

NOTHING TO FEAR

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[**Background:** In this piece, Derrick Jensen writes of the “Panopticon.” If you haven’t read the book and aren’t familiar with the term, the Panopticon is a type of prison building designed by English philosopher and social theorist Jeremy Bentham in 1785. The concept of the design is to allow an observer to observe (-opticon) all (pan-) prisoners without the prisoners being able to tell whether they are being watched, thereby conveying what one architect has called the "sentiment of an invisible omniscience." Jensen uses the example of the Panopticon throughout the book as an analogy for the modern surveillance within our times.]

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We are not content with negative obedience, nor even with the most abject submission. When finally you surrender to us, it must be of your own free will. We do not destroy the heretic because he resists us; so long as he resists we never destroy him. We convert him, we capture his inner mind, we reshape him. We burn all evil and all illusion out of him; we bring him over to our side, not in appearance, but genuinely, heart and soul. We make him one of ourselves before we kill him.

George Orwell

Economics and politics have become inextricable. One could argue that they always have

been, that, as philosopher John Locke put it, “Government has no other end but the preservation of property.”¹ James Madison seemed to agree, as he insisted that the main goal of the American political system was “to protect the minority of the opulent against the majority.”² Adam Smith, godfather of modern economics and darling of those who are currently killing the planet, agreed as well, stating, “Civil government...is in reality instituted for the defense of the rich against the poor, of those who have some property against those who have none at all.”³

Corporations and governments are two wings of bureaucracy, which pursues technological progress as an end in itself. Bureaucracy limits choices of behavior, increasing the knowledge and information gap between the haves and have-nots, lowers the average level of public understanding, increases instability in economic markets, and increases unaccountability (and eventually mistrust and resistance) in the political realm. More instability encourages more surveillance and attempts to control, which encourages more mistrust and instability. But few see any alternatives to technological advance, or question the futile strategy of protecting legal rights to privacy with yet another bureaucracy.

“Privacy” is nothing but an illusory freedom when one’s economic and political choices, and even one’s world view and one’s identity, are constricted by the corporate means of production, the hijacking of political representation, and the propaganda of the mass media. The right to privacy is a perfect cookie to offer the servant whose freedom (time, place, lifestyle, view) is carefully circumscribed. Prisoners shall be granted several hours a day to be left alone to choose among an array of frozen dinners and television shows. If prisoners complain about their frozen dinners or do not watch their television

shows, they will no longer be left alone. But if they sufficiently appreciate these granted freedoms, they shall also be let out of work a week or two every year to choose between several theme parks and several automobile tours of the Interstate Highway System.

Pretend you're John Ashcroft. Yes, *that* John Ashcroft. General John Ashcroft (sorry, *Attorney* General John Ashcroft). Pretend, even more implausibly, that the reality of being John Ashcroft doesn't drive you to kill yourself as quickly as possible. (Attorney General John Ashcroft responds, "That's what makes America great. There are some countries around the world where I could [and would] have you shot for saying that [in fact I'm considering sending you to one right now]. But here I merely put you under surveillance [for now]. You can say anything you want [for now], so long as what you say or do does not in any way impede economic production and doesn't interfere with my full and free exercise of power.") Pretend you lost a Senate race to a dead man. Pretend you draped a cover over the naked breasts of a statue of Miss Justice in the halls of the Justice Department (perhaps to further disembody justice). Pretend you want more power to intervene in what are called Arab hawala transactions (where cash is exchanged in an honor system) because people from Arabian countries have funneled money to terrorists. (No, silly, not the U.S. military: those are the terrorists you funnel money to through taxes. Ashcroft means the *other* terrorists, the ones he doesn't like [at least right now]).

You want the capacity to monitor all financial transactions more closely. You want to be able to get business records without a court order. You want to track wireless communications with a roving warrant. And for good measure, because everyone knows drugs and terrorism go together like the FBI and CIA; you want to increase the sentences for drug kingpins to forty years in prison and \$4 million in fines.⁴ (And no, silly, not the

CIA: Those are the drug kingpins *you* funnel money to through taxes. Ashcroft means the *other* drug kingpins, the ones he doesn't like [at least right now]).

What do you do?

Well, if you really *are* John Ashcroft, you take your show on the road. You tour the country promoting your latest act, in this case the otherwise unpopular Vital Interdiction of Criminal Terrorist Organizations Act (VICTORY Act, a.k.a. PATRIOT II Act). You remember that in your line of work, perception really does trump reality, and you remember (as if you could ever forget that people obsessed with fear are obsessed with security. With one hand you scare them and at the same time provide ways to make their fears abate (but just for a little while). With the other, of course, you draw a noose ever tighter around their necks.

From the CIA INTERROGATION MANUAL: "1. The more completely the place of confinement eliminates sensory stimuli, the more rapidly and deeply will the interrogatee be affected. Results produced only after weeks or months of imprisonment in an ordinary cell can be duplicated in hours or days in a cell which has no light (or weak artificial light which never varies), which is sound-proofed, in which odors are eliminated, etc. An environment still more subject to control, such as water-tank or iron lung, is even more effective. 2. An early effect of such an environment is anxiety. How soon it appears and how strong it is depends upon the psychological characteristics of the individual. 3. The interrogator can benefit from the subject's anxiety. As the interrogator becomes linked in the subject's mind with the reward of lessened anxiety, human contact, and meaningful activity, and thus with providing relief for growing discomfort, the questioner assumes a benevolent role. 4. The deprivation of stimuli induces regression by

depriving the subject's mind of contact with an outer world and thus forcing it in upon itself. At the same time, the calculated provision of stimuli during interrogation tends to make the regressed subject view the interrogator as a father-figure. The result, normally, is a strengthening of the subject's tendencies toward compliance."⁵

Those in power like to tell the rest of us that they are instituting new surveillance regulations and technologies to protect us from (foreign) terrorists. But that's simply not true. U.S. air passengers were being screened well before 911. In 1998, the first version of the Computer Assisted Passenger Prescreening System (CAPPS) was alerting authorities to suspect passengers, such as those who bought one-way tickets with cash just before a flight.

After 911, Congress called for a beefed-up system, so the U.S. Transportation Security Agency (TSA) hired the military contractor Lockheed Martin (in an open-ended contract, of course) to build CAPPS-2 using "commercial data warehouses containing names, telephone numbers, former addresses, financing details and other information about virtually every adult American."⁶ Under the new system, all potential airline passengers will undergo background checks after they book flights. The TSA won't reveal exactly what parts of your life will be investigated, but your name, address, birthdate, and phone number will be checked against your credit reports, banking records, and criminal records.

CAPPS-2 will color-code every passenger, green, yellow, or red. The airlines will be given the ratings and decide whether a passenger should be allowed to board or be subjected to additional questioning."⁷ Reds will be barred from flying and referred to

police.⁸ CAPPs-2 is being designed to store information about people labeled yellow or red for fifty years.⁹

Plans are already in place to extend those data surveillance regimes to other forms of domestic travel, such as trains, buses, and even drivers licenses.

In a classic example of data creep, CAPPs-2 information “could also be shared with other government agencies at the federal, state and local levels, as well as with intelligence agencies such as the CIA and with foreign governments and international agencies—all of which could use those designations for many purposes, including employment decisions and the granting of government benefits.”¹⁰ And in fact, the creep was already including in the testing. In 2002, “JetBlue Airways secretly turned over data about 1.5 million of its passengers to a company called Torch Concepts, under contract with the Department of Defense. Torch Concepts merged this data with Social Security numbers, home addresses, income levels and automobile records that it purchased from another company, Axciom Corp. All this was to test an automatic profiling system to give each person a terrorist threat ranking.”¹¹

In March 2003, TSA and Delta Airlines tested CAPPs-2 at three undisclosed airports. Shortly thereafter, the threat of lawsuits against the government¹² and boycotts and against Delta Airlines¹³ motivated TSA bureaucrats to try to mollify public concerns without making any significant change by announcing that CAPPs-2 would be “postponed,” but the TSA’S schedule for implementing the system is on track.¹⁴ Sure enough, by September 2003 (ironically, on the eve of the anniversary of the 911 hijackings) the U.S. government trotted out another announcement about CAPPs-2. Up to 8 percent of passengers who board the twenty to thirty thousand daily flights in

the U.S. will be coded yellow and undergo additional screening at the checkpoint. One to two percent will be labeled red and denied boarding (for those of you doing the math, that's a couple of people from every large flight). In case you suspected only hard-core terrorists would be weeded out, a TSA spokesman declared that "not only should we keep passengers from sitting next to a terrorist, we should keep them from sitting next to wanted ax murderers"¹⁵ (not that I've seen many people carrying around axes on planes: my experience is that ax murderers generally prefer to travel Greyhound).

Weeding out the many ax murderers among us won't be easy. It'll take more than color-coding at the airport. That's why CAPPs-2 will have airlines submit to the TSA, the following information about everyone who books a flight: name, home address, telephone number, date of birth, and travel itinerary. "If the computer system identifies [sic] a threat, the TSA will notify federal or local law enforcement authorities."¹⁶ this means you could be arrested before you ever leave home, merely for booking a flight. Now *that's* security.

If you're fretting about privacy, rest assured that the civil liberties folks are on the scene, protesting, rightly enough, about CAPPs-2, "You could be falsely arrested. You could be delayed. You could lose your ability to travel." You can rest just as assured that these protestors will limit themselves to demanding minor adjustments to the form of the Panopticon, and will fail to protest, question, or perhaps even perception the Panopticon itself. And you can rest even more assured that the government will continue to define and ratchet up its abilities to gain information about, and thus power over, those it purports to serve. A government spokesperson said, "Given the dynamic nature of the threat we deal with, it would be impossible to predict when the work would be finished

[on air security]. WE don't think it will ever end.”¹⁷

It won't be all government bureaucrats doing the surveillance and sorting. It'll be corporate bureaucrats as well. By the end of 2004, airports will be replacing the federal force with private screeners.¹⁸

Not everyone is opposed to the new improved CAPPS system; a reported for *Wired* was able to find at least one woman who said, “Whatever works, hon. I'm willing to give up a little privacy so that we're never attacked again. Besides, I've got nothing to hide.”¹⁹ And in March 2004 the airlines tried to distance themselves from citizen umbrage by adopting a set of procedures that would only collect personal information for aviation security purposes, inform passengers of its collection, keep the information secure, dispose of it after the passenger's trip, and observe the data collections protocols of other nations.²⁰

So long as we do what they tell us, we have nothing to hide, and nothing to fear.

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So long as we do what they tell us, we have nothing to hide, and nothing to fear.

Just keep telling yourself that.

More from the manual:

“It has been plausibly suggested that, whereas pain inflicted on a person from outside himself may actually focus or intensify his will to resist, this resistance is likelier to be sapped by pain which he seems to inflict upon himself. In the simple torture situation the contest is one between the individual and his tormentor....When the individual is told to stand at attention for long periods, an intervening factor is introduced. The immediate source of pain is not the interrogator but the victim himself

The motivational strength of the individual is likely to exhaust itself in this internal encounter....As long as the subject remains standing, he is attributing to his captor the power to do something worse to him, but there is actually no showdown of the ability of the interrogator to do so.²¹

So long as we do what they tell us, we have nothing to hide, and nothing to fear. For the most part our imprisonment is not in a building, but rather in a state of fear. Michel Foucault knew that the “ultimate purpose of the Panopticon is not to imprison the body, but to induce in the inmate [the student, the customer, the citizen, the human being] a state of conscious and permanent visibility that assures the automatic functioning of power.” to punish less, perhaps; but certainly to punish better.²²

Surveillance is more than spying, and it’s more than torturing people until they “regress.” Emile Durkheim and others have redefined surveillance as the “gathering of information about and the supervision of subject populations in organization,” and they regard surveillance and bureaucracy as a “rational response to the size and complexity of administrative task posed by science and technology.”²³ In his book *The End of Privacy*, Reg Whitaker defines surveillance as the collection and analysis of information for the purpose of control. In either case, the surveillance is done by the main institutions of modern society: the central state and the business corporation.

If you recall, early on we quoted Foucault as saying that the Panopticon is “an important mechanism, for it automizes and disindividualizes power. Power has its principle not so much in a person as in certain....arrangement who internal mechanisms produce the relation in which individuals are caught up...There is a machinery....Consequently, it does not matter who exercises power.”²⁴

Enter the bureaucrats.

Weber wrote that bureaucracy is “fundamentally domination through knowledge. This is the feature which makes it specifically rational.”²⁵ But this statement standing alone misleads on a couple of major counts. The first is that it’s not domination merely through knowledge. Beneath it all, when the bureaucracy does not suffice, the state can use its monopoly on physical force. Weber’s identification of discipline as the bureaucrats’ second characteristic, and comparison of bureaucracy to a machine without will or mood, can also be misleading.²⁶ Bureaucrats may be narrowly rational, but their rational discipline serves structures and goals that are largely ignored by everyone. And while their jobs may depend on stifling their own will and mood, bureaucrats are fundamentally instruments of the will and mood of those in power. Bureaucrats’ discipline is not self-discipline. Power does not discipline itself; it disciplines the populace through the administrations of bureaucrats.

When modern authorities say, as they often do, that “we are a nation of laws,” they are pointing not at themselves but at those over whom they rule. Everyone knows that laws do not apply to those who make and implement them. Within our culture they never have. As B. Traven, author of *The Treasure of the Sierra Madre* and other books, wrote, “‘Law and Order’ means: The Protection of property, the protection of capital. ‘Law and Order’ means: To protect the capitalists so that they can in a lawful and orderly fashion impoverish those who want to eat. The shopkeeper cries for ‘law and order.’ The rulers, and those who want to rule cry for ‘law and order.’”²⁷ When those in power emphasize the rule of law, they are pointing to the narrow rational disciplining of the masses, and away from the need for self discipline. We would only substitute our

bureaucrat for Traven's capitalist.

Anatole France wrote, "The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."²⁸ France's point was clear. The poor are not to be free or independent; the rich do not have to beg, as they control the levers of power, which are the privatization of profits and the externalization of costs, or the taking for themselves of whatever material benefits the machine provides, while forcing others (including especially the nonhuman world) to suffer the material consequences.

The implications of the rational disciplinarian society are not hidden, but ignored. How hidden were the Nazi extermination camps? How hidden are clearcuts? How hidden is a planet being converted into cash? Nothing's hidden, but we don't see it, and if we're asked, there are countless rationales for continuing to not pay attention.

Rationality exists to explain and justify, and it ignores what it cannot explain and justify. The purpose of rationality is the "logical and efficient" pursuit of a goal that is determined by emotion, either an unconscious compulsion or a conscious act of will. Once the goal is set, the rational bureaucrat's only duty is to fulfill it. This is as true, once again, of killing Jews as it is of killing Indians as it is of killing forests as it is of killing the oceans.