

PERSPECTIVE

Phenomenology and Surveillance Studies: Returning to the Things Themselves

Norm Friesen

School of Education, Thompson Rivers University, Kamloops, British Columbia, Canada

Andrew Feenberg

School of Communication, Simon Fraser University, Vancouver, British Columbia, Canada

Grace Smith

Arapiki Solutions, Inc., Vancouver, British Columbia, Canada

In response to the increasingly quotidian, even banal character of surveillant practices in postindustrial societies, this article explores the possibility of a theoretical and methodological re-alignment in surveillance studies. This re-alignment entails a move from broadly Foucauldian, macro-level, structural or post-structural analyses, to the existential–phenomenological study of subjective consciousness and experience. This piece illustrates such an experiential study by taking part of Sartre’s famous description of “the look,” and comparing it to a similarly experientially based description of an everyday context of surveillance—specifically, a bank machine or ATM transaction. Through the analysis of these descriptions, the piece shows how the study of the lived experience of surveillance highlights the role of the body, of social convention, and also of individual agency in surveillant practices that can be overlooked in other analyses.

Keywords dataveillance, Foucault, phenomenology, methodology, surveillance, surveillance studies, subjectivity

INTRODUCTION: PHENOMENOLOGY AND SURVEILLANCE STUDIES

In everyday experience, we engage in transactions, fill out forms, create online profiles, pass through security checks, and participate in myriad other situations in which our movements are registered, our identities verified, and the minutiae of our lives recorded. The vicissitudes of these everyday experiences reveal an ambivalent mix of freedom and control, security and uncertainty. On the one hand, the Internet and other forms of data transmission—coupled with cameras, databases, detectors, etc.—have enabled powerful subject-generating structures and processes. These have received theoretical treatment in a wide range of texts referencing Michel Foucault’s early analyses of panoptic and other controlling structures. On the other hand, these subject-forming social mechanisms do not generally produce the pathological consequences evoked in such analyses of surveillance. We are not, as a rule, rendered clinically paranoid by the panoptic power of omnipresent security cameras, motion detectors, and myriad other tracking and recording devices. But how can an account of the ambivalences of surveillance in our everyday life be articulated? Such an articulation would

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Address correspondence to Norm Friesen, Canada Research Chair in E-Learning Practices, Thompson Rivers University, Box 3010, 900 McGill Rd., Kamloops, BC, V2C 5N3, Canada. E-mail: nfriesen@tru.ca

involve consideration not only of the subject-forming powers of the mechanisms of surveillance and dataveillance, but also of the *interiority* of the corresponding forms of subjectivity.

When Foucault was looking into the role of surveillance and control in the formation of the subject, he was also in full flight from phenomenology, existentialism, and the general “philosophy of consciousness” with which he might have produced an account of the everyday experience of surveillance. His emphasis instead was on macro-social factors; as a result, the issue of the experiential reality of surveillance is undertheorized in Foucault’s writings and in surveillance studies that have followed in his wake.

In this article, we return to the overlooked question of the shaping of modern subjective experience through surveillance. We are not engaged in the polemics of Foucault’s generation of French intellectuals for or against phenomenology and existentialism. Instead, we affirm the considerable heuristic value of phenomenology as a means of studying the subjectivity said to be produced through social and institutional structures and practices. We first address the issue of surveillance in an individual context and then consider the implications of our analysis for the institutionalization of surveillance in modern societies.

A phenomenological analysis first requires a return to the philosophy of consciousness rejected by Foucault. Such a return, however, implies a significant shift—some have termed it a “Copernican turn” (Husserl, 1937)—in conceptual vocabulary and methodology. This is a turn from social structures and processes described by Foucault to intersubjective experience, consciousness, and “intentionality” as described by Jean-Paul Sartre and Maurice Merleau-Ponty, among others.

The life of consciousness—cognitive life, the life of desire or perceptual life—is subtended by an ‘intentional arc’ which projects round about us our past, our future, our human setting, or physical, ideological and moral situation, or rather which results in our being situated in all these respects. (Merleau-Ponty, 1962, p. 136)

“Intentionality” refers to the projects, plans, and activities that fill and structure our everyday lives, and that similarly shape and orient commonplace awareness of the world around us. For Merleau-Ponty, intentionality is a kind of *a priori* that connects the individual to the lifeworld around her, structuring interaction, purpose, and meaning as they arise in everyday activity. The goal of the phenomenological method, as Merleau-Ponty explains, is to “loosen” this intentional shaping and structuring, to “slacken the intentional threads which attach us to the world and thus [bring] them to our notice” (Merleau-Ponty, 1962, p. xiii). In other words, the methodological

goal of phenomenology is to make commonplace “micro-level” activities and the meanings associated with them objects of explicit reflection.

Instead of categorization and explanation, this approach requires observation and description, and even, at least at the outset, the explicit “bracketing” of theory and analysis. As Merleau-Ponty puts it, “it is a matter of describing, not explaining or analyzing” (Merleau-Ponty, 1962, p. viii). Instead of beginning with and articulating social formations in their institutional, macro-level dimensions, this method has as its starting point the intentional relationship that links the self to the concrete, everyday world around it. In this sense, phenomenology can represent, in Husserl’s famous phrase, a return to the “things themselves” (2001, p. 2)

Phenomenological attention to the concrete, descriptive, and pretheoretical is most effectively realized through the development of short narrative descriptions of incidents or anecdotes of everyday experiences (see van Manen, 1997). These descriptions do not appeal to a notion of statistical “representativeness” or generalizability. Instead, their validity derives from their being recognizable and compelling to their readers on a concrete, experiential level. This is accomplished through a process of writing and rewriting that bears some relationship to fictional composition—which, after all, must also be compelling and believable to readers. These accounts are initially developed through participation in and reflection on experiences that one undergoes oneself, or that are “experienced” vicariously or otherwise gleaned through unstructured interviews. One procedure among many that can be used in this research is “guided existential reflection” (van Manen, 2001), in which the researcher analyzes experience in terms of four themes: lived space, lived time, the lived body, and lived human relation (van Manen, 2001).

From Sartre’s “The Look”:

Let us imagine that moved by jealousy, curiosity, or vice I have just glued my ear to the door and looked through a keyhole. I am alone . . . behind that door a spectacle is presented as “to be seen,” a conversation as “to be heard.” The door, the keyhole are at once both instruments and obstacles; they are presented as “to be handled with care;” the keyhole is given as “to be looked through close by and a little to one side,” etc. Hence from this moment “I do what I have to do.” No transcending view comes to confer upon my acts the character of a *given* on which a judgment can be brought to bear. My consciousness sticks to my acts, it *is* my acts; and my acts are commanded only by the ends to be attained and by the instruments to be employed. My attitude, for example, has no “outside”; it is a pure process of relating the instrument (the keyhole) to the end to be attained (the spectacle to be seen), a pure mode of losing myself in the world, of causing myself to be drunk in by things as ink is by a blotter. . . . [. . .]

But all of a sudden I hear footsteps in the hall. Someone is looking at me! What does this mean? It means that I am suddenly affected in my being and that essential modifications appear in my structure-modifications which I can apprehend and fix conceptually by means of the reflective cogito. First of all, I now exist as *myself* for my unreflective consciousness. It is this irruption of the self which has been most often described: I see *myself* because somebody sees me-as it is usually expressed. (Sartre, 1956, pp. 259–260; emphases in original)

SARTRE'S "THE LOOK"

A phenomenological description that provides a starting point for our investigation of surveillance is provided by Jean-Paul Sartre in his famous passage on "the look" in *Being and Nothingness*. A short selection from this passage is excerpted in the text box above. It presents an especially clear analysis of the situation of observer and observed with which existential-phenomenological consideration of surveillance would logically begin.

The passage begins with a description of a hypothetical situation described from a first person perspective ("I have just glued my ear to the door and looked through a keyhole. I am alone," 1956, p. 259). This situation is, in a sense, a prototypical scenario of surveillance, complete with the effacement or anonymity of the observer from the perspective of the observed that is characteristic of Bentham's panopticon and of other forms of surveillance.

Sartre characterizes this situation using verb phrases that are common in phenomenological analysis: Things are presented as "to be heard" and "to be seen." The door and keyhole are presented as "to be looked through close by and a little to one side." The point, as Sartre himself says, is to describe things not from an objective, impartial view (as if from nowhere), but rather, as they are tied up in our existence, projects, and intentions: "No transcending view comes to confer upon my acts the character of a *given* on which a judgment can be brought to bear" (Sartre, 1956, p. 259, emphasis in original). From the perspective of the person who would be spying, that is precisely how the door and keyhole appear: not in terms of their physical dimensions or material composition, but as an arrangement that can be looked through in a particular way, in order to gain surreptitious access to what is said and done on the other side. But this entails special care and stealth, and the keyhole requires of the onlooker a specific and telling kneeling or bending posture. Sartre continues, arguing that in this surreptitious situation, his acts "are in no way known. [Instead] I *am my acts* . . . I am a pure consciousness of things, and things [are] caught up in the circuit of my selfness" (p. 259; emphasis in original).

Sartre's point is not that this observing self exists in solipsistic isolation, but that the self or consciousness

is fully absorbed in the act of viewing and in the object of its gaze: "My attitude . . . has no 'outside'; it is a pure process of relating the instrument (the keyhole) to the end to be attained (the spectacle to be seen), a pure mode of losing myself in the world, of causing myself to be drunk in by things as ink is by a blotter" (Sartre, 1956, p. 259). Lived space, in this instance, is constituted solely by the space or the world observed through the keyhole. The lived body momentarily disappears, as the observer's intentional focus is absorbed wholly in what he is seeing and hearing on the other side. Lived relation is defined for a moment by the objectifying gaze of a hidden and anonymous observer, and by the people, actions, or objects observed on the other side.

But phenomenologically speaking, this is only half of the story. Sartre begins to explore the other half by introducing a kind of "eidetic variation," as it is called: A deliberate change is introduced in a particular aspect of the circumstances constituting the scenario or the larger lifeworld for the purposes of discovering how this aspect affects the configuration of meanings, projects and objects, and their interrelationship in that world: "But all of a sudden, I hear footsteps in the hall." By introducing the presence of another who is able to view the secretly observing self, Sartre is able to explore an entirely different ontological modality: "First of all, I now exist as myself for my unreflective consciousness. It is this irruption of the self which has been most often described [as follows]: I see myself because somebody sees me" (Sartre, 1956, p. 260). The self, earlier absorbed in the observation of others, now becomes itself the object of observation.

Being caught in the act of surreptitious surveillance, however, is not a matter of suddenly and simply "knowing" that someone is watching you; it is a change in one's way of being. The self is transformed from a subject to an object. It is no longer absorbed by what is being viewed through the keyhole; it becomes less of a subject or a consciousness, absorbed by the acts of others, and instead becomes an object, something fixed in the gaze of another. It experiences itself as seen through the eyes of the person who is viewing it. Lived space suddenly becomes the space of the hallway rather than the space on the other side of the keyhole. Lived relation is now largely determined by the objectifying gaze of a second observer. The lived body now becomes an object of acute awareness, and lived time is defined by anticipation of the response of the other.

Sartre's description also reveals a further aspect of the body that is significant for surveillance. This corporeal element is indicated in what Levinas referred to as the "auto-signifying" function of the body in the gaze of another, and what Feenberg has called the "extended" body, manifest in forms of objectification such as signs and traces (1987, pp. 120, 112; Feenberg, 2006). This aspect is registered by

the audible footsteps in the hall, and in the telling posture of the body of the observer at the keyhole. It is, in other words, the material aspect of the body that is perceived as meaningful by others, and indirectly by ourselves as well.

The audible footsteps and the posture at the keyhole, moreover, act as signals that go beyond the body's physical boundaries: They are the results of bodily presence that *indicate* a particular intention or consequence, but that are not tantamount to it: The observer at the keyhole may discover that the footsteps are those of an unconcerned child or a blind person; from the perspective of the person coming down the hall, the observer at the keyhole may well turn out to be a locksmith—someone looking *at* the keyhole, rather than through it. The significance of these “extensions” of the body, or of its various auto-significations is clearly contingent, depending on their interpretation and on the circumstances surrounding them. They do not precisely belong to our body and yet they are indices of our bodily presence that track us, and for which we can be held responsible. In today's world, they include the traces of DNA we shed as a natural organic function, and the automatic registration of movements, transactions, logins and downloads that increasingly accompany our everyday activities. As such, these aspects of the extended body provide new avenues for identification and control, as well as means for deception and resistance that are further explored in the next section.

The Bank Machine

As I enter the foyer where the bank machines are, I join the lineup of people and wonder how long it will take me to make my withdrawal. As each person steps up to the bank machine and the line moves forward like clockwork, I notice whether someone takes extra time stuffing an envelope for a bill payment or a deposit, or whether someone makes multiple transactions. I notice how close the person behind me is standing to me. I clutch my purse a little bit tighter. Did I zip up all of my pockets on my backpack, I wonder?

It is finally my turn to step up to the machine—to a stage where others will watch me as I have watched them. With an almost mechanical rapidity, I reach into my purse and pull out my wallet, and pull out my bank card from its protective outer casing. I slide my card into the machine, and for a moment wonder if it will correctly read my card's information. I notice the person next to me taking longer than me to complete her transaction. I wonder why it appears like she's making herself at home in front of the bank machine. Leisuredly putting down her things . . . and now she's answering her cell phone?!

After I complete my withdrawal, I take my transaction record, read it once, and rip it up into tiny shreds that I quickly throw away. As I complete my turn and walk away from the machine, I look back to do a quick final check to make sure that I have not left anything behind of my transaction.

THE BANK MACHINE

To pursue our own phenomenological investigation further, we have developed a written description, above, of an everyday experience of surveillance—that of using an ATM. This description employs a number of techniques mentioned earlier—including existential reflection (on lived time, space, corporeality and relationality), interviewing, writing, and rewriting. Like many everyday scenarios of surveillance, this description presents characteristics that are more diffuse than in Sartre's ideal-typical description. However, many of the same themes and experiential elements remain salient.

In this description, the roles of observer and observed are both present. As in Sartre's passage, the two roles switch at a certain point, and the first-person observer becomes the observed as she steps up to complete her transactions at the bank machine. The characteristics established in the first part of the narrative are in many cases replaced by their opposites in the second. First, while in the lineup to use the ATM, relation, time, space and body are experienced as guarded waiting and watching, a careful awareness of self and above all of the other at the ATM machine. Time is dilated, filled with the impatient observation of the minutiae of others' activities. But when the narrator reaches the machine, the watcher becomes the watched, and is presumably being observed as she had earlier been observing others. Time is lived not as waiting but in terms of self-aware activity. Under the impatient gaze of the others (and presumably also of the camera embedded in the ATM itself), the lived body is experienced as objectified, as if on a stage before an impatient audience.

But unlike Sartre's account, at no point in this bank machine description is the consciousness of the observer completely and utterly absorbed in the observed, “as ink is by a blotter.” The existential-relational quality of this situation, in other words, is not as purely objectifying as in Sartre's example: Those in the line and at the bank machine relate to each other not purely as anonymous, hidden observer and exposed observed. They are able to see each other, and have the potential to communicate in other ways. Similarly, after the observer steps up to the bank machine and becomes the observed, this change of roles is never absolute: She continues to observe, while also being acutely aware that she is the object of others' observation, and carefully monitoring her own behavior as a result of this awareness.

EXTENDED CORPOREAL TRACES AND PROXIMITY

An additional and indispensable experiential aspect of surveillance is one that is only indirectly registered in the description of the ATM line-up: This is composed of

the silent recording and record-keeping functions of the ATM machine itself, the “minacious twinkle” in the camera’s unblinking eye, as one surveillance studies text puts it (Lyon, 2001, p. 147). This takes us beyond the existential dynamics of the subject as perceiving and perceived, and even beyond explicitly intentional, thematizing and objectifying consciousness that was earlier described as one of the fundamentals of phenomenology. Here we are dealing with a feature of the environment, much like Foucault’s example of the Panopticon. And yet this environmental feature refers implicitly to an extended subjectivity correlated with the extended body of the surveilled individual.

The technical functions of the ATM that signify this ideal and sometimes real but always anonymous and invisible observer are not the object of explicit awareness of the narrator or of those around her. Instead, this is registered in what Levinas refers to as “proximity” or “a-thematic consciousness”:

The immediacy of the sensible is an event of proximity and not of knowledge. . . . Proximity is not an intentionality. To be in the presence of something is not to open it to oneself, and aim at it thus disclosed, nor even to “fulfill” by intuition the “signitive thought” that aims at it and always ascribes a meaning to it which the subject bears in itself. (Levinas, 1987, pp. 116, 125)

A-thematic consciousness, in other words, is a type of awareness that is not intellectual, interpretive or deciphering. It is not one that centers around explicit meanings, themes, and significations—in which objectifying intention and consciousness would find themselves fulfilled. Instead, these meanings and themes remain implicit, mute and beyond conscious differentiation; they appear instead in the form of what phenomenological psychologist Eugene Gendlin calls “felt sense” and what other phenomenologists have referred to as “mood” or “atmosphere” (e.g., Heidegger, 1962; Schmitz, 1998). This felt sense is the result not only of the immediate situation, but also in the layering of (collective) memory and habit that contribute to a situation. Think of incidents captured by security and ATM cameras, accounts of petty crime and even identity theft associated with ATM spaces, transactions, and records. In the description given earlier, “atmosphere” or “mood” are not so much signified as they are indirectly communicated in the lived time, space, and relation arising from the strict, self-imposed monitoring and regulation of the narrator and of the others around her. This is the result not only of the immediate circumstances of the ATM situation itself, but of layerings of the mood it evokes.

This felt sense, mood, or atmosphere is also registered in the last sentence of the bank machine description, in which we read how the narrator takes her transaction record, rips “it up into tiny shreds,” and disposes

of it. This act has important implications both for a phenomenology of surveillance and for the issue of the “data-double” or the “informaticized body” that has been raised by theorists of surveillance (e.g., van der Ploeg, 2003; Haggarty & Ericson, 2000; Mathiessen, 1997). Here the extended body is represented not only by the printed transaction receipt, but also by the coordinated provision of bank card and PIN code at the bank machine interface. Traces are in this sense aspects of our being through which we become objects in the world, but this is a process of which we are only vaguely, partially, or “a-thematically” aware. The customer at the bank machine conscientiously destroys the one trace she holds in her hand at the end of the transaction, but other traces have entered an infernal system of databases, networks, and hard drives from which they are unlikely to be wholly erased. This external and objectified self is functionally a doubling or simulacrum that can stand in for the person in all sorts of situations. We need only think of popular accounts of identity theft and error—such as individuals manifestly alive and well, but officially “terminated”—to recognize the reality of this doubling. Such doubling represents not only the trumping of the abstract over the concrete lived body, but also, of course, the objective, macro-social over the subjective and personal or of the system over the lifeworld (to use Habermas’s [1984] famous distinction).

SUBJECTIVITY AND SURVEILLANCE STUDIES

Students of surveillance have been so impressed by the ever-growing completeness of this data image that they animate it as though it were an actual person. Identity is seen as coeval with an assemblage of traces rather than with actual presence. Thus, van der Ploeg writes of “the inability to distinguish between ‘the body itself’ and ‘body information’” (van der Ploeg, 2003, p. 69). Haggarty and Ericson similarly write,

the surveillance assemblage standardizes the capture of flesh/information flows of the human body. It is not so much immediately concerned with the direct physical relocation of the human body (although this may be an ultimate consequence), but with transforming the body into pure information, such that it can be rendered more mobile and comparable. (Haggarty & Ericson, 2000, p. 613)

There is something right about this turn in surveillance theory, and yet it is obvious that we are still able to distinguish the real person from the traces that person leaves behind.

The trace is bound to us by its origin and often by internal signs of various sorts, so we do not quite leave it behind after all. And yet we do not want to drag along every trace of our passage through life. We count on the erasure of most traces. It is this erasure that enables us

to face the world afresh each day and to face it with a self-image we construct at least partially anew for each new situation in which we find ourselves.

In existential–phenomenological terms, privacy and secrecy are centrally constitutive of self and selfhood. Holding something private or secret emphasizes the difference between self and other, and confirms the autonomy of one’s interiority and individuality. “Secrecy secures, so to speak, the possibility of a second world alongside of the obvious world,” as Simmel (1906, p. 462) puts it. In contemporary conditions of surveillance and dataveillance, subjectivity itself is dependent on maintaining the gap between our embodied selves and our informaticized bodies. It would be intolerable for everyone to have full access to our salary, the details of our relations to our family, our medical histories, sexual proclivities, and so on. Such knowledge would completely objectify us and force us to live up to (or down to) the image of ourselves implied in this knowledge. Like Sartre’s spy at the keyhole, himself espied, we would be evacuated of those aspects of identity and interiority concealed within us, frozen in the objectifying gaze of the other, and essentially deprived of our ability to function as a subject. We could no longer choose to project an identity appropriate to our inclination and situation as everything having to do with our identity would have been preempted. Truly, to be completely “outed” is to be annihilated.

However, while they suggest the devastating consequences of total exposure, the phenomenological accounts provided earlier also indicate a limit to the powers of surveillance. Along with the privacy and secrecy that are constitutive of selfhood and subjectivity come “negativity” and “transcendence,” the fact that consciousness and the self are not just things in a predetermined social order. Part of the gap that separates the self from its data double is the fact that the double is a predictive tool, whereas the self that it ostensibly mirrors is capable of autonomous thought and action. As Majid Yar explains, in Foucauldian studies of surveillance,

the subject of the gaze is rendered in terms of its *passivity*, confined to internalising the behavioural repertoires laid out by the disciplining authority. [These frameworks overlook] the extent to which the subject has an *active* role within its reception of the gaze, and renders it well nigh impossible to give an adequate account of creativity and resistance. (Yar 2003, p. 261)

Yar calls for a recognition of “the centrality of the consciousness of the subject” (2003, p. 261), and such a recognition, he argues, “opens the question of panoptic power to precisely the phenomenological question of *intentionality*, what the subject does or does not attend to in his relation to the world he encounters” (Yar, 2003, p. 261; emphasis in original). Our discussion has

shown that our world includes the limitations imposed by the “traceability” of the observed, objective, and extended body, but also that these limitations are themselves qualified by their interpretable and manipulable character. This holds out a certain promise in the face of the proliferating powers of surveillance and dataveillance. Various stratagems of resistance are still possible. As Yar describes, these can range from the concerted efforts of groups such as the CCTV players to the strategies of those living (to a greater or lesser extent) “off the grid,” as well as to those constructing and manipulating identities as hackers and thieves. Finally, as the events in Seattle in 1999 (and in other times and places since) show, the sheer, mobile, physical mass of political protests still poses a challenge to authority that is not easily controlled.

As these examples suggest, it is not the self and the body in isolation that present the greatest potential for resistance, but rather the aggregate effect of combined corporeal presence, working together in coordinated action. As the bank machine description indicated, it is through tacitly coordinated action in the spaces of awareness of the self and other that significant aspects of surveillance and “enforcement” of social norms take place. It follows that it is also in this collective space, and through different structures of collective awareness and action, that surveillance and the control it represents can be undermined and resisted.

Our preliminary application of phenomenology to surveillance underscores and reveals a number of things. These include the importance of self-imposed constraints in relation to surveillance in our everyday lives as well as the significance of the objectification of the lived body in the recorded correlates of its physical manifestations. This objectification extends to the self or subject, but phenomenology simultaneously defines subjectivity in terms of its negativity, the private, unobjectified autonomy that subsists at its core, and that sustains the all-important non-identity of the self from any informaticized *doppelgänger*.

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