

**It has been argued that ‘blackness’ is a key site through which surveillance is practiced, narrated and enacted. In short, as S. Browne puts it: ‘Surveillance is nothing new to black folks. It is the fact of antiblackness’.**

**(S. Browne, *Dark Matters*, p.10).**

### **Introduction**

Surveillance has spilled out of nation state containers to become an essential part of everyday life.<sup>1</sup> It could be argued that we exist in a fear-based economy as we are governed by precautions, for society lies not in the present, but in the future.<sup>2</sup> In essence the goal of the surveillance society and the safety oriented state is to predict and prevent calamities, by classifying and sorting people into different risk categories. As such surveillance practices could be described as a necessary evil adopted by many nation states to promote safety. However, in the course of achieving this, it is important to recognize that these practices are not as neutral or as objective as they may seem. In actuality, they have adverse effects on communities of colour, particularly black people as they have the potential for mistakes, racial discrimination, abuse and loss of personal freedoms.<sup>3</sup> Through accessing Browne’s idea of racialized surveillance, this essay seeks to explore the presence of racism and antiblackness in these surveillance practices. Drawing on Fanon’s concept of epidermalization, it seeks to explain how the meaning of blackness is defined through the white gaze, and show how this process of epidermalization is perpetuated through different surveillance methods such as law enforcement, biometric technology and algorithmic databases. In so doing it would also highlight how surveillance practices function as a tool for modern day colonialism, thereby supporting Browne’s view that blackness is a key site through which surveillance is practiced, narrated and enacted.<sup>4</sup>

---

<sup>1</sup> Lyon David, *Surveillance as Social Sorting* (1st edn, Routledge 2003) 13.

<sup>2</sup> Joshua Yates, 'Interview with Ulrich Beck on Fear and Risk Society' (Critical Reflections on Contemporary Culture, April 2003) < <https://hedgehogreview.com/issues/fear-itself/articles/interview-with-ulrich-beck> > accessed 7 May 2021.

<sup>3</sup> Ibid.

<sup>4</sup> Browne, S. *Dark Matters: On the Surveillance of Blackness*, (1<sup>st</sup> edn, Duke University Press 2015).

## Surveillance and Epidermalization

The term 'Surveillance' originates from the French word, 'sur', meaning from above, and 'veiller', which means observing or watching.<sup>5</sup> Since its creation, the term surveillance has been interpreted by different scholars. Using the metaphorical representation of the Panopticon, Foucault and Bentham have described surveillance as a tool for governance and discipline.<sup>6</sup> Following this, modern academics like David Lyon have explained that surveillance serves three purposes: control, social sorting, and mutual monitoring.<sup>7</sup> Essentially the common purpose identified is that surveillance involves social sorting for the purpose of governance or discipline. This raises a number of questions. Firstly, who is considered a threat or criminal? And more importantly, Who or What defines these terms?

To Fanon and Browne, the answer is the white gaze.

In his acclaimed piece 'Black Skin White Mask' Fanon explores the concept of the white gaze by outlining the process of 'epidermalization', whereby the skin becomes defined through the white gaze.<sup>8</sup> He explains this concept by recalling his encounter with a white child who was frightened by the mere sight of him.<sup>9</sup> By simply seeing him the white child felt he was dangerous and a threat to his safety. With this, Fanon demonstrates the success story of racism and colonialism, such that his skin became the physical representation of his identity. The effect of the Child's gaze, that is the white gaze is that it transformed his bodily existence, which was once care-free in his race, into a

---

<sup>5</sup> n(4).

<sup>6</sup> Galic, M. and others, 'Bentham, Deleuze and Beyond: An overview of Surveillance Theories from the Panopticon to Participation' [2016] 30(1) *Journal of Philosophy and Technology*, 11-13.

<sup>7</sup> Wang, V. 'Surveillance and Identity: Conceptual Framework and Formal Models' [2017] 3(3) *Journal of Cyber Security*, 4.

<sup>8</sup> Fanon, F. *Black Skin White Masks* (2<sup>nd</sup> edn, Grove Press 1967).

<sup>9</sup> Bhabha, H. and Ziauddin, S. (foreword) *Black Skin White Masks* (6 edn, Pluto Press 2008), 30.

'Negro's body'.<sup>10</sup> With this he explains that there is no ontology reserved for the black man because he is defined through the white gaze.<sup>11</sup> As such, blackness is a relational term deriving its meaning solely from the white gaze. Moreover, whiteness essentially represents what it means to be modern, civilized and human, whilst the black man is the opposite of this; seen as the other, a criminal or a threat.<sup>12</sup> The power to determine who is a threat and a criminal and therefore who should be placed under constant surveillance is thus determined by the white gaze. And, by being the other the black man becomes the object of constant surveillance, with the skin serving as sufficient evidence for suspicion.<sup>13</sup>

Hence racialized surveillance is the process of monitoring the racial body through a white racial frame.<sup>14</sup> It involves the surveillance of black bodies through the white gaze as an attempt to maintain the state as a white social space.<sup>15</sup> As Anderson explains, the 'white social space involves a perceptual category which represents a normative sensibility in which black people are normally absent, not expected or marginalized'.<sup>16</sup> As such, racialized surveillance involves surveillance policies, performances and practices that reinforce notions that, particularly in certain racialized spaces, the mere presence of black people is perceived as abnormal or even criminal.<sup>17</sup>

### **Surveillance by Law Enforcement.**

---

<sup>10</sup> Song seung hyun, 'Bridging Epidermalization of Black Inferiority and the Racial Epidermal Schema: Internalizing Oppression to the Level of Possibilities' [2017] *Journal of Identity and Gender*, 4(1) Leuven University Press, 3.

<sup>11</sup> n(10).

<sup>12</sup> n(4).

<sup>13</sup> Ogugua C.(2021). 'Essay Plan' LW653: Law and Post-Colonial Theory. University of Kent. Unpublished essay.

<sup>14</sup> n(4).

<sup>15</sup> Byfeild, N.P. 'Race, Science and Surveillance: Police as the New Race scientists' [2018] *Journal for the Study of Race, Nation and Culture*, 25(1) 3.

<sup>16</sup> Ibid.

<sup>17</sup> Lowe, M. 'Who Looks Suspicious? Racialized Surveillance in a Predominantly White Neighborhood' [2016] 4(1) *Journal of Sociology and Anthropology*, 34.

As rightfully stated by Simone Browne, surveillance is nothing new to black folks, as it has always been an integral part of the black experience.<sup>18</sup> Although surveillance methods are often times associated with technology, the human eye serves as a body borne camera.<sup>19</sup> As such it is necessary to examine the ways in which racialized surveillance is practiced through state agents such as law enforcement, and private citizens.

In 2015 an investigation by the department of justice found that African Americans were disproportionately subjected to racial profiling by law enforcement.<sup>20</sup> Racial profiling involves a process whereby race is used as a factor to decide who to place under suspicion/surveillance.<sup>21</sup> The investigation was conducted in Ferguson after the tragic shooting of Michael Brown, by a white police officer.<sup>22</sup> The study found that out of 611 searches by police officers, 90% were African American and only 8% of them White.<sup>23</sup> The obvious disparity in profiling and monitoring further reinforces this idea of blackness being synonymous to criminality, as the skin colour is enough evidence for suspicion. And so, for centuries African Americans have endured different forms of policing and profiling.

The first systematic form of policing dates back to the antebellum period. During this time, surveillance was used as an effective tool for oppression, discipline and control. This can be exemplified by the use of slave patrollers; a government sponsored group of white men charged with the responsibility of enforcing slave laws and protecting the interests of white people by constantly monitoring and policing slaves.<sup>24</sup>

---

<sup>18</sup> n(4)

<sup>19</sup> *ibid*

<sup>20</sup> Devon W. Carbado, 'From Stopping Black People to Killing Black People : The Fourth Amendment Pathways to Police Violence' [2016] 105(125) *California Law Review*, 3-5.

<sup>21</sup> *ibid*

<sup>22</sup> *ibid*

<sup>23</sup> *ibid*

<sup>24</sup> Turner, K.B. 'Ignoring the Past: Coverage of Slavery and Slave Patrols in Criminal Justice Texts' [2006] 17(1) *Journal of Criminal Justice*, 5-7

Following this, during segregation black people were continuously monitored by law enforcement to ensure Jim Crow laws were upheld.<sup>25</sup> Additionally, the surveillance of black activist leaders was conducted by the Federal Bureau of Investigations (FBI). This was done following the establishment of Hoover's Counter Intelligence Program (COINTELPRO), which utilized severe surveillance tactics, aimed at repressing, discrediting and dismantling black activists movements, thus hindering the political, economic and social progress of the black community.<sup>26</sup>

Subsequently, the 'need' for continued surveillance of black persons slowly transformed from a race issue to a 'crime' issue during the infamous 'war on drugs'.<sup>27</sup> Here, the development of hawkish policies under Richard Nixon and Ronald Reagan severely contributed to the mistreatment and the continued surveillance of the black community.<sup>28</sup> Here they established Policies such as the Anti-Drug Abuse Act 1986, which allowed for the over policing and patrolling of poor black communities.<sup>29</sup> As such black men were disproportionately affected by these laws as they were subject to racial profiling. Despite the fact that there were a number of communities which also utilized drugs, poor black communities were strategically targeted and monitored. This led to increased mass incarceration of black people, particularly black men, which has since caused severe effects on the community.<sup>30</sup>

In addition to this it is important to note that racial profiling is not only reserved for black America, but forms an integral part of the Black British experience. In the 1970s and the 1980s 'sus' laws were derived from the Vagrancy Act 1824.<sup>31</sup> These laws gave police officers the power to stop and search persons who they

---

<sup>25</sup> *ibid*

<sup>26</sup> Sewell, W. *et. al.* 'Vile vigilance: An integrated theoretical framework for understanding the state of Black surveillance' [2016] 26(3). *Journal of Human Behaviour in the Social Environment*, 288-290.

<sup>27</sup> n(15).

<sup>28</sup> *ibid.*

<sup>29</sup> *ibid*

<sup>30</sup> *ibid*

<sup>31</sup> White, J. *Terraformed: Young Black Lives in The Inner City* (1<sup>st</sup> edn Repeater Books 2020), 83.

felt were acting 'suspiciously'. With this Black British youths were disproportionately affected by these searches as a result of this idea that black youths required frequent monitoring and policing as they were seen as dubious by nature. In fact, the Metropolitan Chief of Police once stated in an interview that Jamaicans are constitutionally disorderly and disposed to be anti-authority.<sup>32</sup> Thus reinforcing this idea that policing is about maintaining a social order as well as a racial order.<sup>33</sup>

### **Surveillance by Private Citizens**

Arguably, race is a social construct which requires continuous oversight.<sup>34</sup> And this oversight is not only practiced by persons in positions of authority but also by persons in colour of authority.<sup>35</sup> This term 'colour of authority' refers to regular people whose authoritative power is not granted by the state, but instead their power to police black bodies is derived from their white privilege. As explained by Henderson and Jefferson Jones, 'Black people, in their very embodiment act as undesirable "sensational subjects" and thus may constitute a nuisance.'<sup>36</sup> As such black bodies are subjected to constant surveillance by private citizens as their physical presence is seen as threatening to white spaces.

Similar to the history of surveillance by law enforcement, the practice of monitoring black people can be traced back to the antebellum period where the policing of slaves was a collective responsibility of white citizens. Here private citizens known as citizen watchmen aided the slave patrollers in enforcing laws which governed the conduct of black people.<sup>37</sup> And although slavery has been abolished, in present day the practice of monitoring black bodies is so

---

<sup>32</sup> *ibid*

<sup>33</sup> n(15)

<sup>34</sup> Bell, K. *Routledge Book of Surveillance Studies* (Routledge, 2012) 73.

<sup>35</sup> *ibid*

<sup>36</sup> Buckner, L. 'RACE, SPACE, AND SURVEILLANCE: A RESPONSE TO #LIVING WHILEBLACK: BLACKNESS AS NUISANCE' [2020] 69(213). *American University Law Review Forum*, 218.

<sup>37</sup> n(16)

prevalent, it seems as though every black person has their own personal and constant overseer.<sup>38</sup>

A study found that black customers in retail stores were constantly monitored as they were more likely to be seen as suspicious when compared to their white counterparts.<sup>39</sup> The frequency of these incidences has resulted in the development of phrases such as 'shopping while black', which is used to describe the tendency of white people to monitor black people as they are automatically seen as suspects.<sup>40</sup>

In addition to this, the constant monitoring of black bodies can be seen through the numerous instances where white people have made 911 reports on black people for simply existing. For instance, in May 2020, a white woman called the police on a black man because he told her to follow park rules.<sup>41</sup> Another example of this would be the case of Michelle Snider, a white woman who called the police on black people for barbequing with a charcoal grill.<sup>42</sup>

Additionally, in February 2020, Ahmaud Arbery was shot whilst taking a jog. He was followed by two armed 'concerned' neighbours who believed that he looked like the 'suspect' who had carried out the alleged break-ins in the neighbourhood.<sup>43</sup> Essentially, through the white Gaze, Ahmaud Arbery was seen as a suspect simply because of the colour of his skin. In actuality, these vigilante practices and constant 911 reports made by white people are not based on the accuracy of their claims. Instead, they demonstrate what James

---

<sup>38</sup> n(10)

<sup>39</sup> Pittman, C. 'Shopping While Black': 'Black Consumers' management of racial stigma and racial profiling in retail settings [2020] 20(1) *Journal of consumer Culture*, 5.

<sup>40</sup> *ibid*

<sup>41</sup> n (24)

<sup>42</sup> Starky, B. Shaming them might stop them from calling 911 on us' (The Undeclared, May 2018) <<https://theundefeated.com/features/shaming-white-people-might-stop-some-of-them-from-calling-911-on-us/>> accessed 7 May 2020.

<sup>43</sup> Libscombe, R. 'Ahmaud Arbery : What do we know about the case?' *BBC News* (London, 5 June 2020).

Baldwin describes as 'a guilty white imagination'.<sup>44</sup> The practice of constantly monitoring the activities of black persons is based on fear, and this fear is hidden in a deep sense of guilt due to their own history of violence.<sup>45</sup> As such, whiteness is a false claim on innocence which is dependent on the demonization of blackness, which reinforces the idea that surveillance is structured by racism and antiblackness.<sup>46</sup>

These examples demonstrate how the white gaze functions as the surveilling class. However, with the use of video technology, it could be argued that its position as the observer has been challenged by this idea of 'sousveillance'. Sousveillance is a term coined by Steve Mann to describe the recording or observation of a person not in a position of authority.<sup>47</sup> In Browne's text, she uses the concept of sousveillance to describe the ability of the black subject to challenge observational control.<sup>48</sup> Essentially, the process of 'watching the watchers' is exercised through the use of video recording, which provides evidence of racist private citizens and police brutality. This has since raised awareness and encouraged conversation around these issues. Sousveillance also played a key role in the arrest and sentencing of the police officer who killed George Floyd, as the video evidence obtained served as evidence in trial.<sup>49</sup> However it is important to note that great visibility does not always guarantee justice, as there are still black people, particularly black women, who are yet to receive justice.<sup>50</sup> As such, its ability to truly challenge the presence of the white gaze can be seen as questionable.

---

<sup>44</sup> Brown, M. 'James Baldwin and the Politics of White Identity'[2020] 20(1). *Contemporary Political Theory*, 13.

<sup>45</sup> *ibid*

<sup>46</sup> *ibid*

<sup>47</sup> Cullen, S. *Surveillance Race Culture* (Macmillan 2018)

<sup>48</sup> n(4)

<sup>49</sup> The conversation 'From Rodney King to George Floyd, how video evidence can be interpreted differently in courts' (*The Conversation*, 10 May 2021) <<https://theconversation.com/from-rodney-king-to-george-floyd-how-video-evidence-can-be-differently-interpreted-in-courts-159794>> accessed on 11 May 2021.

<sup>50</sup> Jacobs, M.S. 'The Violence state :Black Women's Invisible Struggle Against Police Violence' [2017] 24(1) *Journal of Race Gender and Social Justice*, 19.



## **Digital Epidermalization: Biometric Technology and Algorithms**

Racism and antiblackness can also be seen in modern forms of surveillance technology. It could be argued that we live in the era of dataveillance, as biometric technology (and other forms of biometric identification) and algorithmic decision-making have become an important tool for identity management.<sup>51</sup> Biometric surveillance refers to any of the methods in which the measurement of the human body is used in governing groups of people or specific persons in order to regulate and monitor their behaviour.<sup>52</sup> It involves the automatic recognition of individuals through their unique psychological characteristics such as finger scanning, face recognition, iris scanning, or the use of behavioural characteristics, like relying on their signature or voice.<sup>53</sup> It also involves the use of identification documentation such as passports or national ID cards. Essentially biometric technology seeks to reveal the truth about the subject despite the subjects claims.<sup>54</sup> As such, in this fear-based economy these systems have been branded as objective and neutral because their reliance on mathematical precision somehow allows them to be seen as free from error or bias.<sup>55</sup> In actuality this is far from the truth. For instance, on the 21<sup>st</sup> of May 2008, Suadd Hagi Mohamud tried to board a KLM flight from Kenya to her home town in Toronto, but was stopped and questioned by the airport security, who claimed that her lips looked different in her passport picture.<sup>56</sup> She was accused of not being the rightful owner of the passport, and therefore an imposter. She was detained for over 5 days, and after numerous attempts was able to prove her identity by matching her DNA to her Canadian borne son.<sup>57</sup> Similarly, a Canadian citizen Berna Cruz was subjected to discriminatory treatment at the US border as her biometric identification was

---

<sup>51</sup> Wayman, J.L. 'Biometrics in Identity Management Systems' [2008] 6(2) *Journal of Cybersecurity*, 31.

<sup>52</sup> n(48)

<sup>53</sup> Umar, J.A. 'A review of biometric technology along with trends and prospects' [2014] 47(8) *Journal of Information Technology*, 26734.

<sup>54</sup> n (15)

<sup>55</sup> Browne, S. 'Digital Epidermalization: Race, Identity and Biometrics' [2006] 36(1) *Critical Sociology*, 144.

<sup>56</sup> Kristie, B. *Routledge Handbook of Surveillance Studies* (Routledge 2012) 76.

<sup>57</sup> *ibid*

deemed as 'funky'.<sup>58</sup> Here Cruz was accused of having a fake passport and detained and threatened to be deported if she failed to admit she was not really a Canadian citizen.<sup>59</sup> Such cases demonstrate how biometric identifiers can reflect social inequalities and raise serious questions about who is considered a legitimate citizen. One could ask, would these women have been subjected to such harsh treatment if they were white?

Essentially, both Suadd and Cruz were subjected to the white nationalized gaze, perceived as potential threats or suspects.<sup>60</sup> This process of using biometrics for negative discriminatory practice is described by Browne as 'digital epidermalization', the stripping bodies of their humanness through data categorization.<sup>61</sup> Essentially the consequence of digital epidermalization is that an 'embodied subjectivity is dissected and reduced, to a constructed skin, which is over-written by the nefarious taxonomies undergirding white supremacy'.<sup>62</sup>

In order to further explain the idea of digital epidermalization, it is important to trace the origins of biometric technology to the transatlantic slave trade, as it helps reveal ways in which colonial logics and antiblackness form the basis for modern surveillance practices.<sup>63</sup>

When slaves were first brought to Europe, they were examined by surgeons, and separated into different categories, based on characteristics such as defects, age, and their ability to carry out labour.<sup>64</sup> Slaves who were defective were separated, whilst those deemed fit for labour were given a permanent marking on the flesh.<sup>65</sup> This process of branding served different purposes. Firstly, it produced as a system of identification that enabled surveillance.

---

<sup>58</sup> *ibid*

<sup>59</sup> n(56)

<sup>60</sup> *ibid*

<sup>61</sup> Ritchie, M. 'Fusing Race: The Phobogenics of Racializing Surveillance' 18(1) [2017] *Surveillance & Society*.

<sup>62</sup> *ibid*

<sup>63</sup> n(5)

<sup>64</sup> *ibid*

<sup>65</sup> *ibid*

Secondly, these marks commodified slaves as it was used on plantations for accounting purposes.<sup>66</sup> Additionally, these marks were also used to make their bodies hyper-visible in case they attempted to run away. Essentially the practice of branding represented a significant step in the dehumanization of black people because their skin served as their identity.<sup>67</sup>

Following this, the origins of biometric identification can also be traced back to *The Book of Negroes*. *The Book of Negroes* was a document which served as the first large public record of black Americans in North America.<sup>68</sup> It included about three thousand black Americans who had boarded ships from New York in 1783. It included their names, detailed physical descriptions like birth marks or defects, place of birth, age, and time of enslavement.<sup>69</sup> What is particularly significant about the *The Book of Negroes* is that the detailed descriptions facilitated the purpose of tracking by the state.<sup>70</sup> In essence *The Book of Negroes* demonstrates how black bodies serve as a form of identification for the state, with individuals are stripped of their personhood by becoming body components. It is also reminiscent of how biometric technology in the categorization and dehumanization of black bodies is used in the securitization of borders. As outlined by Lyon, the airport is a transit institute where travellers are scanned like barcodes for the purpose of categorizing, sorting and profiling.<sup>71</sup> At the arrival hall the first step of categorization is conducted as citizens are grouped into natives, foreigners, and refugees. This is followed by the confessional, where the border agent questions if the body is legitimate.<sup>72</sup> Lastly, there is the hyper documentation phase where the biometric profiles are screened and examined and where bodies that do not represent the white standard or threshold of personhood are villainized.<sup>73</sup>

---

<sup>66</sup> n(55)

<sup>67</sup> ibid

<sup>68</sup> n(5)

<sup>69</sup> n(5)

<sup>70</sup> ibid

<sup>71</sup> Lyon, D. *Surveillance Studies, an overview* (first published 2007, Polity Press 2012), 103.

<sup>72</sup> ibid

<sup>73</sup> ibid

Another way in which anti-blackness can be revealed in modern surveillance practices is through algorithmic surveillance. Algorithmic surveillance involves the gathering, filtering, and analysis of large amounts of data for the purpose of governance.<sup>74</sup> Algorithmic technology serves as a mechanism for social sorting as it categorizes people into different groups based on their risk factors. In so doing, this technology helps to predict and anticipate behaviour of the people entered into the system.<sup>75</sup> Today, algorithmic surveillance is becoming an increasingly important part of the criminal justice system as it is used by police officers to plan patrols and monitor people flagged up by these system as potential threats.<sup>76</sup> They are also used by the courts for sentencing, setting bail and parole arrangements.<sup>77</sup> Similar to biometric technology, these mechanisms are often marketed as objective, since they rely on calculations and statistics. Because they rely on algorithms, they are seen to eliminate human bias, with corrupt officers or judges excluded from decision-making processes.<sup>78</sup> Despite these claims, the infallibility of these technologies can be severely challenged, for when these machines establish risk factors, Black people are disproportionately entered into these systems because they are monitored and arrested at a higher rate when compared to their white counter parts.<sup>79</sup> As a result, algorithmic surveillance also reflects the structural inequalities that already exist in society.

### **Case study : Project Greenlight**

In analysing the presence of anti-blackness and in algorithmic and biometric technology, I will use the city of Detroit as a case study. Detroit is particularly relevant to this discussion as it one of the most predominantly black U.S. cities, which is also subjected to extreme forms of surveillance. Currently, there are

---

<sup>74</sup> Smith, G. The Politics of Algorithmic Surveillance in the Black Box City [2020] 7(2) *Big Data Society*, 1.

<sup>75</sup> *ibid*

<sup>76</sup> Polonski, V. 'AI is convicting criminals and determining Jail time, but is it fair?' (World economic Forum, 19 Nov 2018 ) <<https://www.weforum.org/agenda/2018/11/algorithms-court-criminals-jail-time-fair/>> accessed on 8 May 2021.

<sup>77</sup> *ibid*

<sup>78</sup> n(71)

<sup>79</sup> n(76)

over 2000 surveillance cameras, at over 700 locations in the city.<sup>80</sup> This is attributed to the state initiative Project Green Light, a public private partnership between Detroit police department, alarm companies, and local businesses. Project Green Light comprises a paid priority response system in which businesses can pay a fee to be prioritized when a crime occurs in their institution.<sup>81</sup> The aim of the project is to discourage crime and to help identify suspects.<sup>82</sup> It is a wide reaching police surveillance system which includes certain automated features such as facial recognition and real time police monitoring, as well as outdoor cameras which incorporate a 24 hour flashing green light.<sup>83</sup>

Although many cities have surveillance cameras, what makes project green light unique and to a large extent problematic is that is a real time crime Centre Project which means that police officers can monitor citizens of Detroit in real time for 24 hours a day. This not only infringes on their right to privacy, it exposes people of Detroit to over policing and racial profiling.

In incorporating facial recognition technology Project Green Light tends to misidentify people of colour, particularly black people. Indeed, the Detroit Chief of Police admitted that these types of technologies could misidentify suspects in about 96% of the cases.<sup>84</sup> Since some 80% of people in Detroit are black, nearly 700,000 people would be subjected to these errors.<sup>85</sup> This precipitates increased racial profiling and can lead to black people being incarcerated for crimes they did not commit, as exemplified by the case of Robert Julian Borchak who was wrongfully arrested due to misidentification of an algorithmic

---

<sup>80</sup> Petty, T. 'Detroiters want to be seen, not watched' (*Riverwise The Riverwise Collective*, August 2019 ) <<https://esc.umich.edu/project-green-light/>> accessed 1 May 2021.

<sup>81</sup> Arbor, A. 'Race, Policing, and Detroit's Project Green Light' (*Ethics, Society and Computing*, June, 2020) <<https://esc.umich.edu/project-green-light/>> accessed 1 May 2021.

<sup>82</sup> *ibid*

<sup>83</sup> *n*(9)

<sup>84</sup> O'Neill, N. 'Faulty Facial Recognition Led to His Arrest—Now He's Suing' (*Vice*, September 2020) <<https://www.vice.com/en/article/bv8k8a/faulty-facial-recognition-led-to-his-arrestnow-hes-suing>> accessed 1 May 2021.

<sup>85</sup> *n*(9)

database.<sup>86</sup> It also reinforces Browne's idea of digital epidermalization, as the presumed normalcy of whiteness becomes embedded in modern surveillance technologies that are not designed to properly identify black skin.<sup>87</sup>

Members of these communities have also expressed their concerns about the response to crime.<sup>88</sup> Black Americans are already disproportionately affected by police brutality, and so with the combination of real time surveillance and algorithmic technology the project can amplify and aggravate police responses to minor crimes. Additionally, these technologies place a new medium of social control into the hands of the government and police officers, thus infringing on human rights, particularly the right to privacy and due process.<sup>89</sup>

Project Green Light thus exposes significant issues of digital epidermalization. Firstly, it showcases how in the emergency economy black bodies are hyper-visible in the sense that they are placed under greater surveillance due to this need to promote 'safety'. Indeed, the presence of the constant flashing green light is reminiscent of 17<sup>th</sup> century lantern laws, which required slaves to carry lanterns after a certain time of day for identification. For, as explained by Foucault, 'disciplinary power is exercised through its invisibility while imposing compulsory visibility on its target'.<sup>90</sup> So, the constant presence of the green light can be described as what Browne calls 'black luminosity' - the need for black bodies to be made visible for the purpose of identification, observation and control.<sup>91</sup>

Secondly, project green light also showcases the invisibility of the black community as there is a huge investment in surveillance technology and a huge

---

<sup>86</sup> Hill, K. 'Wrongfully Accused by an Algorithm' New York Times (New York, June, 2020).

<sup>87</sup> n(56)

<sup>88</sup> n(81)

<sup>89</sup> n(9)

<sup>90</sup> n(16)

<sup>91</sup> Rodgers, C.G. 'The Surveillance of Blackness: From the Trans-Atlantic Slave Trade to Contemporary Surveillance Technologies' (*Truthout*, March 2016)

<<https://truthout.org/articles/the-surveillance-of-blackness-from-the-slave-trade-to-the-police/>> accessed on 7 May 2021.

disinvestment in amenities such as water, housing and commercial opportunities. There are significant studies to show that a reduction in crime is not achieved through mass surveillance but instead through the provision of social amenities.<sup>92</sup> This reinforces this idea that racialized surveillance ensures that black people are constantly watched, but never really seen. Project Green Light thus reinforces the need to recognize the presence of antiblackness in modern surveillance practices.

### **Surveillance in the Global South**

Although Simone Browne's discussion was centred around the Black American experience, in exploring this idea of blackness as a key site for surveillance it is also necessary to explore the surveillance of black bodies in the Global South.<sup>93</sup>

As aforementioned, the impact of racialized surveillance is that through the white gaze the subject of observation becomes the 'other'.<sup>94</sup> In fact, it is through the act of establishing the other that colonialism and imperialism can operate.<sup>95</sup> As history shows, surveillance has always served as an essential tool for colonialism and imperialism. For instance, biometric technology was first introduced in India based on the idea that fingerprints would be the best way to identify the colonials subjects.<sup>96</sup> Whilst in South Africa slaves at the Cape were branded on the skin and required to carry around passes as a form of identification.<sup>97</sup> Additionally, those who worked in the diamond and gold mines were required to also carry passes as this helped in controlling and restricting movement.<sup>98</sup>

---

<sup>92</sup> n(80)

<sup>93</sup> n(14)

<sup>94</sup> idid

<sup>95</sup> ibid

<sup>96</sup> Dahler, N. 'Biometrics as imperialism :age assessment of young asylum seekers in Denmark' [2020] 62(1) *Race and Class*, 7.

<sup>97</sup> Crush, J. 'Power and Surveillance on the South African Gold mines' [1992]18(4) *Journal of South African Studies*.

<sup>98</sup> ibid

Following this, the United States of America pushed for surveillance practices to support Apartheid.<sup>99</sup> They supplied a punch card system which was used to denationalise Africans by establishing a registration system which grouped the population into a four-category race system: Africans, Coloured, Indian, and White.<sup>100</sup> Additionally, American agencies, including the CIA, systematically monitored apartheid activists, with such practices likely influencing the arrest and incarceration of Nelson Mandela in 1962.<sup>101</sup>

Despite the fact that former colonies have transitioned into independent states, it could be argued that we now live in the era of digital colonialism. Digital colonialism refers to a structural form of domination carried out through the centralized ownership and control of software, hardware and network connectivity.<sup>102</sup> Digital colonialism is exercised by powerful corporations as well as national intelligence agencies who have immense economic, social and political power and control over the digital ecosystem.<sup>103</sup> These nation states and corporations utilize surveillance technology for the purpose of data collection, pattern identification, or for spying on and monitoring citizens. This can be exemplified by the files leaked by Edward Snowden, which revealed the global mass surveillance programs carried out by the United states.<sup>104</sup> Another example is the Britain's Government Communications Headquarters (GCHQ) spying on the South African Foreign Ministry for the purpose of securing an advantage in meetings.<sup>105</sup> This not only compromised the privacy rights of the affected states, but significantly infringed on their sovereignty and democratic processes, concepts that the West claims to deeply respect and protect.

Additionally, the practice of dataveillance has intensified over the last decade, as European and American corporations establish relationships with the Global

---

<sup>99</sup> Kwet, M. 'Digital Colonialism: US empire and the new imperialism in the Global South' [2019] 60(4), 20-26 JOURNAL?

<sup>100</sup> *ibid*

<sup>101</sup> *ibid*

<sup>102</sup> *ibid*

<sup>103</sup> *ibid*

<sup>104</sup> *ibid*

<sup>105</sup> *ibid*



South for the purpose of 'efficiency' 'safety' and controlling immigration. However, there are huge concerns over whether these policies are for the benefit of these nations or driven by commercial interests.<sup>106</sup> For instance, the EU has invested in biometric systems within and outside its border ports to try and provide an efficient system of migration. In so doing they produced lucrative contracts for biometric security corporations.<sup>107</sup> In addition, even though the EU sets a high standard for data protection within its own borders, it fails to uphold these standards when applied to outside states.<sup>108</sup> It not only has complete biometric information of members of these states, but uses these database systems to control and monitor the movement of persons who migrate to Europe, which once again infringes on their right to privacy.

With the Global North as the surveilling class, contemporary surveillance systems can be seen as a form of digital colonialism, with 'developing' countries lacking the political, economic and capital resources to challenge the likes of the US or EU. This reinforces Browne's idea that surveillance consistently functions as a tool used for retaining and perpetuating white supremacy.

## **Conclusion**

Overall, this essay has shown that the 'White gaze' is the ever watchful panoptic presence which manifests itself in different ways in the context of the surveillance state. It is present in law enforcement as black people are disproportionately targeted and monitored. It is seen in the interactions between white private citizens and black people when through the white gaze the latter are seen as criminal. And it permeates biometric and algorithmic technology. Using the concept of digital epidermalization helps reveal the presence of the racial bias which exists in these systems, and exposes false claims of objectivity and neutrality. This essay has also demonstrated that racialized surveillance is about dominance, control and othering, with blackness a key site upon which

---

<sup>106</sup> n(95)

<sup>107</sup> ibid

<sup>108</sup> ibid

surveillance is practiced, narrated and enacted under the white gaze, whether in the Global South or the Global North.<sup>109</sup>

---

<sup>109</sup> n(4)

## **References**

- Arbor. Ann. 'Race, Policing, and Detroit's Project Green Light' (Ethics, Society and Computing, June, 2020) <<https://esc.umich.edu/project-green-light/>> accessed 1/5/2021.
- Ball, Kristie. *Routledge Handbook of Surveillance Studies* (Routledge 2012) 76.
- Bhabha, Homi and Ziauddin, Sardar (foreword) *Black Skin White Masks* (6 edn, Pluto Press 2008).
- Brown, Mark. 'James Baldwin and the Politics of White Identity' [2020] 20(1) *Contemporary Political Theory*.
- Browne, Simone. *Dark Matters: On the Surveillance of Blackness* (1<sup>st</sup> edn, Duke University Press 2015).
- Buckner, Lolita. 'Race, Space, and Surveillance: a response #livingwhileblack: blackness as nuisance' [2020] 69(213) *American University Law Review Forum*.
- Byfeild, Natalie P. 'Race, Science and Surveillance: Police as the New Race Scientists' [2018] 25(1) *Journal for the Study of Race, Nation and Culture*.
- Carbado, Devon W. 'From Stopping Black People to Killing Black People: The Fourth Amendment Pathways to Police Violence' [2016] 105(125) *California Law Review*.
- Crush, Jonathan. 'Power and Surveillance on the South African Gold mines' [1992]18(4) *Journal of South African Studies*.
- Cullen, Sarah. *Surveillance Race Culture* (Macmillan 2018).
- Dahler, Nanna. 'Biometrics as imperialism: age assessment of young asylum seekers in Denmark' [2020] 62(1) *Race and Class*.
- Fanon, Frantz. *Black Skin White Masks* (2<sup>nd</sup> edn, Grove Press 1967).
- Galic, Masa et. al. 'Bentham, Deleuze and Beyond: An Overview of Surveillance Theories from the Panopticon to Participation' [2016] 30(1) *Journal of Philosophy and Technology*.
- Hill, Kashmir. 'Wrongfully Accused by an Algorithm' *New York Times* (New York, June, 2020).
- Jacobs, Michelle S. 'The Violence State: Black Women's invisible Struggle Against Police Violence' [2017] 24(1) *Journal of Race Gender and Social Justice*.

Kwet, Michael. 'Digital Colonialism: US empire and the new imperialism in the Global South' [2019] 60(4) *Race and Class*.

Libscombe, Richard. 'Ahmaud Arbery : What do we know about the case?' *BBC News* (London, 5 June 2020).

Lowe, Maria R. 'Who Looks Suspicious? Racialized Surveillance in a Predominantly White Neighborhood' [2016] 4(1) *Journal of Sociology and Anthropology*.

Lyon David, *Surveillance as Social Sorting* (1st edn, Routledge 2003).

Lyon, David. *Surveillance Studies, an overview* (first published 2007, Polity Press 2012).

Ogugua C. (2021). 'Essay Plan' LW653:Law and Post-colonial Theory. University of Kent. Unpublished essay.

Browne, Simone. 'Digital Epidermalization: Race, Identity and Biometrics' [2006] 36(1) *Critical Sociology*.

O'Neill, Natalie . 'Faulty Facial Recognition Led to His Arrest—Now He's Suing' (*Vice*, September 2020)

<<https://www.vice.com/en/article/bv8k8a/faulty-facial-recognition-led-to-his-arrestnow-hes-suing>> accessed 1/5/2021.

Petty, Taiwan. 'Detroitans want to be seen, not watched' (*Riverwise*, The Riverwise Collective, August 2019) <<https://esc.umich.edu/project-green-light/>> accessed 1/5/2021

Pittman, Cassi. 'Shopping while black': 'Black Consumers' management of racial stigma and racial profiling in retail settings [2020] 20(1) *Journal of Consumer Culture*.

Polonski, Vyacheslav. 'AI is convicting criminals and determining jail time, but is it fair?' (*World Economic Forum*, 19/11/2018)

<<https://www.weforum.org/agenda/2018/11/algorithms-court-criminals-jail-time-fair/>> accessed 8/5/2021.

Ritchie, Marnie. 'Fusing Race: The Phobogenics of Racializing Surveillance' 18(1) [2017] *Surveillance & Society*.

Rodgers, Claudia Garcia. 'The Surveillance of Blackness: From the Trans-Atlantic Slave Trade to Contemporary Surveillance Technologies' (*Truthout*, March 2016) <<https://truthout.org/articles/the-surveillance-of-blackness-from-the-slave-trade-to-the-police/>> accessed 7/5/2021.

Sewell, Whitney. Et. al. 'Vile vigilance: An integrated theoretical framework for understanding the state of Black surveillance' [2016] 26(3) *Journal of Human Behaviour in the Social Environment*.

Smith, Gavin. The Politics of Algorithmic Surveillance in the Black Box City [2020] 7(2) *Big Data Society*.

Song Seung Hyun, 'Bridging Epidermalization of Black Inferiority and the Racial Epidermal Schema: Internalizing Oppression to the Level of Possibilities' [2017] 4(1) *Journal of Diversity and Gender*.

Turner, K.B. 'Ignoring the Past: Coverage of Slavery and Slave Patrols In The Conversation. 'From Rodney King to George Floyd, how video evidence can be interpreted differently in courts' (*The Conversation*, 10 May 2021) <<https://theconversation.com/from-rodney-king-to-george-floyd-how-video-evidence-can-be-differently-interpreted-in-courts-159794>> accessed 11/5/2021.

Criminal Justice Texts' [2006] 17(1) *Journal of Criminal Justice*.

Starky, Brandon . Shaming them might stop them from calling 911 on us' (*The Undefeated*, May 2018) <<https://theundefeated.com/features/shaming-white-people-might-stop-some-of-them-from-calling-911-on-us/>> accessed 14/5/2021.

Umar, JA. 'A review of biometric technology along with trends and prospects' [2014] 47(8) *Journal of Information Technology*.

Wayman, James L. 'Biometrics in Identity Management Systems' [2008] 6(2) *Journal of Cybersecurity*.

White, Jot. *Terraformed, Young Black Lives in The Inner City* (1<sup>st</sup> edn Repeater books 2020).

Wang, Victoria. 'Surveillance and Identity: Conceptual Framework and Formal Models' [2017] 3(3) *Journal of Cyber Security*.

Yates, Joshua. 'Interview with Ulrich Beck on Fear and Risk Society' (*Critical Reflections on Contemporary Culture*, April 2003) <<https://hedgehogreview.com/issues/fear-itself/articles/interview-with-ulrich-beck>> accessed 7/5/2021.

### **Statutes and Statutory instruments**

Anti-Drug Abuse Act 1986

Vagrancy Act 1824