

### 3 Introduction

"Scientia potentia est" – knowledge is power. Many people seem to read this phrase, attributed to Francis Bacon, as a mission statement. If knowledge is power, then it is easy to understand why people demand more transparency and why at the same time surveillance increases. Transparency and surveillance are means to acquire knowledge and information. For centuries, governments have been surveilling their people to ensure that they behave according to their wishes. Similarly, the people are demanding more transparency with regard to the activities of their governments in order to hold their governments accountable for their actions. According to Vogelgesang & Lester (2009), receiving information through surveillance or transparency measures can have an empowering effect, because receivers or recipients of information are then better able to understand the position of the information provider, as well as their motives. They can begin to anticipate the behaviour of the information provider and are consequently in the position to make an optimal decision on whether they should support or object to the behaviour of the information provider, whereas they would not have been able to do so had they no information at all. Trust is also fostered between the two parties, every time the anticipated behaviour is realised. This may even lead to the information receiver also being willing to share certain information (Welch, Hinnant & Jae Moon, 2004).

However, it needs to be understood that the argument that transparency only empowers people and automatically leads to societal betterment is amounting to mere oversimplification. Potential shifts in power relations depend on the sort of power, as well as on its direction and magnitude. Therefore, power in this joint volume needs to be understood as a very flexible term with many contingent forms. Each form of power and of

power relations needs to be seen in the individual and divergent context of each contribution.

Who can be empowered or disempowered by transparency depends on the direction of the gaze, and on who is observing. Heald (2006) categorises these different directions into a comprehensible model. On the vertical dimension there are transparency upwards and transparency downwards. The former can be observed when "the hierarchical superior/principal can observe the conduct, behavior and or 'results' of the hierarchical subordinate/agent" (p. 27). This is for example the case when a government surveils its citizens by gathering information about them. In contrast, transparency downwards can be identified when "the 'ruled' can observe the conduct, behaviour and/or 'results' of their 'rulers'" (ibid.). In this case, it would be the citizens who are able to see and understand what the government does. On the horizontal dimension, there are two additional forms of transparency. The first is transparency outwards which occurs when "the hierarchical subordinate or agent can observe what is happening outside the organisation" (p. 28), and is applicable, for instance, to competing companies. The second is transparency inwards, according to which "those outside can observe what is going on inside the organisation" (ibid.). This can be relevant, for example, for citizens who want to donate money to an aid organisation. Adding to these unidirectional forms of transparency, Mayes (2010) brings forward the concept of omnidirectional transparency. In this situation, everyone is able to observe everyone. This form of transparency is becoming ever-more present, especially with the rapid ascent of social media.

Surveillance, or transparency upwards, can be understood as a form of observation which involves some sort of technique or technology containing three elements: observation, documentation, and the spreading of the collected information (Bendrath, 2014, pp. 20–21). With technological

advances and innovations, this process has become largely automated, contributing to the increasingly impersonal and anonymous character of surveillance (Bessire, 2005, p. 427). Historically speaking, techniques of power and knowledge were often used by administrators to manage their institutional populations through means of visibility. They organised these populations so that they could be seen, known, surveilled, and thus controlled. According to Foucault (1995), this visibility is of two kinds: synoptic and individualising. Synoptic visibility is premised on architectural and organisational innovations, which provide an intelligible overview of the population and of the relations among its elements. This is exemplified in the design of 18th century prisons, inspired by Bentham's Panopticon; in the separation of hospital patients according to their diseases; and in the arrangement of students in a classroom space articulated according to rank and ability (Hansen, Christensen & Flyverbom, 2015). Individualising visibility, in contrast, is aimed at exhaustive, detailed observation of individuals, their habits and histories. Foucault claims that this visibility succeeds in constituting the individual for the first time as a case, simultaneously a new object of inquiry and a new target of power.

Both kinds of gaze, synoptic and individualising, are micro-practices linking new processes of knowledge production with new kinds of power. They combine scientific observation of population and individuals – and hence a new "science of man" – with surveillance. This link depends upon the asymmetrical character of the gaze; it is unidirectional: the scientist or warden sees the inmate but not vice versa. This is most striking in the case of the Panopticon in which the unidirectionality of visibility denied the inmate's knowledge of when and whether they were actually being watched. This asymmetry of information seems to reinforce the power that the prison has over its inmates and has the potential to make the inmates internalise

the gaze, and in effect make them surveil themselves. In other words, vision has become "supervision" (Flynn, 1993).

To explore the means through which surveillance is exercised, we return to Foucault's theory of power, the "panoptic principle", which focuses on how the few are able to see and regulate the many. Through the inculcation of self-regulative practices, contemporary society is characterised by a "synoptic principle", whose foundation is the spread and accessibility of electronic media that enable the many to watch the few, primarily those in power (Thompson, 2005). Foucault's theory of disciplinary power, of course, was not only referring to observation per se, but to the potential for observation and its implied (self-)disciplinary effects. Such effects relied on reshaping individual subjectivities through the promise and reality of omniscient observation, with individual and social implications. According to James C. Scott (1998), the issue of visibility is taken to a different level of complexity. More specifically, Scott offers an account of how social programmes emanating from central state powers of various sorts throughout modern history, have been based on "schematic visions", such as numerical systems and standards, which reduce complex social relationships to abstract ones, simply to make these relationships governable at a distance (Porter, 1995; Rose, 1999). In similar vein, Michael Power's (1997) *The Audit Society: Rituals of Verification* addresses the rapidly expanding use of auditing techniques such as financial audits, medical audits, value for money audits, environmental audits and quality audits to assess, control and evaluate contemporary organisations. While many of these audits are based on visual documentation, they are etymologically grounded in various forms of observation that aim at restoring confidence in public sector organisations, i.e. by making them more transparent and accountable. At the same time, such techniques presuppose a mentality of mistrust in organisations and professions.

Accordingly, applied techniques themselves may nurture and even intensify amounts of data. This data can be mobilised by economic and political actors for a variety of purposes while the process of generating the knowledge is largely opaque, if not hidden or secret.

While surveillance seems to empower the ones that are already in power by providing them with information about the governed, transparency downwards has the potential to empower the governed. By enhancing information sharing by the government or other institutions (e.g. hospitals), people can make better-informed choices. Transparency can thus be said to be one of the most vital elements of a functioning representative democracy. Transparency transmits information and this information is crucial to empower a democracy's citizens.

In terms of power, transparency points to a set of processes and instruments, as well as to the necessity of particular kinds of relations between the producers of information and the audience for whom information is intended (Grossman, Luque & Muniesa, 2008). Transparency creates the kind of persons and institutions that are in a position to monitor, use, and assess the credibility of any information that is published. The operation of transparency, thus, is expected to have not only effect on the production of information, but also on the identities, conduct, and relations between persons and organisations. It is, in short, a device intended to articulate actions, to act or to make others act (Hansen, Christensen & Flyverbom, 2015).

Even when transparency practices are able to achieve some of their noble objectives (Fung et al., 2007), they often produce unintended side-effects, like growing uncertainty or suspicion vis-à-vis institutions and the people working for them (Strathern, 2000). Increasing openness and rendering something visible may, for example, undermine trust (Tsoukas,

1997; Eisenberg, 2007). Simultaneously, it may distort organisational performance, and bring about new types of closure, self-censorship and anxiety (Christensen and Langer, 2009). Thus, transparency may be described as a "theatre" that hides more than it reveals (Power, 1997, 2007; Strathern, 2000) and perhaps even weakens the effectiveness of accountability it pursues (Roberts, 2009). In fact, the more literally we believe in the axiom, "To see is to know", the more haunted we are by what hovers beyond the edges of the visible. Concerns about such complexities and their unintended consequences have been largely absent in normative approaches to transparency (Hansen, Christensen & Flyverbom, 2015).

With the ascent of the Internet and especially social media, the direction of transparency is becoming less clear-cut. Scholars such as Mayes (2010) argue that transparency is becoming omnidirectional. Nowadays, it is common for governments, public institutions, companies, organisations and even individuals to put information about themselves on websites or their social media pages. Because of this, it is becoming possible for everybody to observe and monitor everybody, and the asymmetry of information that exists in the case of unidirectional transparency is diminished. Moreover, we are evermore aware that we are being observed, sometimes even putting the information out there for this specific purpose.

When looking at the definitions of transparency and surveillance, it appears that they are two pervasive concepts that have been extensively discussed in the field of social and political sciences. Dominique Bessire (2005) claims that when looking back at transparency and surveillance from a historical perspective, the two notions are often depicted as two sides of the same coin. They converge on many aspects and often fulfill similar functions, such as discipline, normalisation and market efficiency.

In our modern society, transparency and surveillance also tend to coincide. Drucker and Gumpert (2007) argue that the recent development of new technologies and new means of communication have intertwined the two concepts as strong as never before. The Internet created an increasingly open space which allowed and facilitated the continuous flow of information, but also rendered the circulation of data increasingly unfiltered and uncontrolled. It becomes highly complex for the average citizen to draw a clear line between who watches and who is being watched.

Facebook and other types of social media can be seen as perfect examples of this situation. As argued by Taddicken (2013), social network users are experiencing what she defines as a "privacy paradox". Although social media users are to a large extent concerned about privacy issues, they are more inclined to share private information on their social media page, in most cases not realising that this information will remain online for an indefinite amount of time. Consequently, while they may think that they openly share their information to a closed group of digital friends, they actually disclose private data to an enormously large community they know nothing about. Thus, they are tremendously facilitating the possibilities of being watched. Public figures of different kinds are also today the victims of this need for more transparency. New means of communication, investigation and media have facilitated the revelation of an important amount of information about the private life of many politicians, film and music stars. Although one may argue that people have in certain cases the right to know, and that certain information is in the public realm, it is highly complex to discern if this behaviour falls under the scope of transparency or surveillance.

This volume focuses on the extent to which and the ways in which transparency and surveillance influence power relations between various actors in society. Each contribution in this volume assesses different

surveillance and transparency mechanisms in order to shed light on their empowering or disempowering effects. It is shown that with the emergence of ever-more technology the transparency gaze can be turned in different directions, providing the potential to empower an increasing number of people. While the traditional form of transparency upwards – surveillance – remains present and increases power of government over its people by innovations in surveillance techniques, the emergence of the Internet and social media have offered the possibility for people to turn their gaze on its public and private institutions and even on each other.

This volume starts out by discussing revolutionary views on transparency, taking the hierarchical structure of gazes within society as point of focus. The study promises to unravel deeply rooted power relations within surveillance. Making these relations visual and tracing them back to their societal root, qualifies it to bring about potential change to power exertion.

It is then concerned with the shift in surveillance, which occurred inside the West German intelligence services in the 1970s, changes in the way how security concerns were prioritised in relation to citizens' rights are investigated. Through this, consequently power relations of state and citizenry are diverting in such a scenario.

In the context of EU surveillance systems, the exertion of power of the EU's Member States over migrants via the usage of surveillance tools is studied. Questioning the proportionality of these tools necessarily means questioning the magnitude of power exertion that is desirable at the EU's external borders.

The volume then focuses more on transparency. The increasing social demands for accountability and press scrutiny since the 1970s had a strong impact on power relations between people and their heads of state, whether

they are prime ministers, presidents or kings. In the Netherlands, it was increasingly evident that the monarch's legitimacy became more dependent on public evaluation than on the institutional performance of the monarchy as such. The eventuality of increased public scrutiny places the monarchs under the condition of surveillance.

For the case of patients and doctors and other health service providers, an increase in transparency makes changes of power relations between these groups possible. By increasingly empowering patients to take informed healthcare choices, the underlying principal-agent dilemma is expected to lose its acuteness.

When it comes to the area of national and EU politics, issues of political participation and accountability have emerged, to which transparency offers a solution in the form of more open government arrangements. Transparency can possibly revitalise accountability and the electorate's readiness for participation. Within increasingly open government structures, new/social media is often seen as a powerful route to empower citizens. Empowerment in this context could thereby also mean surveillance of the elected representatives, reshaping current power relations.

By discussing the role that Facebook plays in the surveillance of its users, we are allegedly dealing with classical top down surveillance, and, accordingly, with top-down power exertion. In this sense, social networking is seen as a Panopticon. However, it is suggested that Facebook can also be used as a means for bottom-up surveillance, namely as a tool for "sousveillance". If effective, this would lead to a re-directioning of power and the empowerment of Facebook users. It is, therefore, examined whether Facebook can be more adequately perceived through the lens of panoptic surveillance or "catoptic" sousveillance.

In the individual contributions the potential for a change of power relations is outlined. Nevertheless, we remain skeptic as to whether the promised shifts have taken place or will be visible in the near future. This skeptical assessment of the potential/manifested impacts of changes in transparency and/or surveillance patterns on power constellations unites our projects.

Matt Bucholski, Konrad Duffy, Caro Gröne, Maxime Hensels, Magdalena König, Christophe Leclerc, Jonas Quicker, Pia Sombetzki, Jasmijn van der Most, Viktor Werner, Jakob Zeijl, Nico Randeraad