernst (2012), her assessment of the impartial spectator is problematic. Forman-Barzilai's (2010) appraisal of Smith's impartial spectator does not take account of the complex nature of the critical cognitive processes that Smith accentuates. According to Smith, the impartial spectator goes beyond passive subjection. It rather involves denial of desires that may be harmful or offensive to the subject. The cognitive process involves real experiences, events and new knowledge of

the subject that may resist coercion. This is explored in the work of Weinstein (2016).

Weinstein (2016) highlights the difference between the impartial spectator and the panopticon, and the ability of the impartial spectator to resist social determinism. The impartial spectator, according to Weinstein (2016), is rather an educative

tool in society. Weinstein (2016, p. 355) explains that Smith

> believes in progress, opposing Foucault's sceptical attack on progressivism. History is the story of moral experimentation, for Smith. It is a complement to the scientific, economic, and political processes of trial and error that build the social institutions, which give individuals the liberty to act on their impartial spectators as they see fit.

It is this positive perspective of the impartial spectator that will be underlined in this article. It will be argued that Smith's impartial spectator can be used as a critical mechanism to expose new forms of panopticism through digital technology and its collusion with capitalism.

In this article, the focus is on the relationship between panopticism (or the more nuanced view of Bentham's panopticon) and Adam Smith's impartial spectator. Both are critical of capitalist abuses, but they differ in the critical capacity of cognitive processes for decision-making and behaviour. Foucault is less optimistic than Smith that the cognitive processes involved in internalised surveillance can resist coercion because internalised control is exerted on the subject through external disciplinary action. Instead, Smith argues that cognitive processes involved in the imaginative construction of possible scenarios for decision-making are based on the real-life experiences of the subject, who has the potential to resist subjection because the impartial spectator assesses scenario's and moves to judgment or denial of desire which informs decision-making and action (Smith, 1853).

The article will be structured as follows: The first section consists of a discussion of the panopticon in the work for Foucault; secondly, the focus shifts to the impartial spectator of Smith as a form of internal surveillance in *The Nature and Causes of the Wealth of Nations*[1] ([1776] 2007) and *The Theory of Moral Sentiments* ([1759] 1853); thirdly, the role of surveillance in digital technology and capitalism will be explored; and finally, a discussion of the impartial spectator as a critical mechanism of panopticism will conclude the article.

Panopticism

In this section, Foucault's panopticism is discussed as a means of subjection through internalised surveillance that is based on Jeremy Bentham's *Panopticon, or The Inspection House* (1791). It will be argued that Foucault's panopticism and subjection do not account for the nuanced view of surveillance architecture as a means for the protection of rights that Bentham envisioned. Panopticism, although it provides criticism of capitalism as is the case with Adam Smith's impartial spectator, it differs from the internal surveillance associated with the impartial spectator of Smith that resists subjection. This difference between Foucault and Smith will be discussed in the next section.

Panopticon refers to Bentham's surveillance architectural construction, which is specifically used in prisons as a means to optimise the observation of inmates by a single guard, without the inmates being aware that they are being watched. To be able to accomplish this, Bentham envisioned the construction of an annular building with a watchtower in the centre. The tower has wide windows that open onto the inner side of the ring (Foucault, 1991). The peripheral building is divided into cells with two windows: one on the inside facing the tower and the other on the outside to let light in. This creates the effect of backlighting, exposing the captive's shadows in the cell. Foucault (1991, p. 200) notes that the cells 'are like so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible'. Each inmate is isolated in a controlled and secluded space without the possibility of communication or lateral visibility. The prisoner is the object of observation and information – never the subject of communication or visibility. This control is the basis of the 'guarantee of order' (Foucault, 1991, p. 200). Simon (2005, p. 4) concurs that 'the Panopticon is not a vision machine so much as an ordering machine; a kind of socio-material assemblage for sorting and arranging social categories and individual persons so that they can be seen and understood'. The implication is that the process of sorting creates the possibility of a 'dominating vision' (ibid.).

Foucault (1991, p. 201) points out that the effect of the panopticon is 'to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power'. Accordingly, power should be guided by the principle of visibility and verifiability (Foucault, 1991). Visibility is made possible by the architecture, with the tower as focal point for the prisoner and the perception of being viewed by some unidentified guard who cannot be seen. This creates the unverifiable nature of power because the inmate never knows whether he or she is being observed. Power is therefore not centred in a person; rather, it is present in the internal mechanism of bodies, gazes, lights and surfaces that create the impression that one is being observed (Foucault, 1991). Power is individualised and internalised in a process known as *panopticism*. Butler (1997, p. 19) observes that this perspective of Foucault assumes that 'internalisation fabricates the distinction between interior and exterior life, offering us a distinction between the psychic and the social'. This dualism creates the impression that a clear distinction between the formation of the subject and social norms is possible. This separation supposes that passive subjection and subject formation from the exterior to the interior are possible without resistance. This disregards the complex movement between the interior and exterior which has implications for self-observation and self-regulation that is developed in Smith's impartial spectator.

Foucault (1991, pp. 202–203) notes that

> [h]e 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.

The idea of observation is in actual fact *self-observation* and *self-regulation* as a function of the mechanics of construction and theatre, where perceptions become self-regulating because of perceived surveillance. Butler (1997, p. 2) explains that self-regulation is part of the process of forming the subject

that is a 'condition for existence' and the 'trajectory of its desire'. Consequently, subjection 'paradoxically, initiates and sustains our agency' and a necessary condition for existence. Alternatively, Leroy (2012) underscores that Bentham's vision of the panopticon was to enhance transparency for both the prisoner and guard. This includes the self-regulation of the guards who might attempt to mistreat or harm prisoners. Therefore, the panopticon is also a mechanism to protect prisoners and enhance their rights and liberty.

A further epistemological function of the panopticon is associated with its role in experimentation. The privileged activity of observation is linked to assessment, judgement and adjustment of behaviour. Foucault (1991, p. 204) observes that '[t]he panopticon is a privileged place for experiments on men, and for analysing with complete certainty the transformations that may be obtained from them'. The transformative power is embedded in the structure itself, and its theatrics create new objects of knowledge that are generalisable and advances *moral development*. It is a 'political technology' that can deal with a 'multiplicity of individuals on whom a task or a particular behaviour must be imposed' (Foucault, 1991, p. 205). With each application, the exercise of power is perfected through 'power of mind over mind', which is economical (Foucault, 1991, p. 206). Its economics is efficient, using the minimum (personnel, material and time) and it is pervasive, continuous and automatic (Foucault, 1991). Foucault (1991, p. 207) concludes that Bentham's vision was that this mechanism should result in 'moral reform' that is applicable to all aspects of society, from teaching and health to production, with the central theme of the power of surveillance made possible by architecture. Leroy (2012) adds that the panopticon is a model that augments the civil rights of all members of society and is a method to prevent corruption, including among civil servants, e.g. a panoptic society.

Foucault (1991) emphasises that the economics of panopticism is not without danger and tyranny because there is no display of power or force, only observation. Observation, analysis, judgement and adjustment may be democratically controlled because they will be continually accessible 'to the great tribunal committee of the world' (Bentham, 1791, p. 46). This is done not for power or the

> salvation of a threatened society: its aim is to strengthen the social forces – to increase production, to develop the economy, spread education, raise the level of public morality; to increase and multiply (Foucault, 1991, p. 208).

In other words, the 'utility of power' must be increased through discipline. Discipline is a function of individual control, transformation and multiplicity on every imaginable level of society. Foucault (1991, p. 209) explains that throughout the seventeenth and eighteenth centuries the functional and general mechanisms of discipline 'spread throughout the whole social body, the formation of what might be called in general the disciplinary society'.

There are three aspects that are salient in this utilitarian perspective on discipline. The first is *functional inversion*, in which surveillance and adjustment are geared to a general technique for 'making useful individuals' (Foucault, 1991, p. 211). Discipline becomes attached to 'essential functions: factory production, the transmission of knowledge, the diffusion of aptitudes and skills, the war-machine' (ibid.). Secondly, the

swarming of disciplinary mechanisms involves that discipline becomes 'de-institutionalised' and circulated freely in a larger network of influence beyond a particular domain, for instance schools that also observe parents (ibid.). Thirdly, *state-control of mechanisms of discipline* focuses on policing. The police have been one of the most visible institutions used by governments concerned with every aspect and moment of life: 'The organization of the police apparatus in the eighteenth century sanctioned a generalization of the disciplines that became co-extensive with the state itself' (Foucault, 1991, p. 215).

According to Foucault (1991), the disciplinary society uses techniques of ordering human multiplicities that had to fulfil three criteria: (1) The exercise of power had to be at the lowest cost in terms of economics, with minimal expenses and political interference (for instance, exteriorisation, visibility and resistance); (2) Maximum intensity and continuity of power; and (3) Economic growth or utility of all the apparatuses of society. This differs from the mechanisms of power of the Middle Ages and the Enlightenment. Foucault (1991, p. 219) notes that mechanisms of power 'instead of proceeding by deduction are integrated into the productive efficiency of the apparatuses from within, into the growth of this efficiency and into the use of what it produces'. The principles changed from 'levying-violence' to 'mildness-production-profit' (Foucault, 1991, p. 219). The irony of the disciplinary society is that for the subject to exist, we subject ourselves to others and the pervasive systems of power. We function in alterity so that the subject can emerge against itself, which is the 'primary subordination' and 'violence' that constitutes existence (Butler, 1997, p. 28). This has major implications for the role of capitalist subjection.

Foucault (1991, pp. 220–221) comments that the economic expansion of the West can be related to the development of a disciplinary society as a function of the 'accumulation of men'. This accumulation 'made possible a political take-off in relation to the traditional, ritual, costly, violent forms of power, which soon fell into disuse and were superseded by a subtle, calculated technology of subjection' (Foucault, 1991, p. 221). Consequently, the accumulation of people and capital cannot be separated. It also highlights the interwoven knowledge from different spheres of society that are utilised, for instance, the use of military methods in mechanisms of production and the division of labour. The capitalist economy 'initiated the specific modality of disciplinary power' that 'operated in the most diverse political regimes, apparatuses or institutions' (Foucault, 1991, p. 221).

Butler (1997) argues that the economic and other forms of subjection that Foucault envisions do not take account of the ambivalent nature of subject formation. She delves deeper into the psychic form of power by arguing that the subordination of the subject has a psychic form that 'constitutes the subject's self-identity'. Nevertheless, this identity is not stable and is signified by 'turning' and uncertainty because the production of the subjected is marked by the absence of the subject – 'tropological inauguration of the subject' (Butler, 1997, p. 3). Subordination therefore is a process of becoming in which dependency on power is necessary for the formation of the subject and desire to survive (Butler, 1997). Dependency can hence become a site of abuse and manipulation in the process of becoming that may lead to the destruction of the individual. The subject must turn against its own desire for the subject to persist, and this happens when the subject is threatened. Consequently, the act of resisting subordination goes hand

in hand with the reconstitution of subject. This has important implications for the capitalist economy and disciplinary power because the form of power assumes that the success of capitalist economics is embedded in the structure of subjection It is at this point that Smith's impartial spectator may provide an alternative perspective that moves beyond the panopticism and subjection of Foucault.

To conclude, it is clear that panopticism is a dualistic form of power through internalised surveillance of external disciplinary power. It is a form of internal surveillance that is adopted through external structures and processes, and that induces in the individual a sense of conformity to societal norms as a function of internal surveillance. Conversely, the ambivalent nature of subject formation resists harmful conformity, which is exemplified by Smith's impartial spectator.

Adam Smith and the impartial spectator

In the work of Smith, the subject plays a crucial role when it comes to moral development, decision-making and economics. For Smith, the subject is not only part of an atomistic ontology, the position of the subject in reality is far more complex and part of a process of formation that also involves social dynamics and subjection. However, for Smith, subjection is not deterministic. Rather, it is subtler and part of a fluid movement that involves the work of the impartial spectator that keeps self-interest and sympathy in balance for harmonious social relations and individual happiness. Smith (1853, III.ii.1.3) observes that the

> man who does not recompense his benefactor, when he has it in his power, and when his benefactor needs his assistance, is, no doubt, guilty of the blackest ingratitude. The heart of every impartial spectator rejects all fellow-feeling with the selfishness of his motives, and he is the proper object of the highest disapprobation.

This statement clearly emphasises that a tension exists between individualistic self-regard and harmonious social engagement that is part of the formation of the subject.

According to Smith, moral development is influenced by two human instincts, namely self-interest and sympathy (Smith, 1853, III.3.34; III.5.5). Self-interest is the instinct of self-preservation and survival. This instinct accentuates the importance of creative thinking, ingenuity and action that can be clearly seen in economic activities (Smith, 2007, I.ii.3). These activities have the purpose of acquiring surplus money to purchase goods and services that are needed for survival and/or luxury activities or products. Self-interest or self-love is concerned with the benefit that the other person can achieve and is the primary instinct that motivates economic activity because we 'address ourselves, not to their humanity but to their self-love, and never talk to them of our own necessities but of their advantages' (Smith, 1853, VII.i.4). Poovey (1998) argues that this aspect of Smith's work is based on the notion of unintended consequences that is reflected in the invisible hand as a foil for the rationality of the state, e.g. state intervention.

Alternatively, for Smith (1853, III.3.34), self-interest has a natural counterbalance in sympathy, the instinct that focuses on social engagement and consideration for others. Smith (1853, VII.iii.1.4) notes that even though a person may be selfish, there are evidently some principles in his nature which interest him in the happiness of others and render their well-being necessary for self-preservation, though a person may derive nothing directly from it. Sympathy refers to the human ability to link with other people based on analogy and imagination. The link is based on the reaction of an individual to events and circumstances; for instance, when someone is hurt, a response of sympathy is acceptable because the viewer can associate with the pain experienced due to a similar experience. Smith (1853, I.i.4.8) explains that people

> are constantly considering what they themselves would feel, if they actually were sufferers, so he is as constantly led to imagine in what manner he would be affected if he was only one of the spectators of his own situation.

Furthermore, sympathy is also a response individuals require from others and therefore behaviour and responses to experiences are adjusted to obtain sympathy from others (Rathbone, 2018). The mechanism that is involved in assessing the behaviour and/or response that will be deemed acceptable by others and evoke their sympathy is the impartial spectator.

Smith (1853, I.i.1.2) notes that the impartial spectator is a function of our imagination:

> By the imagination, we place ourselves in his situation, we conceive ourselves enduring all the same torments, we enter as it were into his body, and become in some measure the same person with him, and thence form some idea of his sensations, and even feel something which, though weaker in degree, is not altogether unlike them.

Weinstein (2016) comments that the impartial spectator is used for self-observation and reflection in which an individual constructs events and possible outcomes to a situation that require a response based on a process of assessment, judgment and action that will result in the approbation of others. Therefore, the impartial spectator is not only used for self-observation, it is also directly linked to assessment, judgement and adjustment of behaviour to comply with the expectations of others in an 'impartial light' (Smith, 1853, I.i.4.8). The impartial spectator assists a person to construct a perceived perfect scenario in the Platonic sense that will be tested when judgement of alternative options turns from moral conscience into action (Weinstein, 2016).

Smith (1853, III.3.4) states that the impartial spectator assists the subject to counterbalance excess and greed often associated with self-interest: 'It is from him only that we learn the real littleness of ourselves, and of whatever relates to ourselves, and the natural misrepresentations of self-love can be corrected only by the eye of this impartial spectator'. Consequently, the impartial spectator does have ontological value in terms of the possible behaviour change of the subject. Weinstein (2016, pp. 353–354) notes that

> [t]he impartial spectator plays two roles in Smith's theory, one as an aspirational ideal and one as the anthropomorphized individual conscience. The former is what we strive for but cannot achieve; the latter is the actual moral psychological process that allows us to make moral judgments.

However, the impartial spectator is not about perfection, because it is subjective, imperfect and complex (ibid.). For Smith, the formation of the subject requires subjection to social norms and values, and at the same time the subject resists norms that may cause possible harm by denial or resistance to the desire to become, e.g. disapprobation of the allure of wealth through unjust means. According to Smith, people have a natural affinity to wealth and the comfort it is associated with. It is part of subjection and the desire of the becoming subject. Nevertheless, this desire is denied when wealth is gained through the exploitation of the subject and/or others. The denial is therefore part of the formation and the annihilation of the subject – ambiguity of the subject (Butler, 1997). Smith (1853, VII. iv.36) underscores that 'the violation of justice is injury: it does real and positive hurt to some particular persons, from motives which are naturally disapproved of'.

The self-regulation of the individual and moral development cannot be separated from Smith's place in the Scottish Enlightenment and the value of empiricism as a source of knowledge. Schliesser (2017) argues that Smith's work is a systematic philosophy that contains a coherent argument based on social well-being. The problem of a systematic view of Smith's corpus is that it undermines his empirical epistemology that is context-specific. Smith rather attempts to move beyond moral and epistemological systems. Smith's impartial spectator that focuses on context-specific self-observation and self-regulation is an important shift away from the dogmatism and moralism of the Middle Ages and/or any other system. It is a function of the individual subject (embedded in particular social circumstances) as the locus of control for morality and ethics. This is an aspect that Smith was passionate about and which can be seen in his denouncement of any form of control over the lives of people. This is especially clear in his criticism of state intervention in the economy that goes beyond the legal parameters set to ensure free and fair commercial activities and the protection of civil, political and social rights (e.g. protection of property rights). Excessive state intervention (e.g. disproportionate taxes) in the economy prohibits the natural flow of the economy as a function of supply and demand to reach an equilibrium with the assistance of the invisible hand, as in market dynamics. A crude form of control is corruption, which Smith also related to the state that impeded free market economics and liberty (Rathbone, 2019). Smith (2007, I.xi.3.6) argues that there is no place for subjection informed by greed of a person or group (e.g. monopoly) over another in responsible economics. Exaggerated self-interest at the expense of another is uneconomical and unethical because it limits free market economics and personal liberty (Rathbone, 2015; 2018).

Although Smith resisted all forms of external controls and abuses, he accepted that as a consequence of nature, humans have internal controls in most cases. Therefore, Smith (1853, III.2.33) accentuates that the 'wise and virtuous man [sic] is at all times willing that his own private interest should be sacrificed to the public interest or his own particular order of society'. These controls exemplify the virtues of temperance, prudence and propriety that are functions of self-surveillance (Rathbone, 2019). The gaze of the observing subject is turned inward as a form of continued self-surveillance to judge whether behaviour is virtuous or not in the context of societal expectations. The implication of this is that the power of the individual is based on the ability to continually observe inwardly, assess, judge and adjust behaviour. However, this is much more than a mechanical process and is interwoven with the experiences and observations of the subject. Self-surveillance is a mind-set – a way of thinking about behaviour, morality and life in general. The more power of control, the more approbation, the more sympathy and the more scope the subject has to conduct herself successfully in society. Self-surveillance is not only the basis for peaceful social relationships, but it is also the basis of the political society and economics. Smith (1853, II.ii.1.3) states that the 'heart of every impartial spectator rejects all fellow-feeling with the selfishness of his motives, and he is the proper object of the highest disapprobation'.

The movement to the interior can be judged as the victory of the Enlightenment, but it can equally be the end of individuality. It may seem that the end of individuality is exchanged for acceptability, the mundane, conformity and rigid determinism (Rathbone, 2018). It is at this point that Smith's theory of moral development disturbs any form of totalitarianism by accentuating that the implied spectator does not succumb to subjection without resisting values and norms that are harmful to the subject (Rathbone, 2015; 2018). The ontological aspect of the impartial spectator is not limited to assessment and judgment; it also contains a decisive outward movement, adjustment and resistance. Social cohesion and peace can never be at the expense of human freedom and dignity. This loss signifies the end of society and the end of the limitless potential and vibrancy of human life.

Weinstein (2016, p. 352) notes that the nature of the impartial spectator can be limiting because the role of imagination may compromise neutrality:

> Because it is imagined by an imperfect person, it is only as objective as its imaginer. It has access to the same information and calls upon identical experiences – it is a standpoint, not a discrete perspective.

This reference by Weinstein may be problematic because the impartial spectator is not about neutrality as much as the instinct of the subject to distance herself from herself and assess how others perceive a subject. In other words, the question is about perspective and not neutrality. Smith, as an empiricist, does not attempt to provide a neutral point of departure, but rather an understanding of the cognitive processes involved in moral decision-making. This process is subjective and influenced by the understanding framework of the subject and perceptions related to society. It is important to note that this is assessed in a larger socio-ethical framework that serves as a corrective that will have future impacts on the construction of the impartial spectator.

The similarity between the impartial spectator and panopticism resides in the fact that both are internal mental constructions and have an impact on behaviour. They are similar because they involve a process of internal surveillance, but the cognitive processes differ in the imaginative construction, assessment and judgment present in Smith's impartial spectator that may also reject harmful social norms. This is an aspect of the impartial spectator that is acknowledged by Forman-Barzilai (2010) that differs from the social determinism denoted by Foucault's panopticism. Panopticism follows a more rigid form of coercion and control without the possibility of evaluation and resistance. The differences are more pronounced than the similarities because the impartial spectator has a positive

function in moral development and the freedom to choose the best behaviour. Panopticism is a means to control people to fulfil the ideological agenda of modernism, progress and capitalism. The impartial spectator is directly linked to the instincts of self-interest and sympathy. Both these instincts also function together to improve social relations (as is the case with sympathy) and limit undue collusion or control of the individual (brought about by self-interest). This is possible because it does not succumb to a dualism between the interior and exterior or subject and society. The impartial spectator acknowledges the ambivalence between social power and subject formation by highlighting the movement between subjection and denial of desire. The desire for approbation and fellow feeling is in constant process negotiation and negation in the becoming subject. For Smith, this is represented by the tension between self-interest and sympathy at work in the functioning of the implied spectator.

In the next section, the insights of panopticism in relation to digital technology will be explored. This exploration will highlight the role of digital technology as a contemporary form of panopticism, as seen through the lens of Foucault's criticism of 18th and 19th century surveillance culture. The negative effect of this form of panopticism on the impartial spectator and moral development will also be highlighted. This is done with recognition of the fact that contemporary surveillance studies go beyond Foucault's initial analysis of panopticism and incorporates his latter perspective on governmentality by developing a more nuanced perspective of the panopticon of Bentham from the perspective of civil and political rights (Brunon-Ernst, 2012).

Digital technology and panopticism

Digital media

Breaches of privacy and surveillance have escalated in contemporary society with the technological advances of digital media. Recently, breaches of privacy on the social media platform Facebook by Cambridge Analytica have raised the question of whether panopticism has transformed from the bricks and mortar constructions of the Enlightenment and has internalised surveillance to more sophisticated forms that have entered the personal space of people. The Facebook/Cambridge Analytica scandal highlighted that not only utility, but also social space has been penetrated by surveillance (Wong, 2019). What happened with Cambridge Analytica was not a data-breach and 'not a matter of Facebook's systems being infiltrated, but of Facebook's systems working as designed: data was amassed, data was extracted, and data was exploited' (Wong, 2019). This breach highlighted that nothing and no-one has total privacy on the worldwide web. Search engines record data and social media accounts can be observed, and this has infiltrated every aspect of society and also social and personal space through systems that accumulated knowledge, assess the data and judge what is useful to adjust human behaviour and enhance social control and capitalism.

Social media continues (although in a much more complex and advanced manner) the surveillance culture of Foucault's panopticism identified in the 1970s, long before the rise of digital technology and the widespread use of the internet. Social media and other internet-based technology follow similar dynamics of panopticism, namely asymmetric surveillance and power.

Social media usage retains the asymmetry, although the user might think that all data are private: (1) Information or data regarding the use of digital media is monitored at any given time by the hosts of websites and other internet users (although no permission was given by the person being monitored); (2) The information can be accessed by multiple users, while the uploader can only access one webpage at a time; and (3) The social media site and government agencies can collect and screen data to track illegal activities, but corporations can also manipulate usage with preselected search results for revenue purposes (Stein, 2016). This latter aspect has a clear economic dimension that highlights that surveillance, analysis and behaviour change are similar to the panopticism that Foucault accentuates. The induced behaviour manipulation has a direct economic benefit for corporations and social media companies. The control exerted by the surveillance machine directly affects the cognition and behaviour of the individual, which can have devastating sociopolitical implications. This can ultimately undermine democracy and our humanity. These aspects are disconcerting and require legal intervention to regulate the social media industry and the internet generally.

The most disconcerting aspect of digital panopticism is the interference in cognitive processes by selecting data that are available to the user for assessment and that may interfere with the functioning of Smith's impartial spectator and moral development. As mentioned, moral development takes place internally as a socio-ethical structure of behaviour adjustment, based on the approbation of others and self-assessment by using the impartial spectator. It is at this point where panopticism becomes problematic. Self-assessment and adjustment of behaviour lose independence when social media companies control how users are to assess and adjust behaviour. This is not a personal and independent process, but rather one that is controlled through complex algorithms and AI (artificial intelligence). What we see on the PC screen and what we ultimately select are not based on the user's own assessment and selection process. The problem is that ultimately the user's moral capacity may be jeopardised.

Simon (2005) concurs with Foucault that the panopticon is an ordering process. Conversely, it is clear from contemporary research of the work of Bentham that Foucault's analysis did not include the possible legal rights perspective accentuated by Brunon-Ernst (2012). In other words, the ordering process was not only subjection, it was also inclusive of all stakeholders involved in the panopticon – including the prison guards. Simon's perspective is important because digital communication technologies have resulted in complex forms of optic engagement in which case data analysis plays a crucial role. The focus shifts to the 'techniques of observation' that are aimed at creating digital profiles, which can then be manipulated through deductive operations to adjust the behaviour of the observed (Simon, 2005, p. 4). The finer nuances of Brunon-Ernst's (2012) research are that the encompassing surveillance and ordering of the panopticon also includes observation of the authorised viewer (prison guard).

Simon (2005) continues by warning that the panopticism of data generation functions as an artificial digital persona that continues to metamorphose into a complex identity that has the potential to influence and transform the non-digital persona. This aspect moves beyond what Bentham and Foucault envisioned in terms of the panopticon. The term 'digital personae' was

developed by Roger Clarke (1994) and is similar to Simon's reference to 'digital selves' (Simon, 2005, p. 16), in which the person is reduced to information sets with complex interrelations and expanding networks that are continually updated to create the visibility and existence of the individual. This temporal aspect is what makes the digital personae dynamic and real. When this process of updating ceases, the person for all practical purposes also ceases to be alive and the synthetic nature of this persona is disclosed. For this process to be authentic, the distance between the digital and non-digital persona must be erased, and with this erasure the independence of the non-digital persona ends, or rather is suspended. This suspension is the moment that the human being ceases to exist and the algorithm takes control of our self-assessment and adjustment – existence and humanity are cancelled. Fukuyama's (2002) concept of our post-human existence based on the impact of biotechnology has been taken over by digital technology and social media.

Simon (2005) notes that the simplest way that the digital personae can be constructed is through data that can be used as census data to determine government policies such as funding, the continuation and/or ending of public services, and so forth. Another is the research by corporations for things like marketing to determine consumer opinion, and so forth. The analysis and processing of data for responsible decision-making is one of the benefits of large samples of data. Conversely, data can be manipulated, and by adding different types of datasets from the insurance industry, credit data, social media usage and search engines, among others, a complex profile of an individual can be constructed. Simon (2005) emphasises that with technological advancement, the distance between the observer and the observed has increased to the point that the physical presence of the observed is no longer required. The major change is that the digital panopticism is no longer a matter of observation, but one of data analysis. Poster (1996) notes that complex systems can be described as a 'superpanopticism' that functions in terms of digital computation (Simon, 2005). Hence, computers are the machines that produce 'retrievable identities' (Lyon, 2001, p. 115)

The binary relation between the digital and real person may thus implode with the increase in dominance of digital technology and this may have the devastating effect that our non-digital persona is controlled by the digital persona as a function of the profit-machine digital media, corporations and/or governments. The reason for this is that digital personae have limited agency, and they are easily accessible, observable, manageable and predictable (Simon, 2005). The data persona can be beneficial to the user in the case of accessibility to medical information, although in a regulated manner with respect to all privacy protocols. The problem is that this type of information can just as easily be used for criminal activity, for example, the illegal organ trade. Another aspect of the digital personae is that databased selves are capable of long-term memory and risk-assessment and can anticipate the future (Simon, 2005). Consequently, Latour (1990) refers to digital personae as 'immutable mobiles', while Simon (2005, p. 16) explains that digital identities are '[s]impler to arrange and control than actual bodies', because they are 'stable, transferable, transportable and combinable entities'. The persona can therefore be manipulated in surveillance capitalism, which is an extremely important aspect of panopticism. This will be discussed in the next section.

Digital technology, surveillance and capitalism

In *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*, Shoshana Zuboff (2019) argues that the emergence of digital data collection companies like Google and Facebook heralds the end of personal privacy and freedom for profit. Zuboff (2019) refers to this new phenomenon as 'surveillance capitalism'. This is a new form of capitalism that uses advances in digital technology to survey personal and relationship spaces under the guise of 'deep support', to be turned into cash (Zuboff, 2019, p. 317). Whitcomb (2019, p. 2) notes that an example of this is Google's discovery of 'behaviour surplus' that led to a move from the collection of behavioural data. This refers to the online search information and other online activities of users. The data are officially collected to support the user by providing relevant interactive information, but can at the same time be used to control the type of information accessible to a user to sustain this process of untethering in which surveillance penetrates all personal and social spaces and becomes omnipotent (Whitcomb, 2019).

The methodological force of surveillance capitalism is associated with instrumentarianism. This aims to

> organize, herd, and tune society to achieve a similar *social confluence*, in which group pressure and computational certainty replace politics and democracy, extinguishing the felt reality and social function of an individualized existence (Zuboff, 2019, p. 21; emphasis in original).

Sam di Bella (2019, p. 2) indicates that instrumentarianism differs from

> industrial capitalism, which profits from exploiting natural resources and labour, surveillance capitalism profits from the capture, rendering and analysis of behavioural data through 'instrumentarian' methods that are designed to cultivate 'radical indifference...a form of observation without witness'.

The problem with instrumentarianism is that it attempts to survey with the purpose to predict and control the behaviour of users for profit. In addition, it can also be used for political and other means that ultimately dehumanise the user and may erode the fabric of democracy, because it can be used in all spheres of life (as was the case with 18th and 19th century panopticism), from social engagements to employment.

Employment and the workplace are one of the most exploited domains of ordinary life that has been usurped by surveillance technology. This phenomenon is not new and can be traced back to the industrial revolution, where surveillance technology was used in the pursuit of efficiency and productivity (Moore et al., 2018). Today, this pursuit is enhanced by the 'availability and inclusion of a range of unprecedented technologies that can be used to measure, track, analyse and perform work in ways hardly imagined' in the 19th century (Moore et al., 2018, p. 2). The impact of surveillance technology has a direct impact on workers. Moore et al. (2018, p. 2) note that recent research highlights that computers that are used to assist workers to perform their tasks are also 'merciless monitoring tools' that result in work rates that are 'close to [the] maximum that workers can manage'. This leads to stress and high turnover of workers. Workers are also being replaced in decision-making by algorithmic measures and people analytics (Moore et al., 2018). These developments are

reaching the point where the knowledge an individual has of herself is far less than what is capable by machines, because of digital access to 'individual and cross-referenced data and information' which is nearly impossible for an individual to access. Moore et al. (2018, p. 3) contend that our identities are captured by corporations and the state in digital format, which may lead to 'enhanced feelings of powerlessness and lack of control and an intensified sense of alienation'.

The question is in what way this powerlessness and alienation can be addressed. In the final section, the role of the impartial spectator will be illuminated as a means of resistance to panopticism.

Impartial spectator and resistance

Moore et al. (2018) argue that the foundation of contemporary panopticism can be found in neoliberalism and its perpetuation of new technologies that assist with the construction of increasingly complex networks of observation, such as employee surveillance through access to social media, digital databases, workplace monitoring, and so forth. According to Moore et al. (2018, p. 4), '[n]eoliberalisation of the workforce involves technologies of control in employment relationships'. As highlighted above, surveillance is one of the most salient of these developments, from the profiling capabilities of the online labour market to the digital 'surveillance, measurement and management' of employees (Moore et al., 2018, p. 4). The importance of technology in neoliberalism can be traced to Smith's economics in which technological innovation was a form of progress (ibid.). In other words, 'technological innovation would be a product of necessity, created through the good ideas and technical knowledge' of the person involved in production (Moore et al., 2018, p. 6). This perspective of classic economics has a more functional perspective on technology as a function of industrial progress. Neoliberalism resulted in a shift in which technology was 'the primary input to changes in the industrial process' (Moore et al., 2018, p. 6). It is at this point where an important distinction can be made between Smith's economics, contemporary capitalism and neoliberalism because for Smith economics is person-centred, society-centred and influenced by the critical analogical imagination of the impartial spectator (Rathbone, 2018). The impartial spectator connects the individual to others and influences the decision-making process of the subject without coercion (Rathbone & Van Rooyen, 2021). Rather, it resists subjection through assessment, judgement and adjustment of behaviour.

In contemporary digitised society, the subject has become the commodity, and technology the decision-maker. For example, surveillance capitalism can use algorithms to produce search results that may entice users to purchase products of a particular corporation, thus taking over the independence and freedom of choice of the subject. Nevertheless, it is possible not to become paralysed by this apocalyptic prophecy of doom in which human beings lose their agency because, as Smith suggests, we do have the capacity to resist coercion through the impartial spectator. If the results of a search engine or social media platform are judged harmful, this could have a detrimental effect on the future of this digital product. It is important to note that digital media are dependent on the participation of real people who subscribed to digital products such as social media networks and so forth. Hence the behaviour or choices of people are also being influenced by the critical analysis of the impartial

spectator and adjusted in a way that increases the approbation that can result in disapprobation and resistance to a product.

Although Foucault warned against the collusion between capitalism and the pervasive power of surveillance (Foucault, 1991), the critical cognitive faculty of people was not developed in his understanding of panopticism (as was the case with Smith's impartial spectator). The impartial spectator of Smith can be a useful means of resistance because it does not simply conform to social conventions, digital representation or search result without a complex process of imaginative construction, assessment and adjustment of behaviour in the world – particularity of time and space. A person may follow the search results of algorithms up to the point where the impartial spectator's assessment and judgement of information requires adjustment and resistance. Although we experience the perceived convenience of AI because it makes our lives easier and the search for information faster, the results are continually evaluated by the impartial spectator. Smith (1853, I.ii.3.8) highlights that there

> is no passion, of which the human mind is capable, concerning whose justness we ought to be so doubtful, concerning whose indulgence we ought so carefully to consult our natural sense of propriety, or so diligently to consider what will be the sentiments of the cool and impartial spectator.

Therefore, the profit-driven strategies of surveillance capitalism can be exposed and resisted by the impartial spectator. Later, in *The Wealth of Nations* (2007, I.xi.3.6), Smith warns against profiteering at the expense of responsible economics. In his discussion of the value of agriculture and rent, he notes that manufacturers and merchants who live by profit may even engage in activities that aim to deceive people to increase profit, unlike agriculture that focuses on rent.

The problem of surveillance capitalism is that it is geared to monopolise the market by giving users of the internet selective access to information and products. This type of exclusivity for profit was also present in Smith's time. The monopolising strategies of the English East Indian Company was criticised by Smith (2007, IV.vii.3.91):

> Since the establishment of the English East India Company, for example, the other inhabitants of England, over and above being excluded from the trade, must have paid in the price of the East India goods which they have consumed, not only for all the extraordinary profits which the company may have made upon those goods in consequence of their monopoly, but for all the extraordinary waste which the fraud and abuse, inseparable from the management of the affairs of so great a company, must necessarily have occasioned. The absurdity of this second kind of monopoly, therefore, is much more manifest than that of the first.

The English East Indian Company was a government-protected monopoly that differed from the oligopolistic market domination of contemporary digital technology companies. However, the principle that Smith highlights is that the formation of any monopoly is detrimental to the economy and is a moral dilemma. Mercantilism functioned under government protection, and advanced technology advances the priorities of surveillance capitalism that exploits consumers and users of the technology.

Smith (1853, II.i.2.5) notes that the exploitation of consumers by corporations results in the assessment of the impartial spectator in the world (e.g. contextual) that leads to disapprobation because we do not exist in cyber space, but in the world of experiences, observation, space and time.

> The plaintive voice of misery, when heard at a distance, will not allow us to be indifferent about the person from whom it comes. As soon as it strikes our ear, it interests us in his fortune, and, if continued, forces us almost involuntarily to fly to his assistance (Smith, 1853, I.ii.3.5).

The impartial spectator stirred by our senses requires a response because we can associate with the pain of others. We are also moved to judge the source of the pain caused to others. 'In the same manner, as we sympathise with the sorrow of our fellow-creature whenever we see his distress, so we likewise enter into his abhorrence and aversion for whatever has given occasion to it' (Smith, 1853, II.i.2.5). This sympathy with suffering is even more acute when it comes to injustice and moves the observer to act in solidarity with the sufferer:

> When we see one man oppressed or injured by another, the sympathy which we feel with the distress of the sufferer seems to serve only to animate our fellow-feeling with his resentment against the offender. We are rejoiced to see him attack his adversary in his turn, and are eager and ready to assist him whenever he exerts himself for defence, or even for vengeance within a certain degree (Smith, 1853, II.i.2.5).

An example of how the impartial spectator can resist the collusive marketing strategies of AI and algorithms when using the internet can be seen in something as simple as buying a pair of running shoes. You do research about your favourite shoe brand on a Google browser and obtain reviews of the latest model of your brand's stability running shoe (e.g. anti-pronation shoes). Once you are satisfied that this is the shoe you want to purchase, you open a retail application and search for the shoe. Miraculously, your shoe appears as the first option. You are amazed by the efficiency of technology and how easy it was to find your shoe. The impartial spectator accesses your imagination and the construction is assessed and judgment is made with approbation because you can see yourself running and experiencing the joy of movement. Conversely, you notice that the prices are sky-high and exceed your budget. So, you decide to wait a month or so before you make the purchase. At this point, the technology become ominous. A day later, you are scrolling through a social media website and all of a sudden advertisements for running shoes appear. Your favourite brand is there and other similar shoes from other brands. That evening, you search for a recipe on Google and more advertisements for running shoes appear and you notice that more and more of the other brands of stability shoes appear at bargain prices. This feedback that we receive from AI technology is a manifestation of what Zubroff (2019) refers to as the instrumentarianism associated with surveillance capitalism which influences through computation rather than politics. The danger may be that we become engulfed by 'digital selves', as suggested by Simon (2005), that lose contact with reality, e.g. the subject becomes a person who likes running and requires stability shoes because of over-pronation.

Alternatively, Smith's argument is that the impartial spectator resists such coercion and the digital personae. The impartial spectator is activated by sense data and assesses the information through analogical imagination that constructs alternatives and possible outcomes. This process of assessment raises red flags the moment inconsistencies are detected. The imagination is activated and one of the alternatives is an image of you running with a different brand of shoe and, from experience, you assess that you have used other brands, but that they were not effective. The data and the persona created do not accord with reality. You see your tendinitis returning and you are injured for months. Judgement is made to resist the enticing advertisements and ignore them. You wait for a month and purchase your favourite pair that are now at a discount. In other words, the ontology of the impartial spectator is linked to all experiences in the world and not only the digital representations (Rathbone, 2018). Therefore, resistance to types of coercive digital technology ensues because it may cause harm to the subject. The engagement between identities, data, places and the environment informs the imagination and construction that challenges or embraces what is presented.

Conclusion

In this article, the panopticism of Foucault as a form of sociocultural subjection through internal surveillance was explored. This subjection is closely associated with the impartial spectator of Adam Smith, and with the difference that observation (in the case of Smith) benefited moral development, prudent behaviour and resistance to subjection. It was also highlighted that the impartial spectator is influential as a means to resist social control and totalitarianism because the impartial spectator challenges any form of collusion that undermines and may harm the individual.

These characteristics of the impartial spectator are critically important to resist contemporary forms of surveillance and control through digital technology and surveillance capitalism. Although the physical structure of the prison is exchanged for digital surveillance, the same subjection takes place. This is crucial to challenge the coercive aspects of AI and the influence of digital personae in the control of the subjects in the world. The world refers to the contextual nature of interpretation that is located in time and space. In other words, the resistance of the impartial spectator relates to the fact that digital technology is ontological, and not an idealistic abstraction. Consequently, the assessment of circumstances of the impartial spectator does not succumb to coercion because the instincts of a person in the world resist any form of collusion or oppression that limits self-interest and liberty.

Notes

1 References to *The Theory of Moral Sentiments* (Smith, 1853) consist of uppercase Roman numerals for the part of the book, followed by lower case Roman numerals for the section. Chapters are specified with regular numbers followed by the paragraph number. *The Nature and Causes of the Wealth of Nations* (2007) is referenced by uppercase Roman numerals for the books and lower case Roman numerals for the chapters. The part and paragraph are in regular numbers.

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