Perspective

Panopticism and Complicity: The State of Surveillance and Everyday Oppression in Libraries, Archives, and Museums

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ABSTRACT

Historically, libraries, archives, and museums—or LAM institutions—have been complicit in enacting state power by surveilling and policing communities. This article broadens previous scholars' critiques about individual institutions to LAM institutions writ large, drawing connections between these sites and ongoing racist, classist, and oppressive designs. We do so by dialing in on the ethical premise that justifies panoptic systems, utilitarianism, and how the glorification of pragmatism reifies systems of control and oppression. First, we revisit LIS applications of Benthamian and Foucauldian ideas of panoptic power to examine the role of LAM institutions as sites of social enmity. We then describe examples of surveillance and state power as they manifest in contemporary data infrastructure and information practices, showing how LAM institutional fixations with utilitarianism reify the U.S. carceral state through norms such as the aggregation and weaponization of user data and the overreliance on metrics. We argue that such practices are akin to widespread systems of surveillance and criminalization. Finally, we reflect on how LAM workers can combat structures that rely on oppressive assumptions and claims to information authority.

INTRODUCTION

Literature of the past forty years and beyond has shown that libraries, archives, and museums are comprised of institutional spaces, holdings, and practices intended to guide those deemed productive members of society through civilizing rituals such as literacy, civic engagement, and cultural appreciation.[1] In order to effectively usher members through these rituals and spaces, LAMs use a variety of techniques that were developed with predominantly white audiences in mind or with the explicit goal of 'civilizing' or assimilating people of color and/or immigrants. Controlling these sites signifies "controlling the representation of a community and its highest values and truths." It is also the power to define the relative standing of individuals within that community.[2]

The goal of this paper is to interrogate how panoptic power, surveillance, and utilitarianism combine within LAM institutions to bring about assimilation or, as we shall argue, exclusion and harm. By "panoptic power" we refer to the type of governance, as conceived by Jeremy Bentham and critiqued by Michel Foucault and Simone Browne, that depends on both the assumption and the act of surveillance rather than monarchic enforcement or physical violence. Famously, Foucault described Bentham's Panopticon as a novel form of power and surveillance in which a guard in a tower (the tower visible, but the guard unverifiable) could see every prisoners' cell—a "state of conscious and permanent visibility"—but no prisoner could return that gaze.[3] As Foucault writes, "He is seen, but he does not see; he is the object of information, never a subject in communication."[4] In the 19th and 20th centuries, that model of power expanded to the predominant form, based on racist, and classist surveillance in order to reinforce hierarchies of control. Panoptic power is thought to be natural, useful, and beneficial. We understand utilitarianism as an ethic rooted in expedience and practicality, the latter of

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[1] Carol Duncan, *Civilizing Rituals: Inside Public Art Museums* (New York, NY: Routledge, 1995); Gary P. Radford, Marie Louise Radford, and Jessa Lingel, "Transformative Spaces: The Library as Panopticon," in *Transforming Digital Worlds: 13th International Conference, iConference 2018, Sheffield, UK, March 25-28, 2018 Proceedings*, ed. Gobinda Chowdhury et al., (Cham, Switzerland: Springer International Publishing, 2018), 684-692, https://doi.org/10.1007/978-3-319-78105-1_79; Melissa Adler, *Cruising the Library: Perversities in the Organization of Knowledge* (New York, NY: Fordham University Press, 2017); Tony Bennett, *The Birth of the Museum: History, Theory, Politics* (New York, NY: Routledge, 1995); David James Hudson, "The Whiteness of Practicality," in *Topographies of Whiteness: Mapping Whiteness in Library and Information Studies*, edited by Gina Schlesselman-Tarango (Sacramento, CA: Library Juice Press, 2017); and Simone Browne, *Dark Matters* (Durham, NC: Duke University Press, 2015).

[2] Duncan, 8.

[3] Michel Foucault, *Discipline and Punish: The Birth of the Prison.* Translated by Alan Sheridan. (New York, NY: Vintage Books, 1995), 201.

[4] Foucault, 200.

which we probe using Hudson's notion of "the whiteness of practicality." Behind LAM institutional preoccupations with function is the same reductionist, objectifying thinking that hegemonizes people of color and, to return to Foucault's assertion, objectifies using information rather than grant agency in communication.

To understand constructions of civility and social order as they manifest in LAM institutional sites, we turn to Foucault's critiques of panoptic power in the work of Samuel and Jeremy Bentham as well as more recent library and information science scholarship that draws on these ideas. We argue that the very panoptic structures that LAM visitors and practitioners accept—either out of unawareness or their own utilitarian outlook— fundamentally undercut the popular image of LAM institutions as egalitarian places open to all who wish to learn, access resources, and partake in society. We explore how LAMs perpetuate white racialized logic, a system of thought that surveils and criminalizes communities of color via both overt and clandestine disciplinary practices. We deploy whiteness to mean normative, racialized privilege constructed as structural advantages.[5] In turn, those who are not perceived as white are subordinated through largely unmarked, unseen, unchecked and all too prevalent panoptic tactics such as regulations, monitoring, and punishment.[6] LAM institutional practices support this norm by assuming the values and attributes of ideal members or patrons. In doing so, LAM institutions protect the interests of the dominant, white racialized group, or those who most closely align with mental models of the ideal member. Library policies oppress people when, for example, they embolden and protect vigilante hate groups who disrupt library programming for LGBTQIA+ and/or immigrant, and/or racially minoritized groups, especially Black diasporic communities. The same hegemonic rule-following excuses passivity and inaction guised as neutrality, as witnessed through the American Library Association's Meeting Rooms for All stance.[7] There remain contradictions between supposedly progressive LAM practices and materially oppressive LAM realities.

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[5] Patricia Hill Collins, Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment (New York, NY: Routledge, 2000), 21.

[6] Ruth Frankenberg, *White Women, Race Matters: The Social Construction of Whiteness* (Minneapolis, MN: University of Minnesota Press, 1993), 1; Robyn Wiegman, "Whiteness Studies and the Paradox of Particularity," in *The Futures of American Studies*, eds. Donald E. Pease and Robyn Wiegman (Durham, NC: Duke University Press, 2002), 298-304.

[7] James LaRue, "Library Meeting Rooms for All," *Intellectual Freedom Blog*, July 10, 2018, https://www.oif.ala.org/oif/?p=14997; Aaron Kunkler, "Tensions Run High at Renton Library over Drag Queen Story Hour," *Auburn Reporter*, June 28, 2019, https://www.auburn-reporter.com/news/tensions-run-high-at-renton-library-over-drag-queen-story-hour/; It's Going Down, "This Week in Fascism #16: Neo-Nazis and Proud Boys join attacks on 'Story Hour,'" *It's Going Down*, July 3, 2019, https://itsgoingdown.org/this-week-in-fascism-16-neo-nazis-proud-boys-join-attacks-on-story-hour/.

In analyzing the library as panopticon, Radford, Radford, and Lingel argue that "libraries as institutions have always been sites of authority and control, not only of books, but of bodies."[8] As an example, Adler explores how the panoptic layout of the Library of Congress's main reading room is a physical manifestation and extension of the authority of the federal government. Adler argues that the Library of Congress chiefly exists to enforce social norms through a vast network of knowledge organization systems.[9] While Radford, Radford, and Lingel and Adler focus principally on libraries as panoptic locales, literature on other LAM institutions likewise show the way panoptic, civilizing power has been perpetuated in institutional spaces and cultures.

Similar arguments have resonated in museological literature. For instance, his influential book *The Birth of the Museum*, Tony Bennett argues that early world fairs and the museums created in their wake were new kinds of state apparatuses—technologies of progress mobilized by the state as part of its civilizing mission.[10] Drawing on Foucault and Gramsci, Bennett argues that the space of the new public museum, and more broadly what he termed "the exhibitionary complex," was one where people came to see and be seen, one which spread ideologies of progress and the civilized mass and produced new grammars of spatial behavior. [11] Government spending on arts institutions gained acceptance on account of the spread of notions that the cultivation of taste "softens men's manners and suffers them not to be brutal,"[12] which again points to Carol Duncan's premise that museums enact societal power through spatial and cultural "civilizing rituals."[13]

In the field of archives, Eric Ketalaar has shown that early archives functioned similarly. He writes that, while archives did not publicly display their holdings to "offer a panoptic view to their clients," early archives displayed "knowledge-power of the finding aids, as representation of what the public may not see openly but may expect to find behind the closed doors of the prison-like repository."[14] He further argued that archival reading rooms were particularly panoptic, enacting "a host of policing measures." Still today, "patrons":

> …register and sign a statement subjecting them to the rules of the institution … any papers they carry into and out of the search room are checked - sometimes by uniformed security personnel, as in the United States' National Archives. In the

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[8] Radford, Radford, and Lingel, "Transformative Spaces," 687.
[9] Adler, *Cruising the Library*, 103.
[10] Tony Bennett, *The Birth of the Museum*.
[11] Quintin Hoare and Geoffrey Nowell-Smith, eds., *Selections from the Prison Notebooks of Antonio Gramsci* (New York, NY: International Publishers, 2001).
[12] Richard D. Altick, *The Shows of London* (Cambridge, MA: Belknap Press, 1978), 415.
[13] Duncan, *Civilizing Rituals*.
[14] Ketelaar, "Archival Temples, Archival Prisons," 234.

search room, researchers have to keep silent, and they are under constant supervision. Some archives employ for this surveillance uniformed guards and closed circuit television cameras (as in the National Archives of Canada and the United Kingdom's Public Record Office): the true panoptical seeing without being seen. In most search rooms, the archivist on duty is seated on an elevated platform, from which he or she has a panoptic view, global and individualizing, of each and every "inmate" of the search room …They are disciplined as children in a classroom.[15]

A recent article on "decolonizing" archival reading rooms has likewise argued that these surveillance practices and legacies continue today.[16]

In this paper, we broaden the independent critiques of libraries, archives, and museums (by Radford et al., Adler, Ketelaar, Bennett, Duncan, and others) to LAM institutions writ large, drawing connections between these sites and ongoing racist, classist and oppressive designs. We do so by dialing in on the ethical premise that justifies panoptic systems—utilitarianism—and explain how the glorification of pragmatism reifies systems of control and oppression. A consequentialist normative ethical approach, utilitarianism prioritizes actions that present "the greatest good for the greatest number of people". Those rendered to the margins of society—communities beyond the "greatest number of people"—seldom benefit from said "greatest good,"[17] and too often, LAM disparities masked as standard operating procedures contradict an espoused beneficence, thus posing harm. As Howard Zinn famously said of archivists, many see their work, "as a technical job, free from the nasty world of political interest: a job of collecting, sorting, preserving, making available, the records of the society," yet they tend "to perpetuate the political and economic status quo simply by going about [their] ordinary business." [18] Adherence to everyday bureaucratic processes that seem innocuous perpetuate white racialized power and systemic oppression.

We begin by revisiting Benthamian and Foucauldian ideas of panoptic power and then LIS interrogations of those works to examine the role of LAM institutions as sites of social enmity. We then describe examples of surveillance and state power as they manifest in contemporary data infrastructure and LAM institutional practices, showing how LAM institutional fixations with utilitarianism reify the U.S. carceral state through norms such as the aggregation and weaponization of user data and the overreliance on

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[15] Ketelaar, 234-235.

[16] Rose Buchanan et al., "Toward Inclusive Reading Rooms: Recommendations for Decolonizing Practices and Welcoming Indigenous Researchers," *Archival Outlook* (January/February 2021): 4-5, 14.

[17] Patricia Hill Collins, *Black Feminist Thought*, 3, 295.

[18] Howard Zinn, "Secrecy, Archives, and the Public Interest," *The Midwestern Archivist* 2, no. 2 (1977): 20.

metrics. Such practices are akin to systemic surveillance and criminalization. Finally, we reflect on how LAM workers can combat structures that rely on oppressive assumptions and claims to information authority.

BENTHAMIAN UTILITARIANISM, PANOPTICISM, AND FOUCAULT'S CRITIQUE

The English naval architect and inventor Samuel Bentham first developed the concept of the panopticon and the idea was radically expanded by his older brother, Jeremy Bentham. Samuel envisioned a circular "Inspection House" in an attempt to improve efficiency among dockworkers and limit the theft of materials from dockyards.[19] He conceived of a building designed to enable a warder to oversee multiple people at once without them seeing him—the possibility that one is under observation is supposed to be as effective at encouraging self-regulation as actually being under observation at all times. Jeremy Bentham dramatically expanded the architectural concept to "all establishments whatsoever" including prisons, schools, workhouses, hospitals, and asylums, believing every problem could be solved by systems and architecture of one-way surveillance in which a morally sound master, warden, or other custodian surveils a population that cannot see him. He published extensively on the virtues of panoptic architecture, and repeatedly lobbied the British government for a contract to build a panoptic prison in Ireland, which ultimately failed. Yet *panopticism as a concept* has exercised profound force on a wide range of discourses, policies, technologies, and practices and can count among its many modern outgrowths closed circuit television (CCTV), barcodes, and security scanners at building exits—technologies that encourage compliance on the basis that someone can trace our movements or might be watching.

Jeremy Bentham proposed the prison panopticon as an alternative to penal transportation, and frames each application of the architecture as better, more effective, efficient, and humane than the existing alternatives. In the case of schools, Bentham counters the probable objections of parents who might wonder "whether [within a panopticon] the liberal spirit and energy of a free citizen [child] would not be exchanged for the mechanical discipline of a soldier, or the austerity of a monk? And whether the result of this high-wrought contrivance might not be constructing a set of *machines* under the similitude of *men*?" He suggested that this system will ultimately make the students happy because they are learning, and "call them soldiers, call them monks, call them machines, so they were but happy ones, I should not care."[20] This reasoning exemplifies

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[19] Philip Steadman, "Samuel Bentham's Panopticon," *Journal of Bentham Studies* 14, no. 1 (2012), https://doi.org/10.14324/111.2045-757X.044.

[20] Jeremy Bentham, *Panopticon; or, The Inspection House: Containing the Idea of a New Principle.* Re-printed and sold by T. Payne, 1791, accessed December 14, 2022, http://archive.org/details/panopticonorins00bentgoog, 126, 128.

utilitarianism as a significant aspect of Bentham's thought. If learning is the goal of schools and if students are achieving that goal to their maximum potential, they will be happy, and we should be happy. Crucially, happiness is not the end itself; learning is, and Bentham assumes that maximal conformity, or the maximum appearance that a child is learning, will lead to happiness.

In his 1829 "Article on Utilitarianism," Bentham conceived of a well-structured populace as one guided by "universal interest," or the greatest benefit for the greatest number of people. Bentham described utility as the property that "tends to produce benefit, advantage, good or happiness," and the correlative utilitarian principle as that which "approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question."[21] Bentham conceived of the role of government as being to ensure that members of society make more effective decisions by understanding duty and consequences. The legislator's objective, then, is not to further all individual interests, but to "to further their 'real' interests, that is, what they would choose if they were fully rational and informed."[22]

Foucault's *Surveiller et Punir*: *Naissance de la Prison* (1975) analyzes the dangers to society as a whole when systems of surveillance move from visible spectacles to hidden systems and when their utilitarian underpinnings become obscure. He analyzes Bentham's schemes as indicative of wider shifts in power within post-monarchic nation-states and expands the concept to understand surveillance-based technologies of power throughout nineteenth and twentieth-century societies. Foucault observed the panopticon as metonymic of broader modes of state power and technologies. He argued that the removal of public spectacles of punishment (which so clearly showed monarchic centralized power) were replaced post-French Revolution by a more insidious form of state power in which the state appears benevolent while less visibly enacting violence and power against the working classes. This largely invisible panoptic model acculturates rather than forces people into certain behaviors and ideologies. If people have the impression of being surveilled, even in the absence of someone in the proverbial tower, "a real subjugation is born mechanically from a fictitious relation."[23] It is thus the perfect form of invisible power. He writes,

> In each of its applications, it makes it possible to perfect the exercise of power. It does this in several ways: because it can reduce the number of those who exercise it, while increasing the number of those on whom it is exercised…because the

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[21] Stanford Encyclopedia of Philosophy, *Jeremy Bentham,* accessed December 14, 2022, https://plato.stanford.edu/entries/bentham/.

[22] Stanford Encyclopedia of Philosophy, *Jeremy Bentham*.

[23] Foucault, *Discipline and Punish*, 202.

constant pressure acts even before the offenses…it is exercised spontaneously and without noise…it acts directly on individuals; it gives "power of mind over mind."[24]

Whereas Foucault identifies a fundamental flaw in panopticism as the enormous imbalance in power between the observer and the observed, Bentham identified a different potential flaw: a warder or observer in the tower might be corrupt. In this respect, he conceded that the architecture of surveillance he believed to be capable of facilitating perfect learning, perfect reform, perfect health management and more, was equally capable of complete corruption and abuse. But rather than foreseeing the susceptibility of a panoptic system to abuse, Bentham argued that one could simply replace a corrupt warden with a good one. Just as we cannot root out racism by focusing exclusively on individual behaviors and beliefs rather than the societal structures that ensure racism and white privilege can thrive, we cannot improve panoptic systems simply by removing particular individuals from power.

PANOPTICISM AND LAM INSTITUTIONS

The defects in the Benthams' utilitarian panoptic systems, and yet the appeal and wide application of such systems, particularly digital ones (discussed below), have paved the way for anti-Black racism and dystopian forms of surveillance including CCTV, and the countless algorithms and programs that are threaded through educational, library, carceral, financial, insurance, and other systems that are designed to sort the deserving from the undeserving, the criminal from the innocent.[25] In response to learning that Bentham's panoptic design was inspired in part by his travels to West Indian slave colonies, Simone Browne opens *Dark Matters: On the Surveillance of Blackness* with this provocation: "How must we grapple with the panopticon with the knowledge that somewhere within the history of its formation are eighteen 'young Negresses' held 'under the hatches?'"[26] Indeed, it is impossible to separate the ongoing surveillance and

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[24] Foucault, 206.

[25] Cathy O'Neil, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (London, UK: Penguin Books, 2017); Safiya Umoja Noble, *Algorithms of Oppression: How Search Engines Reinforce Racism* (New York, NY: New York University Press, 2018); Jeanie Austin and Melissa Villa-Nicholas, "Information Provision and the Carceral State: Race and Reference beyond the Idea of the 'Underserved,'" *Graduate School of Library and Information Studies Faculty Publications*, January 1, 2020, https://doi.org/10.1080/02763877.2019 .1645077; Jeanie Austin, *Library Services and Incarceration: Recognizing Barriers, Strengthening Access* (Chicago, IL.: ALA Neal-Schuman, 2021).

[26] Browne, *Dark Matters*, 9.

subjugation of Black and minoritized communities from the history of mass enslavement of Africans and other people of color. Browne argues that a core aspect of anti-Black racism and criminalization is the assumption that delinquency is evidential and thus preventable,[27] as is similarly contended by Byfield's critique of "deterrence theory."[28] And so another defect in panoptic systems, one that Browne, Byfield, and Harcourt bring to the fore, is that neither law enforcement, police presence, nor surveillance redress crime-inducing conditions such as abject poverty and displacement. Panoptic tactics fail at thwarting "quality of life crimes," or attempts to improve economic survival and social inclusion.[29] Anti-Black patterns of penalty, which Browne suggests are the interlocking panoptic practices, performances, and policies by which surveillance operate, also function in LAM spaces when LAM visitors (and non-visitors) are observed and sorted according to idealized, racialized notions of who belongs in these settings, and what constitutes an upstanding and learned citizen.

Many LAM practices from the late nineteenth century to the present, from visitor tracking to patron data sharing, fall within this utilitarian value system to the detriment of people of color and minoritized communities more broadly. The effects of panoptic technologies and practices such as CCTV and patron-tracking are of utmost importance for members of LGBTQIA+ and/or immigrant and/or Black, Brown, Indigenous and/or other minoritized communities. Black people, especially, have long contended with overseers and controllers. Enslavers oppressed and subjugated Black people all over the world, including the U.S. The remnants of slavery persist through ideas of Black inferiority, a line of thinking that equivocates Black populations with criminality.[30] Notions of Black inferiority imply that Black males are overrepresented in U.S. prison populations because this group is inherently criminal. Instead, anti-Black racism and slavery set a historical standard for what is considered criminal. Remarkably, escaping slavery was itself legally codified as stealing property.[31] While it is well known that Black males are incarcerated at a rate of nearly six times greater than white males, the norms that brand marginalized community members as vagabonds and violators remain uninterrogated.

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[27] Browne, 93.

[28] Natalie P. Byfield, "Race Science and Surveillance: Police as the New Race Scientists," *Social Identities* 58, no. 4 (2019): 4, 10, https://doi.org/10.1080/13504630.2017.1418599; George L. Kelling and James Q. Wilson, "Broken Windows: The Police and Neighborhood Safety," *The Atlantic*, March 1982, https://www.theatlantic.com/magazine/archive/1982/03/broken-windows/304465/; Bernard E. Harcourt, *Illusion of Order: The False Promise of Broken Windows Policing* (Cambridge, MA: Harvard University Press, 2001).

[29] Byfield, "Race Science and Surveillance."

[30] Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2019).

[31] Muhammad, *The Condemnation of Blackness*, 45.

These disparities in incarceration rates and the void of questioning of systems of domination are neither haphazard nor coincidental. Rather, racial inequity is born of insidious physical, psychological, and economic violence. It is intensified through structural exclusion from opportunities. It is maintained through relentless scrutiny experienced by people of color—Black people uniquely. In response to centuries-old racial trauma, a growing number of LAM workers call for de-escalation as opposed to punitive organizational cultures, decarceration rather than over-policing, along with LAM institutional divestment from the prison industrial complex. Initiatives such as the Abolitionist Library Association and the Library Freedom Project seek to remedy LAM institutional practices that reflect white racialized, carceral, and panoptic origins.

There exist links between Foucault's critique of panoptic engrossments with utility and order and what David James Hudson describes as the "whiteness of practicality" in LAM institutions. Hudson suggests practicality remains a dominant value and locus of power in that:

> the exalted status of the practical in our field reproduces conditions through which whiteness sustains its dominative power by foreclosing spaces of critique in which the complex, ever-shifting dynamics of white supremacy might be confronted.[32]

LAM institutions and cognate public settings also enact panopticism, as Foucault writes elsewhere when discussing "heterotopic" places that are associated with multiple topics.[33] For example, common forms of censorship, silence, essentialism, and erasure that occur within LAM collections point to socially conformist views that primarily satisfy white racialized priorities. Radford, Lingel, and Radford[34] elaborate on the relationship between libraries and heterotopic spatial experience, suggesting that "rules of conduct" and "power relations" are among the qualities that libraries bring forth.

Oppressive LAM structures thus occur through, among many tactics, a deference to utilitarian ethos, or the type of pragmatism that calls for the panoptic systems and legal

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[32] Hudson, "The Whiteness of Practicality," 206.

[33] Michel Foucault, translated by Jay Miskowiec, "Of Other Spaces," *Diacritics* 16, no. 1 (1986): 22-27, https://doi.org/10.2307/464648; Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York, NY: Routledge, 2003).

[34] Marie L. Radford, Jessica Lingel, and Gary P. Radford, "Alternative Libraries as Heterotopias: Challenging Conventional Constructs" (paper presented at the Library Research Seminar V, University of Maryland, College Park, MD, October 6-9, 2010), http://lrsv.umd.edu /abstracts/Radford_et_al.pdf; Gary P. Radford, Marie L. Radford, and Jessica Lingel, "The Library as Heterotopia: Michel Foucault and the Experience of Library Space," *Journal of Documentation* 71, no. 4 (2015): 733-751, https://doi.org/10.1108/JD-01-2014-0006.

codification of behavioral deviance to ensure a functional society.[35] Race is reliably commingled with behavior understood to contribute to society, that which often misconstrues expediency and conformity as common sense, sound judgment, and prudence, but ultimately preserves the interests of those already in power. This reasoning is reminiscent of what Hudson posits is an appeal not to simplified, democratic information access, but to the normative rhetoric of intelligence and hegemonic value that exalt ruling classes.[36] It also strongly echoes Howard Zinn's arguments about the hegemony embedded in bureaucratic everyday practices.[37] In the following sections, we detail contemporary practices in information systems.

LEGAL DATABASES, SURVEILLANCE, AND IMMIGRATION IN LIBRARIES

The US government's use of surveillance-based power to curtail seemingly abhorrent "foreigners" is hardly new. White lawmakers' policing and patrolling of immigrants dates back to the 1882 Chinese Exclusion Act and subsequent detention of Asian immigrants on California's Angel Island, a brutal anti-immigrant facility and stark contrast to the immortalized Ellis Island that received millions of mostly white racialized, European immigrants. Erika Lee describes Angel Island as a distinctly Anti-Asian tool of state power made possible because "race has always been the determining factor in distinguishing 'good' immigrants and future Americans from 'bad' ones."[38] From the nation's start, white supremacy was instrumental to establishing which kinds of people were deemed assimilable and worthy of inclusion. A white supremacist immigration legal system was set in motion shortly after the US' founding with the 1790 Naturalization Act that granted citizenship to foreign-born white persons of "good moral character" who resided in the country for two years. [39] While white European immigrants benefited from land acquisition, political power, and social status, Asian and Hispanic immigrants were systematically oppressed, to say nothing of the millions of Africans forced to migrate as a result of enslavement.

One hundred years after the first anti-immigrant law, US lawmakers explicated and expanded the federal government's immigration enforcement authority through the

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[35] Yeshimabeit Milner, "Abolish Big Data" (paper presented at Data Intersections 2020, University of Miami, Miami, FL, February 13, 2020), https://ccs.miami.edu/data-intersections-symposium-2020/. Recording available at https://www.youtube.com/watch?v=wR5i6qXJH4o.

[36] Hudson, "The Whiteness of Practicality," 211.

[37] Zinn, "Secrecy, Archives, and the Public Interest."

[38] Erika Lee, *America for Americans: A History of Xenophobia in the United States* (New York, NY: Basic Books, 2019).

[39] Jia Lynn Yang, *One Mighty and Irresistible Tide: The Epic Struggle Over American Immigration, 1924-1965* (New York, NY: W.W. Norton & Company, 2020).

Immigration Act of 1891, thus heightening the risk of exclusion and deportation, particularly among immigrants of color. For the next seventy years, the means of legally targeting, scrutinizing, and rejecting immigrants intensified through widespread, racist reliance on eugenics "to justify immigration restriction and engineer the racial composition of the country."[40] Pseudoscience purporting to substantiate white genetic superiority influenced the Immigration Act of 1924, a highly restrictive and quantitatively discriminatory system that relied on "national origins" to determine immigrants' admissability.[41] Though this law was reversed with the 1965 Immigration and Nationality Act, immigration policy was already fused with racist "knowledge" or "intelligence." Presumably objective, functional tools such as mass record-keeping, risk actuaries, and e-government portals to manage immigration resulted in the wide-reaching production and reliance on demographic information for population (mainly people of color) control. Therein, again, we witness the "whiteness of practicality."[42]

Immigration policy generates racist oppression through, among other means, biometric information technology. Browne critiques this type of violence as a "mass corporate and crown registration of people by way of corporeal markers"[43] and traces the pervasiveness of information technology to the "making, marking, and marketing of the Black subject as commodity."[44] In other words, biomedical technology has roots in the application of slave branding used to prevent escapes. Modern-day biomedical tools similarly stigmatize minoritized people as fugitive or delinquent. In the same way, "crimmigration" philosophy marks those considered trespassers of a white racialized nation. To this, Browne suggests that contemporary biometric information technologies– "the iris scanners and fingerprint readers that are said to secure borders and protect a collective 'us' from identity fraud"[45]—stems from slavery-era criminalization practices.

When we understand how white supremacy shapes knowledge, information, and data, we are better able to ascertain how anti-immigrant bias becomes programmed within federal immigration systems and why private entities profit from the government's growing demand for surveillance. We can then comprehend crimmigration, or immigration capitalism's expansion to other knowledge systems such as academic publishing, as we will discuss. It is not by happenstance that the Obama administration's record-breaking numbers of immigration detentions and deportations coincides with the introduction of risk management tools thought to afford objectivity, efficiency, and

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[40] Lee, *America for Americans*, 115.
[41] Lee, 206.
[42] Hudson, "The Whiteness of Practicality."
[43] Brown, *Dark Matters*, 94.
[44] Browne, 91.
[45] Browne, 92.

accountability—this is to say practical outcomes—to immigration control. [46] White racialized logic therefore culminates in data-driven immigration decision-making that is uncritically accepted as reliable, evidentiary, and authenticated. The misconstruction of the quantified as valid has given way to punitive, racially biased, and authoritarian immigration schemes, including the reintroduction of mass detention camps throughout the 1980s and 1990s to deter mainly Haitian and Central American migrants. Xenophobia toward those fleeing political unrest and natural disasters in the poorest countries in the Western hemisphere is all the more heightened today. Though initially contrived as practical solutions to reform immigration policy and address large-scale displacement, modern anti-immigration technological tactics are more sophisticated—and flawed—than ever before.

Academic publishing companies are now enmeshed in this oppressive anti-immigrant panoptic reality. Several scholarly and legal corporations that began as library vendors are juggernauts in corporate information mining. Thomson Reuters[47] has long been a part of law enforcement intelligence and predictive policing, while LexisNexis is now a crucial product in the US Department of Homeland Security's Immigration and Customs Enforcement (ICE) detention and deportation decision-making. [48] WestLaw similarly provides private data brokering to government surveillance programs.[49] Among many invasive methods, these database corporations aggregate public and private personal identifying information including cellular subscriber data, public utility records, and GIS images. It is therefore reasonable to question whether legal database vendors accumulate data on the searching behavior of their own licensees, though vendors' pricing, indexing, and schemes are notoriously mysterious [50] —another reality of criminalization capitalism.

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[46] Daniel E. Martinez, Jeremy Slack, and Ricardo Martínez-Schuldt, "The Rise of Mass Deportation in the United States," in *The Handbook of Race, Ethnicity, Crime, and Justice,* 173 (2018), 535-540.

[47] Sarah Lamdan, "Librarianship at the Crossroads of ICE Surveillance," *In the Library with the Lead Pipe,* November 13, 2019, http://www.inthelibrarywiththeleadpipe.org/2019/ice-surveillance/.

[48] Sam Biddle, "LexisNexis to Provide Giant Database of Personal Information to ICE," *The Intercept,* April 2, 2021, https://theintercept.com/2021/04/02/ice-database-surveillance-lexisnexis/.

[49] Sarah Lamdan, "When Westlaw Fuels ICE Surveillance: Legal Ethics in the Era of Big Data Policing," *NYU Legal Review and Social Change* 43 (2019): 255; Sarah Lamdan, *Data Cartels: The Companies That Control and Monopolize Our Information* (Stanford, CA: Stanford University Press, 2022).

[50] Lawrence A. West, Jr. "Private Markets for Public Goods: Pricing Strategies of Online Database Vendors," *Journal of Management Information Systems* 17, no. 1 (2000): 59-85.

The partnership among WestLaw, Thomson Reuters, LexisNexis and the US penal system is a conflict of interest for lawyers and librarians alike in that these database systems aid in client or visitors' adverse circumstances. Immigrant advocacy groups such as Mijente (#NoTechForIce) and Moving Toward Justice decry such injustices, citing the need to create new governance systems that uphold human rights, respect the dignity of all people, and reflect the values of justice and fairness.[51] Rather than holding data brokers to account, panoptic structures are scaffolded through loopholes in the federal codes regulating criminal justice,[52] essentially, facilitating and fortifying the sale of information to law enforcement. Even more troubling, LAM institutions, academic and law libraries in particular, accommodate criminalization capitalism, or the mining and selling of user information to law enforcement entities, which thus enables surveillance without cause or warrant.[53] By design, criminalization capitalism targets people of color, by employing historical-racist definitions of suspicion, deviance, and danger.[54] Black diasporic immigrants make up nearly thirty percent of all detained and deported migrants despite comprising only nine percent of those who are undocumented,[55] and Black people, men in particular, are far more likely to die at the hands of police.[56]

This ecosystem of information thrusts those who are already vulnerable to police violence into deeper distrust toward not only law enforcement but record-keeping institutions.[57] Brayne finds that the impact of being under government custody, surveillance, or detention is traumatizing to the extent that individuals who come in contact with law enforcement are significantly more likely to avoid public entities that maintain formal records, risking exclusion from social safety nets. This "system avoidance" is the antithesis of high-trust societies,[58] of which, to many, LAM institutions purport to emblematize. Criminalizing partnerships, however, affect the trust that is

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[51] Moving Toward Justice, Principles, accessed October 19, 2021. https://movingtowardjustice.org/principles; See also the resource list complied and updated by Mijente, "No Tech For ICE: Librarians in Action," https://notechforice.com/resources/. Accessed December 21, 2022.

[52] Sarah Lamdan, "Librarianship at the Crossroads."

[53] Angela J. Hattery and Earl Smith, *Policing Black Bodies: How Black Lives are Surveilled and How to Work for Change* (Lanham, MD: Rowman & Littlefield Publishers, 2021).

[54] Muhammad, *The Condemnation of Blackness*; Browne, *Dark Matters*.

[55] Ashley Nellis, "The Color of Justice: Racial and Ethnic Disparity in State Prisons," The Sentencing Project, 2021, accessed November 1, 2021, https://www.sentencingproject.org /publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/

[56] Hattery, *Policing Black Bodies*.

[57] Kaaryn Gustafson, *Cheating Welfare: Public Assistance and the Criminalization of Poverty* (New York, NY: New York University Press, 2011).

[58] Francis Fukuyama, *Trust: The Social Virtues and the Creation of Prosperity* (New York, NY: Free Press, 1996).

possible between communities that have been historically hyper-policed and criminalized and LAM services. [59] Although there is growing awareness of scholarly publishers' complicity in "crimmigration" norms,[60] many LAM workers remain unaware of the creep of surveillance that now encompasses supposedly discrete institutions not overtly associated with crime control, including libraries and academic publishers. Brayne calls this panoptic fusion "the surveillant assemblage," or a system aimed at performing surveillance and social control functions.[61]

SURVEILLANCE, MUSEUMS, AND VISITOR STUDIES

Another layer of inequity occurs vis-a-vis the positioning of LAM institutions as passive receivers of information flows rather than creators of knowledge control and social power. LAM decision-makers and workers permit and even further social enmity when they miscalculate or underrate their authority. The documents within libraries, archives, and museums symbolize the learned, disciplined person who reflects the cultural theses of law-abiding citizenry. This value system culminates in a complex social stratification and dominance that contributes to racist, classist LAM institutional policies, methods, and systems including biased subject headings,[62] inequitable information access, and the abuse of user data. These norms are a "material practice, a lived experience with complex, far-reaching physical entanglements."[63]

Surveillance can manifest not only as remarkably invasive information devices, but also the covert fixation with quantification. LAM institutions covet economy and empiricism. Hudson observes that domination is normalized when those in power position it as natural and unquestionable. Simplicity and efficiency, also core values of utilitarianism, are key strategies in the "machinery of domination," Hudson asserts, and "domination would seem to wish to convince us that the expressed languages of its complex systems are actually not complex at all and are not about domination at all, that they are simple and commonsensical and ordinary."[64]

An understated deference to computing and categorizing visitor engagement, particularly within museums, functions to reinforce social typologies or, more commonly,

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[59] Brayne, "Surveillance and System Avoidance," 370.

[60] SPARC, "Addressing the Alarming Systems of Surveillance Built by Library Vendors," SPARC, Scholarly Publishing and Academic Resources Coalition, April 9, 2021, https://sparcopen.org/news/2021/addressing-the-alarming-systems-of-surveillance-built-by-library-vendors/.

[61] Brayne, "Surveillance and System Avoidance," 371.

[62] Adler, *Cruising the Library*.

[63] Hudson, "The Whiteness of Practicality," 225.

[64] Hudson, "The Whiteness of Practicality," 216.

typecasts. Like the panopticon, those in power design these structures to be invisible. Stealth evaluation methods have grown in the name of "effective assessment" as LAM institutions come under increasing pressure to adopt efficient business models. LAM workers therefore aggrandize what Marilyn Strathern describes as audit cultures[65] in order to both measure impact and market to new "target" audiences. As such, LAM workers' pursuit of legitimacy gives way to the tyranny of metrics[66] of visitor behavioral data. Strathern sees a culture of auditing as that which is "molded and managed according to what seems an almost ubiquitous consensus about aims, objectives, and procedures. The emergent consensus is one which endorses government through the twin passage points of economic efficiency and good practice."[67] As LAM institutions begin to expand their methods for studying patron behavior, they should be aware of historically objectifying and othering underpinnings.

In museology, the practice of studying, counting, and analyzing visitors has a deep history that runs parallel to the development of the modern public museum, with all of its attendant civilizing and racializing practices. Early Anglo-American museums (whose histories coincide with those of libraries and special collections) emerged with the Enlightenment era's emphasis on classificatory systems whereby knowledge could be gleaned by looking at objects by category or chronology.[68]

It was not until the development of world's fairs and subsequently the modern public museum in the nineteenth century, however, that the study of visitors became important in the public realm and to the state. Industrial exhibitions erupted alongside the industrial revolution and the rise of nationalism. As Greenhalgh writes such fairs were the "outward manifestations of a nation attempting to flex economic, national, military and cultural muscles."[69] Museum exhibitions sought to educate and civilize the mass public—to produce knowledge through order. In the early "exhibitionary complex," as posited by Bennett and described above, visitor statistics were enacted to show evidence of "the museum's capacity to carry the improving force of culture to the working classes" and a wider visitor demographic (then relating to social class). The museum thus created a growing civilized middle class, whose identity was largely founded on its differentiation

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[65] Marilyn Strathern, *Audit Cultures: Anthropological Studies in Accountability, Ethics, and the Academy* (New York, NY: Routledge, 2000).

[66] Jerry Z. Muller, *The Tyranny of Metrics* (Princeton, NJ: Princeton University Press, 2019).

[67] Strathern, *Audit Cultures*, 1.

[68] Tony Bennett, *The Birth of the Museum*; Jeffrey Abt, "The Origins of the Public Museum," in *A Companion to Museum Studies*, edited by Sharon MacDonald (New York, NY: Routledge, 2006), 115-134.

[69] Paul Greenhalgh, *Ephemeral Vistas: The Expositions Universelles, Great Exhibitions, and World's Fairs, 1851-1939* (Manchester, UK: Manchester University Press, 1988), 6-7.

from other uncivilized communities and races. Like its objects, the early museum classified persons into categories—here by class and race.[70]

The first attempts to study visitor behaviors within the exhibition began in the early twentieth century. Alongside increased initiatives toward the use of museums for educating school children, a few institutions began conducting "objective observations," noting "hot" and "cold" spots in exhibitions. Others began "trackings," mapping visitors' "patterns of movement," stops, and exits to illustrate which gallery areas were most popular.[71] The trend toward gathering such metrics increased to the point that by the 1990s, most public museums had either established a Visitor Studies position or department or begun to hire private consulting companies to complete the task.[72] Modes of "unobtrusive observation" evolved to visitor "tracking," which involves following visitors through a gallery space or watching them through CCTV cameras, and collecting data about their movements. Timing and tracking, still a popular methodology today, enacts panoptic surveillance. Much of this work is delegated to interns who are equipped with tools like a stopwatch, clipboard, gallery map, and a set of codes for documenting movement (i.e., G, for glance, any time under five seconds looking at an object; L, for Look, any time over five seconds spent looking at an object; or Ph, for taking a photograph). Visitor movements are documented through museum CCTV or what amounts to lurking in sections of the facility. Visitor studies is, thus, a manifestation of panoptic surveillance or state-like discipline in the museum, and in the way museum "habitus"[73] or ritualized behavior might be conceived.[74]

Some visitor studies interviews culminate in publications suggesting, among other prejudices, that, "visiting museums is less popular among Asian and Afro-Caribbean ethnic groups."[75] A substrate of museum logic therefore illustrates how visitor typologies act metonymically in visitor studies discourse. Data collected through visitor studies relies on curatorial authority to create a surveillance paradigm with class and race-based impacts.

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[70] Bennett, *The Birth of the Museum*, 8.

[71] Eilean Hooper-Greenhill, "Studying Visitors," in *A Companion to Museum Studies*, edited by Sharon MacDonald (New York, NY: Routledge, 2006); Ross Loomis, *Museums Visitor Evaluation: New Tool for Management* (Nashville, TN: American Association for State and Local History, 1987).

[72] George E. Hein, *Learning in the Museum* (New York, NY: Routledge, 1998), 56.

[73] See Pierre Bourdieu, *Distinction: A Social Critique of the Judgement of Taste,* translated by Richard Nice (Cambridge, MA: Harvard University Press, 1984) and Pierre Bourdieu, *Outline of a Theory of Practice,* translated by Richard Nice (New York: Cambridge University Press, 1977).

[74] Duncan, *Civilizing Rituals*, 1.

[75] Eilean Hooper-Greenhill, *Museums and Their Visitors* (New York, NY: Routledge, 1994), 65.

These efforts continue under the premise that museums should be "equally accessible to all sections of the population."[76] It is in defining these "sections" or "target groups" that its rhetoric becomes problematic. By defining what "sections" or "groups" of the population frequent museums—the "white, middle-classes"—this discourse "others" those beyond that category. For instance, the Museum of London and National Portrait Gallery both decided to "broaden and diversify the audience" after statistical surveys concluded that the museum had "a lack of certain groups, including Black and Asian people and other minority groups."[77] Statistics are made to do politicized work, namely, to classify audience "types." As Ruth Phillips wrote, "diasporic movements, educational systems, and multicultural policies in the arts are producing new, 'non-traditional' visitors who are socialized to understand the hierarchy of value inscribed by the Western art and culture system."[78] By titling certain audiences "new" or "non-traditional,"[79] it implies that "they" are an "other" opposed to "traditional" audiences, while treating the "traditional" audience as a monolithic entity. These categories leave little room for the complexity of visitor identities and backgrounds, or for the complexity of visitors' receptions of exhibitions.

Furthermore, the manner in which so-called new audiences are encouraged to come to the museum, to gain an educational experience, to help the museum create exhibits that will relate to them, and thus educate them, eerily recalls nineteenth-century museological and colonial patrimony. These discourses perhaps act as part of the "machinery for producing progressive subjects" and "induct the visitor into an improving relationship with the self."[80] Advisory boards, government institutions and funding bodies, which require quantifiable data to measure the success of exhibitions and ensure that perceived target audiences attend museums, continue to require panoptic surveillance and reproduce these kinds of systems.

LAM institutions, researchers, and practitioners alike should be wary of the history of these methods, and their links to white racialized, paternalistic, and othering frameworks. We must recognize, too, that racialized identities form not on account of common physical characteristics but shared social status. Data is regularly used to craft a narrative that comports with the analyst's understanding of the world. Racialized metrics

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[76] Bennett, *The Birth of the Museum*, 7.

[77] Eilean Hooper-Greenhill, *Cultural Diversity: Developing Museum Audiences in Britain* (Leicester, UK: Leicester University Press, 1997), 7.

[78] Ruth Bliss Phillips, "Exhibiting Africa after Modernism," in *Museums after Modernism: Strategies of Engagement*, edited by Griselda Pollock and Joyce Zemans, 80-103 (Malden, MA: Blackwell, 2007), 100.

[79] Phillips, "Exhibiting Africa after Modernism," 100.

[80] Bennett, *The Birth of the Museum*, 47.

often evolve into systems of beliefs that, according to Browne, force assumptions of Black cultural abhorrence into frame.[81]

CONCLUDING THOUGHTS

The tendency among LAM workers is to disassociate daily, ordinary, and local practice from the conditions that uphold mass surveillance, policing, and criminalization. The systems of values applied to LAM locales and the materials within them stem from longstanding assumptions about what counts as culture and who can partake in and access it. And while LAM workers have long condemned external encroachments on patron privacy, many existing LAM structures rely on oppressive assumptions and claims to information authority. How information is collected, managed, and used in LAM institutions reflects white racialized prototypes of the ideal citizen. LAM workers uphold marginalization when they acquiesce to "civilizing" or really just convenient "good for most" systems, pressures, and ideology. Decision-makers' deference to convenience and desire for efficiency deepens inequality and further disadvantages historically subjugated communities.

Combating white racialized hierarchies and cultures of surveillance requires *in*convenience to undo systems of historical oppression. If LAM and knowledge workers are to embrace humanizing service, we must challenge the principles and practices of practicality and embrace our capacity to disrupt mass anti-Black criminalization and incarceration. We must not settle for small-scale or one-off (often project-based) improvements. As Howard Zinn wrote, "let's resist the characteristically American trick of passing off fundamental criticism by pointing to a few reforms…what is required then is to wrench ourselves out of our passivity, to try to integrate our professional lives with our humanity."[82] We must end relationships with vendors whose tactics contradict espoused LAM values, however inexpedient to our workflows, because effective service delivery must not and need not come at the cost of community members' personal sovereignty and wellbeing. We must seek alternatives to involving law enforcement and penal systems in our processes, even if doing so disturbs our operations. We must be alert to the central assumptions of our assessment and evaluation tools. By working within and with communities, rather than solely from LAM facilities freighted with civilizing structures and histories, LAM institutions can break free of colonially-designed, panoptic practices.

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[81] Browne, *Dark Matters*, 162.
[82] Zinn, "Secrecy, Archives, and the Public Interest," 25.

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