## 1NC

#### Surveillance policies and reforms are not passive acts, rather they are situated within a history of racialized and gendered violence that has spearheaded the rise of the prison industrial complex by allowing the government to track ‘suspect’ populations

Mason & Magnet 12 [Corinne Lysandra, and Shoshana Magnet. "Surveillance studies and violence against women." *surveillance & society* 10, no. 2 (2012): 105-118.]

While individual privacy concerns mount, the prison system has found new surveillance technologies advantageous. In fact, the development of new technologies in North America historically has been due to, as well as has benefited, the prison industrial complex. From fingerprinting to bertillonage (Cole 2001), photography (Lalvani 1996) and biometrics (Murray 2007; Gates 2011; Pugliese 2005; Magnet and Dubrofsky, under contract), the organization of information on criminalized individuals through complex data control systems have critically shaped police surveillance practices historically (Magnet and Gates 2009: 5; Laudon 1986). More recently, the inclusion of social media tools such as Facebook and MySpace are increasingly incorporated into police surveillance practices. Police now ask the public to upload photos and videos taken with personal cameras, smartphones and cellular phones and then use these documents to arrest citizens. One example is found in the case of the Stanley Cup looting in Vancouver, British Columbia in 2011. Following the riot, videos and photos taken by ordinary citizens on their cell phones were used to make arrests (CBC 2011). Videos uploaded onto YouTube have also been used by the police to arrest individuals who have taken part in criminalized activities (Telegraph 2009). Of course, the development of these new surveillance technologies––many of which were refined in the prison system and then expanded for use on non-criminalized consumers (Cole 2001; Magnet and Dubrofsky, under contract) must be grounded in the expansion in the prison industrial complex (Sudbury 2005). The increase in the U.S. prison system is well documented (Davis 1981; David and James 1998; Davis 2003, 2005; Garland 2001a, 2001b; Sudbury 2005; Gilmore 2007). 2 Including the transformation of rehabilitation programmes to punishment in the 1970s (Gilmore 2007) and additionally resulting from 3 strikes laws, truth in sentencing initiatives, the war on drugs (Cole 2007, Roberts 2001), and the criminalization of immigration (‘crimmigration’), the swelling of prison populations is a shocking example of the warehousing of the poor. Prison populations have grown from 200,000 in the late 1960s to more than 2 million (Davis 2003). As many have argued, the prison industrial complex is an engine of inequality through the disproportionate incarceration of both poor people and people of colour (Cole 2001; Smith 2008; Davis 2003; Razack 2002). Prison abolitionist Julia Sudbury reminds us that, in the United States, 1 million African Americans are behind bars (Sudbury 2004). When one looks to the war on drugs, despite the fact that studies find little difference between drug use in people of colour and white people (Webb 2009), over two thirds of those in prison or jail for drugs are people of colour (Cole 2007). Nor can we disregard gender in theorizing inequality in the prison system. In keeping with worldwide trends in which poor racialized women and women with mental health disabilities are the fastest growing groups to be incarcerated (CAEFS 2004), in the U.S., African American women are now the fastest growing prison population, having outpaced African American men (Davis 2003). 3 The incarceration of poor women must be placed alongside the dismantling of the welfare state. The elimination of welfare programmes like Aid to Families with Dependent Children (AFDC) causes women to seek out criminalized forms of employment so that they can afford food and housing. Particularly relevant for this article is the ways in which sexual, emotional, and physical violence also propel women into the prison system (CAEFS 2004). As women flee abusive situations, the lack of a social safety net means they may turn to criminalized behaviour such as sex work and the drug trade in order to meet their most basic subsistence needs (Sudbury 2005; Davis 2003). Queer people fleeing homophobic abuse and harassment in their homes, schools, and workplaces render LGBTQ folks vulnerable to the prison industrial complex. As Beth Richie’s study of young, black lesbians shows, the relationship between homophobia and sexual harassment places queer women at increased risk of violence (2005), and violence is a well-known factor that leads to women’s engagement in activities deemed illegal by the state. 4 Surveillance technologies are both produced by as well as part of the expansion of the prison industrial complex. New surveillance features including the time and date stamps we described above can be used to make arrests. Technology producers and marketers assert that surveillance features like those found on the iPhone are important security measures. If they reference violence against women at all, companies selling these products argue that these surveillance features will help institutions like the police to catch perpetrators of violent crimes. For example, according to iPhone hacker and data-forensics expert Jonathan Zdziarski, the iPhone’s ability to take a screen snapshot and save it is a personal privacy ‘flaw’. However, he and others argue that this in fact can become useful to the prison system since users cannot permanently delete information, and, as a result, storage forensics experts have used the ‘flaw to gather evidence against criminals convicted of rape, murder or drug deals’ (Chen 2008). In this way, although mainstream media represent surveillance technologies as carrying risks for consumers, they are simultaneously represented as necessary evils. For example, in the popular crime show Criminal Minds, the dangers of surveillance to individual privacy are referenced, but the overall message remains that these technologies help to keep us safer. In a two-part episode entitled ‘The Big Game’ and ‘Revelations’ (2007), a techie-turned-murderer accesses computers remotely to fix issues such as sound control, but then maintains access to internal webcams after the service is completed using a Trojan horse virus. Watching women in particular, the murderer observes his victims through the webcam and then allows the videos of his murders to ‘go viral’. While the surveillance of victims is depicted as a breach of their privacy, it is the videos captured through webcams that lead the FBI to the murderer’s capture and arrest. This fictional show parallels a case in Toronto, Canada in which a young woman attending York University was killed while her boyfriend in China watched part of the women’s struggle with her assaulter via a webcam (Sympatico News 2011). In online commentary on Sympatico News, a user claimed that this was ‘life imitating art’ since an episode of crime show CSI: New York followed a similar story line. The police began their investigation by attempting to uncover the streamed video and ultimately charged a York University student with her murder (Rush 2011). Of course, these technologies did not help to save this young woman’s life. Nor did they help to address the ongoing systemic issue of violence against women. Instead, they became the vehicle by which the police could assert that violence on campus had been addressed since this one ‘bad apple’ violent student was caught. The approach to perpetrators of violence as ‘bad apples’ is a familiar strategy: one that helps to distract attention from solutions aimed at addressing the systemic nature of violence as well as its gendered and racialized nature. 5 In suggesting that these new technologies saved the day by helping to catch one perpetrator, the media offers limited critiques of new surveillance technologies while simultaneously ‘naturalizing their expansion’ (Magnet and Gates 2009: 7). That is, in popular TV shows and news media, surveillance technologies are understood as producing privacy breaches that are justified as a result of their helpfulness in police investigations. This is well captured in the commentary of forensics expert Jonathan Zdziarski. Arguing that these technologies do produce ‘significant privacy leak[s]’, he asserts that they remain important tools since ‘at the same time [they’ve] been useful for investigating criminals’ (Chen 2008). For feminist surveillance studies scholars, surveillance technologies pose more complex questions than ‘are they good or bad?’We argue that the relationship of surveillance technologies to their social context and the ways that technologies reproduce and exacerbate social inequalities must be examined. In particular, while surveillance technologies may be useful to police enforcement, more policing practices results in the strengthening of a prison system that continues to overincarcerate women who are victims of violence––and particularly targets women of colour, women with disabilities and queer women for incarceration. Given the role of the prison system as an engine of inequality, we must call into question the assertion that improving intensifying existing connection between anti-violence movements, surveillance technologies, and the police is necessarily positive. Rather, we must ask: what is the impact of deepening connections between anti-violence advocacy, new technologies of surveillance and the prison industrial complex? Connections between anti-violence movements and the prison system have historically been and remain deeply problematic. For anti-violence advocates, the ‘criminalization of violence against women’ has impacted individual safety tactics and community organizing. According to the INCITE! Women of Color Against Violence collective (2006), the movement from grassroots organizing to ‘professional’ shelters has meant that the mainstream anti-violence movement is reluctant to challenge institutionalized violence (Smith et al. 2006: 1). The move to government funding regimes in the U.S. and Canada are coupled to an increased reliance on the prison system. According to Smith et al. (2006), the anti-violence movement is ‘working with the state, instead of against state violence’ (1). The criminal justice system often simply brings many survivors of violence into conflict with the law (INCITE! 2006). In addition to those noted above, mandatory arrest laws in the U.S. and Canada have meant that women who call police for protection are often also arrested. A New York-based study complied in 2001 found that a majority (66 per cent) of domestic violence survivors who were arrested alongside their abuser, or arrested as a result of a complaint lodged by their abuser, were African American or Latina/o, 43 per cent were living below the poverty line and 19 per cent were receiving public assistance. Lesbian survivors are also frequently arrested alongside their abuser since law enforcement officers frame violence within same-sex relationships as ‘mutual combat’ (Ritchie 2006: 140). Individuals perceived to be transgressing gender norms are often subject to excessive force upon arrest (Ritchie 2006: 143). Furthermore, undocumented women who have reported violence have often found themselves deported (Ritchie 2006: 151). To be sure, Canadian women’s shelters have been raided by the Canadian Border Services Agency in order to deport ‘illegal’ immigrants (No One Is Illegal 2011). Given the complex relationship of women of colour, indigenous women, poor women, queer folks, immigrants, sex workers and other women vulnerable to being criminalized by the justice system, the assumption that surveillance measures can provide protection to VAW victims is problematic. In particular, surveillance technologies that deepen existing links to the prison industrial complex pose problems for victims and anti-violence advocates. While anti-violence advocates may see potential in surveillance technologies such as home security and surveillance systems, reliance on the criminal justice system for both funding and protection can impact their utility for survivors of violence. According to Römkens’ (2006) research on a surveillance project entitled AWARE (Abused Women’s Active Response Emergency) implemented in the Netherlands, U.S. and Canada, the reliance on the criminal justice system can adversely affect its usefulness for victims. For example, the AWARE programme aims to protect and support victims of stalking, as well as restrain perpetrators through arrest using electronic safety technologies. If an abuser threatens an individual, the victim can set off an alarm by pushing a button in the house or on a pendant that the victim wears. By pushing the button, the police are immediately notified and sent to the house. However, a victim only met the criteria for the programme if she had previously asked the police for help (for example, by obtaining a protection order) or if she was willing to press charges (Römkens 2006: 116). Given the reliance on the criminalization of abusers to enter the programme, it is clear that the AWARE programme is geared towards meeting the needs of the police rather than solely preoccupied with women’s safety. Pro-arrest policies and mandatory arrest laws beginning in the 1980s in the U.S. clearly demonstrate that the prison system can often undermine women’s autonomy and actively disempowers them from choosing a trajectory for justice based on their own interests and wishes (Römkens 2006: 166). In her case study on AWARE in the Netherlands, Römkens found that women were reluctant to use the alarm, especially when it was an ex-partner that they would be involving in the criminal justice system. The women she interviewed suggested that they could not control the amount of punishment that police would inflict on their abuser. For one woman, the fact that one had to make a swift decision to press the button when an abuser appeared proved to be very difficult (174-75). Moreover, many women were afraid to press the button due to fear that the police would not take them seriously if their abuser was ‘just there’ and was not ‘doing anything’ (175). In the Dutch study, and a pilot study in Brooklyn, New York, Römkens found that victims avoided the direct use of surveillance systems in order to avoid a ‘criminal justice outcome’ (178). Although surveillance technologies may have the potential to provide safety for victims of violence, a complicated relationship between VAW and surveillance arises when technologies of protection are directly linked into the prison system. While mainstream anti-violence advocates continue to rely on government funding and state-based responses to violence, alternative tactics around ending violence must consider the ways that particular bodies are already entangled in systems of surveillance.

#### Surveillance relies on the logic of visibility and invisibility that seeks to make non-whites hyper-visible as deviant and in need of western evolution—the impact is the violent erasure of sexual and racial difference

Smith 2015 [Andrea an intellectual, feminist, and anti-violence activist. Smith's work focuses on issues of violence against women of color and their communities, specifically Native American women. A co-founder of INCITE! Women of Color Against Violence, the Boarding School Healing Project, and the Chicago chapter of Women of All Red Nations, Smith centers the experiences of women of color in both her activism and her scholarship. Formerly an assistant professor of American Culture and Women's Studies at the University of Michigan in Ann Arbor, Michigan, Smith is currently an associate professor in the Department of Media and Cultural Studies at the University of California, Riverside.. "Not-Seeing." Feminist Surveillance Studies (2015): 21-38..//KHS]

Settler colonialism fundamentally relies on a logic of not-seeing. In particular, on a not-seeing of the indigenous people’s lands in order to allow their colonial takeover. Terra nullius, the legal justification used for the expropriation of indigenous land in Australia and elsewhere—or to use the Zionist justification for Palestinian expulsion, “a land without a people for a people without a land”—is premised on the not-seeing of peoples already there. Within the United States, this expropriation relied on the “doctrine of discovery.” As outlined in the case Johnson v. McIntosh (1823), “Discovery is the foundation of title, in European nations, and this overlooks all proprietary rights in the natives.” “Discovery” necessarily rests on the absence of native peoples, who would otherwise be the actual “discoverers” of their lands. And, as Robert Williams (2005) notes, U.S. jurisprudence has never renounced the doctrine of discovery on which Indian case law is based. Consequently, the colonial project is a somewhat precarious project of disappearing the peoples that it cannot see—a genocide that must disavow itself. As Sarita See argues, “If the history of the American empire is defined by forgetting, its aesthetic is structured by double disavowal. According to the New World aesthetic, it seems possible to erase the erasure of the past” (2009, 66). Thus, the strategies of surveillance are always simultaneously not just about what can be seen, but about disappearing from view that which delegitimizes the state itself. What must not be seen is not only the peoples themselves, but the forms of governance and ways of life that they represent. Gender violence is a central strategy of settler colonialism and white supremacy. Colonizers did not just kill off indigenous peoples in this land: native massacres were always accompanied by sexual mutilation and rape. The goal of colonialism is not just to kill colonized peoples, but to destroy their sense of being people (A. Smith 2005a). The generally nonpatriarchal and nonhierarchical nature of many native communities posed a threat to European patriarchal societies. Consequently, when colonists first came to this land, they saw the necessity of instilling patriarchy in native communities, for they realized that indigenous peoples would not accept colonial domination if their own indigenous societies were not structured on the basis of social hierarchies. Patriarchy rests on a genderbinary system; hence, it is no coincidence that colonizers also targeted indigenous peoples who did not fit within this binary model. Gender violence thus inscribed patriarchy onto the bodies of native peoples, naturalizing social hierarchies and colonial domination. The imposition of heteropatriarchy serves not only to secure colonial domination for indigenous peoples, but also to secure patriarchy within the colonizing society against the threats of the alternative governance structures that indigenous societies represent. It is noteworthy that the high status of women and the relatively peaceful nature of many native societies did not escape the notice of white peoples, in particular of white women (A. Smith 2005b).2 A society based on domination, hierarchy, and violence works only when it seems natural or inevitable. Given an alternative, peoples will generally choose not to live under violent conditions. The demonization of native societies, as well as their resulting destruction, was necessary to securing the “inevitability” of patriarchy within colonial societies. Again, the colonialist surveillance of native bodies served the simultaneous purposes of making them visible to the state while at the same time making invisible the threat to the settler state posed by indigenous governance. To further remove the threats that indigenous governance systems posed to settler societies, the problem resulting from this colonial disease was relocated from a patriarchal and violent settler state to the “Indian” problem. As Wolfe (1999) notes, the more gender-egalitarian nature of some indigenous societies became anthropologically marked as the sign of their unevolved, premodern status. By adopting patriarchy, colonialists speculated, native peoples might evolve toward “humanity” and “civilization.” Native peoples were to be bureaucratically managed through allotment processes, church- and government-run boarding schools, and government-run health programs, among other strategies to facilitate their ascension to humanity. While courts often held that native peoples were potential citizens with the right to vote—unlike African Americans in the antebellum period—such potential could be realized, from the colonialist perspective, only when those peoples mature out of their status as native. In addition, native peoples’ were generally assigned the legal status of children, deemed legally incompetent to handle their own affairs and thus legally marked as “nonworkers.” Native peoples’ pathway to citizenship thus depended on their maturation into adult (i.e., white) workers. Thus, native peoples’ acquisition of citizenship and voting rights was framed as a reward for proving their ability to work. In 1887 the Dawes Allotment Act divided native lands into individual allotments of 80–160 acres. The federal government then expropriated the remaining surplus lands. Native peoples were given fees in trust for twenty-five years, until deemed “competent” by the secretary of the interior. They could then obtain fee patents enabling them to sell their lands. The rationale for this policy was that the practice of communal land ownership among native peoples was discouraging them from working the land. In the 1887 Indian commissioner’s report, J. D. C. Atkins explains the need for allotment: Take the most prosperous and energetic community in the most enterprising section of our country—New England; give them their lands in common, furnish them annuities of food and clothing, send them teachers to teach their children, preachers to preach the gospel, farmers to till their lands, and physicians to heal their sick, and I predict that in a few years, a generation or two at most, their manhood would be smothered. . . . This pauperizing policy above outlined was, however, to some extent necessary at the beginning of our efforts to civilize the savage Indian. He was taken a hostile barbarian, his tomahawk red with the blood of the pioneer; he was too wild to know any of the arts of civilization. . . . Hence some such policy had to resort to settle the nomadic Indian and place him under control. This policy was a tentative one. . . . Now, as fast as any tribe becomes sufficiently civilized and can be turned loose and put upon its own footing, it should be done. Agriculture and education will gradually do this work and finally enable the Government to leave the Indian to stand alone. (Report of the Secretary of the Interior 1887, n.p.) The report warns that allotment will not work overnight: “Idleness, improvidence, ignorance, and superstition cannot by law be transformed into industry, thrift, intelligence, and Christianity speedily” (ibid., 4). Consequently, surveillance practices were essential, in order to instill normalizing discipline as a means to forcibly absorb native peoples into the colonial state. This pathway toward civilization required native peoples to adapt to a capitalist work model. The commissioner’s report further explained how work could save native peoples from barbarism. It must be apparent . . . that the system of gathering the Indians in bands or tribes on reservations[,] . . . thus relieving them of the necessity of labor, never will and never can civilize them. Labor is an essential element in producing civilization. . . . The greatest kindness the government can bestow upon the Indian is to teach him to labor for his own support, thus developing his true manhood, and, as a consequence, making him self-relying and self-supporting. (ibid., 6–7) Thus, through the careful policing and monitoring of native social structures, it would be possible to save native peoples from themselves, as well as to absorb them into colonial whiteness. Despite these civilizational strategies, native peoples never seemed to attain humanity. Homi Bhabha (1997) and Edward Said (1994) argue that the colonization process involves partially assimilating the colonized in order to establish colonial rule. If the colonized group were to remain completely different from the colonists, it would implicitly challenge the supremacy of colonial rule, by introducing questions around whether the way colonizers live is the only way to live. Hence, in order to preserve the cultural ideals of the colonizers, the colonized had to resemble the colonists—but only partially, for if the colonized were to be completely assimilated, they would be equal to the colonists, and there would be no reason to continue to colonize them. In this way, the promised assimilation was never total or complete, which created a permanent colonial anxiety with respect to the indigenous peoples who were to be absorbed. As Kevin Bruyneel contends, advocacy for bestowing full citizenship on native peoples soon gave way to notions of a more qualified citizenship, as native peoples were deemed to be civilizing too slowly. Because of native peoples’ imposed ontological status as children, they were never considered mature enough to earn full independence from their colonial fathers (Bruyneel 2004, 3).

#### The alternative is to reject state surveillance

#### We must embrace an intersectional understanding of surveillance technologies that problematizes it’s coupling with legal apparatuses that disproportionately affect women of color

Mason & Magnet 12 [Corinne Lysandra, and Shoshana Magnet. "Surveillance studies and violence against women." *surveillance & society* 10, no. 2 (2012): 105-118.]

It is a difficult task to critique surveillance technologies aimed at ensuring women’s safety against abusers. When made visible as anti-violence tools, technologies of surveillance appear to be uncontroversial to a range of actors. Certainly, women’s safety is a priority for feminists, as is ending violence practices. Yet, the widespread promotion of surveillance tools for anti-violence means must be challenged. By overlooking the complex ways that surveillance practices and technologies are entrenched within the prison industrial complex, one might miss key challenges that surveillance technologies pose to anti-violence strategies. Whether it is smartphones, iPhone applications, Google maps, or home surveillance, feminist surveillance studies scholars must investigate the ways that existing inequalities may be exacerbated by their use. The surveillance technologies that are offered to women as safety measures, such as cell phones, smartphone applications, internet-browsing safety and home security systems, are all targeted toward interpersonal violence. Mainstream and criminalized understandings of VAW wrongfully assume that violence is perpetrated by individual abusers who must be incarcerated. Anti-violence advocates including Andrea Smith (2008) and Angela Davis (2003, 2005) remind us that the prison industrial complex has done little to promote anti-violence strategies. Rather than examining the widespread, systemic nature of violence against women, instead, the prison industrial complex has simply incarcerated ever-growing numbers of people––particularly indigenous people and people of colour. Moreover, it is well studied that violence in the prison system only continues the cycle of violence, as abusers are incarcerated, treated violently in the prison system, and then released (Gilligan 2000). In fact, radical anti-violence activists argue that prison abolition must be a part of any violence strategy in order to interrupt this cycle of violence, a conclusion with which we heartily concur. Practices of violence must always be connected to systems of power and domination, including state-perpetrated racist and sexist violence. Unfortunately, much of the literature on surveillance technologies has focused on individual acts of stalking and control. Of course, feminist literature on the subject of technology and stalking is important. However, in order to understand how surveillance affects the perpetration of violence and influences tactics to end violence practices, feminists must think more broadly and intersectionally about VAW and the connections between surveillance, sexism, racism, and the prison system. Importantly, the surveillance of vulnerable bodies by the state, policing services and even social service providers disproportionately target marginalized and exploited communities. In recent years, feminist and critical race explorations of policing and surveillance have necessarily included the experiences of Arab, Middle Eastern, South Asian and Muslim men and women. While such racialized bodies have always been targeted in white supremacist nations, post-9/11 security rhetoric around national security has helped to shore up surveillance measures. While honour killings, forced marriages, polygamy and dowry-related murders have received increased and disproportionate media attention in the U.S. and Canadian media since 9/11, mainstream conceptions of violence against women of colour are rarely inclusive of harassment, racist violence and sexual abuse at home and abroad at the hands of military and law enforcement agencies (Ritchie 2006: 139). Such violent crimes against women are insufficiently attended to in mainstream anti-violence strategies, and technologies aimed at women’s safety may intensify the surveillance and further criminalization of particular communities. Surveillance ‘flaws’ such as those found in iPhones and iPads are used by the criminal justice system as tools to help them make arrests (Chen 2008). For those already criminalized and stigmatized, including indigenous people and people of colour, especially Arab, Middle Eastern and Muslim individuals post-9/11, surveillance ‘flaws’ will have a disproportionate effect. Placing marginalized, stigmatized and often criminalized women at the centre of feminist surveillance studies reveals that technologies aimed at the protection from individual abusers, and the arrest of perpetrators, does not work for all cases of violent practices. To be sure, it is a step in the right direction for Google maps and Google Street View to ensure that the addresses of women’s shelters are not exposed to the public (National Network to End Violence Against Women 2010). However, feminists should also be concerned with the impact of Google maps and Google Street View for the surveillance of street level sex workers. Problematically, Google maps has allowed street view pictures of women to be visible and circulated widely over the internet. Moreover, the feminist blog Jezebel (2011) noted that, as a result of Google pictures of sex workers, a book titled ‘Roadside Prostitutes’ has now been published in which women are objectified for the viewing pleasure of others, and without remuneration. The distribution of images reveals pictures of workers who often work anonymously, in illegal bawdy houses, or on the street, and require protection from both unsafe clients and law enforcement where their work is criminalized. For indigenous women, people of colour, queer, and non-gender conforming folks taking part in sex work, the visibilization of their bodies and workplaces put them at an even greater risk of violence. Given that these communities are already heavily surveilled by law enforcement, especially those working at street level, the public access to these images compounds safety issues. Sex workers have pointed out that violence is practiced by unsafe clients, but is also experienced at the hands of policing services. For example, due to the criminalization of sex work in Canada, workers are unable to lawfully unionize or assemble for protection, unable to work indoors, and often cannot call on police for help because they risk arrest (Power 2011). The distribution of Google map and Google Street View photos of sex workers and their work places puts women at risk of violence and should be considered alongside protecting shelter addresses when anti-violence advocates work with Google. Yet, sex workers and other marginalized communities have been left out of the mainstream discussions about surveillance technologies and VAW.

## Links

### Anti-trafficking

#### The Anti-trafficking movement recreates the violent racist and patriarchal practices of state surveillance—it’s genealogy is founded on the fear of “white slave trafficking”; the plan manifests racialized and patriarchal fears of saving white women while black and brown bodies are rendered expendable

Kang 2015 [Laura Hyun Yi Kang Chair & Associate Professor, Gender and Sexuality Studies School of Humanities Associate Professor, Comparative Literature School of Humanities Associate Professor, English School of Humanities Ph.D., UC Santa Cruz, History of Consciousness; "Surveillance and the Work of Antitrafficking." Feminist Surveillance Studies (2015): 39-57.//KHS]

By hailing different configurations of women as objects and subjects of surveillance, the long history of efforts to uncover and combat the “traffic in women” offers an instructive case for feminist surveillance studies at this important moment of field formation. If a feminist critique and modification of an already existing yet discernibly unfeminist surveillance studies through a focused attention on women under surveillance is the task at hand, we might attend to how public outcry against the traffic in women has activated and rationalized state scrutiny and control over female bodies when it comes to disease, sexuality, morality, and labor. The Contagious Disease Acts (1864, 1866, 1869) in England created a “morality police” and authorized officers to subject women suspected of prostitution to compulsory “surgical examination” for venereal disease and forced confinement in a “lock hospital” if they were infected. This example reminds us to bear in mind the historical layers of targeted material-corporeal violence that conditions more contemporary technologically mediated and disembodied modes of surveillance. The history of antitrafficking compels attention to the transnational and racist dimensions of the surveillance of women. The practices of compulsory examination, treatment, and detention of local women were a crucial component of British colonial administration throughout Asia in the early 1800s. With the spread of imperial settlements and the surge of international labor migrations in the second half of the nineteenth century, borders and transit hubs such as ports and railway stations came to be seen as dangerous vectors in the transmission of disease, especially from the colonies to the metropoles. While the sensationalist discourse of “white slave traffic” engendered sympathetic figurations of female vulnerability, it also fueled and justified suspicious regard of traveling female bodies. Alarm about the high rates of venereal diseases among soldiers in the First World War (1914–1918) galvanized a new round of concerted state actions to monitor and regulate transnational female movement and sexual labor (Gorman 2008, 200). The early history of antitrafficking includes determined efforts by certain women to contest state tactics of state surveillance as discriminatory and dehumanizing in what we might identify as a determinedly antisurveillance feminism. An oft-repeated account traces the origin of the international movement against the “traffic in women” to the concerted opposition to the Contagious Disease Acts. On the other hand, if we follow the suggestion of Ummni Khan’s essay in this volume, where a distinctive form of “feminist surveillance” is the phenomenon under critical scrutiny, we should attend to how the antitrafficking work of women social reformers and feminist activists have aided and abetted state scrutiny and control over both female and male bodies. The feminist project of making women and gender visible within and across numerous disciplines and interdisciplinary studies is rendered especially contradictory when articulated in terms of a knowledge field that starts off from the problematization of visibility as a mode of subjection and regulation. Surveillance betrays and degrades the liberatory promise of visibility. Then too, trafficking frustrates the sweeping reach of surveillance. As one of the most hyperbolized and enduring subjects of journalistic exposés, academic scholarship, government investigations, and international relations, the traffic in women bears an immense and prolific archive of documentation and analysis. However, as activists, policymakers, and academic experts have repeatedly pointed out, the clandestine, coercive, dispersed, and mobile aspects of trafficking resist unequivocal verification and clear representation. The archive of antitrafficking offers up a long, jagged history of both diverse surveillance rationales and tactics, as well as multiple surveillance failures and impossibilities. In this essay I argue that a persistent racist preoccupation with the fate of white women demarcates one such fault line. Even as the invocation of a generic “traffic in women and girls” in the early twentieth century expanded the reach of the problem and the corresponding modalities of vigilance, state and civil surveillance of trafficking have always been differentially entrained on different female bodies as vulnerable or dangerous. The work of antitrafficking in the League of Nations during the interwar period is particularly instructive for examining the multiple contradictions outlined above. The League served as an important historical and institutional pivot between the imperial regimes carried over from the nineteenth century and the post-Second World War emergence of newly decolonized countries and the global governance regime associated with the United Nations. In the aftermath of the First World War, the traffic in women occasioned a compelling rationale and platform for the coming together of nations with divergent interests, shifting borders, and unequal resources. From its inception, the League of Nations was engaged with addressing the traffic as an urgent and indisputably international problem. Article 23c of its covenant thus “entrusted the League with the general supervision over the execution of agreements with regard to the traffic in women and children.” Calibrating the surveillance of women’s cross-border movements among states and nongovernmental organizations was crucial to the incipient conceptualization and enactment of international cooperation. From 30 June to 1 July 1921, the League convened an International Conference on the Traffic in Women and Children in Geneva. In his opening speech, the Belgian foreign minister Paul Hymans heralded the occasion: “Hitherto treaties of peace have only dealt with questions of frontiers, indemnities and commercial and financial interests. For the first time in the history of humanity other interests are therein included and among them the dignity of human labor and the respect for women and children” (quoted in Metzger 2007, 59). In the spirit of this new internationalism, it was suggested that the phrase “traffic in women and children” replace “white slavery,” thereby “making it clear that measures adopted should be applied to all races alike” (League of Nations 1927, 8). Such universalizing platitudes obscured the imperial genealogy, with its persistent racial demarcations and national interests, of the discriminating and targeted surveillance of women’s bodies, sexuality, work, and migration. In principle, the framing of the traffic in women as a global human problem necessitating international cooperation and coordination rendered these member states and their varied laws and policies regarding sex work, labor, age of consent, emigration, and immigration the target of a new supranational regime of surveillance, judgment, and proper accreditation. This framing held out the potential of clarifying the uneven sexual economies and topographies, which had been carved out by racism, patriarchy, and competing empires. In practice, however, even after the move to replace “white slave traffic” with the more neutral and inclusive “traffic in women,” a distinction and separation continued between “white women” and their racialized others. Persistent racial obsessions and racist blind spots impeded and exposed the limits of the League’s attempts to coordinate international policy and action against the traffic in women by implementing what were deemed newly effective modes of undercover surveillance and expert data gathering. On 15 December 1920, the Assembly of the League of Nations adopted several linked resolutions. In addition to urging those governments who had signed the 1904 agreement and the 1910 Convention for the Suppression of White Slave Traffic to put them into operation “immediately,” another resolution called on the League’s Council to convene an International Conference of Traffic in Women and Children, which would be charged with the “task of endeavouring to harmonise the opinions of the different Governments in order that common action may be taken” (League of Nations 1921b, 596). Toward that end, the Assembly authorized the Secretariat to issue to all member states a questionnaire that inquired about domestic laws regarding trafficking, the penalties prescribed for specific cases, and statistics for prosecutions and convictions. The 1921 International Conference in Geneva concluded with the recommendation that each member nation submit annual reports on both the traffic in their territories and their domestic antitrafficking efforts. The League of Nations thus took on the role of an international clearinghouse. It also passed a new, more expansive International Convention for the Suppression of the Traffic in Women and Children in September 1921, which increased the age of consent of women engaged in prostitution from twenty to twenty-one. The League also appointed a permanent Advisory Committee on the Traffic of Women and Children, comprising nine national “delegates” and five “assessors,” each representing an international voluntary organization. When the League sponsored its own official investigation of the traffic in the 1920s, it proceeded in two stages and resulted in two separate publications. The first, published in 1927 and titled Report of the Special Body of Experts on Traffic in Women and Children (hereafter, the 1927 Report), comprised 270 pages. The second report, published in 1932 and titled Commission of Enquiry into Traffic in Women and Children in the East (hereafter, the 1932 Report), was much longer, at 556 pages. Paul Knepper has hailed the two inquiries together as not only “the first worldwide study of human trafficking” but also “the first ever social scientific study of a global social problem” (2011, 96). The 1927 Report was notable for inaugurating the use of a traveling commission, which comprised specially trained “experts” who visited 112 cities and districts across twenty-eight countries to conduct “on the spot” inquiries. In addition to producing first-person observations of local conditions, these experts interviewed over 6,500 individuals, inclu­ding government officials, law-enforcement officers, and antitrafficking voluntary associations in these locations. The commission also relied on undercover investigations by specially contracted agents and sometimes met directly with members of the “underworld,” including procurers, madams, and prostitutes, in order to uncover “facts” that might be hidden or misrepresented by official statistics and national reports. Thus, the 1927 Report was held up at the time as having “revolutionized League methods in the investigation of social problems” (Boeckel 1929, 234). Three specific aspects of these two reports compromise the claims to both their international expansiveness and their empirical innovations. First, both reports were blatantly concerned with the fate of white women. The 1932 Report is especially striking on this point in its clear demarcation between “Traffic in Occidental Women in Asia” and “Traffic in Asian Women” and in its unabashed concern about the sexual fate of Russian women refugees in China. This provides evidence that the imperialist, racist, and nationalist foundations of early British state regulation of and voluntary vigilance against prostitution from the nineteenth century preconditioned the later antitrafficking work of the League of Nations. Second, there was a specifically American genealogy for the 1927 Report’s use of “on the spot” and “undercover” investigations, which had been deployed earlier as part of the “social hygiene” movement in the United States. Third, there were substantive differences in methodology and composition between the two reports, which demonstrate the epistemological blind spots imposed by persistent racialist and racist thinking.

#### The dangers of traffic in women has historically been exacerbated by fear of violence from policing; there is no safe haven for women of color who are often forced to stay with abusers to avoid the punishment of the law—this reaffirms the racialized double standard that criminalizes black women

Kang 2015 [Laura Hyun Yi Kang Chair & Associate Professor, Gender and Sexuality Studies School of Humanities Associate Professor, Comparative Literature School of Humanities Associate Professor, English School of Humanities Ph.D., UC Santa Cruz, History of Consciousness; "Surveillance and the Work of Antitrafficking." Feminist Surveillance Studies (2015): 39-57.//KHS]

The League’s racially motivated and demarcated handling of the traffic in women must be framed in relation to a longer history of imperial expansion, labor exploitation, and gendered labor migration in the nineteenth century. Well before the domestic enactment of the Contagious Disease Acts in England in the 1860s, the practices of medical surveillance, forced treatment, and physical isolation of women were a crucial component of British colonial administration throughout Asia in the early 1800s. A lock hospital was established in the Madras presidency in 1805, and others could be found throughout the British Empire in Asia, including in Penang, in the Malay Peninsula (Burton 1994, 130). In her comprehensive study Prostitution, Race, and Politics, Philippa Levine writes, “It is in India, however, that we see the workings of the early system most vividly.” Levine continues: “William Burke, inspector general of hospitals for the army in India, outlined his ideal plan in 1827: a register of prostitutes; their compulsory examination fortnightly, with certification for the healthy and hospitalization for the infected; and punitive measures for women failing to appear for examination. These principles would become the core of the empire wide regime enacted three decades later” (2003, 38).1 Thereafter, Hong Kong’s Ordinance No. 12 was passed, in 1857, which mandated brothel registration and regular medical examination. Since “the ultimate goal of regulated prostitution was to provide ‘clean native women’ for foreign military personnel,” the ordinances in Hong Kong were “effectively limited to Asian women servicing foreigners” (Scully 2001, 81–82). British-administered lock hospitals could also be found throughout Asia, including treaty ports in Japan. In addition to the presence of British colonists and soldiers throughout Asia, several significant migrations in the nineteenth century shaped the peculiar contours of the 1932 Report. A migratory route of women who were “typically already professional sex workers” from Europe and the U.S. to China began with the Opium War (1841–1842) and accelerated after the introduction of steamship travel and the opening of the Suez Canal, in 1869 (Scully 2001, 79). The rapid economic development of port cities like Hong Kong and Singapore was accompanied by the growth of large red-light districts employing mostly Chinese and Japanese women, which were tolerated by colonial authorities as a “necessary evil” to placate the large population of migrant male laborers (Warren 1993, 34). In her account of the “traffic in sexual labor,” Eileen Scully (2001) includes Chinese women’s immigration to the United States in the 1840s as an early example of the traffic, and she further points to the presence of Chinese and Japanese women in Latin America, Southeast Asia, Australia, and South Africa by the late 1800s. Borders, ports, and other transit zones came to be regarded as especially dangerous and were closely monitored to ward off diseases. The increasingly vociferous discourse of venereal disease as a “racial poison” and a “racial threat” in the 1860s coincided with an actual decline in infections (Levine 2003, 5). This setup expressed anxieties about racial purity in the face of both increased white female emigration and the immigration of nonwhite others. The authors of the 1927 Report acknowledge its link to earlier strands of antitrafficking work and its internationalization, which began in England and Western Europe in the nineteenth century. In 1869 Josephine Butler and other reformers founded the Ladies National Association (lna) for the Repeal of the Contagious Disease Acts. Regarding the compulsory physical examinations as “symbolic rape,” the lna “meticulously kept track of the number of examinations in which no venereal disease was discovered” and considered them to be “the central inequity of the Acts” (Bristow 1977, 82–83). Butler later established the British, Continental, and General Abolitionist Federation, in 1875, which extended the movement to abolish licensed brothels to the continent, since it was believed that the system of state-regulated prostitution in certain continental countries like France encouraged and facilitated the cross-national trafficking of women and girls. The federation convened an International Congress in 1877 and played a crucial role in sponsoring and financially underwriting targeted and on-the-ground investigations of the traffic. The 1927 Report mentions how their efforts led to an official British inquiry into the traffic of women and girls to the continent, which in turn resulted in the 1885 Criminal Law Amendment, as a model precedent for how concerted investigations could lead to effective regulation. After the repeal of domestic laws in 1889, the continued use of contagious-diseases ordinances in the British colonies and protectorates shifted the focus of antitrafficking measures to these overseas territories. The British, Continental, and General Abolitionist Federation was renamed the British Committee for the Abolition of the State Regulated Vice in India and throughout the British Dominions. In addition to interviewing soldiers returning from abroad, the organization employed both paid agents and voluntary supporters, who conducted investigations in India in 1891 and 1892, and also in Hong Kong, Shanghai, and the Straits Settlements (Levine 2003, 104). The work of antitrafficking enjoined and enabled certain Anglo American women to participate actively in an early form of transnational knowledge production that predated and presaged the League of Nations inquiries. In 1882 Butler personally encouraged the American missionaries Elizabeth Wheeler Andrew and Katharine Bushnell, of the Women’s Christian Temperance Union, to undertake an onsite investigation of trafficking and regulated brothels in India, which was later published as The Queen’s Daughters in India (1899). Andrew and Bushnell reported that “regulation was rampant and that Indian women submitted rather than face expulsion from the cantonments” (Burton 1994, 136). It is significant to note that their vigilant gaze was also trained on the imperial state and its “sanctioning of incorrigible soldierly behavior” (Levine 2003, 104). In the 1890s there emerged another strand of antitrafficking work in Britain that was affiliated with social-purity reformers, who advocated for the state oversight and regulation of prostitution. The National Vigilance Association (nva) began to organize an international campaign against “white slave traffic” and garnered the support and endorsement of state officials. It also convened an International Congress on White Slave Traffic in London, in June 1899, which the 1927 Report hailed as “the starting-point of a complete organization for defensive and active measures against the traffic” (League of Nations 1927, 8). The nva spearheaded a new organization, named the International Bureau (ib) for the Suppression of the Traffic in Women, which fostered “a close and permanent agreement . . . among the philanthropic and charitable societies of different countries to communicate to each other information as to the emigration of women under suspicious circumstances, and to undertake to protect the emigrants on their arrival.”2 The various national committees of the ib became actively engaged in the work of monitoring and managing the transnational movements of European women. In addition to being prominently led by men, the nva and the ib cultivated and enjoyed a close relationship to the state. They received some financial support from their respective governments and also worked with law enforcement and immigration officials in the exclusion and repatriation of foreign women suspected of being prostitutes (Limoncelli 2006, 51). Such heightened vigilance did not, however, translate into increased protection of women from exploitation. Writing of the period from 1895 to the First World War, Scully points out, “Policing and regulatory responses exacerbated the situation, as migratory prostitutes under siege became more reliant on pimps and more vulnerable to corrupt officials” (Scully 2001, 84). The ib played a leading role in coordinating the first International Agreement for the Suppression of the White Slave Traffic, which was signed on 18 May 1904, as well as the 1910 International Convention for the Suppression of White Slave Traffic, which the League of Nations later Surveillance and Antitrafficking 47 adopted and expanded. Under the auspices of antitrafficking, both the 1904 and 1910 documents asserted the signatory state’s responsibility for monitoring the transnational movement of girls and women. According to Article 1 of the 1904 Agreement, the signatory countries would “establish or name some authority charged with the co-ordination of all information relative to the procuring of women or girls for immoral purposes abroad” (League of Nations 1927, 197). Article 2 called for the parties “to have a watch kept, especially in railways stations, ports of embarkation, and en route, for persons in charge of women and girls destined for an immoral life” (ibid.). This concerted surveillance over traveling female bodies was later incorporated almost verbatim in the questionnaire that the League of Nations circulated in 1921: “4. Has the government taken any steps to have ports and railway stations watched for the purpose of checking the Traffic in Women and Children? If not undertaking this duty to themselves, have they delegated this responsibility, and if so, to what agency?” (League of Nations 1921a, 230). Articles 3 and 4 of the 1904 Agreement, which addressed the matter of the repatriation of “women and girls of foreign nationality who are prostitutes,” were incorporated as question 5: “Has the Government taken steps to ascertain from foreign prostitutes the reasons for which they left their countries? If so, what has been the outcome of this enquiry?” (ibid.). The internationalization of the work of antitrafficking necessitated the move from “white slave traffic” to the more universal rubric of the “traffic in women and children,” but much of the discourse and subsequent work of the League of Nations maintained a hierarchical racial distinction. Question 8 in the 1921 questionnaire explicitly focused on protective measures against “White Slave Traffic.” Several annual government reports also continued to deploy the term. The persistence of the use of the term white slave traffic was not residual but crucial to the fashioning of international consensus in an era marked by both imperialist jockeying and uneven nation formations. In proposing a new International Convention for the Suppression of the Traffic in Women and Children at the second meeting of the Assembly of the League in September 1921, the British delegation framed it as “an unprecedented opportunity for the League to demonstrate political will and determination” (Metzger 2007, 60). The 1921 Convention bore a notable exception in its Article 14: “Any Member or State signing the present Convention may declare that the signature does not include any or all of its colonies, overseas possessions, protectorates or territories under its sovereignty or authority, and may subsequently adhere separately on behalf of any such colony, overseas possession, protectorate or territory so excluded in its declaration.” Thus, the very assertion of a new international agreement entailed explicit sanctions of imperial “double standards” imposed onto different women’s bodies.

### Biopolitics

#### Reforms in surveillance practices work to normalize corporate surveillance by playing off the fear individualist capitalism creates—this allows for corporations to manipulate populations through the state’s panoptic gaze

**Giroux 14** [Henry A., Global TV Network Chair Professor at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professor at Ryerson University, “Totalitarian Paranoia in the Post-Orwellian Surveillance State,” Truthout, 10 February 2014, <http://www.truth-out.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state>]

In his videotaped Christmas message, Snowden references Orwell's warning of "the dangers of microphones, video cameras and TVs that watch us,"2 allowing the state to regulate subjects within the most intimate spaces of private life. But these older modes of surveillance, Snowden elaborates, however, are nothing compared to what is used to infringe on our personal privacy today. For Snowden, the threat posed by the new surveillance state can be measured by its reach and use of technologies that far outdate anything Orwell envisioned and pose a much greater threat to the privacy rights of citizens and the reach of sovereign powers. He reiterates this point by reminding his viewers that "a child born today will grow up with no conception of privacy at all - they will never know what it means to have a private moment to themselves, an unrecorded, unanalyzed thought."3 Snowden is right about the danger to privacy rights but his analysis fails to go far enough in linking together the question of surveillance with the rise of "networked societies," global flows of power and the emergence of the totalitarian state.4 The democratic ideal rooted in the right to privacy under the modernist state in which Orwell lived out his political imagination has been transformed and mutilated, almost beyond recognition. Just as Orwell's fable has morphed over time into a comwbination of "realistic novel," real-life documentary and a form of reality TV, privacy has been altered radically in an age of permanent, 'nonstop' global exchange and circulation. So, too, and in the current period of historical amnesia, privacy has been redefined through the material and ideological registers of a neoliberal order in which the right to privacy has succumbed to the seductions of a narcissistic culture and casino capitalism's unending necessity to turn every relationship into an act of commerce and to make all aspects of daily life visible and subject to data manipulation.5 In a world devoid of care, compassion and protection, privacy is no longer connected and resuscitated through its connection to public life, the common good or a vulnerability born of the recognition of the frailty of human life. In a world in which the worst excesses of capitalism are unchecked, privacy is nurtured in a zone of historical amnesia, indifferent to its transformation and demise under a "broad set of panoptic practices."6 Consequently, culture loses its power as the bearer of public memory in a social order where a consumerist-driven ethic "makes impossible any shared recognition of common interests or goals" and furthers the collective indifference to the growth of the surveillance state.7 Surveillance has become a growing feature of daily life. In fact, it is more appropriate to analyze the culture of surveillance, rather than address exclusively the violations committed by the corporate-surveillance state. In this instance, the surveillance and security state is one that not only listens, watches and gathers massive amounts of information through data mining necessary for identifying consumer populations but also acculturates the public into accepting the intrusion of surveillance technologies and privatized commodified values into all aspects of their lives. Personal information is willingly given over to social media and other corporate-based websites and gathered daily as people move from one targeted web site to the next across multiple screens and digital apparatuses. As Ariel Dorfman points out, “social media users gladly give up their liberty and privacy, invariably for the most benevolent of platitudes and reasons,” all the while endlessly shopping online and texting.7A This collecting of information might be most evident in the video cameras that inhabit every public space from the streets, commercial establishments and workplaces to the schools our children attend as well as in the myriad scanners placed at the entry points of airports, stores, sporting events and the like. Yet the most important transgression may not only be happening through the unwarranted watching, listening and collecting of information but also in a culture that normalizes surveillance by upping the pleasure quotient and enticements for consumers who use the new digital technologies and social networks to simulate false notions of community and to socialize young people into a culture of security and commodification in which their identities, values and desires are inextricably tied to a culture of private addictions, self-help and commodification. Surveillance feeds on the related notions of fear and delusion. Authoritarianism in its contemporary manifestations, as evidenced so grippingly in Orwell's text, no longer depends on the raw displays of power but instead has become omniscient in a culture of control in which the most cherished notions of agency collapse into unabashed narcissistic exhibitions and confessions of the self, serving as willing fodder for the spying state. The self has become not simply the subject of surveillance but a willing participant and object. Operating off the assumption that some individuals will not willingly turn their private lives over to the spying state and corporations, the NSA and other intelligence agencies work hard to create a turnkey authoritarian state in which the "electronic self" becomes public property. Every space is now enclosed within the purview of an authoritarian society that attempts to govern the entirety of social life. As Jonathan Schell points out: Thanks to Snowden, we also know that unknown volumes of like information are being extracted from Internet and computer companies, including Microsoft, Yahoo, Google, Facebook, PalTalk, AOL, Skype, YouTube and Apple. The first thing to note about these data is that a mere generation ago, they did not exist. They are a new power in our midst, flowing from new technology, waiting to be picked up; and power, as always, creates temptation, especially for the already powerful. Our cellphones track our whereabouts. Our communications pass through centralized servers and are saved and kept for a potential eternity in storage banks, from which they can be recovered and examined. Our purchases and contacts and illnesses and entertainments are tracked and agglomerated. If we are arrested, even our DNA can be taken and stored by the state. Today, alongside each one of us, there exists a second, electronic self, created in part by us, in part by others. This other self has become de facto public property, owned chiefly by immense data-crunching corporations, which use it for commercial purposes. Now government is reaching its hand into those corporations for its own purposes, creating a brand-new domain of the state-corporate complex.8 Social cynicism and societal indifference accelerate a broken culture in which reason has been replaced by consumer-fed hallucinatory hopes.9 Surveillance and its accompanying culture of fear now produce subjects that revel in being watched, turning the practice if not the threat posed by surveillance into just another condition for performing the self. Every human act and behavior is now potential fodder for YouTube, Facebook or some other social network. Privacy has become a curse, an impediment that subverts the endless public display of the self. Zygmunt Bauman echoes this sentiment in arguing that: These days, it is not so much the possibility of a betrayal or violation of privacy that frightens us, but the opposite: shutting down the exits. The area of privacy turns into a site of incarceration, the owner of private space being condemned and doomed to stew in his or her own juice; forced into a condition marked by an absence of avid listeners eager to wring out and tear away the secrets from behind the ramparts of privacy, to put them on public display and make them everybody's shared property and a property everybody wishes to share.10

### Biometrics

#### Biometric technologies justify high tech racial profiling where bias is magnified—the implementation of biometric allows for the worst form of racialized eugenics justified by economic necessity

Dubrofsky, Magnet 2015 [R. E. Associate Professor (and Affiliated Associate Professor, Departments of Humanities & Cultural Studies and Women's & Gender Studies, & Magnet, S. A. Assistant Professor in the Institute of Women’s Studies and the Department of Criminology at the University of Ottawa. She is a co-editor of The New Media of Surveillance (Eds.). (2015), Feminist Surveillance Studies. Duke University Press.//KHS]

Biometric technologies are accompanied by a whole host of surveillance practices that specificcally focus on the body as we are increasingly locked into what the sociologist Simone Browne calls the “identity-industrial complex,” where the body itself is the central target of surveillance practices (2009). As Hall’s work in this volume demonstrates, the failure of new technologies to keep people safe intersects with their race, class, gender, sexuality, and disabled- or able-bodied identities. One example of this is the ways that the surveillance of disability is facilitated by new reproductive technologies. For instance, the Newborn Screening Saves Lives Act mandates the collection of dna information from every baby born on U.S. soil. The genetic information collected from newborn babies is subject to an increasing number of genetic tests—a number that has dramatically expanded alongside new technological advances (Magnet 2012). Of course, this means the state increasingly screens for disabilities in ways that recall eugenics projects, as new technologies are used as a form of mandated surveillance by the state to facilitate the surveillance of disability. As Dorothy E. Roberts shows in her contribution to this volume, the increase in the number of amniocenteses performed is also part of the surveillance of disability, as “it is increasingly routine for pregnant women to get prenatal diagnoses for certain genetic conditions, such as Down syndrome or dwarfism” (176), even in cases where women do not understand what the test is for or its attendant risks. Of course, new reproductive technologies have different implications for white women and for women of color, and for women in the Global South versus women in the Global North. Roberts reminds us that in 1985 the feminist theorist Gena Corea “predicted that white women would hire surrogates of color in reproductive brothels to be implanted with their eggs and to gestate their babies at low cost” (169), this prediction highlights the differential ways genetic technologies are likely to be accessed. Corea’s prediction has come true, as Sayantani DasGupta and Shamita Das Dasgupta show in their contribution to this volume, which looks at the growing surrogacy industry in India. DasGupta and Dasgupta demonstrate that, for the most part, wealthy women from the Global North, as well as some wealthy Indian citizens, pay to have impoverished or financially struggling Indian women implanted with an embryo via in-vitro fertilization. In this piece, we see how the bodies of women of color are literally put into the service of reproducing empire for another country (often North America, Australia, or Europe) by producing offspring for what is often a white couple, and placed under surveillance to make sure they are doing so properly. Like Smith, DasGupta and Dasgupta demonstrate the urgent need for an analysis of colonialism and colonial practices in surveillance studies. They argue that surveillance practices facilitated by the economic necessity of Indian surrogates pave the way for all kinds of gender, class, and imperialist violences. In examining state attempts—with an orientalist and imperial gaze— to render “terrorist bodies” both pathological and animalistic—Hall illustrates that biotechnologies are deployed to turn these bodies inside out and make them transparent in ways that intensify systemic forms of violence already inflicted on marginalized communities. In her discussion of full-body scanners in U.S. airports, Hall looks at the centering of the notion that white, middle-class, able-bodied, heterosexual passengers should not have their bodily privacy invaded by tsa officials. Race issues are indeed often at the forefront in the marketing of the technologies— for instance, companies aiming to get state institutions to invest in identification technologies claim biometrics will circumvent persistent forms of racial profiling. Biometric technologies render the body in binary code, and industry manufacturers of these technologies claim this code reveals nothing about race, gender, class, or sexuality, instead representing bodies as anesthetized strands of ones and zeroes. However, it is increasingly clear that biometric technologies are in fact a high-tech form of racial and gender profiling that efficiently and quickly sorts people using criteria that often explicitly include race and gender. For example, in order to verify the identity of a particular individual, it would be faster to scan the individual against a smaller group of people with like characteristics, rather than against an entire database. For many biometric technologies, “like characteristics” include race and gender identities. Reifying race and gender in this way through their biometric categorization only serves to intensify existing forms of biological racialism and sexism, in which race and gender are imagined as stable biological properties that can be reliably read off the body.

### Birth Certificate

#### The birth certificate becomes a means for the state to enforce violent gender identity—the state’s need to document identity is founded on a need to police gender-binaries

Moore & Currah 2015 [Lisa Jean Moore Professor of Sociology and Gender Studies at the State University of New York, Purchase College. She was born in New York State, received a BA from Tufts University, a Masters of Public Health from the University of California, Berkeley and a PhD from the University of California, and Paisley Currah is Professor of Political Science at Brooklyn College and the Graduate Center of the City University of New York. "Legally Sexed." Feminist Surveillance Studies (2015): 58-76. Print.

Birth certificates establish the earliest relationship between an individual and the state. The advent of larger, centralized modern state formations puts greater distances between magistrates and citizens, and thus requires standardized systems for identifying and individuating its population (J. C. Scott 1998). Alongside death and marriage certificates, birth certificates are among the “vital statistics” that states use to count, study, and manage their populations (Lunde 1975; Shapiro 1950). These documents are essential for demography—that is, birth rate, mortality rates, fertility, migration—for municipalities and nation-states. Birth certificates aim to make an individual uniquely identifiable, recognizable, and classifiable (Rule et al. 1983; Stevens 1999). In attempting to codify the relationship between an individual and the state, birth certificates constitute one of the technologies of control of modern systems of biopower (Foucault 1976; Foucault 1978). Birth certificates provide benefits and confer responsibilities. They create recognition for the distribution of rights and resources from the state to individuals, such as voting, social security, Medicaid, and welfare benefits. Birth certificates are inscribed with cultural norms and values exercised through legally certified social relations that are expressed through bureaucratically mandated classifications of the parents’ age, marital status, and racial identification. These categories highlight social desires for the organization of human populations based on beliefs about sex, gender, race, and class: binary sexed, biologically driven, heterosexual, racially homogeneous, married families. For example, “legitimacy” is the legal certification of the status of offspring born to parents who are legally married at the time of the infant’s birth.3 Marital status and legitimacy on birth certificates are linked to marriage laws, functioning as disciplinary mechanisms that certify that some births are legitimate while others are not. Racial and ethnic categories have gone through many permutations on the U.S. Census, on marriage licenses, and on birth certificates. Since the early 2000s, many municipalities used the vital statistics categories recognized by the National Center for Health Statistics. The ten categories for race are White, Black, Indian, Chinese, Japanese, Hawaiian, Filipino, Other Asian or Pacific Islander, Other Entries, and Not Reported. In 1864 politicians coined the term miscegenation to refer to the illegal mixing of two or more races as a means to ensure and regulate human reproduction and racial “purity” (Pascoe 2009, 1). As the feminist historian Peggy Pascoe has shown, as late as 1999 antimiscegenation laws included in state constitutions made marriage illegal between a white person and someone with one-eighth or more “negro blood” (ibid., 307). While antimiscegenation laws have been eradicated, racial correlates are used to make arguments about certain types of human births. Case in point: the birth certificate of the president of the United States, Barack Obama, has been dissected and inspected from multiple angles to dispute the legitimacy of his claim to the presidency. Clearly motivated by racist beliefs, the demands of birthers (those who insist on President Obama’s alien status) have revealed their incredulity and discomfort with the fact that an African American man resides in the White House. The birther phenomenon clearly illustrates that birth certificates are rife with politics. In a broader epistemological sense, identity documents do not so much confirm identity as produce and authorize it legally.

#### The state’s enforcement of birth certification is violent and arbitrary

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In the lexicon of vital statistics discourse, the birth certificate is referred to as a “breeder document.” That is, it is a primary authenticating identity paper used when applying for other identity documents (New York City Department of Health and Mental Hygiene 2005). Birth certificates contain descriptions of the sex and birth history of the infant, both of which are understood as fixed pieces of data. Unlike aspects of identity that are recognizably mutable—such as one’s name, appearance, and ability—sex is assumed to be immutable, like place of birth and biological parentage, and is a fundamental characteristic for identifying citizens. Documenting birth through the birth certificate is an attempt to ground with certainty the material embodiment of the baby’s flesh as a gendered legal entity. That is, the state can study, track, educate, tax, and distribute resources to these imagined coherent selves, selves that flow from the entity described in biological terms and affirmed in state documentation. This is also a document that regulates social status, gender roles, and related performances. The dual function of the birth certificate—as documentary record of a historical fact and as a primary identity document—reveals the complex relation between identity documents and shifting identities, and between biological sex and legal gender identity. The more the science of sex advances, the less unitary and the more troubled the notion of sex as a binary concept becomes (Rosario 2002). For instance, according to Gerard Noriel, in 1829 a French doctor petitioned the state to allow doctors, instead of officials, to determine the sex of infants, because “the municipal officials were unable to determine the sex of a child in doubtful cases” (2001, 53). In an article on the issue of transsexuals and birth certificates, L. O. Schroeder points out, “Legally, a definition of male or female does not exist. The presumption that gender is so well understood as not to need defining does not survive examination” (1973, 239). Gender is shaped by the interplay between a number of distinct and often historically shifting factors—sex chromosomes, gonadal sex, sex hormone pattern, internal nongonadal sex organs, genitalia, secondary sex characteristics, gender of rearing, and gender identity.4 These characteristics are assumed to align themselves into a simple, unitary, uncontested form, defined as male or female. However, even these apparently biological elements are not always in alignment: people with intersexed conditions are born with different constellations of sex characteristics; many transgender individuals make surgical interventions on their bodies or take hormones to alter them. State actors, then, are forced to choose and monitor a particular criterion for defining sex when assigning legal gender identity. Compounding the confusion, in the United States there are state entities with jurisdictional power to define sex. For example, states, territories, and the federal government each issue all sorts of identification documents—from passports to birth certificates to drivers’ licenses to pilots’ licenses to Social Security cards. Even state entities that do not issue identity documents but do segregate on the basis of gender make their own rules for gender classification— prisons, hospitals, schools, drug rehabilitation centers, youth service providers, social services. To add yet one more layer of complexity, judges have added to the chaos by finding that one’s legal gender for one social function may not hold for others (Currah forthcoming).

#### Birth certificates violently enforce the state’s imposed gender hierarchy

Moore & Currah 2015 [Lisa Jean Moore Professor of Sociology and Gender Studies at the State University of New York, Purchase College. She was born in New York State, received a BA from Tufts University, a Masters of Public Health from the University of California, Berkeley and a PhD from the University of California, and Paisley Currah is Professor of Political Science at Brooklyn College and the Graduate Center of the City University of New York. "Legally Sexed." Feminist Surveillance Studies (2015): 58-76. Print.

Using the surveillance mechanisms of identity documents, the state implies that it must protect its citizens from would-be imposters. As “sex change” was made possible and acknowledged by the general population as well as policymakers, medical professionals, and bureaucrats, the state wanted to create a metric that ensured that the identity, once changed, would not change again. While cultural representations might allow for the flexibility of gender displays beyond traditional ideological binaries, state actors, often in the service of their constituents, have difficulty accommodating subjects whose gender identity does not “match” their legal sex. Even though, in the most recent period, state officials did acknowledge the possibility of identity changing and the necessity of individuals having identity documents that match, they fought to ensure that this change of sex be one-time, enduring, measurable, and “irreversible.” This anxiety about the possible inability of an identity document to maintain a correspondence with an individual throughout their life-span is summed up by a leading bureaucrat on the issue: “But we won’t know who you are.” In the end, the barrier put in place in New York City to ensure permanence—requiring genital surgery before an M or an F will appear on the reissued document—cannot in fact guarantee the permanence of gender identity or the genitals. While it is unlikely, it is possible for an individual to have gender-reassignment surgery more than once. This policy does not prevent that from occurring, nor does it mandate that individuals born in New York City who have undergone genital sex-reassignment surgery change their identity documents to match their new body. It does, however, prevent the vast majority of individuals whose gender identity does not match their legal sex from having their gender recognized by the state. At the time of this writing, the Transgender Legal Defense and Education Fund has filed a lawsuit challenging the birth-certificate policy as “arbitrary” and “capricious.” Other groups are working to have city legislators pass legislation to mandate criteria for sex reclassification that does not require body modification. Whether it is the fraud iteration of the 1960s or the current policy, state officials are left upholding a standard that is only possible within a legal framework—that the “essential” nature of identity must be grounded in the body itself. Within the legal framework, the only way to change one’s legal sex is to change the body, specifically the genitals. Outside the legal framework, advocates, gender theorists, and transgender people certainly understand the mutability of sex and gender. While these documents may seem benign, they create pain and suffering at local levels (Cover 1986; J. C. Scott 1998). Gendered surveillance accomplished through birth certificates (and all identity documents that rely on this original paper) means that bodies must reinforce the socially and culturally mandated binary sex characteristics.

### Foucualt

#### Mere rejection of the biopolitical state reaffirms the colonialist policies that seek to wipeout indigenous populations

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As noted by many critical-race- and ethnic-studies scholars, the manner in which Foucauldian analyses of the state tend to temporally situate biopower during the era of the modern state disappears the biopolitics of settler colonialism and transatlantic slavery.1 Alexander Weheliye (2014) points out that Foucault’s conception of a complicated biopower is juxtaposed against a simpler “ordinary racism” (Foucault 1997, 128). As Foucault asserts, “I am certainly not saying that racism was invented at this time. It had already been in existence for a very long time. But I think it functioned elsewhere” (ibid., 254). Relegated to both a theoretical and geotemporal “elsewhere,” Foucault then provides no elaboration on the nature of this “other” racism.” As Weheliye (2014) argues, when biopower is rendered as the real racism, whose apex can be found in Nazi Germany, indigenous genocide, slavery, and colonialism disappear into given forms of simple racism that require no account of their logics. Similarly, Achille Mbembe argues that the mechanics of Nazi Germany are not fundamentally different from the “necropolitics” of the colony or the plantation in which “‘peace’ is more likely to take on the face of a ‘war without end’” (2003, 23). Denise Ferreira da Silva’s germinal text, Toward a Global Idea of Race (2007), also demonstrates that these forms of racism precede the modern state as Western epistemology is itself fundamentally a racial project. A focus on biopolitical racism as it is tied to the modern state thus often occludes analysis of the racial logics of settler colonialism and plantation slavery. Surveillance studies’s focus on the modern state similarly hides an analysis of the settler colonialist and white supremacist logics of surveillance that precede the ascendancy of the modern state. Furthermore, attention to these colonial and white supremacist logics of surveillance require a feminist analysis, since colonialism and white supremacy are structured by heteropatriarchy. For instance, Mark Rifkin’s When Did Indians Become Straight? and Scott Morgensen’s Spaces Between Us call attention to the heteropatriarchal nature of colonial bio/necropolitics. That is, the shift from categorizing native peoples within the U.S. polity according to their membership in distinct nations to lumping them together under the racial category of “Indian” is often understood as a colonial tactic. But what Rifkin and Morgensen demonstrate is that this categorization is dependent on heteronormativity. Since they pose a threat to the colonial order, native nations are broken up into heteronormative individual family units in order to facilitate their absorption into the colonial state. This absorption occurs through a colonialist surveillance strategy by which the sexual and gender identities of native peoples must be constantly marked and policed. Through this surveillance, native peoples become racialized “Indians” who are managed through the politics of biopower (Rifkin 2011). Of course, as racialized subjects, native nations still constitute a threat to the well-being of the colonial state and hence are never properly heteronormative. The United States continues to be obsessed with solving the “Indian problem,” whether through boarding schools or land allotments. But Indianization, as it were, allows colonialism to become a population problem rather than a political problem (ibid.). Native nations are seen as sufficiently domesticated to be administered through government policy, rather than seen as a continuing political threat requiring ongoing military intervention. In addition, as Driskill, Finley, Gilley, and Morgensen (2011) argue, native peoples are fundamentally “queered” under settler colonialism such that conquest is justified by their sexual perversity. Deemed “sodomites,” native peoples’ presumed sexual perversity justifies their genocide. Indigenous colonization is then achieved through sexual regulation, such as sexual acts of terror (the mass rapes of native peoples in massacres), as well as policies of normalization in which heteropatriarchy is instilled in native communities through allotment, boarding schools, and criminalization, among other contemporary forms of the surveillance and regulation of native peoples. As I have argued elsewhere, sexual violence was a primary colonial strategy by which native peoples were rendered inherently rapeable, and by extension their lands inherently invadeable, and their resources inherently extractable (A. Smith 2005a). Thus, contrary to Lyon’s assertion that “the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction” preceded the rise of the bureaucratic state, these strategies were foundational to the settler state that required the gendered reclassification of the people from various indigenous nations into “Indians.” As Patrick Wolfe (1999) notes, settler colonialism is a structure, not an event; that is, settler colonialism requires the continual disappearance of the indigenous peoples on whose land the settler state is situated (2). Consequently, these colonial heteropatriarchal logics continue. As Jacqui Alexander’s critique of the heteropatriarchal postcolonial state demonstrates, on one hand, the postcolonial state (or states that strive to be postcolonial) is imagined to be incapable of self-governance through its previously described presumed sexual perversity. It thus seeks to prove its ability to self-govern by continuing the colonial policing of supposed sexually perverse “nonprocreative noncitizens” within its borders to legitimate its claims to govern. In policing the gender and sexual boundaries of the nation-state by purifying it of imagined racialized and gendered contaminants, Alexander (2005) argues, the postcolonial state succeeds in obfuscating the permeability of its boundaries to multinational capital. This policing, structured under the logics of what Maria Josefina Saldaña-Portillo (2003) terms “aggrieved masculinity,” then serves to allay the anxiety of the postcolonial state and postcolonial aspirants in the wake of the postcolonial state’s feminization within the heteropatriarchal logics of global capital. While Lyon’s analysis points us to the surveillance strategies of the state, an anticolonial feminist analysis demonstrates that the problem is instead the state itself as surveillance strategy. Consequently, it is no surprise that states that have “decolonized” perpetuate the same surveillance strategies, because surveillance is structured into the logic of the state itself. That is, if we relocate the focus of surveillance studies from the bureaucratic state to the settler colonial, white supremacist, and heteropatriarchal state, we may then reformulate our analysis of surveillance. In particular, I would like to foreground the focus of the field of surveillance studies on “seeing.” According to Lyon, “Surveillance studies is about seeing things and, more particularly, about seeing people” (2007, 1). The “watchful gaze,” as Lyon labels it, is what gives surveillance its “quintessential characteristic” (2007, 1). A focus on gendered settler colonialism would instead foreground how surveillance is about a simultaneous seeing and not-seeing. That is, the purposeful gaze of the state on some things and peoples serves the purpose of simultaneously making some hypervisible through surveillance while making others invisible. The colonial gaze that surveils native communities to monitor, measure, and account for their “dysfunctional” behaviors conceals from view the settler colonial state that creates these conditions in the first place. A feminist surveillance studies focus on gendered colonial violence highlights that which cannot be seen—indigenous disappearance.

### Islam/Muslims

#### Their provocation of the “Islamic threat” posits the Muslims as being backwards and in need of civilizing by the west—this makes war inevitable by marking Muslims as precarious in life that can be killed with impunity

Jiwani 2015 [Yasmin Jiwani BA, Psychology, University of British Columbia MA, Sociology, Simon Fraser University PhD, Communications, Simon Fraser.; interests focus on the intersecting influences of race and gender within the context of media representations of racialized groups and violence against women. "Violating In/Visibilities." Feminist Surveillance Studies (2015): 79-92.//KHS]

In the post-9/11 context the Muslim body became signified as the bearer of risk, carrying within it the threat of destruction—either through stealth weapons technologies, through the infiltration of Shariah laws, or through the presumed fecundity of Muslim women whose offspring threaten to invade the Western nation-state (Grewal 2003; Werbner 2007). Indeed, the furor and moral panic over the issue of Muslim women wearing the hijab and niqab in Europe, the United States, Canada, and Australia signify the condensed anxieties and fears about the possible invasion of Islam in the West, its incursion into and infiltration of the body politic, as well as its potential to engulf Western culture(s) (Razack 2008; J. W. Scott 2007; Zine 2009). Jasmin Zine (2009) effectively demonstrates how the tropes of “disciplining culture,” “death by culture,” and “death of culture” play into the coverage that Muslims, and especially Muslim women, receive in the dominant Western press. Each of these tropes relies on the disciplinary and surveilling power of the state, which identifies the specific cultures that are to be disciplined (through technologies of racial profiling for instance). The “death by culture” trope focuses on Muslim women’s apparent vulnerability to the perceived violence of their cultures. Honor killings become a signifier of that particularity of violence seen as endemic to Islam. This again, through media coverage, provides a rationale for disciplining particular cultural groups. Finally, the trope of “death by culture” summons forth fears of invasion, of a nation being engulfed by recalcitrant minorities with deviant cultural and religious practices. All of this rests on the corporeality of the body—that which signals its difference. In the Shafia trial coverage, these tropes were evident in the manner in which the press reports described both the victims and the perpetrators of the murders. For instance, the young women victims were consistently described as normal teenagers caught in a culture conflict with their ultrapatriarchal father and their Afghan Muslim upbringing. Their aspirations to conform to dominant norms through the wearing of Western clothes and through heterosexual relations outside the familial context were consistently highlighted (Jiwani 2014). Thus, they were portrayed as victims of “death by culture”—implying that it was the cultural tradition of honor, as invested in them, that caused their death. The repeated circulation of these young women’s photographs and “selfies” (self-photographs) in various poses, mostly in Western dress, made them seem more “like us” and hence elicited considerable sympathy from the audience. At the same time, the reporting, through the panopticism of the media, served as a disciplining tool; it communicated to Afghan Canadian communities, as well as to other Muslims, that their communities were under surveillance and that femicides were not permitted in Canada. However, rather than this being a general condemnation of all kinds of femicides within any and all communities, it was the specificity of honor killings as associated with Muslim culture and Afghan traditions that were castigated as “un-Canadian” and therefore uncivilized. As the Ontario Superior Court judge Robert Maranger stated in his judgment, which was widely reported in the press: “It is difficult to conceive of a more despicable, more heinous crime. . . . [T]he apparent reason behind these cold-blooded, shameful murders was that the four completely innocent victims offended your completely twisted concept of honor . . . that has absolutely no place in any civilized society” (Bascaramurty and Freeze 2012, A1). The lead prosecutor, Gerard Laarhuis, in his statement to the media declared, “This verdict sends a very clear message about our Canadian values and the core principles in a free and democratic society that all Canadians enjoy and even visitors to Canada enjoy” (Appleby 2012, A6). The civilizational discourse is apparent in these quotes, as is the binary of Canada as progressive, egalitarian, and free of gender-based violence, in contrast to Afghanistan or other Muslim majority countries, which are cast as “uncivilized” and gender oppressive. But here again, femicide was not regarded as the root issue; the media instead constructed the Shafia murders as another sign of the importation of Islam with its presumed barbaric practices, a sign that represented a threat to an imagined community of white Canadian bodies. We continually see commercial media and state attempts to distinguish between different kinds of violence against women through the representation of the Shafia murders as “honor killings.” As the feminist theorist Sherene Razack aptly notes, A crime of honor is a crime originating in culture/race, whereas a crime of passion originates in gender (abstracted from all other considerations). A crime of honor thus involves body, emerging as it does as a cultural tradition, and a crime of gender is mind, a distinctly individualized practice born of deviancy and criminality. The honor/passion distinction not only obscures the cultural and community approval so many crimes against women have in majority culture, but it reifies Muslims as stuck in premodernity while Westerners have progressed as fully rational subjects with the capacity to choose moral actions, even if the choice is a bad one. (2008, 128) Razack’s insightful analysis demonstrates how cultural differences are freighted with the burden of gendered violence, absenting the responsibility for such violence and failing to note the prevalence of patriarchy in all societies. What makes the elision possible is the strategic use of cultural signifiers to demarcate and stigmatize particular groups or communities. Signifiers attached to the bodies of those who are considered different are often used to mark cultural deviance. Joseph Pugliese refers to such culturally coded signifiers as somatechnics, which he defines as “the indissociable way in which the body of a subject is always already technologised and mediated by cultural inscriptions. In the West, this somatechnologisation of unassimilable culturalist difference can be seen to be operative across the broad spectrum of cultural artefacts inscribed by the sign ‘Islam,’ including the black beard, the hijab, the headscarf and the niqab” (2009, 13). The notion of somatechnics as techne related to the body returns our analytical focus back to the corporeal body “in which the body, the social-economic-political conditions of embodied subjectivity, and the relationship between the body and the body politic are taken as important sites of political struggles” (Salter 2006, 178). Here, corporeality is the site where relations of power are played out. Bodies that are absented from political considerations—from the field of power, as it were—are bodies whose corporeal presence is denuded of significance. These are the bodies that don’t count in Judith Butler’s (2004) terms, precarious bodies, bodies that are ungrievable. Precarious lives are often relegated to the zone of structured invisibility within the actuarial gaze. They only enter the realm of the panopticon or the synopticon when their visibility becomes corporeally coupled with threat; surveillance then becomes the technology by which such bodies are made visible, with that visibility intimately tied to ways that these bodies are made vulnerable to state violence. Razack captures this connection elegantly when she writes, “The eviction of groups of people from political community begins with their difference, coded as an incomplete modernity that poses a threat to the nation” (2008, 84). That “incomplete modernity” comes through the surveillance of particular racialized and gendered communities. For example, this phenomenon occurs in the disproportionate media surveillance of Afghan communities in Canada—followed by allegations in press reports of Afghans as tribalistic, primitive, and atavistic. In the aftermath of the tragic events of September 11, the popular columnist Margaret Wente, for instance, described Afghans in the following way: “Those who are responsible are most likely men from remote desert lands. Men from ancient tribal cultures built on blood and revenge. Men whose unshakable beliefs and implacable hatreds go back many centuries farther than the United States and its young ideas of democracy, pluralism, and freedom” (2001, A1). Here, orientalism becomes the lens motivating the placement of these bodies under surveillance as well as the theory rendering them intelligible through the mass media. Edward Said (1978) identifies four dogmas of orientalism, of which the fourth one is particularly relevant in this context: “that the Orient is at bottom something either to be feared (the Yellow Peril, the Mongol hordes, the brown dominions) or to be controlled (by pacification, research and development, outright occupation whenever possible)” (1978, 300–301). Orientalism has legitimized, and continues to legitimize, violent surveillance technologies and practices aimed particularly at Muslims and others from the Middle East (Jiwani 2011; Magnet 2012; Razack 2008). In the trial reporting examined, the Muslim affiliation of the perpetrators was clearly identified through references to prayers, Afghanistan, and polygamy, whereas the victims were consistently portrayed as rebelling against this imposed identity and social requirements. The trial press accounts also clearly identify the somatechnics of the perpetrators in ways that discursively demarcated them as different from the norm. Tooba Yahya Mohammad, for instance, was described in one account as “slight and pale, wearing a modest black tunic top over matching pants, cuffed at the wrist and ankle, her small chin quivered now and then, but she held it together—she is an Afghan, after all, tough and proud—until, as part of a court procedure, the prosecutor read aloud the names of her four surviving children” (Blatchford 2009, A2). As evident in this quote, the somatechnology that Pugliese describes in terms of identifiable cultural artifacts, such as a hijab, were conspicuously absent. Instead, the somatechne used to demarcate difference is stereotypical attributes of Afghan culture—Afghans as “tough and proud,” reminding the reader of a famous orientalist poem by Kipling, “The Young British Soldier.”3 Nonetheless, there were photographs displayed in court that showed the young Shafia women wearing hijabs, demonstrating that somatechnes worked to position these young victims as simultaneously at risk of patriarchal Islam while remaining emblematic signifiers of the oppressiveness of Islam. Pugliese further posits that the somatechnics of difference, where difference is signified as being unassimilable and as culturally foreign, result in a “prostheticized citizen subject” (2009, 21). The nonwhite body can never enjoy full or authentic citizenship; rather, it remains an other— conditionally tolerated, but never part of the body politic. Prosthetic citizenship can be taken away or withheld. It is never permanent. Whiteness as a racialized technology of power determines who can be granted citizenship and, with it, the security of belonging to the nation-state and of having rights that are recognized as rights and upheld within that body politic. The criteria by which specific bodies are seen as legitimate citizens as opposed to others who are denied such recognition rests on the race line (to use a term from Dubois about the ways in which U.S. culture is organized around a color line—that is, that white supremacy structures the U.S. polity according to race [1965/1999]). Mohammad Shafia, his second wife, Tooba Yahya, and his son, Hamed, remain prosthetic citizens. One way in which the media ensured this status was through the constant reference to their immigrant status and origins. Indeed, a key point held against Mohammad Shafia was that he had immigrated into the country on the basis of his capital and investment in property. He had “bought his residency in Canada under the federal investor-immigrant program” (Appleby 2012, A6). As prostheticized citizens, then, their murders are located outside the realm of the normative—this, despite the reality that in the year preceding this quadruple murder, forty-five women were killed in Canada as a result of domestic violence (Statistics Canada 2011). Seen as others, the murderers’ “fit” within Canada as a sovereign state is questioned. They mark the border between “us” and “them.” Shades of Afghanistan, with its “primitive, tribal culture,” are invoked in this coverage, clearly demarcating the boundaries between nations, cultures, and religions. It is, as Pugliese (2009) would suggest, a case of compulsory visibility.

#### The culture of surveillance fuels racialized boundaries where bodies are paternalized and constantly surveilled under state supervision

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Rachel L. Finn’s (2011) study of surveillant staring (being stared at) experienced by South Asian women in the United States emphasizes the corporeal aspects of being subjected to the daily “citizen-to-citizen surveillance” that has resulted from the heightened focus on security issues post-9/11. Drawing from Sara Ahmed, Finn argues that the signifiers of cultural differences and their embodiment in “strangers”—discursively defined as inassimilable others—serve to demarcate racialized boundaries and homogenize differences within those regarded as strangers. She notes, “Surveillance is an active social process that reinforces the differential structural positioning of its targets” (2011, 424). In a sense, this kind of surveillance demonstrates the synoptic influence of the mass media. Convinced about what terrorists “look like” based on images and messages from the media, citizens then take it on themselves, with permission and encouragement from state authorities, to spy on others. Yet it is Finn’s argument about how the bodies of others become defined as racialized boundaries that is of interest here, for if bodies signify borders, then the threat of difference as an invasive force becomes that much more potent. Conversely, if bodies are seen as borders to be invaded, rather than as a threat, then these bodies signify borders that can be overcome, transcended with the might of state power. In the Shafia case, both during the trial and after the verdict had been announced, the Canadian government granted $2.8 million to antiviolence organizations to help them sensitize service providers to signs of potential honor killings (Olwan 2013). In Montreal the Shield of Athena, an organization that provides multilingual services to victims of domestic violence was granted a hefty $350,000 to aid victims of honor crimes (Radio Canada 2012). Cultural sensitization becomes one way in which the state, through nonprofit organizations, carries out its surveillance of particular bodies. In contrast, as Olwan (2013) contends, organizations such as the aboriginal women’s organization Sisters of Spirit, along with many other aboriginal groups, were deprived of much-needed funding. These then represent the bodies that can be invaded or overcome and bodies that are precarious—that is, bodies that simply don’t count. The notion of different bodies as constitutive of a boundary separating “us” from “them”—the watchers from the watched—offers a way to reconceptualize security and surveillance. In the first sense, it brings home the notion of the marked body as a threat where the threat is no longer abstract but corporealized, where surveillance becomes, as Finn remarks, “democratized,” making it a duty for all good citizens to maintain heightened vigilance to signs of deviant differences. Recasting the body as border makes apparent the spatial relations of power; thus, the visibility of the marked body operates against the invisibility of the unmarked body, which is the body in dominance (e.g., whiteness against blackness). Here, as Rachel Hall also argues in her contribution to this volume, the white body is normalized and acts as the standard against which the racialized body is compared, and against which its differences are accentuated and signified within particular frames of meaning. John Gabriel (1998) refers to this as the power of exnomination, where the nominated body is the profiled body, or as Hall suggests (this volume), the profiled body is opaque, impenetrable, and therefore always suspect. The nominated body thus represents the borders of the social order, and interactions with such a body come to represent transgressions which may be seen as impure and dangerous. Hence, the Muslim bodies that committed the “honor killing” come to be framed in the same manner— as polluting agents who threaten to destabilize the social order by engaging in a heinous crime. That crime, through nomination, is defined as “honor killing” and thereby abstracted from the more widespread and prevalent pattern of femicides. Women, as Floya Anthias and Nira Yuval-Davis (1992) have underscored, are boundary markers in most ethnic groups. As women are reproducers of the nation, their role in upholding the moral order is a necessary foundation for the continuity of patriarchal power. However, where such patriarchal power has been defined as illegitimate and unacceptable (as in the case of Muslim men who are perceived as ultrapatriarchal), the potential exercise of such power is immediately put under surveillance. Witness, for instance, the state-mandated publications and workshops geared toward immigrant Muslim families in Europe. The stated aim of these is to inculcate in Muslim immigrants and refugees the proper norms regarding gender relations and sexual rights. The assumption that citizens at large customarily practice such egalitarian relations and equitable rights is simply taken for granted and rarely interrogated (Olwan 2013; Razack 2004). Shoshana Amielle Magnet (2011) discusses how the border becomes outsourced, inscribed on bodies that are different and that reside elsewhere. Surveillance thus occurs outside the nation in order to preempt any threat from entering the nation. She argues that this strategy of outsourcing relies on racialized, gendered, and heteronormative logics. This is one form of “outsourcing the border,” as Magnet (2012) would describe it. The state-imposed criteria as to who can enter the borders of the nation state are installed in source countries to deter those who cannot or will not “fit” into the country of destination. The outsourcing of surveillance then works in conjunction with the in-sourcing of surveillance—through the provision of services and the sensitization of service providers who work with victims of honor killing. This, I would suggest, is surveillance with a small “s,” in contrast to Surveillance, which deploys state technologies to actively and overtly spy, contain, and discipline others (e.g., passport control).

### Privacy

#### Understandings of privacy as a human right fetishizes it as a universal necessity exacerbating the exploitative and violent nature of consumer capitalism

Fuchs 2011 [Christian. "The Political Economy of Privacy." The Internet & Surveillance 8 (2011).//shaREEF]

Etzioni (1999) stresses that it is a typical American liberal belief that strengthening privacy can cause no harm. He stresses that privacy can undermine common good (public safety, public health). That privacy is not automatically a positive value has alo been reflected in criticism of privacy. Critics of the privacy concept argue that it promotes an individual agenda and possessive individualism that can harm the public/common good (Bennett 2008, 9f; Bennett and Raab 2006, 14; Etzioni 1999; Gilliom2001, 8, 121; Hengladarom 2007, 115;Lyon 1994, 296; Lyon 2007, 7, 174; Stalder 2002; Tavani 2008, 157f), that it can be used for legitimatizing domestic violence in families (Bennett and Raab 2006, 15; Lyon 1994, Lyon 2001, 20; Quinn 2006, 214; Schoeman 1992, 13f; Tavani 2008, 157f; Wacks 2010, 36) that it can be used for planning and carrying out illegal or antisocial activities (Quinn 2006, 214; Schoeman 1984, 8), that it can conceal information in order to mislead and misrepresent the character of individuals and is therefore deceptive (Bernett and Raab 2006, 14; Schoeman 1984a, 403; Posner 1978/1984; Wasserstrom 1978/1984), that a separation of public and private life is problematic (Bennett and Raab 2006, 15; Lyon 2001, 20; Sewell and Barker 2007, 354f), that it advances a liberal notion of democracy that can be opposed by a participatory notion of democracy (Bennett and Raab 2006, 15). Privacy has also been criticized as Western-centric concept that not exist in an individualist form in non-Western societies (Burk 2007; Hongladarom 2007; Zureikand Harling Stalker 2010, 12). There have also been discussion of the concept of privacy based on ideology critique (Stahl 2007) and intercultural philosophy (see for example: Cappurro 2005; Ess 2005). These critiques show that the question is therefore not how privacy can best be protected but in which cases whose privacy should be protected and in which cases it should not be protected. Many constitutional privacy regulations acknowledge the limit is of privacy and private property and that unlimited property can harm the public good. So the fifth amendment of the US constitution says that no person shall “be deprived of life, liberty or property”, but adds: “without due process of law”. It says that private property shall not “be taken for public usem without just compensation”. Artile 14 (1) of the German Grundgeetz says that “property and the right of inheritance shall be guaranteed” and adds: “(2)Property entails obligations. Its use shall also serve the public good. (3) Expropriation shall onlybe permissible for the public good”. Similarly, the Swedish Constituion (The Instrument of Government, Chapter 2) guarantees “the property of every citizen”, but adds that this is not the case when expropriations is necessary to satisfy pressing public interests” (s18). Liberal privacy theories typically talk about the positive qualities that privacy entails for humans or speak of it as an anthropological constant in all societies, without discussing the particular role of privacy in modern, capitalist society. Alan Westin (1967), on the one hand gives examples from anthropological literature of societies without privacy, but on the other hand in contradiction to his own examples claims that privacy is a universal phenomenon that can be found in sexual relations, households, personal encounter, religion, puberty, and that is related to gossip and curiosity. Bloustein (1964/1984) argues that privacy is needed for protecting individual dignity, integrity, independence, freedom, and self-determination. For Westin (1967), privacy provides individual autonomy, emotional release, self-evaluation, and intimacy. Fried (1968/1984) seep privacy as a context that enables human respect, love, friendship and trust. Benn (1971/1984) says that privacy is a general principle needed or respect, freedom and autonomy. For Rachel (1975/1984), privacy is needed for protecting individuals from competition and embarrassment. Gerstein (1978/1984) argues that intimacy cannot exist without privacy. For Gavison (1980), privacy protects freedom from physical access, liberty of action, freedom from censure and ridicule, and promotes mental health, autonomy, human relations, dignity, pluralism, tolerance, and democracy. Ferdinand Schoeman (1984a) argues that privacy enables social relationship, intimacy, personality, and personally validated objectives thatare autonomously defined. Mergulis (2003a, b) says that privacy enable autonomy, emotional release, self-evaluation, and protected communication. Solove (2008, 98) argues that privacy is a pluralistic value and provides a list of the values privacy has been associated with: autonomy, counterculture, creativity, democracy, eccentricity, dignity, freedom, freedom of thought, friendship, human relationships, imagination, independence, individuality, intimacy, psychological well-being, reputation, self-development. Given the preceding discussion, the following values can be added to this list: emotional release, individual integrity, love, personality, pluralism, self-determination, respect tolerance, self-evaluation, trust. Such analyses do not engage with actual and possible negative effects of privacy and the relationship of modern privacy to private property, capital accumulation, and social inequality. They give unhistorical accounts of privacy by arguing that privacy is a universal human principle that brings about positive qualities for individuals and society. They abstract from issues relating to the political economy of capitalism, such as exploitation and income/wealth inequality. But if there are negative aspects of modern privacy, such as the shielding of income gaps and of corporate crimes, then universalistic liberal privacy accounts are problematic because they neglect negative aspects and present modern values as characteristic for all societies. Karl Marx characterized the appearance of the “definite social relation between men themselves” as “the fantastic form of a relation between things” (Marx 1867, 167) as fetishistic thinking. Fetishism mistakes phenomena that are created by humans and have social and historical character as being natural and existing always and forever in all societies. Phenomena such as the commodity are declared to be “everlasting truths” (Marx 1867, 175, fn34). Theories of privacy do not consider privacy as historical, that do not take into account the relation of privacy and capitalism or only stress its positive role, can be based on Marx be characterized as privacy fetishism. In contrast to privacy fetishism, Moore (1984) argues based on anthropoligial and historical analyses of privacy that it is not an anthropological need “like the need for air, sleep, or nourishment” (Moore 1984, 71), but “a socially created need” that varies historically (Moore 1984, 73). The desire for privacy, according to Moore, develops only in societies that have a public sphere that is characterized by complex social relationships that are seen as “disagreeable or threatening obligation” (Moore 1984, 72). Moore argues that this situation is the result of stratified societies, in which there are winners and losers. The alternative would be the “direct participation in decisions affecting daily lives” (Moore 1984, 79).

#### Privacy as a right ignores the interrelatedness of human existence and shifts to a paradigm of greed and competition

Fuchs 2011 [Christian. "The Political Economy of Privacy." The Internet & Surveillance 8 (2011).//shaREEF]

There is no pure individual existence. All human existence is socially conditioned. By conceiving pricacy as individual right, liberal privacy conceptions fail to grasp the social existence of humans. Marx described the position of the relation of the private and the general in the theories of bourgeois political economists. “The economists express this as follows: Each pursues his private interest and only his private interest; and thereby serves the private interests of all, the general interest, without willing or knowing it. The real point is not that each individual’s pursuit of his private interest promotes the totality of private interests, the general interest. One could just as well deduce from this abstract phrase that each individual reciprocally blocks the assertion of the others’ interests, so that, instead of a general affirmation this war of all against all produces a general negation. The point is rather that private interest is itself already a socially determined interest, which can be achieved only within the conditions laid down by society and with the means provided by society; hence it is bound to the reproduction of these conditions and means. It is the interest of private persons; but its content, as well as the form and means of its realization, is given by social conditions independent of all” (Marx 1857/58, 156). So it is Marx’s argument that the notion of the private in the classical political economy is individualistic and neglects that all individual actions take place within and are conditioned by society.

#### Notions of privacy promote a possessive individualism that destroys communal cohesion by instrumentalizing life for capitalist accumulation

Fuchs 2011 [Christian. "The Political Economy of Privacy." The Internet & Surveillance 8 (2011).//shaREEF]

The individualism advanced by liberal privacy theories results in egoism that harms the public good. Marx furthermore stresses that modern society is not only based on individualism but also on egoism (Marx 1843b, 235-237, 240). Liberty in bourgeois society “is the liberal of man viewed as an isolated nomad withdrawn into himself […] The practical application of the right of liberty is the right of private property” (Marx 1843b, 234)”> Modern society’s constitution would be the “constitution of private property” (Marx 1843a, 166). The right of private property in the means of production and to accumulate as much capital as one pleases would harm the community and the social welfare of others who are by this process deprived of wealth: “The righto property is thus the right to enjoy and dispose one’s possessions as one wills, without regard for other men and independently of society. It is the right of self-interest” (Marx 1843b, 236). “Thus none of the so-called rights of men goes beyond the egoistic man, the man withdrawn into himself, his private interest and his private choice, and separated from community as a member of civil society” (Marx 1843b, 236f).Marx further criticizes that the private accumulation of capital results in the concentration of capital and thereby of wealth: “Accumulation, where private property prevails, is the concentration of capital in the hand of a few” (Marx 1844, 41). David Lyon notes that the liberal “conception of privacy connects neatly with private property. Mill’s sovereign individuals were characterized by freedom to pursue their own interests without interference, by rational, calculating and self-motivated action in transforming nature to their own ends. This presupposes a highly competitive environment, in which one person’s freedom would impinge on another’s hence the need to balance values like ‘privacy’ with others (Lyon 1994, 186). Crawford Macpherson (1962) has termed this Marxian critique of liberalism the critique of possessive individualism. Possessive individualism is the “conception of the individual as essentiality the proprietor of his own person or capacities, own nothing to society for them” (Macpherson 1962, 3). According to Macpherson, it is the underlying worldview of liberal-democratic theory since John Locke and John Stuart Mill. The problem of the liberal notion of privacy and the private sphere is that relatively unhindered private accumulation of wealth, as the neoliberal regime of accumulation has shown since the 1970s, comes into conflict with social justice and is likely to result in strong socio-economic inequality. The ultimate result of Mill’s understanding of privacy is an extreme unequal distribution of wealth. So his privacy concept privileges the rich owning class at the expense of the non-owners of private property in the means of production.

#### Defense of privacy is inherent to maintaining the inner-workings of capitalist exploitation—the separation of public/private allows endless corporate greed that maintains systems of poverty, poverty, and racism

Fuchs 2011 [Christian. "The Political Economy of Privacy." The Internet & Surveillance 8 (2011).//shaREEF]

There is an inherent connection of privacy, private property, and patriarchal family. Engels has stressed the inherent connection of the private sphere with private property and the patriarchal family. “The first class antithesis which appears in history [slavery] coincides with the development of the antagonism between man and woman in monogamous marriage, and the first class oppression with that of the female sex by the male. […] The administration of the household lost its public character. It was no longer the concern of society. It became a private service. The wife became the first domestic servant, pushed out of participation in social production” (Engles 1891, 474, 480). The Marxian analysis of the political economy of privacy was partly reflected in the works of Jurgen Habermas and Hannah Arendt. Marx stresses that capitalism is based on a separation of the state and bourgeois society. The latter would be based on private property. Man “leads a double life. […] In the political community he regards himself as communal being: but in civil society he is active as a private individual, treats other men as means, reduces himself to a means, and becomes the plaything of alien powers” (Marx 1843b, 225;see also: Marx 1843a, 90). This Marxian moment of analysis is a crucial element in Habermas’ theory of the public sphere. During the course of the development of capitalism since the 19th century, the world of work and organization became a distinct sphere. With the rise of wage labour, industrialism, and the factory, the economy became to a certain degree disembedded from the private household (Habermas 1989, 152, 154; see also: Arendt 1958, 47, 68). Consumption became a central role of the private sphere: “O the other hand, the family now evolved even more into a consumer of income and leisure time, into the recipient of publicly guaranteed compensations and support services. Private autonomy was maintained not so much in functions of control as in functions of consumption”, (Habermas 1989, 156). Therefore privacy is for Habermas an illusionary ideology –“pseudo privacy” (Habermas 1989, 157) – that in reality functions as community of consumers: “there arose the illusion of an intensified privacy in an interior domain whose scope had shrunk to compromise the conjugal family only insofar as it constituted a community of consumers” (Habermas 1989, 156). A central role of the private sphere in capitalism is also that it is a sphere of leisure: “Leisure behavior supplies the key to the floodlit privacy of the new sphere, the the externalization of what is declared to be the inner life” (Habermas 1989, 159). Expressed in other words one can say that the role of the private sphere in capitalism is as sphere of leisure and consumption that Habermas identifies is that it guarantees the reproduction of labour power so that it remains vital, productive, and exploitable. Habermas (1989, 124-129) stresses for Marx the inherent principle of universal accessibility of the public sphere is undermined by the facts that in capitalism private property of the means of production is controlled by capitalists and workers are excluded from this ownership. The separation of the private from the public real obstructs “what the idea of the bourgeois public sphere promised” (Habermas 1989, 125). Hannah Arendt (1958) reflects in her work the Marxian notion that the liberal privacy concept is atomistic and alienates humans from their social essence. She stresses that sociality is a fundamental human condition. Privacy is for her in modern society “a sphere of intimacy” (Arendt 1958, 38). For Arendt, the public realm is a sphere where everything can be seen and heard by everybody (Arendt 1958,50). It is “the common world” that “gathers us together and yet prevents our falling over each other” (arendt 1958, 52). Privacy would be a sphere of deprivation, where humans are deprived of social realtions and the possibility of achieving something more permanent than life itself” (Arendt 1958,58). “The privation of privacy lies in the absence of others” (Arendt 1958, 58). Arendt says that the relation between private and public is “manifest in its most elementary level in the question of private property” (Arendt 1958, 61). In modern society, as a result of private property the public would have become a function of the private and the private the only common concern left, a flight from the outer world into intimacy (Arendt 1958, 69). Labour and economic production, formerly part of private households would have become public by being integrated into capitalist production. The theories of Marx, Arendt, and Habermas have quite different political implications, the three authors have in common that they stress the importance of addressing the notions of privacy and the public by alayzing their inherent connection to the political economy of capitalism. Countries like Switzerland, Liechtenstein, Monao, or Austria have a tradition of relative anonymity of bank accounts and transactions. Money as private property is seen as an aspect of privacy, about which no or only restricted information should be known to the public. In Switzerland the bank secret is defined in the Federal Banking Act (47). The Swiss Bankers Association sees bank anonymity as a form of “financial privacy” that needs to be protected and of ‘privacy in relation to financial income and assests”. In most countries, information about income and profits of companies (except for public companies) is treated as a secret, a form of financial privacy. The problems of secret bank accounts and transactions and the intransparency of richness and company are not only that secrecy can in the economy support tax evasion, black money, and money laundering, but that it masks wealth gaps. Financial privacy reflects the classical liberal account of privacy. So for example John Stuart Mill formulated a right of the propertied class to economic privacy as “the owner’s privacy against invasion” (Mill 1965, 232). Economic privacy in capitalism (the right to keep information about income, profits, bank transactions secret) protects the rich companies and wealth. The anonymity of wealth, high incomes, and profits makes income and wealth gaps between the rich and the poor invisible and thereby ideologically helps legitimatizing and upholding these gaps. It can therefore be considered an ideological mechanism that helps reproducing and deepening inequality. Privacy is in modern societies and ideal rooted in the Enlightenment. The rise of capitalism resulted in the idea that the private sphere should be separated from the public sphere and not accessible for the public and that therefore autonomy and anonymity of the individual is needed in the private sphere. The rise of the idea of privacy in modern society is connected to the rise of the central ideal of the freedom of private ownership. Private ownership is the idea that humans have the right to own as much wealth as they want as long as it is inherited or acquired through individual achievements. There is an antagonism between private ownership and social equality in modern society. How much and what exactly a person owns is treated as an aspect of privacy in contemporary society. To keep ownership structures secret is a measure of precaution against the public questioning or the political and individual attack against private ownership. Capitalism requires anonymity and privacy in order to function. But full privacy is also not possible in modern society because strangers enter social relations that require trust or enable exchange. Building trust requires knowing certain data about other persons. It is therefore checked with the help of knowing certain data about other persons. It is therefore checked with the help of knowing certain data about other persons. It is therefore checked with the help of knowing certain data about other persons. It is therefore checked with the help of surveillance procedures if a stranger can be trusted. Corporations have the aim of accumulating ever more capital. That is why they have an interest in knowing as much as possible about their workers (in order to control them) and the interests, tastes, and behaviours of their customers. This results in the surveillance of workers and consumers. The ideals of modernity (such as the freedom of ownership) also produce phenomena such as income and wealth inequality, poverty, unemployment, precarious living and working conditions. The establishment of trust, socio-economic differences, and corporate interests are three qualities of modernity that necessitate surveillance. Therefore, modernity on the one hand advances the ideal of a right to privacy, but on the other hand it must continuously advance surveillance that threatens to undermine privacy rights. An antagonism between privacy ideals and surveillance is therefore constitutive of capitalism. Liberal privacy discourse is highly individualistic; it is always focused on the individual and his/her freedoms. It separates public and private spheres. Privacy in capitalism can best be characterized as an antagonistic value that is on the one side upheld as a universal value for protecting private property, but is at the same time permanently undermined by corporate surveillance into the lives of workers and consumers for profit purposes. Capitalism protects privacy for the rich and companies, but at the same time legitimates privacy violations of consumers and citizens. It thereby undermines its own positing of privacy as universal value.

### Surveillance

#### Practices of surveillance is inextricably linked with societal control that privileges the protection of certain groups and policing minority populations—their affirmation results in the worst form of violence against women and minority populations

Mason & Magnet 12 [Corinne Lysandra, and Shoshana Magnet. "Surveillance studies and violence against women." *surveillance & society* 10, no. 2 (2012): 105-118.]

Surveillance practices and their relationship to inequality have a long history, from the surveillance of slaves through a reliance on identity documents (Parenti 2003) to the scrutiny of those receiving certain forms of aid from the state (Eubanks 2006; Monahan 2010).1 As contemporary scholarship within surveillance studies documents (Doyle et al. 2012; Lyon 2009; Lyon 2006; Andrejevic 2007; KohlerHausmann 2007), the surveillance of consumers by companies and of citizens by the state intensified dramatically since the late 1970s. This rise in surveillance practices is productive and has resulted in the birth of a new range of surveillance technologies, from computer programs able to track the exact number of minutes that an employee spends on the phone (Head 2003) to personal digital assistants (PDAs) that transmit the user’s exact geographic location. Scholarship within surveillance studies notes the relationship of surveillance to inequality, whether it is the scrutiny of immigrants and refugees (Zureik and Salter 2005) or the policing of folks living in low-income neighbourhoods (Gates 2011). Less attention has been concentrated on intersectional feminist approaches to surveillance that examine its relationship to racisms, sexisms, ableisms, and homo- and trans- phobias. That is, while inequalities have been paid serious attention in the field, axioms of oppression are rarely analysed simultaneously. Moreover, surveillance practices are intimately connected to stalking and have had tremendous consequences for violence against women, and yet the implications of the rise of surveillance for VAW are less studied in the field of surveillance studies, with a few excellent exceptions (Eubanks 2006; Römkens 2006; Southworth et al. 2005). An upcoming volume titled Feminist Surveillance Studies notes in its introduction that studies on the surveillance of women have a long history, even if they are not explicitly named as such (Magnet and Dubrofsky, under contract). From Laura Mulvey’s article ‘Visual Practices and Narrative Cinema’ (1975) on practices of looking at women in film to bell hooks’ foundational work on the power of the white supremacist gaze (1992), violent ways of visually dismembering and reconstituting women’s bodies using new visualization technologies are not new. Nor is the institutional scrutiny and regulation of women’s bodies a new phenomenon. Including the sterilization of women of colour and women with disabilities as part of neo-eugenics programmes in the U.S., as well as the scrutiny of women receiving particular forms of aid from the state, women have long been policed by state institutions (Smith 2007; Smith 2008; Eubanks 2006; Kohler-Hausmann 2007). Unsurprisingly, the state is not the only actor capable of violently surveying women’s bodies and behaviours. Surveillance practices, in some cases ones that were explicitly developed by the state such as welfare registries and emergency hotlines to report welfare or immigration violations, are now being adopted by abusers in order to violently control the women in their lives. In examining the connection of new surveillance technologies to violence against women, we ask the following questions: How does violence against women inform the development of new technologies? And how do new technologies inform violence against women?

#### Surveillance is a violent colonial practice that seeks to control populations and shape knowledge production towards colonialist ends—any reformation in the system merely rearticulates violence against gendered and racialized groups

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A feminist approach to surveillance studies highlights the ways that surveillance is integral to many of our foundational structural systems, one that breed disenfranchisement, and that continue to be institutionalized. In an extension of bell hook's notion of "white supremacist patriarchy" (hooks 1997), we suggest the (clumsy, but illustrative) term "white supremacist capitalist heteropatriarchal surveillance": the use of surveillance practices and technologies to normalize and maintain whiteness, able-bodiedness, capitalism, and heterosexuality, practices integral to the foundation of the modern state. Smith's contribution to this collection reminds that while the modern bureaucratic state is often the focus of surveillance studies, the surveillance of native peoples is a key foundational strategy of colonialism: technologies of surveillance were integral to settler colonialism. Smith calls for the centering of an anticolonial feminist analysis within the field of surveillance studies, as she recounts how the violence of surveillance through organized settler colonial practices transformed First Peoples into racialized communities, thus facilitating the bureaucratically managed rape of indigenous people, making them "rapeable." State surveillance practices, which we might simply call state practices (since surveillance is so seamlessly embedded), are processses that are simultaneously about seeing and not-seing--that is, some bodies are made invisible, while others are made hypervisible (see Smith, Moore, Jiwani, and Hall, this volume). The underlying structures of domination that created the conditions for violence in communities of color-such as the incarceration of indigenous peoples in residential schools or the institutionalized rape that accompanied slavery--are made invisible, while the cycle of violence that residential schools or that slavery created in terms of ongoing violence in communities of color are hypervisibilized, surveilled, and then subject to violent state intervention. As Yasmin Jiwani notes in her essay in this volume, which looks at how the commercial Canadian media covered the Shafia murders (four Afghan women murdered by family members in Canada), when violence happens in communities of color, it is understood as ordinary and expected--people from these communities of color justifies new forms of surveillance by the state in ways that facilitate the disproportionate criminalization of communities of color. As Hall notes in her essay on body scanners in airports, whiteness is transparent--a racialization that does not require monitoring--whereas racialized bodies are opaque and therefore suspect. Similarly, Moore's contribution to this volume examines the increasing reliance on a genre of institutional photography--photographs of battered women--by police in cases involving batter, under a system of white supremacy. Moore shows that women of color (particularly dark-skinned women) are not revealed through the mechanism of photography, especially their injuries, in the same way as white women. Laura Hyun Yi Kang's piece in this volume about the history of anti-trafficking, highlights how subjecting female bodies to observation has long been a practice in the United States. She examines the surveillance of the "differentially stratified mobilities" of women accross borders, noting that the surveillance and scrutiny of women immigrating to the United States bespeaks founding imperialist racialist narratives in the United States. Focusing on trafficking in the League of Nations, Kang asserts that women were simultaneously hailed as objects and subjects of surveillance. The women were, on the one hand, seen as involved in the policing of other women, but on the other hand, at the borders of the nation where they were imagined to be trafficked, they were placed under greated surveillance which resulted in racialized sexist scrutiny. as Lisa Jean Moore and Paisley Currah (this volume) show in their analysis of the birth certificate, gender and sexuality are inextricably bound to the surveillant practices of documentation. Beginning with the binary system of gender imposed on babies born on U.S soil, each of whom must be categorized and documented as a boy or a girl, living in the modern bureaucratic state is about the policing of gendered identities. Of course, as Moore and Currah demonstrate, the practice of documenting citizens via birth certificates is not a simple recording of bodily identities, but a process of surveillance that produces gendered identities in ways that do both epistemological and ontological violence to bodies that do not fit the male-female binary. In fact, statistics (including tracking and gathering information about gender) is intimately tied to the rise of statehood, as states gain the power to govern in part by collecting knowledge about their citizenry (Bowker and Star 1999, 110). Thus, in the words of the communication theorist Armand Mattelart, "measurement, computing, and recording have been the recurrent traits of the long process of construction of the modern mode of communication, starting with the first manifestations of statistical reason" (19696, xvi). A feminist approach to surveillance studies demonstrates how the production of knowledge, when it comes to vulnerable bodies, is always already bound up with gendered and sexualized ways of seeing. The essay in part 1 make clear that surveillance practices are actually part of the founding mechanisms of many nation-states, as well as of the practices used to keep track of the citizens of these nation-states.

#### These practices of surveillance fetishize the white-male gaze justifying consumptive violence against bodies that do not assume the position of normal

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Part of what we add to ongoing conversations about surveillance is the idea that surveillance practices do not only “dismantle or disaggregate the coherent body bit by bit” (Ericson and Haggerty 2006), but also remake the body, producing new ways of visualizing bodily identities in ways that highlight othered forms of racialized, gendered, classed, abled, and disabled bodies, as well as sexualized identities. Surveillance studies can help to show that many surveillance practices and technologies were initially refined by focusing on the state’s most vulnerable communities, bringing into sharp focus how oppression is made functional in a given context. For example, biometric technologies (which are used to identify features specific to an individual’s body) were initially tested on prisoners who could not resist their use and were only recently used in a wider range of applications, such as fingerprint scanners on phones for consumer security. In her groundbreaking book Terrorist Assemblages (2007), queer theorist Jasbir Puar examines the move within the field of surveillance studies to focus on the “data body” or informational profile. Examining new security practices, including the x-raying of Sikh turbans at airports, Puar reminds that the body is never a cage of pure information, but rather always a racialized, gendered, and sexualized being. Puar asserts that while “surveillance assemblages” tend “toward discounting and dismissing the visual and its capacity to interpellate subjects . . . this discounting is simply not politically viable given the shifts around formations of race and sex that are under way in response to a new visual category, the ‘terrorist look-alike’ or those who ‘look like terrorists’” (2007, 229). A concern in this collection is the interaction between the informational profile (a statistical profile that contains information including age, social security number, and so forth), the surveillance of gender, race, class, and sexuality, and the implications of the visual when it comes to surveillance practices and technologies. One entry point for discussing visualized displays of the body via surveillance is the rich tradition of feminist scholarship in media studies. This scholarship enables us to focus on the contingencies of the visual and how newer surveillance technologies both produce and are produced by new forms of pleasure in looking. While a camera filming an actor in a scene for a film is not conventionally understood to be an act of surveillance proper, the visual display of bodies inherent to films and other forms of visual media, and to many practices involving surveillance technologies, suggest the need to mine the valuable insights of the rich tradition of critical feminist media studies scholarship for what it has to offer the study of surveillance. Aligning surveillance studies with feminist media studies reminds of the necessity of grounding visualizing practices in a history of systemic discrimination, one helpfully theorized by feminist media scholars. Our aim is to bring this work into the conversation about surveillance and point out that issues key to surveillance studies have been of concern to critical feminist scholars for quite some time. In a culture that consistently puts women’s bodies on visual display, and where this display can have implications particular to their gendering, any analysis of a technology that has the possibility of achieving these ends needs to contend with the complicated intersection of gender and the politics of the visual. From hooks’s (1992) analysis of the hypervisibility of black female bodies, to Laura Mulvey’s (1975) foundational work on the “male gaze,” which examines how the film camera is used to invite the gaze of the audience to scrutinize female bodies, to the ways that bodies are made spectacular in racialized and gendered ways in science and medicine (Treichler, Cartwright, and Penley 1998), feminist scholarship dealing with issues related to surveillance has been around for decades. At the root of Mulvey’s work are questions about the politics of looking—about the surveillance of othered bodies—for both the looker and the object being looked at, and the implications of the pleasures derived from this process. Integral to Mulvey’s analysis are the gendered implications when the object looked at is a woman, a concern that needs to be carried over to any examination of how the surveillant gaze can make visible gendered bodies. Of course, as hooks (1992) insists, and as the work of Kang (2002) makes clear, racialized female bodies on display in visual media require particular consideration from critical scholars, something to which this volume is attentive. As Moore, Jiwani, Hall, and Dubrofsky and Wood’s essays in this volume make clear, central to much critical feminist media scholarship are questions about the contingencies of the visual display of disenfranchised bodies, a display that also often results from the use of technologies that behave in many ways like surveillance technologies. As Jiwani demonstrates in her contribution, surveillance technologies work to discipline certain bodies in particular ways, making some bodies hypervisible and others invisible, crafting regimes of intelligibility wherein what is rendered invisible is legitimized and taken for granted as an inherent part of the social fabric. Jiwani argues that visibility serves to heighten the focus on particular bodies by foregrounding their difference, and in the case of the coverage of the Shafia murders in the popular Canadian press, this logic of the visual situates Muslim bodies as beyond the purview of what it means to be and to look like a law-abiding Canadian. While some of the surveillance technologies used to put bodies on visual display may be new, many of the ideas and forms of oppression associated with and reproduced by them are not and can be seen in longer standing forms of media. As Rachel E. Dubrofsky and Megan M. Wood show in their chapter, which examines tabloid coverage of celebrity use of Twitter, Twitter enables the articulation of women as placing themselves under surveillance by “voluntarily” posting photographs. Using critical feminist media scholarship, they show how women are framed as empowered and agentic, situating them as complicit in invitations to the male gaze. While new forms of social media are imagined to produce new possibilities for feminist agency online, Dubrofsky and Wood show how age-old sexist and racist tropes persist when self-fashioning in a consumer context is configured as a form of empowerment and active invitation of the male gaze is imagined as a form of agency. Dubrofsky and Wood highlight the racialized implications of such tropes: white women are presented as agentic through the hard work (exercise and diet) they put into making their bodies ready for the male gaze; women of color are always already gaze-worthy in ways that rely on racist sexisms. We are reminded of how narratives that emphasize the possibilities of the formidable potential of x-ray vision (such as Spiderman and Batman) may serve to shape technological development, as scientists internalize these cultural messages about consumer desires and attempt to actualize them in new technologies, an issue discussed by Hall in this volume, in her essay on whole-body imaging machines that visualize people’s bodies naked under their clothes. Surveillance technologies that visualize the body reference long-standing cultural and science fictional preoccupations with x-ray eyes, in which x-ray vision is imagined in media from comic books to news representations to be a form of seeing that is all-powerful and all-revealing, and thus an exciting and powerful technological development. In a culture that sexualizes the visual display of female bodies, this type of technology can have specific implications for female bodies. For instance, attendants of the Transportation Security Administration (tsa) in the United States encourage screeners to pay particular attention when hegemonically attractive women pass through these scanners (Hall, this volume), intensifying existing forms of sexual harassment. In this way, the technologies facilitate x-ray eyes that require security personnel to stare at certain bodies while obscuring the pleasure taken in rendering these bodies visible, as well as mystifying the process by which some bodies are made hypervisible and others invisible. This is a process Magnet has elsewhere termed “surveillant scopophilia” (2011)—that is, when new technologies provide opportunities for pleasure in looking in ways connected to surveillance. How the technologies capture the body can have significant implications, as Moore (this volume) articulates in her discussion of how police photographs of battered women create images in which the battered bodies of women of color do not translate in ways that reproduce the commonsense aesthetics of what a battered woman looks like. A possible distinction between the use of surveillance technologies and images created by the entertainment industry for mass consumption is that the images and data created by the former are not necessarily or expressly used to construct consumable products for a mass audience, as is the case for the latter. However, in the most popular television genre of the last decade, reality tv, techniques that mimic surveillance practices are used to gather footage that resembles surveillance footage of real people doing real things—that is, not actors performing scripted lines— to create an entertainment product for mass consumption. The reality tv genre puts into relief a poignant concern for our project, one originally raised by feminists looking at the genre of pornography (L. Williams 1989; McClintock 1993), but which permeates media practices nowadays: how does the visual display of “real” bodies doing “real” things add a twist to a critical analysis of representation? What are the implications of saying, “But she really behaved that way. We caught it on film,” rather than “She was scripted in this way. The director instructed her to play her role in this manner”? The little existent feminist scholarship on this genre (Hasinoff 2008; Dubrofsky 2011a) is helpful in addressing these concerns, but there is simply not enough, though there is a remarkable burgeoning and thriving field of critical scholarship on racialized bodies in the reality tv genre, all of which can be fruitfully brought into conversation with the work of surveillance scholars.3 Newer media suture the subject more personally, more directly, as a producer (not just a consumer) of culture, creating what some now refer to as a “prosumer” (blurring of the lines between the consumer and producer). While newer media can enable the reproduction of historical oppressive power relations existent in “older” media, they also add important new dimensions requiring investigation and understanding. For instance, what happens when we can no longer say about an image (as we might with a representation on a reality tv show) that it was edited and shown out of context? Witness the case of Natalie Blanchard in Quebec, who lost her disability insurance benefits (for depression) because she appeared “too happy” in Facebook photographs that she posted during her sick leave (Sawchuk 2010). Much was made, in particular, of a photograph of Blanchard in a bikini, with online discussions of how good she looked in the bikini and of this somehow attesting to her (sound) mental health. How do questions of empowerment and responsibility become articulated when individuals operate the technologies that functionally surveil them and are used to obstruct their right to the privileges of citizenship, including assistance from the state, as well as to get them fired, to socially ostracize them, and so forth? What are the particular implications of this for female, racialized, queer, and disabled subjects?

#### Whiteness performs itself through surveillance by creating the innocent neutral western subject that must regulate expendable bodies

Hall 2015 [Rachel Department of Communication Studies at Louisiana State University. Her research interests include issues of fear and security as well as gender. . "Terror and the Female Grotesque." Feminist Surveillance Studies (2015): 127-49.

In the context of post-9/11 security cultures like those in U.S. airports, screening a passenger using high-tech surveillance technologies is one of the ways in which her difference from the animalized suspects in the war on terror in the United States is symbolically performed and reinforced. 7.1 Captured former Iraqi leader Saddam Hussein undergoes medical examinations in Baghdad in this 14 December 2003 file photo (image from television). Associated Press file photo/U.S. Military via aptn. Ironically, surveillance technologies first tested on incarcerated populations are now also capable of producing distinction from incarcerated populations when used to securitize the privileged mobility of air passengers. Shoshana Amielle Magnet (2011) has demonstrated how surveillance technologies play a role in managing incarcerated populations. The unstated presumption of the United States that technology is on “our” side (of those waging war on terror) subtly exerts pressure on suspects in the security cultures of terrorism prevention to submit to screening by these technologies, and to do so in a manner demonstrating that they are also on the side of the technology and of those waging war on terror. As Jasbir Puar has argued, “Pivotal here is the notion of capacity, in other words the ability to thrive within and propagate the biopolitics of life by projecting potential as futurity, one indication of which is performed through the very submission to these technologies of surveillance that generate these data” (2007, 200). Passengers perform transparency as willing submission to the scanner machines or else they suffer the indignities of a publicly staged physical inspection of their bodies by another human being. It is these charged distinctions, between machine and human, vision and touch, which enable the citizens of the United States and other Western nations to recognize themselves as fundamentally different from and somehow more innocent than the ordinary Iraqis, Afghanis, and other non-Westerners subjected to detention, torture, and abuse (in many cases without probable cause) in the name of the war on terror. By contrast to the spectacular and ordinary enemies of the United States in the war on terror, the docile passenger-suspects moving through domestic-security cultures are presumed to be self-subduing. The air passenger need only wait to be told what to do, proceed calmly toward the machine, wait her turn, step on the footprints, raise her hands above her head, and freeze until she is told she is free to go. The passenger’s “voluntary” participation in the biopolitical project of terrorism prevention is also, then, a more or less convincing performance of whiteness, where whiteness is conceptualized not in an essentialized biological sense but as a “racialized technology of power,” as Jiwani (this volume) puts it. Other feminists have forcefully articulated the racial dimension of biopolitics. Citing Rey Chow’s assertion that biopolitics is implicitly about the ascendancy of whiteness, Puar writes, “The terms of whiteness cannot remain solely in the realm of racial identification or phenotype but extend out to the capacity for capacity: that is, the capacity to give life, sustain life, promote life—the registers of fertility, health, environmental sustainability, and the capacity to risk” (2007, 200). In the context of post-9/11 security cultures of terrorism prevention, the capacity to risk and to have one’s risky ventures securitized is a marker of whiteness in this broader sense. I name this racialized, securitized capacity to risk “transparency chic.” An index of the First World traveler’s “privileged paranoia,” or her desire to reap the rewards of mobility while avoiding the risks, transparency chic takes the form of a willingness to open the live body, its accoutrements and possessions, as well as its digital double, to routine inspection and analysis.3 Transparency chic also works the other way: the passenger’s performance of voluntary transparency lends the surveillance technologies in question an air of transparency. The passenger’s public performance of submitting to these machines supports the notion that airport security screening is an innocent, impersonal, and objective process. Security officials borrow the myths of nonintervention and total transparency used to support no-touch security solutions from the visual culture of medicine. José Van Dijk identifies the assumptions underlying these rationales: “The myth of total transparency generally rests on two underlying assumptions: the idea that seeing is curing and the idea that peering into the body is an innocent activity, which has no consequences” (2005, 7–8). Despite insistence by the U.S. Transportation Security Administration (tsa) that visual technologies for scanning the body render human contact between tsa screeners and passengers unnecessary, these technologies serve a hybrid method of surveillance, which combines vision with touch. As Lisa Parks first observed, technological mediation serves as a precursor to and justification for human contact in the case of haptic vision: “What distinguishes close sensing from other forms of surveillance is the authority the state has granted to supplement vision with touch” (2007, 190). Parks notes that tsa guidelines stipulate that human screeners must scan any body or belonging by machine before they handle it (ibid.). Touch is thus defined as human-to-human contact and does not include human-to-machine contact. The threat of physical search rationalizes each new technological solution and energizes passenger performances of voluntary transparency staged as encounters between humans and machines.

### State

#### State solutions are insufficient and rather recreate hierarchies where bias statistics are assumed to be objective—these universalized conceptions of humanity creates violent quests for racial purity

Kang 2015 [Laura Hyun Yi Kang Chair & Associate Professor, Gender and Sexuality Studies School of Humanities Associate Professor, Comparative Literature School of Humanities Associate Professor, English School of Humanities Ph.D., UC Santa Cruz, History of Consciousness; "Surveillance and the Work of Antitrafficking." Feminist Surveillance Studies (2015): 39-57.//KHS]

The exercise of the League’s “political will and determination” was further complicated by the unknowable contours of the purported problem. Trafficking is difficult to espy, document, and control. The two reports and the archives of the League of Nations Official Journal repeatedly demonstrate a fissure between convincing demonstrations of diligent surveillance and acknowledgment of the impossibility of a thorough monitoring and documentation of the phenomenon. Since the League, and especially its Social Section which included the Advisory Committee on the Traffic of Women and Children, lacked the financial resources and administrative structure to gather specific details about local and national conditions, it was still largely dependent on official government communiqués and “field reports” submitted by voluntary associations such as the ib. There was the possibility for underreporting the extent and severity of the conditions by state authorities. Pointing to how several of the countries represented on the advisory committee, including France, Italy, and Japan, did not move toward abolition in practice, Jessica Pliley goes so far as to assert “that many governments wanted to appear [to be] actively addressing the problem of trafficking without having to take any meaningful action” (2010, 105–6). Further complicating questions of objectivity and accountability, Great Britain, France, Portugal, Japan, the Netherlands, and the United States submitted replies and reports on behalf of their colonies, overseas possessions, protectorates, or territories.3 As well, in the first decades of the twentieth century, many nations were in the active and contested process of state-building, making it difficult to attribute such reports to a single, organized bureaucratic agency. In her study of prostitution in Shanghai in the early twentieth century, Gail Hershatter points out that “no systematic statistics were collected” and further questions the record-keeping practices of the state: “Counting, like classifying and regulating, is not a neutral activity. The creation of statistics, in Shanghai as elsewhere, was part of a state-building process, an intrusive aspect of the project of modernity, often resisted by the people it sought to incorporate. Numbers that give the impression of precision were collected by an inconsistent group for changing reasons from a population that had every reason to lie” (1997, 38). There was also some skepticism about the “field reports” of voluntary organizations, a tendency to dismiss them as exaggerated and sensationalistic. On 21 March 1923, Grace Abbott, an advisory-committee representative from the United States, submitted a memorandum recommending a new international enquiry sponsored by the League. Its scope would be ambitiously broad and multidimensional. Geographically the investigation should include, if possible, the principal cities of the world, but, if this is not possible, typical cities should be selected from which there is reason to believe the traffic is or is not being carried on, those in which regulated houses and those in which abolition is the policy, those situated in countries in which prostitutes and all those who live or benefit by prostitution are excluded from admission, and those whose laws regulating immigration make no or inadequate provisions for immoral persons. (League of Nations 1927, 50) Note how three different kinds of cities were delineated according to state regulations regarding prostitution and immigration restriction, suggesting that an assessment of the efficacy of state regulation itself was at stake. The rubric of “traffic in women” thus enabled a more far-reaching and probing investigation into a broad range of national laws and enforcement mechanisms. Abbott went on to call for the need for an on-theground investigation to supplement the limits of the information provided by governments and voluntary associations. From official sources, the facts as to the administration of laws designed to eliminate the traffic can be learned. To secure the information as to the traffic itself, it will be necessary to send to the cities included in the survey, agents of high standing with special training and experience to make personal and unofficial investigations. It is recognised that such investigations are difficult, not to say dangerous; but they are absolutely necessary to secure the facts to refute sensational exaggerations or general denials as to the traffic and—what would seem to be for the Committee of supreme importance—an intelligent basis for a sound programme for international co-operation for the suppression of the traffic, if it is found to exist. (Ibid.) Having earned a master’s degree in political science from the University of Chicago and worked with Jane Adams at Hull House, Abbott was a prominent member of a new generation of social workers who “crafted their professional identities and asserted their expertise by embracing scientific practice methods, with an emphasis on investigation, detailed case records, scientific nomenclature, and social diagnosis” (Kennedy 2008, 28). Before serving as the director of the Immigrant’s Protective League and being appointed as the first chief of the U.S. Children’s Bureau, Abbott had published numerous articles, in such venues as the American Journal of Sociology, on a range of issues, including immigrant labor, social welfare, child labor, and juvenile delinquency. Thus, her important role in proposing these investigations demonstrate the early twentieth-century commingling and cooperation of the state, the university, and private philanthropy in the work of surveillance over certain women’s bodies. In addition to Abbott’s instigation, the leading position of U.S. actors in overseeing and funding this investigation merits closer scrutiny, especially given that the United States was not a formal member of the League of Nations. As proof and as a model of the efficaciousness of the investigation, Abbott invoked in the memorandum a U.S. Senate inquiry on the “Importation and Harbouring of Women for Immoral Purposes” in 1908–1909, which found that women and girls from Europe and also from Asia were brought to the United States. She stated that “the authorities charged with the enforcement of American law as well as private organisations in the United States interested in the abolition of prostitution will, I am sure, be glad to give all possible assistance” (League of Nations 1927, 50). As appreciatively acknowledged in the introduction to the 1927 Report, both multinational investigations were made possible by donations from the American Bureau of Social Hygiene, which provided $75,000 and then $125,000, respectively, to the two inquiries. The Bureau of Social Hygiene (bsh) was established in 1913 by John D. Rockefeller Jr. and fellow “social purity” reformers as a private philanthropic organization devoted to investigating and combating prostitution. Rockefeller had previously served as the chair of a special grand jury commissioned by the County of New York, in 1910, to investigate the “organized traffic in women for immoral purposes.” Subsequently, he envisioned that “this permanent organization, small and operating in relative secrecy, would have some power to effect a solution to the social evil that a more open democratic process would not have” (Gunn 1999, 104). In contrast to the moralism and sensationalism of the earlier purity crusades against the “white slave traffic,” the bsh sought to achieve “instrumental reform that was efficient, scientific, elitist” by engaging trained experts to study social problems such as prostitution and venereal disease (Brandt 1987, 39). Before providing financial support for the League’s inquiries into the traffic in women, the bsh funded investigations into prostitution in the United States and Europe and published the findings (Kneeland 1913; Flexner 1914; Woolston, 1921). The bsh also financed social programs, such as the Laboratory of Social Hygiene in Bedford Hills: “Women sentenced to this reformatory underwent a battery of physical and psychological tests aimed at isolating factors which contributed to prostitution” (Brandt 1987, 39). Thus, the emerging methods of the social sciences came to supplement and legitimate rather than supplant older private and public modes of discipline and punishment. The bsh also funded the American Social Hygiene Association (asha), which merged two older organizations, the American Federation for Sex Hygiene and the American Vigilance Association, and focused on combating venereal disease through sex education. The asha was led by William F. Snow, a professor and public-health expert, and included Jane Addams, a close mentor to Abbott. The asha applied what it considered “forward-looking scientific approaches” and private investigators to uncover and document pressing social problems such as prostitution (Knepper 2012, 7). Snow also served as chairman of the League of Nation’s Special Body of Experts on the Traffic in Women and Children from 1924 to 1928. He, in turn, was responsible for the appointment of Bascom Johnson, who had served as head of the legal affairs at asha and as the director of investigations of the two enquiries. During the First World War, both Snow and Johnson successfully worked with the U.S. Army Commission on Training Camp Activities to control the epidemic of venereal diseases by closing down or moving red-light districts that were near military encampments.4 Their efforts were related to a nationwide wave of vice commissions in the 1910s, whose investigations led to more repressive laws and policies against women suspected of engaging in prostitution: “Many states established reformatories for women . . . and required medical examinations for venereal diseases prior to marriage” (Lubove 1962, 328). Snow had also served as the vice president of the American Eugenics Society. Eugenicist ideologies of “racial preservation” through forced sterilization and immigration restriction were expressed in the asha’s Journal of Social Hygiene. One article begins, “For any country at any given stage of advancement of its arts, and of exhaustion of its resources, there is an optimum number of inhabitants up to which the country can continue to increase its population without producing an undue pressure upon subsistence. . . . A well-ordered community will strive to reach this adjustment. It may do so by encouraging or discouraging emigration, or by raising or lowering the birth-rate” (R. H. Johnson 1919, 223). Another article, titled “Eugenical Sterilization in the United States,” argues that “the relation between the inheritable qualities of our immigrants and the destiny of the American nation is very close. . . . Thus, if the American nation desires to upbuild or even to maintain its standard of natural qualities, it must forbid the addition through immigration to our human breeding-stock of persons of a lower natural hereditary constitution than that which constitutes the desired standard” (Laughlin 1920, 530–31). The significance of monitoring immigration was prominent in the expanded “Questionnaire issued by the special body of experts on the traffic in women and children” on 3 April 1924, which was printed as annex 2 of the 1927 Report. In addition to requesting government statistics on the “number, age, nationality and length of residence of foreign women who are known to be regularly engaged in prostitution, either in licensed houses or elsewhere,” the lengthy, multipart question 5 asks for “any available statistics regarding immigration and emigration for the years 1919–1923,” including the “total number of male and female immigrants classified according to nationality,” and it specifies “foreign women who have been admitted in the last five years . . . classified according to agegroup (under 18, 18–21, 21–30, and over 30), and according to occupations” (League of Nations 1927, 196). The determining influence of this distinctly U.S. preoccupation with prostitution, immigration, and racial purity in shaping the 1927 enquiry was largely eclipsed by highlighting the incontrovertible rigor of direct observation of “facts” by trained experts. The inclusion of professional women such as Alma Sundquist of Sweden, a physician who served on the three-member traveling commission, further provided an aura of legitimacy. Even as the authors of the 1927 Report ceremoniously acknowledged “the most cordial response” from all the countries that were investigated, “with the result that the representatives of the Body of Experts were given every facility on carrying out their work and received the active help of officials and other persons concerned” (League of Nations 1927, 5), the authenticity and reliability of these independent “expert” observations were repeatedly upheld. Pointing to how Bascom Johnson’s “legal training and long experience of social studies proved invaluable,” the authors added that the commission was “assisted by a group of highly qualified Surveillance and Antitrafficking investigators” (ibid.). The undercover methods used had been refined in the earlier anti-vice campaigns in the United States. Of the mostly U.S. male field operatives Johnson employed, Paul Kinsie, who directed the asha’s undercover research program, played an especially key role. In his assessment of Kinsie’s field reports filed in the asha archives, Knepper concludes that “it is clear that he was an excellent ethnographer. . . . Kinsie focused on activities and relationships that comprised the White slave trade, such as tricks for evading surveillance at the border” (2012, 13). In an article relaying a detailed account of how the enquiry came into being, Dame Rachel Crowdy, the head of the Social Section of the League, was particularly laudatory about how the expert commission was “lucky enough to get hold of eight or ten very courageous and very resourceful men and women, and for the last three years those people have been working as part of the underworld” (1927, 157). The League reports conferred both expert confirmation and empirical validation on the traffic in women as a real and actionable international phenomenon.5

#### Surveillance policies and reforms are not passive acts, rather they are situated within a history of racialized and gendered violence that has spearheaded the rise of the prison industrial complex by allowing the government to track ‘suspect’ populations

Mason & Magnet 12 [Corinne Lysandra, and Shoshana Magnet. "Surveillance studies and violence against women." *surveillance & society* 10, no. 2 (2012): 105-118.]

While individual privacy concerns mount, the prison system has found new surveillance technologies advantageous. In fact, the development of new technologies in North America historically has been due to, as well as has benefited, the prison industrial complex. From fingerprinting to bertillonage (Cole 2001), photography (Lalvani 1996) and biometrics (Murray 2007; Gates 2011; Pugliese 2005; Magnet and Dubrofsky, under contract), the organization of information on criminalized individuals through complex data control systems have critically shaped police surveillance practices historically (Magnet and Gates 2009: 5; Laudon 1986). More recently, the inclusion of social media tools such as Facebook and MySpace are increasingly incorporated into police surveillance practices. Police now ask the public to upload photos and videos taken with personal cameras, smartphones and cellular phones and then use these documents to arrest citizens. One example is found in the case of the Stanley Cup looting in Vancouver, British Columbia in 2011. Following the riot, videos and photos taken by ordinary citizens on their cell phones were used to make arrests (CBC 2011). Videos uploaded onto YouTube have also been used by the police to arrest individuals who have taken part in criminalized activities (Telegraph 2009). Of course, the development of these new surveillance technologies––many of which were refined in the prison system and then expanded for use on non-criminalized consumers (Cole 2001; Magnet and Dubrofsky, under contract) must be grounded in the expansion in the prison industrial complex (Sudbury 2005). The increase in the U.S. prison system is well documented (Davis 1981; David and James 1998; Davis 2003, 2005; Garland 2001a, 2001b; Sudbury 2005; Gilmore 2007). 2 Including the transformation of rehabilitation programmes to punishment in the 1970s (Gilmore 2007) and additionally resulting from 3 strikes laws, truth in sentencing initiatives, the war on drugs (Cole 2007, Roberts 2001), and the criminalization of immigration (‘crimmigration’), the swelling of prison populations is a shocking example of the warehousing of the poor. Prison populations have grown from 200,000 in the late 1960s to more than 2 million (Davis 2003). As many have argued, the prison industrial complex is an engine of inequality through the disproportionate incarceration of both poor people and people of colour (Cole 2001; Smith 2008; Davis 2003; Razack 2002). Prison abolitionist Julia Sudbury reminds us that, in the United States, 1 million African Americans are behind bars (Sudbury 2004). When one looks to the war on drugs, despite the fact that studies find little difference between drug use in people of colour and white people (Webb 2009), over two thirds of those in prison or jail for drugs are people of colour (Cole 2007). Nor can we disregard gender in theorizing inequality in the prison system. In keeping with worldwide trends in which poor racialized women and women with mental health disabilities are the fastest growing groups to be incarcerated (CAEFS 2004), in the U.S., African American women are now the fastest growing prison population, having outpaced African American men (Davis 2003). 3 The incarceration of poor women must be placed alongside the dismantling of the welfare state. The elimination of welfare programmes like Aid to Families with Dependent Children (AFDC) causes women to seek out criminalized forms of employment so that they can afford food and housing. Particularly relevant for this article is the ways in which sexual, emotional, and physical violence also propel women into the prison system (CAEFS 2004). As women flee abusive situations, the lack of a social safety net means they may turn to criminalized behaviour such as sex work and the drug trade in order to meet their most basic subsistence needs (Sudbury 2005; Davis 2003). Queer people fleeing homophobic abuse and harassment in their homes, schools, and workplaces render LGBTQ folks vulnerable to the prison industrial complex. As Beth Richie’s study of young, black lesbians shows, the relationship between homophobia and sexual harassment places queer women at increased risk of violence (2005), and violence is a well-known factor that leads to women’s engagement in activities deemed illegal by the state. 4 Surveillance technologies are both produced by as well as part of the expansion of the prison industrial complex. New surveillance features including the time and date stamps we described above can be used to make arrests. Technology producers and marketers assert that surveillance features like those found on the iPhone are important security measures. If they reference violence against women at all, companies selling these products argue that these surveillance features will help institutions like the police to catch perpetrators of violent crimes. For example, according to iPhone hacker and data-forensics expert Jonathan Zdziarski, the iPhone’s ability to take a screen snapshot and save it is a personal privacy ‘flaw’. However, he and others argue that this in fact can become useful to the prison system since users cannot permanently delete information, and, as a result, storage forensics experts have used the ‘flaw to gather evidence against criminals convicted of rape, murder or drug deals’ (Chen 2008). In this way, although mainstream media represent surveillance technologies as carrying risks for consumers, they are simultaneously represented as necessary evils. For example, in the popular crime show Criminal Minds, the dangers of surveillance to individual privacy are referenced, but the overall message remains that these technologies help to keep us safer. In a two-part episode entitled ‘The Big Game’ and ‘Revelations’ (2007), a techie-turned-murderer accesses computers remotely to fix issues such as sound control, but then maintains access to internal webcams after the service is completed using a Trojan horse virus. Watching women in particular, the murderer observes his victims through the webcam and then allows the videos of his murders to ‘go viral’. While the surveillance of victims is depicted as a breach of their privacy, it is the videos captured through webcams that lead the FBI to the murderer’s capture and arrest. This fictional show parallels a case in Toronto, Canada in which a young woman attending York University was killed while her boyfriend in China watched part of the women’s struggle with her assaulter via a webcam (Sympatico News 2011). In online commentary on Sympatico News, a user claimed that this was ‘life imitating art’ since an episode of crime show CSI: New York followed a similar story line. The police began their investigation by attempting to uncover the streamed video and ultimately charged a York University student with her murder (Rush 2011). Of course, these technologies did not help to save this young woman’s life. Nor did they help to address the ongoing systemic issue of violence against women. Instead, they became the vehicle by which the police could assert that violence on campus had been addressed since this one ‘bad apple’ violent student was caught. The approach to perpetrators of violence as ‘bad apples’ is a familiar strategy: one that helps to distract attention from solutions aimed at addressing the systemic nature of violence as well as its gendered and racialized nature. 5 In suggesting that these new technologies saved the day by helping to catch one perpetrator, the media offers limited critiques of new surveillance technologies while simultaneously ‘naturalizing their expansion’ (Magnet and Gates 2009: 7). That is, in popular TV shows and news media, surveillance technologies are understood as producing privacy breaches that are justified as a result of their helpfulness in police investigations. This is well captured in the commentary of forensics expert Jonathan Zdziarski. Arguing that these technologies do produce ‘significant privacy leak[s]’, he asserts that they remain important tools since ‘at the same time [they’ve] been useful for investigating criminals’ (Chen 2008). For feminist surveillance studies scholars, surveillance technologies pose more complex questions than ‘are they good or bad?’We argue that the relationship of surveillance technologies to their social context and the ways that technologies reproduce and exacerbate social inequalities must be examined. In particular, while surveillance technologies may be useful to police enforcement, more policing practices results in the strengthening of a prison system that continues to overincarcerate women who are victims of violence––and particularly targets women of colour, women with disabilities and queer women for incarceration. Given the role of the prison system as an engine of inequality, we must call into question the assertion that improving intensifying existing connection between anti-violence movements, surveillance technologies, and the police is necessarily positive. Rather, we must ask: what is the impact of deepening connections between anti-violence advocacy, new technologies of surveillance and the prison industrial complex? Connections between anti-violence movements and the prison system have historically been and remain deeply problematic. For anti-violence advocates, the ‘criminalization of violence against women’ has impacted individual safety tactics and community organizing. According to the INCITE! Women of Color Against Violence collective (2006), the movement from grassroots organizing to ‘professional’ shelters has meant that the mainstream anti-violence movement is reluctant to challenge institutionalized violence (Smith et al. 2006: 1). The move to government funding regimes in the U.S. and Canada are coupled to an increased reliance on the prison system. According to Smith et al. (2006), the anti-violence movement is ‘working with the state, instead of against state violence’ (1). The criminal justice system often simply brings many survivors of violence into conflict with the law (INCITE! 2006). In addition to those noted above, mandatory arrest laws in the U.S. and Canada have meant that women who call police for protection are often also arrested. A New York-based study complied in 2001 found that a majority (66 per cent) of domestic violence survivors who were arrested alongside their abuser, or arrested as a result of a complaint lodged by their abuser, were African American or Latina/o, 43 per cent were living below the poverty line and 19 per cent were receiving public assistance. Lesbian survivors are also frequently arrested alongside their abuser since law enforcement officers frame violence within same-sex relationships as ‘mutual combat’ (Ritchie 2006: 140). Individuals perceived to be transgressing gender norms are often subject to excessive force upon arrest (Ritchie 2006: 143). Furthermore, undocumented women who have reported violence have often found themselves deported (Ritchie 2006: 151). To be sure, Canadian women’s shelters have been raided by the Canadian Border Services Agency in order to deport ‘illegal’ immigrants (No One Is Illegal 2011). Given the complex relationship of women of colour, indigenous women, poor women, queer folks, immigrants, sex workers and other women vulnerable to being criminalized by the justice system, the assumption that surveillance measures can provide protection to VAW victims is problematic. In particular, surveillance technologies that deepen existing links to the prison industrial complex pose problems for victims and anti-violence advocates. While anti-violence advocates may see potential in surveillance technologies such as home security and surveillance systems, reliance on the criminal justice system for both funding and protection can impact their utility for survivors of violence. According to Römkens’ (2006) research on a surveillance project entitled AWARE (Abused Women’s Active Response Emergency) implemented in the Netherlands, U.S. and Canada, the reliance on the criminal justice system can adversely affect its usefulness for victims. For example, the AWARE programme aims to protect and support victims of stalking, as well as restrain perpetrators through arrest using electronic safety technologies. If an abuser threatens an individual, the victim can set off an alarm by pushing a button in the house or on a pendant that the victim wears. By pushing the button, the police are immediately notified and sent to the house. However, a victim only met the criteria for the programme if she had previously asked the police for help (for example, by obtaining a protection order) or if she was willing to press charges (Römkens 2006: 116). Given the reliance on the criminalization of abusers to enter the programme, it is clear that the AWARE programme is geared towards meeting the needs of the police rather than solely preoccupied with women’s safety. Pro-arrest policies and mandatory arrest laws beginning in the 1980s in the U.S. clearly demonstrate that the prison system can often undermine women’s autonomy and actively disempowers them from choosing a trajectory for justice based on their own interests and wishes (Römkens 2006: 166). In her case study on AWARE in the Netherlands, Römkens found that women were reluctant to use the alarm, especially when it was an ex-partner that they would be involving in the criminal justice system. The women she interviewed suggested that they could not control the amount of punishment that police would inflict on their abuser. For one woman, the fact that one had to make a swift decision to press the button when an abuser appeared proved to be very difficult (174-75). Moreover, many women were afraid to press the button due to fear that the police would not take them seriously if their abuser was ‘just there’ and was not ‘doing anything’ (175). In the Dutch study, and a pilot study in Brooklyn, New York, Römkens found that victims avoided the direct use of surveillance systems in order to avoid a ‘criminal justice outcome’ (178). Although surveillance technologies may have the potential to provide safety for victims of violence, a complicated relationship between VAW and surveillance arises when technologies of protection are directly linked into the prison system. While mainstream anti-violence advocates continue to rely on government funding and state-based responses to violence, alternative tactics around ending violence must consider the ways that particular bodies are already entangled in systems of surveillance.

#### Reforms in surveillance practices are founded on the governments need to police deviant identities who do not fit into the norm—this leads to increased focus on minority’s, transgender, and queer bodies

Moore & Currah 2015 [Lisa Jean Moore Professor of Sociology and Gender Studies at the State University of New York, Purchase College. She was born in New York State, received a BA from Tufts University, a Masters of Public Health from the University of California, Berkeley and a PhD from the University of California, and Paisley Currah is Professor of Political Science at Brooklyn College and the Graduate Center of the City University of New York. "Legally Sexed." Feminist Surveillance Studies (2015): 58-76. Print.

Every day it is apparent how surveillance—the tacit or obvious collection and processing of data about human bodies—has grown in intensity and precision. Electronic monitors of speed recorded through algorithms on the New Jersey Turnpike, targeted marketing through the sidebars on social-media sites, and the ubiquitous security cameras trained on our every move track and aggregate our embodied movements through space and time. As the sociologist David Lyon has written, from modernity onward “the body achieved new prominence as a site of surveillance. Bodies could be rationally ordered through classification in order to socialize them within the emerging nation-state. Bodies were distrusted as sensual, irrational, and thus in need of taming, subject to disciplinary shaping toward new purposes” (2001a, 292). We argue that surveillance is not universally and uniformly applied to all human bodies and, furthermore, that monitoring occurs with different degrees of specificity and intention depending on the presumed coherence of gender and sex (see also Casper and Moore 2009). Both scholars and transgender-rights advocates have pointed to the many contradictions in state-formulated constructions of gender. Advocates highlight these contradictions to persuade state agencies to adopt more consistent or uniform standards. However, among advocates, there is disagreement about what those gender standards should be. Some argue that self-avowed gender identity should be the only standard in state recognition of gender or sex (International Bill of Gender Rights 1990; The Yogyakarta Principles 2007). Others promote standards in which professionals make the determination based on particular medicalized metrics. Still others argue that since the gender binary reflects hegemonic and increasingly outmoded gendered social and legal structures, rather than any fundamental truths of bodies and identities, gender should not be an element of any official identifying document (Vade 2005). Some scholars, on the other hand, use the contradictions around state recognition of the legal sex of transgender people to demonstrate the radical instability of gender (Butler 1993). Regardless of the contradictions, surveillance apparatuses, such as the birth certificate, are indispensable to our ability to function as sexed and gendered individuals. It is taken for granted that one needs identity documents in order to move through the world. As Craig Robertson points out, “In our contemporary world, there is a general acceptance that identity can be documented, that someone can be known and recognized through a document” (2010, 250). Robertson’s work traces the American passport from its birth and through its hundred-year history, and identifies the ways that connecting an individual human body with a piece of state-sanctioned paper transformed regimes of surveillance. Our work builds on that of Robertson through the examination of the birth certificate. In a departure from much scholarship on identity documents, we argue that gender can never be disentangled from surveillance. In this essay we make a feminist intervention by examining shifts in the legal, medical, and commonsense logics governing the designation of sex on birth certificates issued by the City of New York between 1965 and 2006.1 We explore the different narratives at work during two moments when transgender-rights advocates, medical authorities, and government officials came together to negotiate legal definitions of sex. Using participant observation, ethnography, in-depth interviews, and content analysis, we examine the negotiation of gender in the process of trying to obtain state-issued identity documents. Paisley Currah, coauthor of this essay, served as an “expert advocate” on the Transgender Law and Policy Institute on the Transgender Advisory Committee (tac), which met four times between February and April 2012.2 Data for this essay were collected from Currah’s fieldnotes on earlier meetings and the official committee meetings, from official meeting minutes of the tac, from Currah’s autoethnographic account, and from his records on advocacy on this issue in New York City between February 2002 and December 2006. As well, we drew from legal documents, archival research, and interviews with other advocates: Dean Spade, a lawyer with the Sylvia Rivera Law Project; Chris Daley, executive director of the Transgender Law Center; and Mara Keisling, Executive Director of the National Center for Transgender Equality. Before 9/11, transgender people whose gender identity differed from their legal sex at birth found themselves in a paradoxical situation whereby, for instance, a person’s legal sex might change simply by crossing a state line, or one’s sex designation on a driver’s license might differ from that on file with the Social Security Administration (Currah forthcoming; Greenberg 1999). The modern regulatory project of sex classification has been in crisis for decades, caused by increasing divergence between individual gender definition (or identity) and legal sex designation. Post-9/11 the norms for identity documents have been regulated more stringently. Consequently, mismatching identity documents create significant difficulties for transpeople because systems of surveillance are triggered by mismatching documents. In this era of heightened scrutiny of individuals’ bodies and histories, transgender people find themselves under increased surveillance (Currah and Mulqueen 2011). As with other subaltern groups positioned as not members of the imagined normative majority—undocumented workers, immigrants, “aliens” (non-U.S. citizens), and other “suspicious persons”—transgender people are constantly forced to account for themselves by documenting belonging (S. Ahmed 2000) via identity documents and often also via legitimating letters from their physicians (National Center for Transgender Equality 2004).

#### The state won’t solve sexual violence—calls to use the state maintains imperialism by controlling the way in which to speak about violence against women

Smith 2015 [Andrea an intellectual, feminist, and anti-violence activist. Smith's work focuses on issues of violence against women of color and their communities, specifically Native American women. A co-founder of INCITE! Women of Color Against Violence, the Boarding School Healing Project, and the Chicago chapter of Women of All Red Nations, Smith centers the experiences of women of color in both her activism and her scholarship. Formerly an assistant professor of American Culture and Women's Studies at the University of Michigan in Ann Arbor, Michigan, Smith is currently an associate professor in the Department of Media and Cultural Studies at the University of California, Riverside.. "Not-Seeing." Feminist Surveillance Studies (2015): 21-38..//KHS]

Similarly, many native activists who organize around sexual violence in native communities frame their activist work from a decolonization perspective, yet the solutions that emerge from that work usually result in increased federal intervention in native communities, such as the recent Tribal Law and Order Act that was passed in the wake of Amnesty International’s report on sexual assault in Indian country, Maze of Injustice (K. Robertson 2012). Of course, native activists who engage in such policy work are not ignorant of the risks of advocating for changes in federal policies (Smith 2005b). They are aware of the contradiction of trying to further the long-term project of decolonization while attempting to secure some measure of safety for survivors of violence in the short term. They constantly struggle with the question of whether relying on state surveillance even as a short-term solution to violence diminishes the possibilities of developing alternative strategies which refuse settler colonial logics in the long term. It is important to note that the apparatus of settler colonial surveillance does not impact only native peoples. The “normalizing” society must necessarily inflict the logics of normalization on all peoples, not just on those who are “oppressed.” If it were only the oppressed who were subjected to normalizing logics, the logics would not seem “normal.” This is why the intent of genocide is not just to destroy native peoples, but to eliminate alternatives to the settler state for nonnative peoples. If alternatives to the white supremacist, capitalist, heteropatriarchal settler state were to persist, the settler state’s status as the prototype for normal would be at risk. Settler logics inform both how violence against native women is addressed, as well as how gender violence in general is addressed. Furthermore, the mainstream antiviolence movement relies on a settler framework for combating violence in ways that make it complicit in the state’s surveillance strategies. These strategies then inform how the mainstream movement manages and “sees” gender violence, while simultaneously preventing it from seeing other approaches to ending violence. For example, at an antiviolence conference I attended, the participants supported the war in Afghanistan because they believed it would liberate women from the violence of the Taliban; their reliance on statedriven surveillance strategies for addressing violence through the military and criminal-justice systems prevented them from seeing that militarism itself perpetuates violence against women. One of the reasons for the antiviolence movement’s investment in the state derives from its concerns with the private sphere. As Lyon notes, much of the focus of surveillance studies is on “privacy”—how the state monitors the individual lives of peoples.3 Of course, as feminist scholars argue, the assumption that the protection of privacy is an unmediated good is problematic, since the private sphere is where women are generally subjected to violence.4 And, as feminists of color in particular have noted, not all women are equally entitled to privacy. Saidiya Hartman points out that, on the one hand, the abuse and enslavement of African Americans was often marked as taking place in the private sphere and hence beyond the reach of the state to correct. And yet, paradoxically, the private space of black families was seen as an extension of the workplace and hence subject to police power (Hartman 1997, 160, 173). Anannya Bhattacharjee similarly recounts an incident in which a domestic worker complained to her social-justice organization that she was being abused by her white employer.5 When Bhattacharjee on behalf of the organization contacted the police to report the incident, she was told that “if her organization tried to intervene by rescuing this person, that would be trespassing: In this case, the privacy of these wealthy employers’ home was held to be inviolate, while the plight of an immigrant worker being held in a condition of involuntary servitude was not serious enough to merit police action. . . . The supposed privacy and sanctity of the home is a relative concept, whose application is heavily conditioned by racial and economic status” (Bhattacharjee 2000, 29). As Patricia Allard notes, women of color who receive public assistance are not generally deemed worthy of privacy—they are subjected to the constant surveillance of the state. Of course, all women seeking public services can be surveilled, but welfare is generally racialized in the public imaginary through the figure of the “welfare queen.” Andrea Ritchie (2006), Anannya Bhattacharjee (2001), and other scholars document how women of color, particularly those who are non-gender conforming, who seek police intervention in cases of domestic violence often find themselves subject to sexual assault, murder, and other forms of police-inflicted brutality. If the private sphere is not a place of safety and refuge, what then becomes the source of protection from violence in the home? The antiviolence movement has generally relied on the state. As a result, there is often a disconnect between racial-justice and gender-justice groups. Racial-justice groups focus on the state as an agent of violence from which they need protection. Largely white antiviolence groups, and for that matter, many women-of-color groups, have seen the state as the solution to addressing intercommunal gender violence (Richie 1996). As Bhattacharjee (2000) notes, this has put antiviolence groups in the problematic position of marching against police brutality while simultaneously calling on the police to solve the problem of sexual/domestic violence as if it were two different institutions. As one example, I attended a meeting of tribally based antiviolence advocates who were discussing the need to address gender violence from the perspective of tribal sovereignty, and when the time came to develop actual strategies for addressing violence, the response was to call for more fbi agents on the reservation. Gender violence thus stands as the exception to the rule of opposing state surveillance. In this setup, the state becomes the solution to violence, so antiviolence programs must adopt the surveillance strategies of the state when they provide services. For instance, many domestic violence shelters screen out women who are not documented, who have criminal histories, who are sex workers, or who have substance-abuse issues. One advocate told me that her program did background searches on potential clients and had them arrested if they had any outstanding warrants!6 This, despite the fact that these women have warrants out for their abusers and are trying to escape abusers who have forced them into criminal activity. Moreover, shelters are often run like prisons. As Emi Koyama brilliantly notes, women in shelters are constantly surveilled to make sure they conform to the behavior deemed fitting by the shelter staff. Koyama describes her experience in a shelter. I am a survivor of domestic violence. I am someone who has stayed in a shelter, back in 1994. My experience there was horrendous; I constantly felt the policing gaze of shelter workers across the half-open door, and feared “warnings” and punishments that seemed to be issued arbitrarily. No, to describe the practice as “arbitrary” would be inaccurate; it was clearly selective in terms of who gets them most frequently: the poor Black and Latina women with children, especially if they are in “recovery” from alcohol or drug “abuse.” Snitching on other residents was actively encouraged: residents were rewarded for reporting rule violations of other residents and their children, even when the allegations were not exactly accurate. I did not know whom to trust. Eventually, the feeling of constant siege by shelter staff and all the “crazymaking” interactions pushed me over the edge, and I cut myself with a knife. Not surprisingly, they put me in a mental hospital, effectively ending my stay at the shelter before I could find a permanent, safer space to live. Eventually, Koyama became involved in the antiviolence movement, where she worked for a shelter and found herself, against her politics, sometimes engaging in the same policing activities. When a woman who spoke Arabic called the shelter asking for services, Koyama’s supervisor told her to tell the survivor that she needed to find another shelter. Koyama complied. This episode marked my last day working at the domestic violence shelter, which is more than two years ago now, but I continue to ache from this experience. Of course, this was not the first time that I questioned how shelters were being ran. I questioned everything: its “clean and sober” policy regarding substance use, its policy against allowing women to monitor their own medications, its use of threats and intimidations to control survivors, its labeling of ordinary disagreements or legitimate complaints as “disrespectful communication,” its patronizing “life skills” and “parenting” classes, its seemingly random enforcement of rules that somehow always push women of color out of the shelter first. I hated just about everything that went on in a shelter, and I refused to participate in most of these. I never issued formal “warnings” against any of the residents, preferring instead to have dialogs about any problems as casually as possible. I pretended that I did not smell the alcohol in the women’s brea\\\ths so long as their behaviors did not cause any problems for other residents. I never ever walked a woman to the bathroom and watched her as she peed into a little cup for drug tests, as the shelter policy expected of me to do. I did everything I could to sabotage the system I viewed as abusive: I was disloyal. But in many other situations, I failed. To this day, I ask myself why I did not simply ignore my supervisor’s order on that day, let the woman come to the shelter and deal with the consequences later. (Koyama 2006, 215) Essentially, shelter staff take on the role of abusers or prison guards in the lives of survivors. Women-of-color advocates are in the difficult position of trying to dismantle the structures of settler colonialism and white supremacy in the long term, while securing safety for survivors of violence in the short term. Under these conditions of immediate threat, women of color will often become preoccupied with addressing immediate short-term crises. In addition, these state-driven surveillance strategies for addressing violence force us to see violence in specific ways that foreclose the possibility of seeing violence in other ways. In particular, these strategies frame survivors of violence as themselves the problem: survivors are “sick” and require healing from a professional who will monitor their behavior to ensure that they are healing properly. Those who do not “heal” are no longer deemed worthy of this “antiviolence” project. Thus, by seeing gender violence through the lens of the state, we can only see survivors as clients who need services, rather than as potential organizers who might dismantle social structures of violence. Indigenous feminism reshapes the manner in which we engage surveillance studies, demonstrating that focus on the surveillance strategies of the state obscure the fact that the state is itself a surveillance strategy. There is not a pure or benign state beyond its strategies of surveillance. Yet, the state, rather than being recognized for its complicity in gender violence, has become the institution promising to protect women from domestic and sexual violence by providing a provisional “sanctuary” of sorts from the now criminally defined “other” that is the perpetrator of gender violence (Richie 2000). As I have argued elsewhere (A. Smith 2005a), the state is largely responsible for introducing gender violence into indigenous communities as part of a colonial strategy that follows a logic of sexual violence. Gender violence becomes the mechanism by which U.S. colonialism is effectively and pervasively exerted on native nations (A. Smith 2005a). The complicity of the state in perpetrating gender violence in other communities of color, through slavery, prisons, and border patrol, is also well documented (Bhattacharjee 2001; Davis 2003, 1981; A. Smith 2005b). The state actually has no interest in gender or racial justice, since state laws are often, in practice, used against the people they supposedly protect. For instance, the New York Times recently reported that the effects of the strengthened anti-domestic violence legislation is that battered women kill their abusive partners less frequently; however, batterers do not kill their partners less frequently, and this is more true in black than in white communities (Butterfield 2000). With mandatory arrest laws, police officers frequently arrest those being battered rather than batterers. Thus, laws passed to protect battered women are actually protecting their batterers! Many scholars have analyzed the ineffectiveness of the criminal-justice system in addressing gender violence, particularly against poor women, women of color, sex workers, and queer communities (Richie 1996; A. Smith 2005b; Sokoloff 2005). The mainstream antiviolence movement’s reliance on policies embedded in state violence to solve the problem of gender violence depends on what David Kazanjian (2003) refers to as the “colonizing trick”: the liberal myth that the United States was founded on democratic principles that have eroded through post-9/11 policies, which obfuscates how the state was built on the pillars of capitalism, colonialism, and white supremacy. Reliance on state surveillance prevents us from seeing other possibilities for ending violence, such as through communal organization that might be able to address violence more effectively. This is apparent in the mandate of much surveillance studies, which tends to focus on curtailing state surveillance without questioning the state itself. Consequently, this work does not explore possibilities for different forms of governance, ones not based on the logics of patriarchal and colonial surveillance. The work of indigenous activists to develop indigenous nations that are not based on the principles of domination, violence, and control cannot be seen—even by antiviolence activists (A. Smith 2008). An evocative example is an experience I had working with the group Incite! Women of Color Against Violence. I was conducting a workshop on community accountability. We were discussing the following question: if there was violence in your community, is there anything you could do that would not involve primarily working with the police? During this discussion, one woman stated that she lived in an apartment complex in which a man was battering his partner. She did not know what do to do, because she did not trust the police, but she also did not want the abuse to continue. Her comment made me realize how much our reliance on the state has impacted not only survivors of violence but also people who might think to intervene. It did not occur to this woman—nor might it necessarily occur to many of us in a similar situation—to organize in the apartment complex to do something. The only potential interveners in this situation seems to be ourselves as individuals or the state. It seems like our only response is either a privatized response to violence or a communal one that is statedriven. The result is that not only do we not “see” other solutions to the problem of violence, but we also become absolved from having to see the violence in the first place. Essentially, the apparatus of state surveillance, which allows the state to see violence, absolves us from the responsibility of having to see it. A feminist approach to surveillance studies highlights not only the strategies of the state, but how people have internalized these same strategies, and it asks us to rethink our investment in the state. Without this intervention, the state is presumed to be our protector; we should only modify the manner in which the state protects. For example, during a survey I conducted for the Department of Justice on tribal communities’ response to sexual assault, I found that most communities had not developed a response, because they assumed the federal government was taking care of the problem. In fact, as Amnesty International later documented, the federal government very rarely prosecuted sexual assault crimes in Indian country (Amnesty International 2007). Because of an investment in the state, tribal governments had not invested in their own possibilities for addressing violence. When one asks the question “What can I do?,” the answer is likely to call the police or to do nothing. But when one asks the question “What can we do?,” a whole range of other possibilities arises. In fact, groups around the country have asked that question and have developed a variety of community-accountability models that do not rely primarily on police involvement (Chen et al. 2011).7 Similarly, many native activists, such as Sarah Deer (2009), are active in organizing tribal communities to develop their own responses to sexual violence. Of course, all of these models have their own challenges. For example, will community accountability models simply adopt the same strategies used by the state to address violence? How might these models develop without a romanticized notion of “community” that is not sexist, homophobic, or otherwise problematic—or the potentially problematic assumption that a “community” even exists in the first place? How might they address the immediate needs of survivors who may still require state intervention, even as they seek to eventually replace the state? These questions and others continue to inform the development of the community-accountability movement (Chen et al. 2011). After 9/11, even radical scholars framed George Bush’s policies as an attack on the U.S. Constitution. According to Judith Butler, Bush’s policies were acts against “existing legal frameworks, civil, military, and international” (2004, 57). Amy Kaplan similarly describes Bush’s policies as rendering increasingly more peoples under U.S. jurisdiction as “less deserving of . . . constitutional rights” (2005, 853). Thus, Bush’s strategies were deemed a suspension of law. Progressive activists and scholars accused him of eroding U.S. democracy and civil liberties. Under this framework, progressives are called in to uphold the law, defend U.S. democracy, and protect civil liberties against “unconstitutional” actions. Surveillance studies often carry similar presumptions. That is, this field is concerned with the “rapidly increasing influence of surveillance in our daily lives and in the operation of very large-scale operations” (Lyon 2007, 9). It is concerned with what is presumed to be the increasing erosion of civil liberties and the loss of privacy that this surveillance entails. It takes the state for granted, but is concerned that the state not overstep its proper boundaries. And yet, from the perspective of indigenous peoples, the eye of the state has always been genocidal, because the problem is not primarily the surveillance strategies of the state, but the state itself. If we were to employ a settler colonial analytic, we would see the growth in surveillance strategies less as a threat to the democratic ideals of the United States than as a fulfillment of them. As these surveillance strategies grow, they impact everyone, not just native peoples, because the logic of settler colonialism structures the world for everyone. In particular, surveillance strategies not only allow the state to see certain things, but prevent us from seeing the state as the settler colonial, white supremacist, and heteropatriarchal formation that it is.

### Terrorism

#### The spectacle of terrorist threat is a tactic that the state uses to push surveillance policies—their politics creates a self-fulfilling policy where bodies who refuse to be docile and open to the state are violently eradicated

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In response to the threat of international terrorism, the United States has swiftly and uncritically embraced what I call the aesthetics of transparency in the post-9/11 era.1 Broadly, the aesthetics of transparency is motivated by the desire to turn the world (and the body) inside out such that there would no longer be secrets or interiors, human or geographical, in which terrorists or terrorist threats might find refuge. The military and security state’s objection to interiority is both physical and psychological, referring as much to the desire to rid the warring world of pockets, caves, spider holes, and veils as it is concerned with ferreting out all secrets, stopping at nothing in its effort to produce actionable intelligence from detainees. The aesthetics of transparency can thus be defined as an attempt by the security state to force a correspondence between interiority and exteriority on the objects of the preventative gaze or, better yet, to flatten the object of surveillance, thereby doing away with the problem of correspondence altogether. Circulating within the broader framework of the aesthetics of transparency, opacity effects visualize a body, geography, building, or institution as possessing an interior, a realm beyond what is visible. Opacity effects raise suspicion by the mere fact that they dare to present something that is not entirely visually accessible to the viewer or monitor. The U.S. security state’s desire to flatten the object of surveillance has influenced the development and implementation of new surveillance technologies in the post-9/11 era. In the United States and other Western nations, where the political leadership feels besieged by the threat of international terrorism, periodic media spectacles of deadly terrorist threats remind publics what is at stake if “we” do not adopt and uniformly submit to new surveillance technologies. In this manner, spectacles and specters of the terrorist threat nourish a political culture of compulsory transparency or unquestioning support for technological solutions to the threat of international terrorism. Media coverage of enemies of the United States in the war on terror and terrorist attacks or near misses in the “homeland” create a supportive context for the reception of new surveillance technologies. In this environment, the enemies of the United States in the war on terror (both iconic and ordinary) serve as the “opaque” bodies or “bad” examples from which the “transparent” traveler is encouraged to distinguish her body in domestic visual cultures of terrorism prevention. I do not understand these spectacles of opacity as intentional efforts on the part of media corporations to serve as agents of propaganda for the U.S. military or security state. Rather, I suggest that some military, government, and media professionals share an aesthetic orientation, which implies a global politics of mobility. In the post-9/11 era, colonial binarism is subtly recast. Instead of “the West and the Rest,” domestic-security cultures of terrorism prevention invest tremendous energy and resources into producing docile global citizen suspects who willingly become “transparent” or turn themselves inside out, such that they are readily and visibly distinct from the “opaque” enemies of the United States in the theaters of the war on terror. As Yasmin Jiwani observes (this volume), when bodies are recast as borders, the invisibility of unmarked or “transparent” bodies operate in relation to the hypervisibility of nominated or profiled bodies. According to the aesthetics of transparency animating these distant yet interdependent security cultures, it is the production of particular bodies as stubbornly opaque which justifies violent practices of torture and interrogation, and abandons them to the necropolitics of indefinite detention (Mdembe 2003). By contrast, the docile citizen-suspect’s presumed ability to participate in the project of biopolitics by affirming life in line with the conventions set by the U.S. security state makes physical violence against his or her body both unnecessary and unacceptable. Docile citizen-suspects are presumed capable of practicing what Nikolas Rose (1999) and Mitchell Dean (2009), among others, call “reflexive governance.” The term refers to the ways in which neoliberal strategies of governance “offload” risk management and homeland defense onto citizens (Andrejevic 2006b). In post-9/11 cultures of terrorism prevention, reflexive governance refers to the citizen’s “voluntary” transparency or her demonstration of readiness-for-inspection. I place voluntary in quotes to signal the coercive aspects of a performance demanded by the security state for the passenger to be permitted to board his or her flight.

The war on terror has created the spectacle of war through surveillance that allows the state to turn war into re-edited reality TV

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Elsewhere I argue that two Western media images from the war on terror offer a particularly poignant example of how photography may be used to produce opacity effects: a photograph of Saddam Hussein’s spider hole (a very small subterranean hideout), taken from above, looking down into the darkness; and the image of his medical examination, featuring the dark cavity of his mouth being pried open by a U.S. military inspector (R. Hall 2007). Analysis of the latter image establishes how Hussein and other spectacular models of “stubborn” opacity hail docile citizen suspects to “voluntarily” perform transparency within the domestic security cultures of terrorism prevention. In the visual cultures of the war on terror, opacity effects are racialized via photographic depictions of skin tone, hair, and head coverings. As Kellie D. Moore argues (this volume), any skin tone other than the whitest of white threatens to obscure the truth sought via the surveillant gaze. For the privileged Western spectators of the war on terror, wartime surveillance provides discipline and entertainment, or better yet, discipline-as-entertainment. Consider cnn’s online special report “Saddam Hussein: Captured.” The site offers an interactive reenactment of Hussein’s capture.2 Hussein is figured as the stubborn, misbehaving outlaw who must be physically and forcibly subdued. The scene of capture is akin to a scene from an early reality-tv program like Cops or some other true-crime show. The “money shot” of this genre features cops violently subduing animalized suspects. Such programs rehearse the drama of a predictable power dynamic between individuals coded as inferior based on their race, class, and lack of education, and the rational cops, who know how to “handle” them. While we don’t get to see Saddam Hussein taken down, the images and video of his medical exam accomplish a similar spectacle of dominance and submission. In the image of his medical inspection, U.S. soldiers confirm the identity and reality of his body by demonstrating its depth and penetrating the surface. “We” get to see the dark cavity of his mouth and extreme close-ups of his teeth. The medicalization of this encounter signifies Hussein’s physical submission to U.S. authority, connotes his animality, and—to the Eurocentric viewer—may suggest a benign version of U.S. imperialism, which has science, medicine, and the Enlightenment on its side. This painstakingly documented and widely circulated medical exam rehearses what Robert Stam and Ella Shohat have called the “animalizing trope” of empire or “the discursive figure by which the colonizing imaginary rendered the colonized beastlike and animalic” (1994, 19). This medical scene is reminiscent of the spectacular examination of slaves on the auction block. In drawing this comparison, I am not trying to be provocative, but rather insisting that the animalizing trope of empire is a racist strategy of dehumanization.

#### The omnipresence of surveillance regimes distinguishes between bodies who are feminized and those who look violently with the male gaze

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The pressure to perform voluntary transparency via submission to screening by the new surveillance technologies demands, in turn, what Robert McRuer (2006) named “compulsory able-bodiedness.” McRuer demonstrates the interrelation between what Adrienne Rich called “compulsory heterosexuality” and compulsory able-bodiedness. His analysis of various popular-culture texts also demonstrates how the cultural ideals of heterosexuality and able-bodiedness are further inflected by normative ideals regarding body types, beauty, and health. In post-9/11 security cultures, approximating the state’s idea of what passes for normal becomes a matter of national security. In this context, if you fear humiliation and judgment at the checkpoint because your body does not approximate the cultural ideal, that has nothing to do with the technology’s prying eyes, rather, it is your fault: your failure to master the body project leaves you at risk of humiliation. Full-body scanners, which were rapidly installed in airports across the United States and beyond in response to Umar Farouk Abdulmutallab’s failed attempt to down Northwest Flight 253 from Amsterdam to Detroit on 25 December 2009, examine the rough outlines of the passenger’s anatomical form in order to identify “objects against bodies” or “forms that aren’t traditionally part of the human physique” (Sachs 2010). Of note here is the telling use of the term traditional to describe “the human physique” (in the singular). Like whiteness or heterosexuality, transparency claims the ground of neutrality, while in fact the transparent body desired by the security state is not neutral but, more accurately, normate, the term Rosmarie Garland Thompson (1996) has used to refer to what is understood as the generalizable human being or the body type thought to be normal. In the context of post-9/11 security cultures, the appearance of normalcy takes on the characteristics of transparency, defined as that which we do not see or notice, as opposed to those signs of bodily difference from the norm, which register visually in the form of stigmata. Magnet (2011) makes a similar argument regarding how the outsourcing of the U.S. border externalizes the threat of terrorism and inscribes it on othered bodies and bodies that reside outside the nation. The white body is normalized and serves as a standard against which others will be judged (Jiwani, this volume). And as Moore’s analysis of Ibrahim’s appropriation art and Rihanna’s appearance on abc’s 20/20 demonstrates, “the transparent aesthetics practiced by law enforcement operate through an association between objectivity and whiteness” (this volume, 116). Built into the aesthetics of transparency as it is currently mobilized by the U.S. security state is the desire for a generalizable body type which can be easily recognized as innocent or nonthreatening and thus efficiently be “cleared” for takeoff. Consider a graphic entitled “Technology that Might Have Helped,” published by the New York Times two days after Abdulmutallab’s failed bombing of Flight 253.4 The graphic pictures the images produced by x-ray backscatter and millimeter-wave screening machines, respectively. In addition to showing readers the difference between the images produced by the two types of technology, the New York Times describes the differences in terms of visual technologies with which the reader is already familiar. The image produced by backscatter machines “resembles a chalk etching,” whereas the image produced by the millimeter-wave machines “resembles a fuzzy photo negative.” It could also be said that the elongated head and spindly fingers on the backscatter image resemble a humanoid alien from a midcentury science-fiction film, while the sleek metallic perfection of the figure in the millimeter-wave image is reminiscent of the star robot in Fritz Lang’s Metropolis. Note that both of the sample body images on display appear hollow, flat, futuristic, slender, fit, relatively young, and able-bodied— not to mention the fact that the images picture all bodies, regardless of skin tone, as fuzzy white or metallic silver outlines. Media discourses about full-body scanners domesticate them by reference to the norms of U.S. popular and consumer cultures, which celebrate Euro-American standards of beauty, health, and fitness. Consequently, the transparent traveler is defined via her ability to discipline 7.2 New York Times graphic depicting body images produced by x-ray backscatter and millimeter wave screening technologies. New York Times, “Technology That Might Have Helped,” 27 December 2009 (www.nytimes.com/interactive/2009/12/27/us /terror-graphic.html). Terror and the Female Grotesque 135 the grotesquely opaque body, whose abjection communicates the perpetual threat that the docile passenger-suspect’s body will somehow fail to perform transparency up to code. Consider a cheeky, flirtatious piece of gonzo journalism entitled “Reporter Faces the Naked Truth about FullBody Airport Scanners” (2010), for which Andrea Sachs of the Washington Post underwent a full-body scan by a millimeter-wave machine so she might “experience the technology’s prying eyes first hand.” Rather than report information regarding what firms would profit from the technology’s adoption or raise questions regarding its use, the reporter modeled for the reader how to make the adjustment to a new layer of security. The article’s tone oscillates between sexual teasing and self-punishing narcissism. Sachs stresses the threat of being found unattractive in the images produced by the new machines. The experience of having one’s clothes virtually peeled away by the new scanner is articulated in terms of vanity and sexual attractiveness or (gasp) repulsion, rather than as a process that renders each body suspect. There is no tucking or lifting or sucking in of guts that the tsa cannot see through with the new machines. Even as Sachs worries about what she considers to be her major corporeal flaw (a belly button placed too high on her torso), she mock scolds herself to put vanity aside for the sake of homeland security: “Get over yourself, honey: The full-body scanning machines at airport security checkpoints weren’t created to point out corporeal flaws but to detect suspicious objects lurking beneath airline passengers’ clothing.” Sachs’s “get over yourself,” comment is meant to reassure passengers that when scanned, the body becomes nothing more than a medium or environment, but it also presumes the passenger’s feminine vanity and irrelevance. What the feminist philosopher Mary Russo conceptualizes as the “female grotesque”—that cavernous figure associated “in the most gross metaphorical sense” with the female anatomical body—circulates here as a comic foil to the opaque terrorist. As Russo has written, the word “grotesque evokes the cave—the grotto-esque. Low, hidden, earthly, dark, material, immanent, visceral. As bodily metaphor, the grotesque cave tends to look like (and in the most gross metaphorical sense be identified with) the cavernous anatomical female body” (1994, 1–2). While the enemy’s stubborn opacity rationalizes physical penetration and punishment of his body in the theaters of the war on terror, the mock vanity of the female grotesque reduces serious critique of the full-body scanners to a self-deprecating joke. In the end, Sachs tells the reader that the security expert conducting her scan eventually erased the image, but it stuck with her. She ends the article by expressing her support for the new technology, given the very real threats to America’s safety posed by terrorism. “In the end,” Sachs (2010) writes, “I found it comforting to know that the body scanner would uncover items missed by older equipment and that we travelers have one more layer of protection against those exceedingly crafty terrorists.” There is a politics to feeling afraid of another “crafty” terrorist attack and comforted by the installation of full-body scanners at U.S. airports. In the context of airport security, performing voluntary transparency is coded as “hip” in the postfeminist spirit of agency and empowerment via preparation of the body in anticipation of the male gaze. Because the new norms of airport security culture borrow from the norms of U.S. consumer culture, they presume a passenger who sees “her” body as a project. In their essay on how celebrity white women tweet and how those tweets are read on gossip sites, Dubrofsky and Wood (this volume) update Mulvey’s theory of the male gaze for the postfeminist digital era, arguing that the recipient of the gaze is a participant in creating the image on display and actively fashions the body for consumption. They point out that it is only white women celebrities who are granted agency in the form of producing their bodies for the male gaze. Famous women of color are regularly discussed, critiqued, and celebrated on gossip sites, but their bodies are consistently treated as “natural” and therefore beyond their control. The bodies of famous white women, however, are depicted as ongoing projects or life works, of which those white celebrities can be proud because of the effort they have put into producing their bodies as attractive by the standards of the male gaze. Building on these keen insights, I argue that in the context of airport security the “good” passenger-suspect operates according to a gendered model of reflexive governance, which defines itself in opposition to the female grotesque. In short, the “good” passenger acts like a vain white woman from the United States who is always ready for sex. Indirectly, then, the “good” passenger’s take on the new surveillance technologies constructs the terrorist threat by reference to the figure of the female grotesque, the woman who fails to prepare her body for the male gaze, or the woman who refuses male sexual advances. Ultimately, Sachs models feminine heterosexual acquiescence to the new surveillance technologies. This framing of the new surveillance technologies resonates with a romantic view of the security state as the terrified passenger’s knight in shining armor and finds its precursor in American comic books and films featuring a lusty, muscle-bound superhero with x-ray vision. Consider the following iconic scene from the 1973 film adaptation of Superman: on a balmy night in Metropolis, Lois Lane interviews Superman on her terrace. She wears a billowy, flowing white gown and cape (you know what he’s got on). As Lois questions Superman about his special powers, she learns that he has x-ray vision but cannot see through lead. “What color underwear am I wearing?,” the inquisitive reporter asks frankly. A lead planter stands between them. His response is delayed, so Lois moves on to other probing questions. It is not until later, when she steps out from behind the planter, that he answers her. “Pink,” he says flatly, chastely. “What?,” she asks, looking confused. “They’re pink, Lois.” She turns to him for clarification and finds him staring at her crotch. “Oh,” she nods in understanding and blushes slightly. A few minutes later, as they are flying over the city together, Lois continues her interview with Superman in her head, posing additional questions in a whispery, childlike voice full of wonder: “Can you read my mind?” In this romantic sequence from Superman (1973), acts of seeing and showing-through double as sex acts for the human-superhero couple, expressing the romantic longing for a super man capable of recognizing and potentially fulfilling feminine desires. Superman’s ability to literally see through Lois’s evening gown extends, metaphorically to his magical capacity to read her mind. In the terms of 1970s popular psychology, his x-ray vision is not only a superpower but also a metaphor for true love or what it means to be “in sync” with another person. The superhero’s x-ray vision produces pleasure for the intrepid reporter who secretly wears pink underwear. The experience of being “seen through” feminizes Lois, temporarily softening the tough-as-nails city reporter. At the end of the flight scene, Superman drops Lois off on her terrace, leaving her in what appears to be a blissful, postcoital trance so he can return to the thankless work of fighting crime. Lest you think I am making too much of one silly article, Sachs’s modeling of feminine heterosexual acquiescence to the new surveillance technologies is representative of many more stories, photographs, and political cartoons that also rely on gendered and sexualized scripts of encounters between passenger-suspects, on the one hand, and surveillance technologies or representatives of the security state, on the other. One can see this media narrative neatly encapsulated in the 6 December 2010 cover image of the New Yorker, which upends the romantic formula of Superman by reversing gender roles to comic effect. In so doing, influential U.S. media outlets like the Washington Post and the New Yorker participate in and promote what Magnet has called “surveillant scopophilia,” which refers to the ways in which new surveillance technologies produce “new forms of pleasure [for some] in looking at the human body disassembled into its component parts while simultaneously working to assuage individual anxieties about safety and security through the promise of surveillance” (2011, 17). This selective treatment aligns the new technologies with U.S. consumer and popular cultures of surveillance, where sex and sex appeal (or the tragic lack thereof) are the only story being told. The “sexy” or comically asexual exposed body is uniformly white. In this manner, the sexualization of the new surveillance technologies in U.S. discourse domesticates the machines while obscuring the global racial norm used to determine which bodies are presumed capable of reflexive governance via high-tech screening and which bodies are presumed incapable or unwilling to practice reflexive governance and must therefore be forcibly subdued.

#### The hetero-patriarchal white-supremacist gaze cannot be separated from visualization—this reaffirms patriarchal and sexualized understanding of otherness that deems race as associated with terror

Hall 2015 [Rachel Department of Communication Studies at Louisiana State University. Her research interests include issues of fear and security as well as gender. . "Terror and the Female Grotesque." Feminist Surveillance Studies (2015): 127-49.

The coding of “voluntary” transparency as hip in a postfeminist sense is based, in turn, on a gendered and sexualized construction of the terrorist threat addressed by the new surveillance technologies. In its coverage of Umar Farouk Abdulmutallab’s nearly successful attack on North- 7.3 “Feeling the Love,” by Barry Blitt. Cover art for the New Yorker, 6 December 2010. Terror and the Female Grotesque west Flight 253 from Amsterdam to Detroit on 25 December 2009, abc News depicted the would-be terrorist as a grossly undisciplined woman. The news organization posted government photographs of the accused bomber’s underwear (Esposito and Ross 2009). In the photos, the suspect’s briefs have been turned inside out to reveal a packet of explosive powder sewn into the crotch. The garment figures the terrorist’s opacity in the visual and linguistic registers of failed feminine hygiene. When I first saw the underwear photos, I wondered whether Al Qaeda wasn’t intentionally crafting a brilliant, interactive durational performance art piece spoofing the deepest, darkest recesses of the American psyche. The article refers to the suspect’s “underpants”—a garment worn by women and children in the United States. As a woman, it is difficult not to see a resemblance between Abdulmutallab’s underwear kitted out with a secret, explosive compartment and a pair of women’s underwear outfitted with a maxi pad or panty liner. The tattered, torn, and stained underwear connotes the shame of soiling oneself and arouses in the viewer the fear of losing physical control over the body and the nightmare of being publicly exposed in a compromised state. The photos call to mind the old parental admonishment to “make sure you have on clean underwear in case you’re in an accident.” The public shaming was reprised in the fall of 2012 when Lee Ferran of abc News reported that the bomb failed to detonate because Abdulmutallab’s underwear was dirty. Abdulmutallab’s race is not marked explicitly, and his body remains out of frame, but it is the articulation of orientalism and the female grotesque, in this case, which implicitly demands and condones his public emasculation. In addition to depicting Abdulmutallab within the visual codes of failed female hygiene, the “underpants” exhibit also queers the terrorist. As Puar has observed, “The depictions of masculinity most rapidly disseminated and globalized at this historical juncture are terrorist masculinities: failed and perverse, these emasculated bodies always have femininity as their reference point of malfunction, and are metonymically tied to all sorts of pathologies of the mind and body—homosexuality, incest, pedophilia, madness, and disease” (2007, xxiii). We can recognize this pattern of visual representation in the underwear exhibit. The not-so-subtle final shot in the series displays only the explosive packet. The article explains, “Tragedy was averted only because the detonator, acid in a syringe, did not work” (Esposito and Ross 2009). The photo displays the packet lengthwise next to the tape measure, with the explanation that “all photos include a ruler to provide scale” (ibid.). Earlier in the article 7.4 Forensic government photos of Farouk Abdulmutallab’s underwear with explosive powder packet. In Richard Esposito and Brian Ross, “Exclusive: Photos of the Northwest Airlines Flight 253 Bomb,” 28 December 2009, abc News website. Terror and the Female Grotesque 141 the authors reported, “The bomb packet is a six-inch long container” of the highly explosive chemical, “less than a half cup in volume, weighing about 80 grams” (ibid.). The final shot queers the aspiring terrorist by indirectly referencing his willingness to tuck his penis between his legs in order to make room for a substitute phallus. One cannot help but be struck by the sober tone of the underwear exhibit, which documents a deliberate process in which select government officials displayed, lit, and shot the underwear and the explosive packet, first together, then separately. The forensic authority visually communicated by the exhibit connotes the would-be terrorist’s abject degradation in the face of that authority. In the photographs, the underwear appears to have been ripped or cut off of Abdulmutallab’s body, and in the second photo, the explosive packet has been removed, exposing a hole burned through the crotch of the underwear. Ostensibly, the hole communicates the irrational extremism of a person who would strap a bomb to his body, but it may also signify the threat of penetration—a threat that extends beyond Abdulmutallab’s individual body to the bodies of all suspects of the United States in the war on terror. As Jeremy Packer first observed, “Citizens become bombs, not simply by choice or through cell propaganda and training, but by Homeland Security itself” (2006, 381). Abdulmutallab’s failed attempt to become a bomb extends outward to all air passengers, who are treated as potentially explosive until they voluntarily submit to be scanned by surveillance technologies and/or patted down by security officials. The underwear exhibit offers an over-the-top example of the moralizing function of opacity effects. The implicit comparisons invited by the exhibition hail the U.S. media consumer to perform “good” global citizenship, which is imagined, in comparison to the terrorist grotesque, as less voluminous, “dank,” and “dirty.” The underwear exhibit presumes the media consumer’s difference from and moral superiority to the “opaque” body on display. By portraying the would-be terrorist according to the conventions of the female grotesque, the underwear exhibit implicitly invites U.S. and other Western media consumers to distinguish themselves from this contemptuous figure by rendering their own bodies less grottoesque. Russo (1994) argues that modern discourses of risk rely on the conceptualization of women in spatial terms via two figures: the aerial sublime and the female grotesque. The aerial sublime symbolizes transcendence, technological progress, and futuristic aspiration, but her symbolic work relies on the female grotesque, who embodies the outer (as 142 Rachel Hall inner) limits of the project of modernity and the risk of its catastrophic failure. Indeed, the full-body scanners proposed as a solution to the threat of plastic explosives like the underwear bomb promise to “clear” passengers of suspicion by rendering transparent images of their bodies, which appear as flat, hollow, unadorned, or otherwise unmodified outlines. Another New Yorker cartoon, from the 18 January 2010 issue, explores the threat of humiliation posed by whole-body scanners. In the cartoon the passenger suffers not only the humiliation of bodily exposure but also the embarrassment of having a comforting travel companion revealed. The passenger, a grown man, has a teddy bear hidden beneath his clothing and strapped to his waist. Instead of tsa agents viewing his body image in a closed, offsite location, as they do in actual practice, the cartoon agency projects life-size full-body images of the passenger onto the wall of the airport just to the side of the checkpoint, where passengers waiting to be screened laugh and point at the unlikely revelation. While the passenger’s live body is drawn straight and narrow, with the slim hips of a man, his security image is drawn in the pear shape that is fatphobically associated with the female grotesque in U.S. popular culture. The security image functions like a funhouse mirror. The question is whether the distortion is supposed to read as a projection of the passenger’s body dysmorphic disorder or as a critique of the security state’s filters, which threaten to feminize and infantilize the passenger, according to this cartoon. In practice, full-body scanners may unnecessarily expose a medical condition such as a disability or a colostomy bag, rather than a teddy bear. As feminist scholars Magnet and Tara Rodgers argue, the body scanners may create terror and dread for passengers, “especially if these technologies ‘out’ individuals in their communities, violate their religious beliefs, or single them out for public humiliation, stress, and harassment” (2012, 13). The authors make a compelling case that these new surveillance technologies disproportionately affect “Othered bodies, including the intersections of transgendered, disabled, fat, religious, female and racialized bodies” (ibid., 14). The New Yorker cartoon alludes to the threat of public humiliation but domesticates that threat via the figure of the ordinary white male traveler who fails to be hip or sexy while proceeding through the checkpoint. He becomes the sympathetic, comic foil to the ideal of transparency chic, someone with whom ordinary readers are encouraged to identify, rather than with those othered bodies for whom the stakes of exposure via full-body scans run much higher. Transparency chic presumes a healthy, able-bodied passenger-suspect. 7.5 Artwork in the New Yorker, 18 January 2010, p. 47. © Michael Crawford/The New Yorker Collection/The Cartoon Bank. 144 Rachel Hall Physical ailments, disabilities, limitations, or chronic medical conditions may prevent a particular suspect from being adequately self-subduing via the performance of submission to scanning by machine. This state of affairs requires the tsa officers to substitute or supplement technological mediation with a physical search. For example, a passenger who relies on a mobility device cannot assume the proper position required for screening by the full-body scanners: standing with arms above head. This person fails to perform transparency insofar as she is unable to assume the required position and produce the correct gestures in a performance that would culminate in the production of a particular type of security image of her body. Likewise, cyborg passengers with implanted defibrillators cannot pass through metal detectors because their devices set off the detector and therefore defeat the purpose of this method of scanning the passenger for contraband. Paradoxically, the medical cyborg is at once too vulnerable and too advanced for the metal detector. The tsa refers to his condition in visual terms that cast further suspicion on the passenger with a “hidden disability.” Where metal detectors and body scanners prove insufficient, tsa workers must substitute or supplement technological mediation with physical contact. Transparent mediation by close-sensing technologies becomes a semi-public, intimate physical encounter with a tsa official. Physical pat-downs and searches performed on such passengers typically happen in a designated area just to the side of the queues for the metal detectors and x-ray machines. Interestingly, these areas are frequently cordoned off by a series of glass or plastic partitions. This creates a situation in which passengers proceeding through the regular screening process can watch as tsa officials handle passengers pulled for additional screening. The function of the transparent partitions communicates voluntary transparency on the part of the tsa, even as it heightens the theatrical aspects of the encounter, now enticingly framed by a glass box. Sometimes these inspections go horribly wrong, as in the case of Thomas Sawyer, a sixty-one-year-old man and cancer survivor, who said a tsa pat-down inspection broke his urine bag. Anne E. Kornblut and Perry Bacon Jr. (2010) of the Washington Post reported that Sawyer suffered the further indignity of having to board his flight covered in urine without the benefit of an apology from the tsa officer involved in the incident. Sawyer’s experience (and that of countless others who have been subjected to a physical search because of a medical condition or disability) raises the question of whether or not physical pat-downs constitute a violation of the Health Insurance Portability and Accountability Terror and the Female Grotesque 145 Act of 1996 (hipaa) or the Americans with Disabilities Act of 1990. The Department of Health and Human Services lists law-enforcement agencies among those organizations not required to follow hipaa’s privacy and security rules.5 During a national or public-health emergency, the secretary of Health and Human Services may waive certain provisions of hipaa even for those organizations usually required to follow its privacy and security rules. Thus, it seems that public physical inspection of passengers with medical conditions does not constitute a violation of hipaa. Whether or not public pat-downs of passengers with medical conditions and disabilities constitutes a violation of the Americans with Disabilities Act is more difficult to determine. The act “prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications.”6 The tsa proclaims that its commitment to customer service extends to all passengers, “regardless of their personal situations and needs.” In an effort to meet the needs of passengers with medical conditions and disabilities, the agency established a coalition of over seventy disability-related groups and organizations “to help us understand the concerns of persons with disabilities and medical conditions.”7 This research has informed the tsa’s approach to passengers with “all categories of disabilities (mobility, hearing, visual, and hidden).”8 Coverage by the program indicates that tsa screeners have been briefed on the range of conditions they may encounter. Coverage also means specialized travel tips for passengers with medical conditions or disabilities and their traveling companions. The general theme of these disability-specific tips is that passengers with medical conditions or disabilities and their traveling companions are responsible for initiating communication about their condition with tsa officers. In some cases, the travel tips offered attempt to head off charges of privacy violation and discrimination in one fell swoop. For example, those who dislike the exposure of a pat-down inspection at the checkpoint are advised to “request a private area for your pat-down inspection if you feel uncomfortable with having a medical device being displayed while inspected by the Security Officer.”9 In the case of passengers with medical conditions or disabilities, offsite inspection is offered as an option less stigmatizing than undergoing physical inspection at the checkpoint before an audience of one’s peers. By contrast, the prospect of being transferred from the public checkpoint to an offsite location for further inspection and interrogation implies the threat of physical harm and arrest to those suspected of terrorism. That is not to say that passengers with medical conditions disabilities are presumed innocent. In what is perhaps the most harrowing section of advice for passengers with medical conditions and disabilities, the tsa addresses the visual problem of dressed wounds. • Whenever there is a metal detector alarm in the area of a dressing, the Security Officers will conduct a gentle limited pat-down of the dressing area over top of your clothing. • Clothing will not be required to be removed, lifted, or lowered during the pat-down inspection. • The Security Officer will not ask you to, nor will he or she, remove a dressing during the screening process. • In the event a Security Officer is not able to determine that a dressing is free of prohibited items via a pat-down, you will be denied access to the sterile area. Particularly striking is the use of the term sterile in reference to the securitized area just beyond the checkpoint in the context of a discussion of how to treat passengers with dressed wounds. The final bullet point pits the “sterility” of the securitized zone against the “sterility” of the passenger’s dressed wound. One form of sterility demands exposure, while the other requires a protective covering. In its treatment of the range of medical conditions and disabilities tsa officers may encounter, the agency’s tone is alternately insistent and tender as it communicates its unwavering commitment to expose what might otherwise be hidden by the pretense of a medical condition or disability. Given the hypersexualized media narratives surrounding the rapid installation of full-body scanners in U.S. airports beginning in early 2010, it is perhaps not all that surprising that the main objection given voice by major U.S. media outlets concerned the protection of passengers’ sexual privacy. This was true despite the fact that the new technologies also raised concerns about radiation exposure from the backscatter machines (see J. Marshall 2010).10 In response to the charge that the new machines violated sexual privacy, the tsa stressed that the security images produced could not be saved or stored. In order for the next passenger to be scanned, the previous image had to be deleted. James Ott (2010) of Aviation Daily reported that the tsa chief John Pistole assured the public that no mobile phones or cameras were permitted in the remote viewing rooms where agents inspected the full-body images. In other words, the tsa understands the privacy violation in terms of the politics of information rather than the politics of performing submission to comprehensive surveillance, or understands it in terms of the live experience of being produced as one of the security state’s many suspects. The tsa stresses the measures it takes to de-eroticize the body images it makes. The organization notes that faces are blurred or blocked out, no hair is visible, and human monitors are of the same sex as the passengers being screened (the tsa appeals to this same heteronormative logic when it describes and defends its organizational procedures for conducting physical pat-downs). In the tsa’s arguments for why these images are not pornographic, we learn by negation what is sexualized: faces, hair, and heterosexuality. And in early 2011 Ashley Halsey III, of the Washington Post, reported that the tsa had debuted a software patch on millimeterwave machines at Las Vegas Airport. The full-body scanner machines using radio waves now produce a gray “cookie-cutter” outline of the human body. The generic quality of the figure is designed to alleviate privacy concerns because every body image generated by the machine looks exactly the same. The lack of graphic detail serves as a control on the potential eroticism of full-body images. This is a body image designed to do nothing for the spectator—nothing, that is, other than sanitize the technology and, by extension, the security state’s relationship to passengers’ bodies. The automatic detection software highlights suspicious regions with a yellow box on that part of the generic body. This cues the tsa officer to physically inspect only that region of the passenger’s body. Significantly, the generic body image appears on a screen attached to the scanning booth so that both the tsa officer stationed beside the machine and the passenger are able to look at the image together and wait for the green light or “ok,” at which point the tsa officer waves the passenger on her way. In January 2013 the tsa announced it would be removing all backscatter machines from U.S. airports, not due to health concerns but because the machines’ manufacturer, Rapsican, had failed to develop a software patch to translate detailed images of passengers’ bodies into a generic outline of the human form.11 The aesthetic produced by the privacy software patch is of a generic outline, defended on the grounds that it does not offend privacy. However, the image is revealing in that it pictures precisely what these technologies produce: a new normate body. My critique of the full-body scanners contributes to the larger, collaborative project initiated by feminist scholars of surveillance: to shift critical 148 Rachel Hall surveillance studies away from matters of privacy, security, and efficiency to a consideration of the ethical problem of combating new forms of discrimination that are practiced in relation to categories of privilege, access, and risk.12 U.S. public discourse has domesticated the new surveillance technology via gendered and sexualizing scripts of being seen-through as a form of romantic love, attraction, and repulsion. These discourses have thereby framed the new technologies and the airport security checkpoint as yet another opportunity to succeed or fail at attractively imaging one’s body for the male gaze and according to Euro-American standards of beauty, health, and fitness. In this manner, U.S. public discourse about the scanners has ignored the fact that the differential application of high- and low-tech surveillance methods is organized according to a racial norm, where race is understood not in the narrow terms of phenotype but in the broader terms of who is presumed capable of participating in the biopolitical project of terrorism prevention and who is written off as stubbornly opaque. Using sex to obscure race and ethnicity in U.S. public discourse about post-9/11 security culture is not a minor oversight. Rather, it is a tragically superficial distraction that supports the unthinking adoption of a differentially applied preemptive legal framework at home and abroad. A narrow view of new surveillance technologies through the lens of sexual privacy misses the fact that the racial norm is what has facilitated the rollout of preemptive laws in the war on terror and made the domestic culture of terrorism prevention palatable to citizens of governments who feel besieged by the threat of terrorism. The difference between how suspected terrorists in the war on terror and passenger-suspects in U.S. airports are treated renders the indefinite extension of surveillance on both fronts palatable to a majority of U.S. citizens, demonstrated through a critique of the aesthetics of transparency operative in new surveillance technologies and of the discourses surrounding their adoption.

### Voluntary Surveillance

#### Politics that are concerned with willful submission reinforce the worst form of gender violence by denying its existence

Dubrofsky & Wood 2015 [Rachel Dubrofsky Associate Professor (and Affiliated Associate Professor, Departments of Humanities & Cultural Studies and Women's & Gender Studies) critical/cultural studies, media studies, gender, race, digital media, reality TV, surveillance , and Megan Wood Ph.D. student in the Department of Communication at the University of North Carolina, Chapel Hill, my research focuses on critical/cultural studies of communication and feminist surveillance studies, with particular attention to how surveillance functions in and through online social spaces. "Gender, Race, and Authenticity." Feminist Surveillance Studies (2015): 93-106.//KHS]

As discussed in the introduction to this volume, the rich body of feminist scholarship on practices of looking has been concerned for quite some time with the implications of surveillance practices for gendered and racialized bodies, though the term surveillance is not explicitly used. Building on Laura Mulvey’s influential work on the gaze (1975), John Berger’s Ways of Seeing (1972), Marita Sturken and Lisa Cartwright’s Practices of Looking (2001), and Shoshana Amielle Magnet’s (2007) work, the framing of Twitter activities of celebrity women by tabloid magazines can be usefully theorized using Mulvey’s notion of the male gaze in film. The male gaze regulates and structures its object within a social-historical system of gendered domination, tying “woman down to her place as bearer of meaning, not maker of meaning” (Mulvey 1975, 6). Anne Kaplan notes that even though one does not literally or necessarily have to be “male” to own and activate the gaze, the male gaze functions as “masculine” (1983, 30): it occupies a masculine subject position—one that objectifies the image gazed upon. We pick up Magnet’s (2007) work examining the activities of users on the website suicidegirls.com, which looks at what happens when the “objects” of the gaze are also the producers of the gaze, also what we look at when examining the ways in which the activities of women celebrities on Twitter are framed in the tabloids. The celebrity Twitter user is a “prosumer” (blurring between the roles of consumer and producer: a consumer who is also a producer of the product being consumed) (Tapscott and Williams 2007), and because what celebrities tweet is presented as under their control—not an image produced by a filmmaker, for instance—one cannot assert that they are being wrongfully objectified by others. This instantiates claims to authenticity and agency, since the celebrity creates her own image. Unlike in conventional notions of the gaze, where the object of the gaze is not part of the production process, the women posting photographs of themselves on Twitter are framed by the tabloids as active participants in the process of producing the images (even if, in fact, their accounts may be managed by a pr team). This is similar to what Magnet (2007) observes with respect to suicidegirls.com. What does it mean that these women are presented as the subjects and objects of their own desiring: “owning” the gaze and explicitly aiding in reproducing it? Mulvey situates the image produced on the film screen as part of a “hermetically sealed world . . . indifferent to the presence of the audience, producing for them a sense of separation and playing on their voyeuristic phantasy” (1975, 9). On Twitter, this is not the setup: users bring others—in real time—into their private (ostensibly “real”) worlds. As well, the position of viewer and of the person gazed at can change (a gazed at person becomes a viewer when he or she looks at a photograph another person posts on Twitter, for instance). However, because we are looking at how tabloids, in their stories about celebrities, discuss photographs posted by celebrities, the dynamic outlined by Mulvey remains: readers gaze upon the photographs reproduced in the tabloids, producing a setup akin to a “hermetically sealed world” with a separation between the imag and the audience. But unlike in the scenario outlined by Mulvey, the people being looked at are real people—not actors performing a role in a film. As well, while Mulvey notes that in scripted films the spectator is given “an illusion of looking in on a private world” (ibid.), on Twitter and in the tabloid stories about celebrity use of Twitter this illusion is reconfigured, since the private world looked at is populated by real people doing real things (rather than actors performing a role). The setup may be contrived and orchestrated by the celebrity and a team of pr workers, but similar to reality tv, there is what Dubrofsky (2011a) has elsewhere termed a “call to the real.” The call to the real pinpoints the idea that despite the constructed context of surveillance on reality tv shows, and the fact of editing and labor by tv workers to shape the final product, the element of real people filmed doing real things animates a sense that underneath it all there is something “real”: “real, authentic, surveilled selves are constructed” (ibid., 22) at the same time as the genre denies this claim by declaring that reality tv can access the real. Megan M. Wood (2013) coins the term “call to authenticity” to describe, with particular emphasis on notions of authenticity, how Twitter animates the same paradox: the more one is seen as disclosing via surveillance technologies like Twitter, the more one is constructed as being “real.” People who are authentic despite surveillance are presented as most authentic. For instance, when a tweeting celebrity gets “in trouble” because of what she tweets, she is seen as more authentic because, despite the context of surveillance, she was completely herself and behaved as if she were not under surveillance; or she is presented as overcome by real, strong emotion—feelings so real that she expressed them despite the context of surveillance (and possible negative consequences). The call to authenticity pinpoints the correlating relationship between the extent of personal disclosure (including “slipups”) and perceived authenticity: the more one is seen as disclosing in ways that belie the structure of surveillance of Twitter, the more one is presented as being “real” (authentic). Another noteworthy difference between Mulvey’s theorizing about the gaze in film and how celebrities are configured in tabloid stories about their Twitter activities is in how the feminine is framed. Mulvey positions the feminine onscreen as passive, though inviting of the gaze, but in tabloid articles women celebrities are constructed as specifically active and agentic in putting their images on display via Twitter and in their invitation of the gaze (they post pictures themselves—they are not unknowingly captured in a paparazzi shot or passively filmed by a film camera). In her essay on body scanners, Rachel Hall explains that willfully submitting to airport security “is coded as ‘hip’ in the postfeminist spirit of agency and empowerment via preparation of the body in anticipation of the male gaze” (this volume, 00). Similarly, celebrities displaying their bodies on Twitter are presented as willing and self-aware participants in creating images to put on display and as actively fashioning the body for consumption (through exercise). We bring into the conversation feminist scholarship on postfeminism to highlight the ways Twitter is used in the tabloid articles to forefront hypersexualized femininity as a form of agentic empowerment through the call to authenticity.3 Briefly, postfeminism is a discourse as well as a popular cultural context where gender inequality is no longer an issue (McRobbie 2008), leaving a space for intensified and troubling stereotypes of femininity to thrive (Ringrose and Barajas 2011). The current cultural context of postfeminism implies that women self-representing online is empowering, giving them agency over their identity making.4 The call to authenticity in this context animates the idea that one “practices” female celebrity successfully by disclosing on Twitter (Marwick and boyd 2011), enabling representations of women who willingly subject themselves to the gaze as a form of agency. In so doing, women are both lauded (empowerment in self-representation) and responsible for the consequences of this display

#### Willful submission to surveillance practices normalizes white supremacist heterosexist patriarchy that renders black women as always-already submissive

Dubrofsky & Wood 2015 [Rachel Dubrofsky Associate Professor (and Affiliated Associate Professor, Departments of Humanities & Cultural Studies and Women's & Gender Studies) critical/cultural studies, media studies, gender, race, digital media, reality TV, surveillance , and Megan Wood Ph.D. student in the Department of Communication at the University of North Carolina, Chapel Hill, my research focuses on critical/cultural studies of communication and feminist surveillance studies, with particular attention to how surveillance functions in and through online social spaces. "Gender, Race, and Authenticity." Feminist Surveillance Studies (2015): 93-106.//KHS]

Twitter enables writers of tabloid articles to imbue white female celebrities with a particular kind of strategic postfeminist agency whereby they willingly put themselves on display and in so doing can be positioned as authentically desirous of the gaze through the work they do to cultivate this gaze. Kardashian, on the other hand, framed as a woman of color, is not afforded the same agency, her body articulated as naturally inviting the gaze regardless of her actions or desires. Nevertheless, in discussing photographs posted on Twitter by women celebrities, tabloid articles consistently reference the agency of each woman in inviting the gaze: they choose to post the photographs, they do so willingly. This rhetoric is not unlike “rape myth” discourse, in which a woman who previously consented to sex or a woman who dresses provocatively “asked for it” (Tazlitz 1999; Torrey 1991). In this case, the act of posting pictures of oneself on Twitter naturalizes white supremacist heterosexist patriarchy. The images are always already part of a misogynist culture, making it difficult to pinpoint the ways in which the visual display of women’s bodies is consistently problematic in a culture where women are disenfranchised. This enables a logic whereby women celebrities are agents in the stories produced about them, dislocating them from a cultural context in which women’s bodies are fetishized and obfuscates the demands to perform female celebrity in particular ways—authentic-seeming sexualized displays—facilitated by the use of social media. Underlying this presentation is the idea that feminism is obsolete for white women, since they have full control over the means of objectification: they are not being objectified by patriarchy (or the press); they are freely opting to fashion the images they put on display. For women of color, the picture is bleaker: they do not fully participate in their own objectification, but rather are always already there to be gazed upon with desire, regardless of their actions.

### A2: Permutation

#### The state won’t solve sexual violence—calls to use the state maintains imperialism by controlling the way in which to speak about violence against women

Smith 2015 [Andrea an intellectual, feminist, and anti-violence activist. Smith's work focuses on issues of violence against women of color and their communities, specifically Native American women. A co-founder of INCITE! Women of Color Against Violence, the Boarding School Healing Project, and the Chicago chapter of Women of All Red Nations, Smith centers the experiences of women of color in both her activism and her scholarship. Formerly an assistant professor of American Culture and Women's Studies at the University of Michigan in Ann Arbor, Michigan, Smith is currently an associate professor in the Department of Media and Cultural Studies at the University of California, Riverside.. "Not-Seeing." Feminist Surveillance Studies (2015): 21-38..//KHS]

Similarly, many native activists who organize around sexual violence in native communities frame their activist work from a decolonization perspective, yet the solutions that emerge from that work usually result in increased federal intervention in native communities, such as the recent Tribal Law and Order Act that was passed in the wake of Amnesty International’s report on sexual assault in Indian country, Maze of Injustice (K. Robertson 2012). Of course, native activists who engage in such policy work are not ignorant of the risks of advocating for changes in federal policies (Smith 2005b). They are aware of the contradiction of trying to further the long-term project of decolonization while attempting to secure some measure of safety for survivors of violence in the short term. They constantly struggle with the question of whether relying on state surveillance even as a short-term solution to violence diminishes the possibilities of developing alternative strategies which refuse settler colonial logics in the long term. It is important to note that the apparatus of settler colonial surveillance does not impact only native peoples. The “normalizing” society must necessarily inflict the logics of normalization on all peoples, not just on those who are “oppressed.” If it were only the oppressed who were subjected to normalizing logics, the logics would not seem “normal.” This is why the intent of genocide is not just to destroy native peoples, but to eliminate alternatives to the settler state for nonnative peoples. If alternatives to the white supremacist, capitalist, heteropatriarchal settler state were to persist, the settler state’s status as the prototype for normal would be at risk. Settler logics inform both how violence against native women is addressed, as well as how gender violence in general is addressed. Furthermore, the mainstream antiviolence movement relies on a settler framework for combating violence in ways that make it complicit in the state’s surveillance strategies. These strategies then inform how the mainstream movement manages and “sees” gender violence, while simultaneously preventing it from seeing other approaches to ending violence. For example, at an antiviolence conference I attended, the participants supported the war in Afghanistan because they believed it would liberate women from the violence of the Taliban; their reliance on statedriven surveillance strategies for addressing violence through the military and criminal-justice systems prevented them from seeing that militarism itself perpetuates violence against women. One of the reasons for the antiviolence movement’s investment in the state derives from its concerns with the private sphere. As Lyon notes, much of the focus of surveillance studies is on “privacy”—how the state monitors the individual lives of peoples.3 Of course, as feminist scholars argue, the assumption that the protection of privacy is an unmediated good is problematic, since the private sphere is where women are generally subjected to violence.4 And, as feminists of color in particular have noted, not all women are equally entitled to privacy. Saidiya Hartman points out that, on the one hand, the abuse and enslavement of African Americans was often marked as taking place in the private sphere and hence beyond the reach of the state to correct. And yet, paradoxically, the private space of black families was seen as an extension of the workplace and hence subject to police power (Hartman 1997, 160, 173). Anannya Bhattacharjee similarly recounts an incident in which a domestic worker complained to her social-justice organization that she was being abused by her white employer.5 When Bhattacharjee on behalf of the organization contacted the police to report the incident, she was told that “if her organization tried to intervene by rescuing this person, that would be trespassing: In this case, the privacy of these wealthy employers’ home was held to be inviolate, while the plight of an immigrant worker being held in a condition of involuntary servitude was not serious enough to merit police action. . . . The supposed privacy and sanctity of the home is a relative concept, whose application is heavily conditioned by racial and economic status” (Bhattacharjee 2000, 29). As Patricia Allard notes, women of color who receive public assistance are not generally deemed worthy of privacy—they are subjected to the constant surveillance of the state. Of course, all women seeking public services can be surveilled, but welfare is generally racialized in the public imaginary through the figure of the “welfare queen.” Andrea Ritchie (2006), Anannya Bhattacharjee (2001), and other scholars document how women of color, particularly those who are non-gender conforming, who seek police intervention in cases of domestic violence often find themselves subject to sexual assault, murder, and other forms of police-inflicted brutality. If the private sphere is not a place of safety and refuge, what then becomes the source of protection from violence in the home? The antiviolence movement has generally relied on the state. As a result, there is often a disconnect between racial-justice and gender-justice groups. Racial-justice groups focus on the state as an agent of violence from which they need protection. Largely white antiviolence groups, and for that matter, many women-of-color groups, have seen the state as the solution to addressing intercommunal gender violence (Richie 1996). As Bhattacharjee (2000) notes, this has put antiviolence groups in the problematic position of marching against police brutality while simultaneously calling on the police to solve the problem of sexual/domestic violence as if it were two different institutions. As one example, I attended a meeting of tribally based antiviolence advocates who were discussing the need to address gender violence from the perspective of tribal sovereignty, and when the time came to develop actual strategies for addressing violence, the response was to call for more fbi agents on the reservation. Gender violence thus stands as the exception to the rule of opposing state surveillance. In this setup, the state becomes the solution to violence, so antiviolence programs must adopt the surveillance strategies of the state when they provide services. For instance, many domestic violence shelters screen out women who are not documented, who have criminal histories, who are sex workers, or who have substance-abuse issues. One advocate told me that her program did background searches on potential clients and had them arrested if they had any outstanding warrants!6 This, despite the fact that these women have warrants out for their abusers and are trying to escape abusers who have forced them into criminal activity. Moreover, shelters are often run like prisons. As Emi Koyama brilliantly notes, women in shelters are constantly surveilled to make sure they conform to the behavior deemed fitting by the shelter staff. Koyama describes her experience in a shelter. I am a survivor of domestic violence. I am someone who has stayed in a shelter, back in 1994. My experience there was horrendous; I constantly felt the policing gaze of shelter workers across the half-open door, and feared “warnings” and punishments that seemed to be issued arbitrarily. No, to describe the practice as “arbitrary” would be inaccurate; it was clearly selective in terms of who gets them most frequently: the poor Black and Latina women with children, especially if they are in “recovery” from alcohol or drug “abuse.” Snitching on other residents was actively encouraged: residents were rewarded for reporting rule violations of other residents and their children, even when the allegations were not exactly accurate. I did not know whom to trust. Eventually, the feeling of constant siege by shelter staff and all the “crazymaking” interactions pushed me over the edge, and I cut myself with a knife. Not surprisingly, they put me in a mental hospital, effectively ending my stay at the shelter before I could find a permanent, safer space to live. Eventually, Koyama became involved in the antiviolence movement, where she worked for a shelter and found herself, against her politics, sometimes engaging in the same policing activities. When a woman who spoke Arabic called the shelter asking for services, Koyama’s supervisor told her to tell the survivor that she needed to find another shelter. Koyama complied. This episode marked my last day working at the domestic violence shelter, which is more than two years ago now, but I continue to ache from this experience. Of course, this was not the first time that I questioned how shelters were being ran. I questioned everything: its “clean and sober” policy regarding substance use, its policy against allowing women to monitor their own medications, its use of threats and intimidations to control survivors, its labeling of ordinary disagreements or legitimate complaints as “disrespectful communication,” its patronizing “life skills” and “parenting” classes, its seemingly random enforcement of rules that somehow always push women of color out of the shelter first. I hated just about everything that went on in a shelter, and I refused to participate in most of these. I never issued formal “warnings” against any of the residents, preferring instead to have dialogs about any problems as casually as possible. I pretended that I did not smell the alcohol in the women’s brea\\\ths so long as their behaviors did not cause any problems for other residents. I never ever walked a woman to the bathroom and watched her as she peed into a little cup for drug tests, as the shelter policy expected of me to do. I did everything I could to sabotage the system I viewed as abusive: I was disloyal. But in many other situations, I failed. To this day, I ask myself why I did not simply ignore my supervisor’s order on that day, let the woman come to the shelter and deal with the consequences later. (Koyama 2006, 215) Essentially, shelter staff take on the role of abusers or prison guards in the lives of survivors. Women-of-color advocates are in the difficult position of trying to dismantle the structures of settler colonialism and white supremacy in the long term, while securing safety for survivors of violence in the short term. Under these conditions of immediate threat, women of color will often become preoccupied with addressing immediate short-term crises. In addition, these state-driven surveillance strategies for addressing violence force us to see violence in specific ways that foreclose the possibility of seeing violence in other ways. In particular, these strategies frame survivors of violence as themselves the problem: survivors are “sick” and require healing from a professional who will monitor their behavior to ensure that they are healing properly. Those who do not “heal” are no longer deemed worthy of this “antiviolence” project. Thus, by seeing gender violence through the lens of the state, we can only see survivors as clients who need services, rather than as potential organizers who might dismantle social structures of violence. Indigenous feminism reshapes the manner in which we engage surveillance studies, demonstrating that focus on the surveillance strategies of the state obscure the fact that the state is itself a surveillance strategy. There is not a pure or benign state beyond its strategies of surveillance. Yet, the state, rather than being recognized for its complicity in gender violence, has become the institution promising to protect women from domestic and sexual violence by providing a provisional “sanctuary” of sorts from the now criminally defined “other” that is the perpetrator of gender violence (Richie 2000). As I have argued elsewhere (A. Smith 2005a), the state is largely responsible for introducing gender violence into indigenous communities as part of a colonial strategy that follows a logic of sexual violence. Gender violence becomes the mechanism by which U.S. colonialism is effectively and pervasively exerted on native nations (A. Smith 2005a). The complicity of the state in perpetrating gender violence in other communities of color, through slavery, prisons, and border patrol, is also well documented (Bhattacharjee 2001; Davis 2003, 1981; A. Smith 2005b). The state actually has no interest in gender or racial justice, since state laws are often, in practice, used against the people they supposedly protect. For instance, the New York Times recently reported that the effects of the strengthened anti-domestic violence legislation is that battered women kill their abusive partners less frequently; however, batterers do not kill their partners less frequently, and this is more true in black than in white communities (Butterfield 2000). With mandatory arrest laws, police officers frequently arrest those being battered rather than batterers. Thus, laws passed to protect battered women are actually protecting their batterers! Many scholars have analyzed the ineffectiveness of the criminal-justice system in addressing gender violence, particularly against poor women, women of color, sex workers, and queer communities (Richie 1996; A. Smith 2005b; Sokoloff 2005). The mainstream antiviolence movement’s reliance on policies embedded in state violence to solve the problem of gender violence depends on what David Kazanjian (2003) refers to as the “colonizing trick”: the liberal myth that the United States was founded on democratic principles that have eroded through post-9/11 policies, which obfuscates how the state was built on the pillars of capitalism, colonialism, and white supremacy. Reliance on state surveillance prevents us from seeing other possibilities for ending violence, such as through communal organization that might be able to address violence more effectively. This is apparent in the mandate of much surveillance studies, which tends to focus on curtailing state surveillance without questioning the state itself. Consequently, this work does not explore possibilities for different forms of governance, ones not based on the logics of patriarchal and colonial surveillance. The work of indigenous activists to develop indigenous nations that are not based on the principles of domination, violence, and control cannot be seen—even by antiviolence activists (A. Smith 2008). An evocative example is an experience I had working with the group Incite! Women of Color Against Violence. I was conducting a workshop on community accountability. We were discussing the following question: if there was violence in your community, is there anything you could do that would not involve primarily working with the police? During this discussion, one woman stated that she lived in an apartment complex in which a man was battering his partner. She did not know what do to do, because she did not trust the police, but she also did not want the abuse to continue. Her comment made me realize how much our reliance on the state has impacted not only survivors of violence but also people who might think to intervene. It did not occur to this woman—nor might it necessarily occur to many of us in a similar situation—to organize in the apartment complex to do something. The only potential interveners in this situation seems to be ourselves as individuals or the state. It seems like our only response is either a privatized response to violence or a communal one that is statedriven. The result is that not only do we not “see” other solutions to the problem of violence, but we also become absolved from having to see the violence in the first place. Essentially, the apparatus of state surveillance, which allows the state to see violence, absolves us from the responsibility of having to see it. A feminist approach to surveillance studies highlights not only the strategies of the state, but how people have internalized these same strategies, and it asks us to rethink our investment in the state. Without this intervention, the state is presumed to be our protector; we should only modify the manner in which the state protects. For example, during a survey I conducted for the Department of Justice on tribal communities’ response to sexual assault, I found that most communities had not developed a response, because they assumed the federal government was taking care of the problem. In fact, as Amnesty International later documented, the federal government very rarely prosecuted sexual assault crimes in Indian country (Amnesty International 2007). Because of an investment in the state, tribal governments had not invested in their own possibilities for addressing violence. When one asks the question “What can I do?,” the answer is likely to call the police or to do nothing. But when one asks the question “What can we do?,” a whole range of other possibilities arises. In fact, groups around the country have asked that question and have developed a variety of community-accountability models that do not rely primarily on police involvement (Chen et al. 2011).7 Similarly, many native activists, such as Sarah Deer (2009), are active in organizing tribal communities to develop their own responses to sexual violence. Of course, all of these models have their own challenges. For example, will community accountability models simply adopt the same strategies used by the state to address violence? How might these models develop without a romanticized notion of “community” that is not sexist, homophobic, or otherwise problematic—or the potentially problematic assumption that a “community” even exists in the first place? How might they address the immediate needs of survivors who may still require state intervention, even as they seek to eventually replace the state? These questions and others continue to inform the development of the community-accountability movement (Chen et al. 2011). After 9/11, even radical scholars framed George Bush’s policies as an attack on the U.S. Constitution. According to Judith Butler, Bush’s policies were acts against “existing legal frameworks, civil, military, and international” (2004, 57). Amy Kaplan similarly describes Bush’s policies as rendering increasingly more peoples under U.S. jurisdiction as “less deserving of . . . constitutional rights” (2005, 853). Thus, Bush’s strategies were deemed a suspension of law. Progressive activists and scholars accused him of eroding U.S. democracy and civil liberties. Under this framework, progressives are called in to uphold the law, defend U.S. democracy, and protect civil liberties against “unconstitutional” actions. Surveillance studies often carry similar presumptions. That is, this field is concerned with the “rapidly increasing influence of surveillance in our daily lives and in the operation of very large-scale operations” (Lyon 2007, 9). It is concerned with what is presumed to be the increasing erosion of civil liberties and the loss of privacy that this surveillance entails. It takes the state for granted, but is concerned that the state not overstep its proper boundaries. And yet, from the perspective of indigenous peoples, the eye of the state has always been genocidal, because the problem is not primarily the surveillance strategies of the state, but the state itself. If we were to employ a settler colonial analytic, we would see the growth in surveillance strategies less as a threat to the democratic ideals of the United States than as a fulfillment of them. As these surveillance strategies grow, they impact everyone, not just native peoples, because the logic of settler colonialism structures the world for everyone. In particular, surveillance strategies not only allow the state to see certain things, but prevent us from seeing the state as the settler colonial, white supremacist, and heteropatriarchal formation that it is.

### A2: X community IS violent

#### Their focus on the violence that happens within colonized communities maintains the actuarial gaze that allow those in power to moralize individual actions while ignoring the structural position where violence in embedded

Jiwani 2015 [Yasmin Jiwani BA, Psychology, University of British Columbia MA, Sociology, Simon Fraser University PhD, Communications, Simon Fraser.; interests focus on the intersecting influences of race and gender within the context of media representations of racialized groups and violence against women. "Violating In/Visibilities." Feminist Surveillance Studies (2015): 79-92.//KHS]

Within surveillance studies, Foucault’s conceptualization of panopticism remains a central framework of analysis for scholars. While there has been much criticism of the overextension of this “paradigm” (see Haggerty 2006), my use of the concept of panopticism concerns the “circuits of communication” (Foucault 1995, 217) and their cumulative knowledge, which serves as a benchmark for how one “knows” the world and others within it. According to Foucault, panopticism is, “a functional mechanism that must improve the exercise of power by making it lighter, more rapid, more effective, a design of subtle coercion for a society to come” (ibid., 209). This power is evident in contemporary society with its pervasive mechanisms of surveillance ranging from identity cards and passports at borders to the security and traffic cameras populating urban landscapes (see Lyon 2006). It was these kinds of surveillance mechanisms that allowed the authorities to apprehend and arrest the Shafias and to decipher how the victims were murdered. Soon after the family reported that the women were missing, the police installed devices in the Shafia’s vehicle, which allowed them to wiretap the private conversations between Mohammad and Tooba Yahya; cell-phone towers were used to locate Hamed Shafia’s whereabouts on the night of the murders; and his laptop was examined for incriminating evidence. Similarly, forensic technology established that the women had been drowned, but it was unclear how or where. But it was the panoptic power of the mass media—especially the mainstream and commercial media that captured the murders—that marked the murders as an exceptional case signifying an impending Muslim threat. The sheer amount of coverage of the Shafia trial through numerous media platforms ensured that it became instantaneously available to all. Individuals loaded videos of the murder scene, courthouse, and commentaries on honor killings onto social-media platforms such as YouTube. These sites constitute what Thomas Mathiesen (2011) has called synopticons—allowing the many to see the few. In other words, the synopticon inverts the relation of the gaze inherent to the panopticon, resulting in what Mathiesen calls a “viewer society,” wherein the acts of seeing and being seen, surveilling and being surveilled are coupled. Through the mass media, viewers are able to perceive actors across the social spectrum. In this case, the media coverage allowed Canadian audiences to view the Shafia trial, hear and read the witness testimonies, see the perpetrators, and know the victims. As one columnist opined, “We’ve come to know such intimate and tender things about these girls and women, their belly button studs, their purple nail polish, the lushly romantic texts their forbidden boyfriends sent. . . . So-called honor killings are a crime against nature, against humanity, against family love and, above all else, against females” (Timson 2011, L3). The continual focus on the Shafia case—both in print and electronic media—suggests that it operated within a field of visibility that promoted an actuarial gaze. Allen Feldman defines the actuarial gaze as the “visual organization and institutionalization of threat perception and prophylaxis, which cross cuts politics, public health, safety, policing, urban planning and media practice” (2005, 214). He contends that through the scopic regimes of the media, the carceral lattice enmeshing different subject populations is recrafted and visualized in a manner that “screens, repeats, and screens off shock and trauma” (ibid., 212–13). According to Feldman, issues of visibility and invisibility are structured into the actuarial gaze. As much as it exposes and classifies, [the actuarial gaze] also creates zones of visual editing, structural invisibility, and cordon sanitaire, resulting in the decreasing capacity of surveilled, stigmatized and vulnerable groups, classified as risk-bearers, to make visible their social suffering, shrinking life-chances and human rights claims in the global public sphere. To the very degree that the traumatic realism of the state and media monopolizes truth-claiming about hazard, threat and violence over and against the everyday life experience of populations and spaces objectified as affected and infected by risk, human rights violations are rendered invisible or marginal. (Ibid., 213) While Feldman describes the actuarial gaze in reference to the repeated and continuous circulation of images from the collapsing Twin Towers on September 11 to the widespread propagation of the tortured victims at Abu Ghraib, his analysis is also applicable to the gendering of surveillance. Using “shock and awe” tactics, the actuarial gaze makes visible violations of the moral order, acts of criminality, and other transgressions, but it erases from the public eye everyday violations of human rights, human suffering, and structured inequalities. In the Shafia case, the young women and Rona Amir (Mohammad Shafia’s first wife) had, on numerous occasions, sought help. The young women had called on the authorities at school, and one of them had even sought refuge in a shelter for a time so as to escape the abuse. Similarly, Rona Amir had continuously asked for help from a woman she knew in the United States, but nothing came of it (Appleby 2011b, A10). These instances of violence were rendered invisible in terms of media attention at the time they occurred. They didn’t surface until the court trial, at which point they became fodder feeding into the stereotypical construction of the Muslim patriarch as an angry, oppressive tyrant.

## Impacts

### Nihilism

#### That project of liberal subject building is a nihilistic violent enterprise that destroys value to life and causes endless warfare

**Evans and Reid 13** [Brad, Senior Lecturer in International Relations at the University of Bristole, and Julian, “Dangerously exposed: the life and death of the resilient subject,” *Resilience*, 2013, Vol. 1 (2), pp. 83-98]

Resilient subjects are subjects that have accepted the imperative not to resist or secure themselves from the difficulties they are faced with but instead adapt to their enabling conditions. This renders them fully compliant to the logics of complexity with its concomitant adaptive and emergent qualities. Resistance here is transformed from being a political capacity aimed at the achievement of freedom from that which threatens and endangers to a purely reactionary impulse aimed at increasing the capacities of the subject to adapt to its dangers and simply reduce the degree to which it suffers. This conflation of resistance with resilience is not incidental but indicative of the nihilism of the underlying ontology of vulnerability at work in contemporary policies concerned with climate change and other supposedly catastrophic processes. What is nihilism, after all, if it is not a will to nothingness drawn from a willing reactive enslavement to forces deemed to be beyond our control as one merely lives out the catastrophic moment? It also alerts us to the fundamentally liberal nature of such policies and framings of the phenomenon of climate change defined, as liberalism has been since its origins, by a fundamental mistrust in the abilities of the human subject to secure itself in the world.10 Liberalism, as we have both explored extensively elsewhere, is a security project.11 From its outset, it has been concerned with seeking answers to the problem of how to secure itself as a regime of governance through the provision of security to the life of populations subject to it.12 It will, however, always be an incomplete project because its biopolitical foundations are flawed; life is not securable. It is a multiplicity of antagonisms and for some life to be made to live, some other life has to be made to die.13 That is a fundamental law of life which is biologically understood. This is the deep paradox that undercuts the entire liberal project while inciting it to govern ever more and ever better, becoming more inclusive and more assiduous at the provision of security to life, while learning how better to take life and make die that which falls outside and threatens the boundaries of its territories. Liberal regimes, in essence and from the outset, thrive on the insecurities of life which their capacity to provide security to provides the source of their legitimacy, becoming ever more adept at the taking of life which the provision of security to life requires.14 It is no accident that the most advanced liberal democracy in the world today, the United States of America, is also the most heavily armed state in the world. And not just the most heavily armed state today, but also the most heavily armed in human history. Liberal regimes do not and cannot accept the realities of this paradox. Which is why, far from being exhausted, the liberal project remains and has to be, in order for it to be true to its mission, distinctly transformative. Not only of the world in general and hence its endless resorts to war and violence to weed out those unruly lives that are the source of insecurity to the life that is the font of its security, but also, and yet more fundamentally, of the human subject itself; for this is a paradox which plays out, not just territorially, socially or between individuals, but within the diffuse and ultimately unknowable domain of human subjectivity itself. The liberal subject is divided and has to be in order to fulfil its mission, critically astute at discerning the distinctions within its own life between that which accords with the demands made of it in order to accord with liberal ways of living and those which do not comply with its biopolitical ambitions.15 Being divided means the liberal subject will always be incomplete, needing work, critical, insecure and mistrustful of itself for the purpose of its own self-improvement. The liberal subject is a project; one that renders life itself a project, subject to an endless task of critique and self-becoming, from cradle to grave. Sadly, many still find the concept of life appealing and even utopian. We are taught to think that we ought to choose life over emptiness or negation, Renton’s law.16 In fact, it is the source of the world’s greatest nihilisms. Liberalism too is and has always been a nihilism. Perhaps it is the greatest of all nihilisms. In giving us over to life, it gives us no ends to live for but the endless work on the self that contemporarily permeate our ways of living devoid of any meaning as such.

### Genocide

#### Surveillance relies on the logic of visibility and invisibility that seeks to make indigenous people hyper-visible as deviant and in need of western evolution—the impact is the violent erasure of difference

Smith 2015 [Andrea an intellectual, feminist, and anti-violence activist. Smith's work focuses on issues of violence against women of color and their communities, specifically Native American women. A co-founder of INCITE! Women of Color Against Violence, the Boarding School Healing Project, and the Chicago chapter of Women of All Red Nations, Smith centers the experiences of women of color in both her activism and her scholarship. Formerly an assistant professor of American Culture and Women's Studies at the University of Michigan in Ann Arbor, Michigan, Smith is currently an associate professor in the Department of Media and Cultural Studies at the University of California, Riverside.. "Not-Seeing." Feminist Surveillance Studies (2015): 21-38..//KHS]

Settler colonialism fundamentally relies on a logic of not-seeing. In particular, on a not-seeing of the indigenous people’s lands in order to allow their colonial takeover. Terra nullius, the legal justification used for the expropriation of indigenous land in Australia and elsewhere—or to use the Zionist justification for Palestinian expulsion, “a land without a people for a people without a land”—is premised on the not-seeing of peoples already there. Within the United States, this expropriation relied on the “doctrine of discovery.” As outlined in the case Johnson v. McIntosh (1823), “Discovery is the foundation of title, in European nations, and this overlooks all proprietary rights in the natives.” “Discovery” necessarily rests on the absence of native peoples, who would otherwise be the actual “discoverers” of their lands. And, as Robert Williams (2005) notes, U.S. jurisprudence has never renounced the doctrine of discovery on which Indian case law is based. Consequently, the colonial project is a somewhat precarious project of disappearing the peoples that it cannot see—a genocide that must disavow itself. As Sarita See argues, “If the history of the American empire is defined by forgetting, its aesthetic is structured by double disavowal. According to the New World aesthetic, it seems possible to erase the erasure of the past” (2009, 66). Thus, the strategies of surveillance are always simultaneously not just about what can be seen, but about disappearing from view that which delegitimizes the state itself. What must not be seen is not only the peoples themselves, but the forms of governance and ways of life that they represent. Gender violence is a central strategy of settler colonialism and white supremacy. Colonizers did not just kill off indigenous peoples in this land: native massacres were always accompanied by sexual mutilation and rape. The goal of colonialism is not just to kill colonized peoples, but to destroy their sense of being people (A. Smith 2005a). The generally nonpatriarchal and nonhierarchical nature of many native communities posed a threat to European patriarchal societies. Consequently, when colonists first came to this land, they saw the necessity of instilling patriarchy in native communities, for they realized that indigenous peoples would not accept colonial domination if their own indigenous societies were not structured on the basis of social hierarchies. Patriarchy rests on a genderbinary system; hence, it is no coincidence that colonizers also targeted indigenous peoples who did not fit within this binary model. Gender violence thus inscribed patriarchy onto the bodies of native peoples, naturalizing social hierarchies and colonial domination. The imposition of heteropatriarchy serves not only to secure colonial domination for indigenous peoples, but also to secure patriarchy within the colonizing society against the threats of the alternative governance structures that indigenous societies represent. It is noteworthy that the high status of women and the relatively peaceful nature of many native societies did not escape the notice of white peoples, in particular of white women (A. Smith 2005b).2 A society based on domination, hierarchy, and violence works only when it seems natural or inevitable. Given an alternative, peoples will generally choose not to live under violent conditions. The demonization of native societies, as well as their resulting destruction, was necessary to securing the “inevitability” of patriarchy within colonial societies. Again, the colonialist surveillance of native bodies served the simultaneous purposes of making them visible to the state while at the same time making invisible the threat to the settler state posed by indigenous governance. To further remove the threats that indigenous governance systems posed to settler societies, the problem resulting from this colonial disease was relocated from a patriarchal and violent settler state to the “Indian” problem. As Wolfe (1999) notes, the more gender-egalitarian nature of some indigenous societies became anthropologically marked as the sign of their unevolved, premodern status. By adopting patriarchy, colonialists speculated, native peoples might evolve toward “humanity” and “civilization.” Native peoples were to be bureaucratically managed through allotment processes, church- and government-run boarding schools, and government-run health programs, among other strategies to facilitate their ascension to humanity. While courts often held that native peoples were potential citizens with the right to vote—unlike African Americans in the antebellum period—such potential could be realized, from the colonialist perspective, only when those peoples mature out of their status as native. In addition, native peoples’ were generally assigned the legal status of children, deemed legally incompetent to handle their own affairs and thus legally marked as “nonworkers.” Native peoples’ pathway to citizenship thus depended on their maturation into adult (i.e., white) workers. Thus, native peoples’ acquisition of citizenship and voting rights was framed as a reward for proving their ability to work. In 1887 the Dawes Allotment Act divided native lands into individual allotments of 80–160 acres. The federal government then expropriated the remaining surplus lands. Native peoples were given fees in trust for twenty-five years, until deemed “competent” by the secretary of the interior. They could then obtain fee patents enabling them to sell their lands. The rationale for this policy was that the practice of communal land ownership among native peoples was discouraging them from working the land. In the 1887 Indian commissioner’s report, J. D. C. Atkins explains the need for allotment: Take the most prosperous and energetic community in the most enterprising section of our country—New England; give them their lands in common, furnish them annuities of food and clothing, send them teachers to teach their children, preachers to preach the gospel, farmers to till their lands, and physicians to heal their sick, and I predict that in a few years, a generation or two at most, their manhood would be smothered. . . . This pauperizing policy above outlined was, however, to some extent necessary at the beginning of our efforts to civilize the savage Indian. He was taken a hostile barbarian, his tomahawk red with the blood of the pioneer; he was too wild to know any of the arts of civilization. . . . Hence some such policy had to resort to settle the nomadic Indian and place him under control. This policy was a tentative one. . . . Now, as fast as any tribe becomes sufficiently civilized and can be turned loose and put upon its own footing, it should be done. Agriculture and education will gradually do this work and finally enable the Government to leave the Indian to stand alone. (Report of the Secretary of the Interior 1887, n.p.) The report warns that allotment will not work overnight: “Idleness, improvidence, ignorance, and superstition cannot by law be transformed into industry, thrift, intelligence, and Christianity speedily” (ibid., 4). Consequently, surveillance practices were essential, in order to instill normalizing discipline as a means to forcibly absorb native peoples into the colonial state. This pathway toward civilization required native peoples to adapt to a capitalist work model. The commissioner’s report further explained how work could save native peoples from barbarism. It must be apparent . . . that the system of gathering the Indians in bands or tribes on reservations[,] . . . thus relieving them of the necessity of labor, never will and never can civilize them. Labor is an essential element in producing civilization. . . . The greatest kindness the government can bestow upon the Indian is to teach him to labor for his own support, thus developing his true manhood, and, as a consequence, making him self-relying and self-supporting. (ibid., 6–7) Thus, through the careful policing and monitoring of native social structures, it would be possible to save native peoples from themselves, as well as to absorb them into colonial whiteness. Despite these civilizational strategies, native peoples never seemed to attain humanity. Homi Bhabha (1997) and Edward Said (1994) argue that the colonization process involves partially assimilating the colonized in order to establish colonial rule. If the colonized group were to remain completely different from the colonists, it would implicitly challenge the supremacy of colonial rule, by introducing questions around whether the way colonizers live is the only way to live. Hence, in order to preserve the cultural ideals of the colonizers, the colonized had to resemble the colonists—but only partially, for if the colonized were to be completely assimilated, they would be equal to the colonists, and there would be no reason to continue to colonize them. In this way, the promised assimilation was never total or complete, which created a permanent colonial anxiety with respect to the indigenous peoples who were to be absorbed. As Kevin Bruyneel contends, advocacy for bestowing full citizenship on native peoples soon gave way to notions of a more qualified citizenship, as native peoples were deemed to be civilizing too slowly. Because of native peoples’ imposed ontological status as children, they were never considered mature enough to earn full independence from their colonial fathers (Bruyneel 2004, 3).

#### Surveillance practices have historically been used to normalize native people—surveillance is founded state attempts to civilize the savage

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The surveillance strategies employed to normalize native peoples—from the monitoring of sexual behavior in Indian boarding schools to the surveillance of land ownership through the Dawes Allotment Act—have never come to an end, even though colonial policymakers continually promise they will. The civilizing policies directed against native peoples have never seemed to succeed enough to justify dismantling them. Of course, one indicator used to determine that native peoples are continuing to be a “problem” and are not sufficiently “civilized” is the high rate of gender violence within native communities. As Dian Million (2014) brilliantly notes, the U.S. government’s funding of healing programs goes hand-in-hand with the imposition of neoliberal economic regimes on Indian communities. According to this logic, native communities do not deserve the right of self-determination because they are violent. Instead, under the guise of colonial paternalism, the state deems it necessary to carefully monitor and surveil the violence within native communities in order to once again save native peoples from themselves. Of course, in this constant “seeing” of violence within native communities, the state hides from view the fact that most such violence is a direct result of state policy. What must not get seen is the inherent violence of the state itself. In one example of this dynamic, the Australian government declared a national emergency in the Northern Territory as a result of the publication of the Little Children Are Sacred report, which detailed the “problem” of child abuse in aboriginal communities in a manner similar to the way gender violence in native communities is framed in the United States (Povinelli 2011, 59). The government seized control of indigenous lands through military police action, instituted compulsory medical exams for children, and took control of the finances for all indigenous programs. Through this intense surveillance, native peoples could be monitored in terms of school attendance, purchasing choices, and medical practices. While the report itself made an effort not to blame child abuse on aboriginal “culture,” it was used by the Australian government to identify aboriginal culture as the problem and thus to justify its surveillance practices. Through these surveillance strategies, the Australian government could “see” and hence surveil the problem of indigenous child abuse, yet it did not see that these abuses were themselves the result of gendered colonial policies, such as the government kidnapping of aboriginal children from their communities in order to place them in violent government schools (Manne 2004)—one example in which state abuse created child abuse as an epidemic problem in native communities. The only solution the state can “see” to ending gender and child abuse is the settler state. What cannot be seen is the fact that such violence is the result of state violence.

#### Surveillance is inherent to the genocidal practices of the settler state—this justifies sexualized violence against indigenous women while normalizing the state’s ability to do so

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The focus of surveillance studies has generally been on the modern, bureaucratic state. And yet, as David Stannard’s (1992) account of the sexual surveillance of indigenous peoples within the Spanish mission system in the Americas demonstrates, the history of patriarchal and colonialist surveillance in this continent is much longer. The traditional account of surveillance studies tends to occlude the manner in which the settler state is foundationally built on surveillance. Because surveillance studies focuses on the modern, bureaucratic state, it has failed to account for the gendered colonial history of surveillance. Consequently, the strategies for addressing surveillance do not question the state itself, but rather seek to modify the extent to which and the manner in which the state surveils. As Mark Rifkin (2011) and Scott Morgensen (2011) additionally demonstrate, the sexual surveillance of native peoples was a key strategy by which native peoples were rendered manageable populations within the colonial state. One would think that an anticolonial feminist analysis would be central to the field of surveillance studies. Yet, ironically, it is this focus on the modern state that often obfuscates the settler colonialist underpinning of technologies of surveillance. I explore how a feminist surveillance-studies focus on gendered colonial violence reshapes the field by bringing into view that which cannot be seen: the surveillance strategies that have effected indigenous disappearance in order to establish the settler state itself. In particular, a focus on gendered settler colonialism foregrounds how surveillance is not simply about “seeing” but about “not-seeing” the settler state. Surveillance and the Biopolitical Modern State David Lyon (2007) defines surveillance as follows. For the sake of argument, we may start by saying that it is the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction. Surveillance directs its attention in the end to individuals (even though aggregate data, such as those available in the public domain, may be used to build up a background picture). It is focused. By systematic, I mean that this attention to personal details is not random, occasional or spontaneous; it is deliberate and depends on certain protocols and techniques. Beyond this, surveillance is routine; it occurs as a “normal” part of everyday life in all societies. (14) The field of surveillance studies is important, Lyon argues, because of the “rapidly increasing influence of surveillance in our daily lives and in the operation of very large-scale operations” (ibid., 9). The growth in surveillance is often tied to Foucauldian notions of the rise of the disciplinary society and the ascendancy of biopolitics in which peoples become populations to be counted, measured, and regulated in order to promote the life of the normalizing state. Because certain populations are deemed threats to the normalizing state, they must be constantly monitored, and thus are subject to what Ruth Wilson Gilmore (2007) defines as “premature death” in order to preserve the body of the whole. And yet Foucault notes that, ironically, these biopolitical moves were first practiced on the bourgeoisie themselves. Through the disciplining of the bourgeois body, the “normal” body is defined as the measure by which all other bodies are marked as “deviant” (Foucault 1980, 123). Logics of normalization must have some pretense to universality even as these normalizing strategies are not evenly applied. Thus, it is no surprise that these disciplinary techniques come to be used broadly, not just on those populations deemed to be threats.

## Alternatives

### Intersectionality Alt

#### We must embrace an intersectional understanding of surveillance technologies that problematizes it’s coupling with legal apparatuses that disproportionately affect women of color

Mason & Magnet 12 [Corinne Lysandra, and Shoshana Magnet. "Surveillance studies and violence against women." *surveillance & society* 10, no. 2 (2012): 105-118.]

It is a difficult task to critique surveillance technologies aimed at ensuring women’s safety against abusers. When made visible as anti-violence tools, technologies of surveillance appear to be uncontroversial to a range of actors. Certainly, women’s safety is a priority for feminists, as is ending violence practices. Yet, the widespread promotion of surveillance tools for anti-violence means must be challenged. By overlooking the complex ways that surveillance practices and technologies are entrenched within the prison industrial complex, one might miss key challenges that surveillance technologies pose to anti-violence strategies. Whether it is smartphones, iPhone applications, Google maps, or home surveillance, feminist surveillance studies scholars must investigate the ways that existing inequalities may be exacerbated by their use. The surveillance technologies that are offered to women as safety measures, such as cell phones, smartphone applications, internet-browsing safety and home security systems, are all targeted toward interpersonal violence. Mainstream and criminalized understandings of VAW wrongfully assume that violence is perpetrated by individual abusers who must be incarcerated. Anti-violence advocates including Andrea Smith (2008) and Angela Davis (2003, 2005) remind us that the prison industrial complex has done little to promote anti-violence strategies. Rather than examining the widespread, systemic nature of violence against women, instead, the prison industrial complex has simply incarcerated ever-growing numbers of people––particularly indigenous people and people of colour. Moreover, it is well studied that violence in the prison system only continues the cycle of violence, as abusers are incarcerated, treated violently in the prison system, and then released (Gilligan 2000). In fact, radical anti-violence activists argue that prison abolition must be a part of any violence strategy in order to interrupt this cycle of violence, a conclusion with which we heartily concur. Practices of violence must always be connected to systems of power and domination, including state-perpetrated racist and sexist violence. Unfortunately, much of the literature on surveillance technologies has focused on individual acts of stalking and control. Of course, feminist literature on the subject of technology and stalking is important. However, in order to understand how surveillance affects the perpetration of violence and influences tactics to end violence practices, feminists must think more broadly and intersectionally about VAW and the connections between surveillance, sexism, racism, and the prison system. Importantly, the surveillance of vulnerable bodies by the state, policing services and even social service providers disproportionately target marginalized and exploited communities. In recent years, feminist and critical race explorations of policing and surveillance have necessarily included the experiences of Arab, Middle Eastern, South Asian and Muslim men and women. While such racialized bodies have always been targeted in white supremacist nations, post-9/11 security rhetoric around national security has helped to shore up surveillance measures. While honour killings, forced marriages, polygamy and dowry-related murders have received increased and disproportionate media attention in the U.S. and Canadian media since 9/11, mainstream conceptions of violence against women of colour are rarely inclusive of harassment, racist violence and sexual abuse at home and abroad at the hands of military and law enforcement agencies (Ritchie 2006: 139). Such violent crimes against women are insufficiently attended to in mainstream anti-violence strategies, and technologies aimed at women’s safety may intensify the surveillance and further criminalization of particular communities. Surveillance ‘flaws’ such as those found in iPhones and iPads are used by the criminal justice system as tools to help them make arrests (Chen 2008). For those already criminalized and stigmatized, including indigenous people and people of colour, especially Arab, Middle Eastern and Muslim individuals post-9/11, surveillance ‘flaws’ will have a disproportionate effect. Placing marginalized, stigmatized and often criminalized women at the centre of feminist surveillance studies reveals that technologies aimed at the protection from individual abusers, and the arrest of perpetrators, does not work for all cases of violent practices. To be sure, it is a step in the right direction for Google maps and Google Street View to ensure that the addresses of women’s shelters are not exposed to the public (National Network to End Violence Against Women 2010). However, feminists should also be concerned with the impact of Google maps and Google Street View for the surveillance of street level sex workers. Problematically, Google maps has allowed street view pictures of women to be visible and circulated widely over the internet. Moreover, the feminist blog Jezebel (2011) noted that, as a result of Google pictures of sex workers, a book titled ‘Roadside Prostitutes’ has now been published in which women are objectified for the viewing pleasure of others, and without remuneration. The distribution of images reveals pictures of workers who often work anonymously, in illegal bawdy houses, or on the street, and require protection from both unsafe clients and law enforcement where their work is criminalized. For indigenous women, people of colour, queer, and non-gender conforming folks taking part in sex work, the visibilization of their bodies and workplaces put them at an even greater risk of violence. Given that these communities are already heavily surveilled by law enforcement, especially those working at street level, the public access to these images compounds safety issues. Sex workers have pointed out that violence is practiced by unsafe clients, but is also experienced at the hands of policing services. For example, due to the criminalization of sex work in Canada, workers are unable to lawfully unionize or assemble for protection, unable to work indoors, and often cannot call on police for help because they risk arrest (Power 2011). The distribution of Google map and Google Street View photos of sex workers and their work places puts women at risk of violence and should be considered alongside protecting shelter addresses when anti-violence advocates work with Google. Yet, sex workers and other marginalized communities have been left out of the mainstream discussions about surveillance technologies and VAW.

### Socialism

#### Our alternative is to conceptualize the right to privacy within a socialist framework

Fuchs 2011 [Christian. "The Political Economy of Privacy." The Internet & Surveillance 8 (2011).//shaREEF]

Privacy in capitalism protects the rich companies and the wealthy. The anonymity of wealth, high incomes, and profits makes income and wealth gaps between the rich and the poor secrets and thereby ideologically helps legitimize and uphold these gaps. It can therefore be considered an ideological mechanism that helps reproducing and deepening inequality. It would nonetheless be a mistake to fully cancel off privacy rights and to dismiss them as bourgeois values. I argue for going beyond a bourgeois notion of privacy and to advance a socialist notion of privacy that tries to strengthen the protection of consumers and citizens from corporate surveillance. Economic privacy is therefore posited as undesireable in those cases, where it protects the rich and capital from public accountability, but as desirable, where it tries to protect citizens from corporate surveillance. Economic privacy is therefore posited as undesirable in those in those cases where it protects the rich and capital from public accountability, but as desirable, where it tries to protect citizens from corporate surveillance. Public surveillance of the income of the rich and of companies and public mechanisms that make their wealth transparent are desirable for making wealth and income gaps in capitalism visible, whereas privacy protection for workers and consumers from corporate surveillance is also important. In a socialist privacy concept, existing liberal privacy values have therefore to be reversed. Whereas today we mainly find surveillance of the poor and of citizens who are not capital owners, a socialist privacy concept focuses on surveillance of capital and the rich in order to increase transparency and privacy protection of consumers and worker. A socialist privacy concept conceives privacy as collective right of dominated and exploited groups that need to be protected from corporate domination that aims at gathering information about workers and consumers for accumulating capital, disciplining workers and consumers, and for increasing the productivity of capitalist production and advertising. The liberal conception and reality of privacy as individual right within capitalism protect the rich and the accumulation of ever more wealth from public knowledge. A socialist privacy concept as collective right of workers and consumers can protect humans from the misuse of their data by companies. The question therefore is: privacy for whom? Privacy for dominant groups in regard to secrecy of wealth and power can be problematic, whereas privacy at the bottom of the power pyramid for consumers and normal citizens can be a protection from dominant interests. Privacy rights should therefore be differentiated according to the position people and groups occupy in the power structure. Etzioni (1999) stresses that liberal privacy concepts typically focus on privacy invasions by the state, but ignore privacy invasions by companies. The contemporary undermining of public goods by overstressing privacy rights would not be caused by the state, but rather stem “from the quest for profit by some private companies. Indeed, I find that these corporations now regularly amass detailed accounts about many aspects of the personal lives of millions of individuals, profiles of the kind that until just a few years ago could be compiled only by the likes of the East German Stasi. […] Consumers, employees, even patients and children have little protection from state interference into private spheres, but to identify those cases, where political regulation is needed for the protection of the rights of consumers and workers. Marx says that socialists do not want to put away the “ ‘private individual’ for the sake of the ‘general’, selfless man”, rather they “have discovered that throughout history the ‘general interest’ is created by individuals who are defined as ‘private persons’. They know that this contradiction is only a seeming one because one side of it, what is called ‘general interest’, is constantly being produced by the other side, private interest, and in relation to the latter is by no means an independent force with an independent history—so that this contradiction is in practice constantly destroyed and reproduced” (Marx and Engels 1846, 264). A socialist politics of privacy does not want to destroy individuality that is enabled by general wealth and allows individuals a multitude of individual options in their lives that are not limited by class relations, scarcity, poverty, compulsory wage labour, or other forms of coercion. If we understand capitalism as a system that is based on the private ownership of the means of production by the capitalist class in which workers make use of these means in order to produce commodities that contain surplus value and are sold on the market in order to realize profit and accumulate capital, then it becomes clear that the relation of privacy and capitalism has been pointed out by some of the main thinkers of modernity including Karl Marx, Jurgen Habermas, and Hannah Arendt. Their works indicate the rise of the modern notion of privacy is connected to the modern idea of private property. In most 20th century liberal theories privacy, aspects of capitalism and class were ignored and there has been a focus on privacy as a human right and form of freedom. Marx, Habermas, and Arendt remind us of the inherent negativity of the modern privacy concept and that it is not necessary to get rid of the privacy concept, but rather to redefine it in a way that advances the protection of consumers and employees from corporate exploitation and domination on as collective right. It is time to break with the liberal tradition in privacy studies and to think about alternatives.