

The Xinjiang Detention Centers:  
A Perversion of Jeremy Bentham's Ideal Panoptic Structure or its Stark Reality?

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## **Abstract**

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Abstract: The modern convergence of technology and social control has met its current peak in Xinjiang, China, as millions of ethnic and religious minorities are targeted, confined, and reformed in the region's camp detention system. In an effort to contain social crisis and reinforce critical control over the region, the Chinese government has introduced harsh surveillance measures purposed to alter the region's culture and identity. The design and purpose of this immense program is not a new structure to mankind however, as English philosopher Jeremy Bentham had developed a precursor of this system in the form of the Panopticon in the late 18<sup>th</sup> century. Tracing the development and structure of Bentham's theoretical concept, it can be shown that the current detention system in Xinjiang is not a perversion of Bentham's design, but it's practical implementation in the modern surveillance state.

March 28, 2020.

## Introduction

The existence of detention centres for various minority populations in the Chinese northwest region of Xinjiang was fully revealed in 2017. However, the totality of the system was not clear until the middle months of 2018, and the structure of the system itself was not released until the inner documents outlining the layout, methods, and principle purpose of the centres were leaked in late 2019. Dissimilar from the camps of the early 20<sup>th</sup> century under the regimes of Hitler and Stalin, these centres are based in a structure purposed towards individual and social change through discipline, not the end result of death by punishment. As will be described later, the centres themselves are not free of punishment, far from it, but the methods through which sanctions are taken are derived towards a non-lethal purpose, and, therefore, the operative function of discipline is part of a dual system involving gratification and punishment. Additionally, unlike the concentration/work camps of the 20<sup>th</sup> century, the *modus operandi* of these Xinjiang centres follows a specific principle developed centuries before, knowingly or not, based on surveillance, or as Jeremy Bentham would label it, the Panopticon or Inspection House.

The Panopticon can be described as a non-traditional power structure based in behavioral control and reform through assumed permanent surveillance. A traditional power structure would be an institution like a prison, in which its purpose is to primarily confine the convicted, and secondly to punish. The Panopticon was distinct from this power structure, and with a different purpose altogether. It's base was a circular building with a tower in the center. Located within the tower was the 'Inspector's Lodge,' which could see all the individual cells or rooms at the circumference of the structure. One-way mirrors would cover all angles of the lodge, to allow the inspector to see all the inmates, yet ensure the inmates could never see the inspector, nor know if they were ever under watch at any given moment.<sup>1</sup>

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<sup>1</sup> Bahmueller, Charles F. *National Charity Company: Jeremy Bentham's Silent Revolution*. (Berkeley: University of California Press, 2018), 58-59.

The development and promotion of this principle was based out of a certain motivation, which is significant in understanding why Bentham promoted his creation for decades, and why the People's Republic of China (PRC) has undertaken a method strikingly similar. In this analysis, establishing context behind the motivation to promote the structure of what Bentham called the Panopticon carries value into the explanation of why China has implemented it.

### **Social Crisis and the Emergence of the Panopticon**

After the industrial revolution began to take full steam in England, major urban populations boomed as lower-class peasants and paupers fled to cities in search of employment. The Crown itself had no large part in caring for the poor; instead, thousands of churches ran a de-centralized system of welfare for the paupers who did not work.<sup>2</sup> The concept of workhouses became popular among the upper-classes, places where paupers could learn self-reliance and valuable work skills, and where overseers could profit as well. The church established initial workhouses in the mid-18<sup>th</sup> century, however, they were abysmal failures and popular sentiment towards pauper reform among the aristocratic class died out, except in particular cases such as Jeremy Bentham.<sup>3</sup> Bentham, born in 1748, was a philosopher, jurist, and aspiring social reformer, who sought to utilize his brother Sir Samuel Bentham's ideas of surveillance upon a broader range of institutions, such as prisons, factories, and schools, in the form of the Panopticon. The concept name stemmed from the Greek word "panoptes" or "all-seeing."

Bentham's letters regarding the Panopticon were put into a book together in 1791 titled *Panopticon; Or the Inspection House*, which detailed the application of inspection to all institutions which required it, and Bentham outlined the advantages of implementing such a system, which are addressed in a later section. What drove Bentham to promote this concept as a social solution was the crisis of 1795, a

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<sup>2</sup> Bahmueller, 30.

<sup>3</sup> Ibid, 31.

period which can be called a double panic of famine and revolution in England. As a cold winter killed a large portion of the crop yield, wheat prices soared. As Walter M. Stern describes in his article on bread prices during the 1795-1796 period: "... the price development of 1795-1796 exhibited crisis symptoms."<sup>4</sup>

Additionally, as a result of these growing food prices, "food riots" broke out among major city centres, and the proportion of the poor receiving relief reached a third of the population in some areas.<sup>5</sup> The violent revolution across the channel in France worried the aristocratic class in England, as rioters had mobbed King George III on his way to Parliament, and reformers held major demonstrations in 1796 with claimed numbers upwards of 150,000.<sup>6</sup> It was upon these events that Bentham began to promote his idea of the Panopticon amongst the upper classes as a method of containing social crisis and ensuring stability; however, the plan put forward by Bentham was never adopted nor implemented by the powers that be, as they introduced more traditional and feasible methods of quelling social unrest.

The movement and recent history of China towards the adoption and implementation of the panoptic principle is better detailed and clear; however, it is strikingly similar to what we know of why Bentham promoted the same basic principles over two hundred years earlier. The north-west region of Xinjiang is an arid and desert region of China, officially titled the "Xinjiang Uyghur Autonomous Region." It holds a population of roughly 24 million people, with a vast diversity of ethnicities calling this area home, with 45 percent of the population comprising of Uyghurs, 10 percent Turkic Muslim Kazaks, and 40 percent Han Chinese, the dominant ethnic group in China.<sup>7</sup> Xinjiang remains a distinct region in China due to it's

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<sup>4</sup> Stern, Walter M. "The Bread Crisis in Britain, 1795-96." *Economica* 31, no. 122 (1964), 168: 168–87. <https://doi.org/10.2307/2551353>.

<sup>5</sup> Bahmueller, *National Charity Company*, 34.

<sup>6</sup> *Ibid*, 35.

<sup>7</sup> Chung, Chien-Peng. "Chinas Uyghur Problem after the 2009 Urumqi Riot: Repression, Recompense, Readiness, Resistance." *Journal of Policing, Intelligence and Counter Terrorism* 13, no. 2 (April 2018), 185, 186–201. <https://doi.org/10.1080/18335330.2018.1475746>.

linguistic, religious, and cultural differences from the rest of the country itself, creating significant divergent identities between these minority groups and the majority Han Chinese. The way Chinese see these minority groups is similar to how the aristocratic class saw the paupers; “Uighurs, in the eyes of most Han, are dangerous criminals and thieves to be avoided...”<sup>8</sup>

These cultural and religious cleavages have resulted in a strenuous relationship between Beijing and the region’s inhabitants, as Uyghur and other minority populations desire separation from the Chinese state, while the Chinese Communist Party (CCP) actively combats this sentiment to maintain control over the region. The intensification of this relationship led to numerous violent incidents, which have continued to push Beijing closer and closer to Bentham’s system of control based on the Panopticon.

China’s ‘war on terror’ after 9/11 saw the targeting of Uyghur Muslim groups, leading to outbursts of action against the state by Uyghurs, such as the 2009 Ürümqi riots, which involved thousands of Uyghurs in a 7-day spate of violent riots, after which the PRC stated that nearly 200 Han Chinese had died, resulting in radicalized state action against these minority populations.<sup>9</sup> In 2010 the First Xinjiang Work Forum was held, which determined the methods to be taken to ensure stability going forward in the region.<sup>10</sup> These methods were based in economic motivations and conviction that economic development would quell ethnic separatism. After the first Xinjiang Work Forum there were numerous acts of violence against Han Chinese and state actors, including an ax-attack in 2012 killing 13 in Xinjiang’s Kashgar prefecture, a knife attack against police stations and a local government building in 2013 leaving 27 dead located in the Turpan prefecture, a vehicle attack claiming the lives of 2 victims

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<sup>8</sup> Ibid, 197.

<sup>9</sup> Zenz, Adrian. “‘Thoroughly Reforming Them towards a Healthy Heart Attitude’: China’s Political Re-Education Campaign in Xinjiang.” *Central Asian Survey* 38, no. 1 (May 2018): 102–28. <https://doi.org/10.1080/02634937.2018.1507997>.

<sup>10</sup> Chung, Chien-Peng, 186.

and dozens of injuries near Tiananmen Square in 2013, and a large knife attack in 2014 outside Xinjiang which took the lives of 31 people and injured 141 others at a rail station.<sup>11</sup>

These incidents led to the Second Xinjiang Work Forum in 2014, which was attended by the entire CCP Politburo and 300 top CCP officials. The second work forum noted a distinct change in character and approach when compared to the first. It focused on security and stability itself and was clear on its support for new approaches towards achieving ethnic-unity.<sup>12</sup> This change is marked well in the transfer of Chan Quanguo from the Tibetan region to the Xinjiang region, replacing Zhang Chunxian as Xinjiang's Party Secretary. Quanguo had already established a reputation as a hardline party member during his time as Tibet's Party Secretary<sup>13</sup> and the policies which he began in Tibet were rapidly transferred into Xinjiang, but to a more extreme level.

Relevant to the later implementation of detention centers, or as CCP officials call "vocational training centers," are the laws and steps passed before, which served as a basis for what came later. One of the first reports of centralized re-education or reform of individuals came out of the Kashgar prefecture in 2014, where 259 people were entered into non-voluntarily 'closed-style training.'<sup>14</sup> Whether or not this 10-day period was at a dedicated facility is unknown; however, later that same year it was released that one county in Kashgar prefecture had developed a three-tiered system close to China's social credit system based on individual trustworthiness. China's social credit system is very similar to the surveillance principles followed in the Panopticon, as the state collects data on individuals through both digital and visual methods, and rewards or punishes accordingly.<sup>15</sup> However, the structure of this system differs from the Panoptic design, as the social credit system does not contain the physical structure

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<sup>11</sup> Ibid, 194.

<sup>12</sup> Ibid, 186.

<sup>13</sup> <https://jamestown.org/program/chen-quanguo-the-strongman-behind-beijings-securitization-strategy-in-tibet-and-xinjiang/>

<sup>14</sup> Zenz, 113.

<sup>15</sup> <https://www.businessinsider.com/china-social-credit-system-punishments-and-rewards-explained-2018-4>

intended to surveil of Bentham's design, as individuals have a modicum of privacy in their own homes, thereby removing the assumed aspect of total surveillance at all times, and does not hold the same physical walls of the Panopticon developed in Xinjiang designed to contain and confine the individuals under its roof. In Xinjiang, the development of a three-tiered system was based upon 'de-extremification,' or the removal and replacement of religious and cultural identity with the purpose of individual reform towards a majority Han-cultural identity.<sup>16</sup> This initial three-tiered system was later developed into a more comprehensive form under the 'Integrated Joint Operations Platform' (IJOP), which will be discussed shortly.

The PRC holds a long modern history of reform through education, and of labor as well. It cannot be left out that soon after consolidation of control by Mao Zedong and the CCP in 1949, camps were established for political enemies. Decades into the regime these camps had developed into a national camp system called Laogai, where political prisoners were sent to be punished, and counter-revolutionaries were supposedly reformed through hard labor. An in-depth analysis regarding the Laogai system in contrast to the modern Xinjiang detention system will be provided in a later section.

Further laws and methods centered around replacing existing identity were quickly taken in 2015, which witnessed the movement of local officials into rural southern homes in a public project to build trust with the local Uyghur population, but was also tasked with reporting on "extremist" behaviors such as fasting, wearing a long beard, possessing a Qur'an, or engaging in attitudes not positive towards the state itself.<sup>17</sup> This has evolved into a program called the Becoming Family program, in which CCP officials and trained personnel called cadres stay inside the homes of Uyghur families, with an estimated 200,000

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<sup>16</sup> Ibid.

<sup>17</sup> Finley, Joanne Smith. "Securitization, Insecurity and Conflict in Contemporary Xinjiang: Has PRC Counter-Terrorism Evolved into State Terror?" *Central Asian Survey* 38, no. 1 (February 2019): 1–26. <https://doi.org/10.1080/02634937.2019.1586348>.



personnel staying in Uyghur homes as of 2018.<sup>18</sup> Once again this was promoted by the CCP as a method of reducing ethnic conflict and settling differences, where in reality it serves as a surveillance control mechanism over private affairs and of individual information gathering, which plays a large part in the panoptic process.

Similarly, in the digital realm, the CCP has been collecting information on Uyghur Muslims since 2016 through the social media app Zopya, developed by a company from Beijing which allows users to share religious teachings from the Qur'an and also photos and videos. The CCP has been using this app as a method of data collection on its users, noting users who may send what they deem questionable content.<sup>19</sup> High definition surveillance cameras had already been implemented throughout Xinjiang by the end of 2010 in nearly all public spaces, including buses, bus stops, roads, alleys, markets, shopping centers, schools and mosques.<sup>20</sup>

These different forms of data-collection culminated in the development of the 'Integrated Joint Operations Platform' (IJOP), an application in use by CCP security and police officials to analyze past behavior inputted into predictive algorithms to try and determine future behavior.<sup>21</sup> It may be asked why the CCP has developed an application designed for individual targeting when the entire group is the target, and it can be answered in part by statements and research made by members within the government itself. For example, in 2015 Xinjiang's Justice Department Party Committee secretary stated that the majority (70%) of a Muslim village change with wider surroundings, and thus remains the 30% that are required for reform because they are "polluted by religious extremism."<sup>22</sup>

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<sup>18</sup> <https://www.hrw.org/news/2018/05/13/china-visiting-officials-occupy-homes-muslim-region>

<sup>19</sup> <https://www.icij.org/investigations/china-cables/how-china-targets-ughurs-one-by-one-for-using-a-mobile-app/>

<sup>20</sup> Chung, Chien-Peng, 192.

<sup>21</sup> <https://www.hrw.org/news/2019/05/01/interview-chinas-big-brother-app>

<sup>22</sup> Zenz, 115.

Therefore, determining exactly who comprises the 30% that form the wider surroundings is required for ensuring security and stability through a reform of identity and culture, and the demand by party officials for the IJOP program was assured. The IJOP can be accurately described then as an individual targeting system for detention, with past behavior, no matter how seemingly menial or inconsequential, creating a capability for the algorithm to result in a prompt for individual investigation, extrajudicial confinement, and reform within a panoptic system of inspection.

Bentham designed the Panopticon around the reasoned assumption that illicit behavior would be eliminated if all inmates, workers, or students were under the assumption or understanding that they were being watched at all times. He called this the panoptic principle. By eliminating blind spots from a variety of institutions and enforcing rules of individual separation, Bentham believed that behavior could be controlled and manipulated towards the purpose of reform among those within the building. As will be seen, despite being limited to the technology of his time, he remained meticulous to the collection of data among those inside the Panopticon, from visual action to audio. However, the lack of constant electronic video and microphones meant that Bentham designed the Panopticon for assumed inspection at all times instead of permanent inspection at all times, as the mental effect upon the inmate or worker is the same and permanent inspection Bentham assumed impossible. This does not mean that Bentham did not desire permanent surveillance, as he writes in one of his letters:

It is obvious that in all these instances, the more constantly the persons to be inspected are under the eyes of the persons who should inspect them, the more perfectly will the purpose of the establishment have been attained. Ideal perfection, if that were the object, would require that each person should actually be in that predicament, during every instant of time.<sup>23</sup>

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<sup>23</sup> Bentham, Jeremy. *Panopticon, or the Inspection-House: Containing the Idea of a New Principle of Construction Applicable to Any Sort of Establishment in Which Persons of Any Description Are Be Kept under Inspection ...* (London: T. Payne, 1791), 3.

## Discipline and the Nature of Panopticism

Discipline plays a large role in the Panopticon, as it is designed around a dual system of punishment and gratification. Illicit behavior was immediately punished by those who inspected and good behavior resulted in benefits. The discipline created within the Panopticon was non-traditional for Bentham's time, as it was based in corrective punishment, not judicial punishment set by criminal conviction. Bentham believed that, by the powers of reason, the inmate understanding that he was under surveillance would not attempt the same behavior twice as sanction was guaranteed. Good behavior was also reinforced with benefits. Benefits for Bentham were two-fold. First, Bentham believed in his design, punishment could be ended among inmates as they believed no action would go un-noticed and sanction was guaranteed with illicit behavior, thus illicit behavior became irrational to attempt. Secondly, Bentham viewed benefits for the institution and the inspectors over the traditional prison structure:

No thronging, nor jostling, in the way between the scene of work and the scene destined to devotion; no quarrelings, nor confederatings, nor plottings to escape; nor yet any whips or fetters to prevent it.<sup>24</sup>

These differences were what brought Bentham to the conclusion that the Panopticon's usage was not limited to prisons, but could instead be implemented in a variety of industrial, medical, and educational institutions. Through this process of discipline, Bentham sought to achieve individual reform among those within the panoptic structure.

The variability of applicable institutions in which the Panopticon Bentham advocated might be implemented is an indication of how it represents a model of power not based in ideology. For example, Bentham is titled with being the founder of Utilitarianism, which in a rough description seeks the maximalization of pleasure and the minimalization of pain. Bentham's design of the Panopticon is based

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<sup>24</sup> Ibid, 41.

in ideological principles which sought to limit physical pain and maximize pleasure, which in Bentham's view was the virtue of industry, hard work, prudence, and self-satisfaction through it all. These ideological limitations placed upon the then-theoretical Panopticon are not indicative of how the system would operate in reality, nor how the methods and principles would operate in settings not controlled by Bentham himself.

Michel Foucault's *Discipline and Punish*, written in 1975, offers detailed insight into the nature of power instituted by the Panopticon, in what Foucault calls *panopticism*.<sup>25</sup> To Foucault, the Panopticon is not a utopian building but a power structure reduced to its ideal form, in which the amount of people that can be controlled is maximized and the amount of people required to operate it is minimized. Foucault looks at it from a historical perspective in his work, noting the change in disciplinary culture in the 18<sup>th</sup> century in which prisons begin to minimize guards and maximize control methods; however, the Panopticon remains the optimal form of maximized control over individuals with minimal operators.<sup>26</sup>

The function of punishment changes also within the Panopticon, with traditional forms of physical violence intended to be discarded for a mental form of discipline. Knowledge of perpetual inspection backed by immediate sanction acts as a mental buffer to certain actions, and acts as a form of discipline itself. Take for example a worker on an assembly line, with various quotas to fill, and limited time and energy to expend reaching that quota. Also take into account that he is being watched, or feels as if he is being watched every movement and motion. Having already suffered sanction before, maybe a pay cut or a short suspension, based on a prior action deemed negative by the inspector, the worker is not inclined towards action not beneficial to the operator of the factory and thus will limit his behavior to

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<sup>25</sup> Foucault, Michel. *Discipline and Punish*. (New York: Vintage Books, 1995), 185.

<sup>26</sup> *Ibid*, 205.

the norm set by the institution. This example can be exaggerated in contexts where the worker or inmate is unable to leave said establishment or institution.

Foucault describes normalization as an essential process and function of *panopticism*. Normalization is the acceptance of behavioral norms set upon actions taken under either good or evil, which is issued by those who are employing the Panopticon. Good and evil in this understanding are a set of binary principles outside the legal sense, so action may be legal but cannot be taken because it is evil.<sup>27</sup> The issuance of action based upon good and evil from the Panopticon itself also serves as a basis for the normalization of said action upon individuals. The Chinese state is operating its system under a developed cultural notion of good and evil, and is currently acting in operation moving Uyghurs and other religious and ethnic minority groups towards the norm. For example, prayer itself is not (yet) illegal; however, it is being normalized as evil and punitive measures are taken against those who pray, with gratification or lack of punishment with those who do not pray. This is the process of normalization that Foucault describes, the movement towards behavioral standards set by constant surveillance and risk of immediate sanction or penalty with any deviation from the standard.<sup>28</sup>

*Panopticism* invokes individual separation from the group inherent within its architecture. Solitude and isolation mark key principles within the panoptic principle, which serve a purpose of examination.<sup>29</sup> Bentham wrote fiercely about data collection, as reform and improvement was one of his key tenets in the Panopticon's purpose. However, Bentham did not speak of people within the Panopticon as singular cases, but as a group. Foucault described how in the process of individual reform, classification becomes essential, and so does singular case history of progress and identification.<sup>30</sup> If the purpose of the model is to reform and alter individuals, then the requirement of singular cases becomes paramount. The

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<sup>27</sup> Ibid, 180.

<sup>28</sup> Ibid, 179.

<sup>29</sup> Bentham, 40.

<sup>30</sup> Foucault, *Discipline and Punish*, 191.

individual is classified, rated, and differentiated from others in the pursuit of controlling and changing behaviour. For example, the emergence of a rating system for Uyghurs' trustworthiness is indicative of this movement towards altering behaviour, because if the CCP believes that 30% of the population must be reformed as noted above, these individuals must be identified and their progress towards reform and improvement then set on an singular case basis, not a group one.<sup>31</sup>

The architecture of the Panopticon is based in mass control over individuals. Additionally, the pervasive nature of *panopticism* can be found having merit and foundation in Bentham's original writings, as quoted by Charles Bahmueller in *Silent Revolution* from Bentham's letters: "What would you say, if by gradual adoption of and diversified application of this single principle, you should see a new scene of thing spread itself over the face of civilized society?"<sup>32</sup>

The panoptic principle developed by Bentham seems to have been intended for broader societal application, not limited to institutional settings. Foucault argued that Bentham used the prison as the initial example due to its different required functions, such as confinement, solitude, forced labor, and instruction.<sup>33</sup> The ease of control and observation for inspectors, owners, or security officials entering into the Panopticon was also intended by design, as Bentham writes: "On this plan, no sooner is the superintendent announced, than the whole scene opens instantaneously to his view."<sup>34</sup>

### **The Types of Panoptic Control**

The type of psychological control demanded and insured by the Panopticon is difficult to describe in traditional language. Three forms of behavior towards authority can be defined as obedience, conformity, and deference and Kimberley Brownlee's article titled *Obedience, Conformity, and*

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<sup>31</sup> Zenz, 114.

<sup>32</sup> Bahmueller, 111.

<sup>33</sup> Foucault, *Discipline and Punish*, 206.

<sup>34</sup> Bentham, 32.

*Deference* will be used as a baseline on which to judge the type of control created by the Panopticon.

Brownlee notes there are three forms of behaviour towards legal authority among individuals; however, it is important to note the extrajudicial nature of the Panopticon, as the structure demands freedom from existing legal norms both in Bentham's theorized application and its real implementation in Xinjiang.<sup>35</sup>

Obedience in this analysis is the submission of one's will to the authority of another, the compliance of another's demands regardless of legitimacy or moral values impeding the action itself. It is the abandonment of autonomous judgement in the face of authority, and the refusal to disobey caused by the risk of penalty or sanction.<sup>36</sup>

Conformity refers to the action of an individual in line with a set standard. It is similar to obedience, as they both require submission from the actor; however, conformity is based around the act towards a moral standard set by values, not the word of an authority.<sup>37</sup>

Deference is the respect of a set standard based upon the rational ability to give judgements that are not our own priority, even if we consider those judgements to be wrong. Deference is dissimilar to obedience and conformity in that submission is not crucial to its foundation.<sup>38</sup>

The extrajudicial nature of the Panopticon in regards to these attitudes before the judicial leaves no surprise that the type of control created by the Panopticon enter clearly into two of these attitudes; namely, obedience and conformity.

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<sup>35</sup> Bahmuller, 150.

<sup>36</sup> Brownlee, Kimberley. "Obedience, Conformity, and Deference." *Res Publica* 10, no. 3 (2004): 268. <https://doi.org/10.1007/s11158-004-1404-0>.

<sup>37</sup> Ibid, 270.

<sup>38</sup> Ibid, 271.

In the process of normalization, as noted above, corrective discipline is issued within the system towards a base norm provided by the operators of the Panopticon. This norm is set within a binary set of good and evil, but not necessarily consistent of traditional forms of good and evil, but a set of standards based in those aspects created in a synthetic fashion towards a specific objective. For example, in Xinjiang the replacement of the native Uyghur culture, their values and religion, with one completely different is to achieve a purpose of stability, but also to secure the region under more tight control.

The Panopticon requires obedience initially and theoretically to how Bentham reasoned its design, after initial sanction, would induce conformity. These two forms of behavioral adherence are quite interesting to note, as they both comprise the aspect of submission, but one (obedience) is based in the fear of an iron fist and the other (conformity) in the recognition of a normal moral standard set by values. In regards to the transformation of behavioral adherence, it cannot be understated that the Panopticon is not a model to be dropped after initial success, whether real or believed, but a constant and perpetual form of continual individual punishment and discipline.<sup>39</sup>

In the analysis of obedience and conformity, it can be noted that groups themselves can both conform and remain obedient; however, individuals can only remain obedient, as the pressure to move towards a set of moral values does not yet exist. This is representative within the Panopticon for why the singular case for each individual is permanent, as the risk of the individual to regress remains ever-present within the system itself. Despite the fact that the Panopticon seeks to alter the set standard of good and evil at the group level, the individual is still the main focus and the operators of the Panopticon assess by individual risk in the formation of a reformed whole.

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<sup>39</sup> Pratt, John. "This Is Not a Prison: Foucault, the Panopticon and Pentonville." *Social & Legal Studies* 2, no. 4 (1993): 375. <https://doi.org/10.1177/096466399300200402>.



Therefore, it can be argued that the extrajudicial nature of the Panopticon and the effects of *panopticism* creates an initial environment of individual obedience with the pursuit and objective of group conformity into a synthetic imposed norm, with the ever-present existence of sanction upon individual cases and risk.

The pervasive nature of the Panopticon set upon the group with the perpetual threat of sanction upon the individual is similar to the concept of a deity, a constant and looming force limiting action based upon a set standard of good and evil, with sin resulting in punishment, and acts based in goodness and devotion rewarded by an all-mighty creator, as put forward by Bentham himself:

I flatter myself there can now be little doubt, of the plan's possessing the fundamental advantages I have been attributing to it, I mean the apparent omnipresence of the Inspector (if the divines will allow me the expression) combined with the extreme facility of his real presence.<sup>40</sup>

The concept of ideal perfection based in ideal control would seem to be the complete transformation of the individual himself through continual panoptic discipline, not the individual's death, but a full alteration of the soul itself through these principles.<sup>41</sup>

### **Bentham's National Charity Company**

The most ambitious Panopticon structure developed by Bentham took its theoretical form as the National Charity Company (NCC). In his belief for the Panopticon's use in social reform, Bentham took the logical step and applied the principle as intended outside the penitentiary structure and into the workhouse, or as he called it, "Houses of Industry." A series of 250 integrated group of workhouses would have comprised the NCC,<sup>42</sup> housing tens of thousands of these primarily lower-class individuals who remained unemployed and without food nor housing due to the combined crises of famine and

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<sup>40</sup> Bentham, 28.

<sup>41</sup> Foucault, *Discipline and Punish*, 125.

<sup>42</sup> Bahmueller, 105.

revolution during the 1795-1796 period in England. Bentham sought to introduce the NCC as a method for housing, feeding, and training the paupers across England and Wales during this time and then to release them into society as new utilitarian men and women based on his ideological ideals.<sup>43</sup> Bentham had anticipated the implementation of his penitentiary model along with the NCC, and, thus, also devised plans for synergy to exist between the prisons and work houses, as prisoners would be transferred to the work houses upon their release.<sup>44</sup>

The NCC was intended to be a joint-stock company, deriving profits from the workers it employed, housed, and fed, with profit a key selling aspect put forward by Bentham in his promotion of the plan; however, as will be seen, this drive to profit revealed the disturbing nature of the owners, overseers, and operators in the usage of the Panopticon.

The workhouses would have minimal employees to watch over the paupers housed and a governor would oversee the NCC with near absolute power over all the employees.<sup>45</sup> Detailed logs and data-books were to be kept recording all action within the NCC taken by employees and paupers alike, with the intended purpose of ensuring total visibility within the internal aspects of the NCC to the outside world, and with the added impact of recording individual progress.<sup>46</sup> What Bentham designed this first aspect for was to maintain the protection of everyone from everyone else. For example, Bentham idealized an end to corruption within the system through its recording within public data-books, which anyone had the right to look through. In these data-books all evidence of physical or verbal abuse towards paupers was to be recorded and revealed by any wandering eyes, assuring a quick dismissal for the employee who mistreated a pauper. Within the NCC Bentham idealized an end to these forms of abuse through total visibility between employees and paupers alike; however, the inherent contradiction between the

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<sup>43</sup> Ibid, 167.

<sup>44</sup> Bentham, 59.

<sup>45</sup> Ibid, 106.

<sup>46</sup> Ibid, 107.

unseen inspector enforcing the panoptic principle upon the seen cannot be upheld when visibility of the inspector is permitted by the watched. Reliance on the data-books, therefore, becomes paramount, which could be manipulated or outright ignored in certain cases unless somehow the moral character of the employee or governor is guaranteed.

The NCC's workhouses followed the same structure as the penitentiary Panopticons designed by Bentham as early as 1791, with a circular structure, visible rooms, and minimal privacy. Bentham initially conceded minimal privacy for the paupers in the form of a screen providing adequate space for minimal decency; however, later even recommended the removal of such a screen to prevent the concealment of negative action or mischief.<sup>47</sup> Rooms were designed meticulously, with partitions between beds six-feet apart, walls eight feet high allowing two feet of light to enter.<sup>48</sup> Men and women were to be separated as well. As within the penitentiary Panopticon, small tin cans in each room were designed to carry noise to the inspector's lodge.

Bentham's attention to individual data-collection and identification are also shown in detail, with his advocacy for identification markings such as tattoos to be forced onto paupers to ensure rapid identification in log-books, to record individual progress, and to reinforce control over the paupers once they have "graduated" from the NCC.<sup>49</sup> It is a near-certainty Bentham would be giddy to learn of modern implantable data-chips, which record location and offer digital confirmation of identity. A universal register or census was also required in Bentham's design, which requires individual identification, not group identification.<sup>50</sup> Furthermore, Bentham demanded the use of badging for paupers, which can be noted at the time was unpopular in England, but was the practice of forcing paupers to wear uniforms

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<sup>47</sup> Ibid, 158.

<sup>48</sup> Ibid, 162.

<sup>49</sup> Ibid, 158.

<sup>50</sup> Ibid, 159.

for the purposes of “order, distinction, and recognition”,<sup>51</sup> which once again display the various forms of control demanded by Bentham over the paupers in the NCC. Distinction would act as a form of recognition between individuals, reinforcing a pattern of categorization or rating system for individuals, to which different uniforms can be given to good behaving paupers and poor behaving paupers. This form of division was intended by Bentham as a way to maintain control and enforce docility and additionally use the dual system of punishment and gratification in the push for normalization of what is evil and what is good.<sup>52</sup>

These methods are taken in strikingly similar but in digital fashion in Xinjiang, as badging has been established among those imprisoned in the detention system with inmates being forced to wear identifying uniforms.<sup>53</sup> The IJOP mentioned in an earlier section also acts as a digital data-book for individual case files, including personal history, yet also progress within the domestic rating system for the detention centers. This attention to the individual reinforces Foucault’s analysis of the creation of the individual out of the group upon entry through the process of *panopticism* and the methods being taken in Xinjiang, which are covered shortly, denote this same process, albeit in a modern context.

Similar to the pre-existing internal issues are the external architectural issues of these so-called workhouses based upon Bentham’s panoptic principle. Bentham’s usage of containment methods carries over from the penitentiary Panopticon into the NCC’s houses of industry. In Bentham’s penitentiary model, he argued against the usage of traditional thick stone walls to prevent escape, but instead the use of the thinnest walls possible, which was based upon two important aspects to Bentham’s thinking. First, the usage of the thinnest walls possible to prevent escape was more cost-effective than the construction of thick lumbering walls and, more importantly, it reflected his faith in

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<sup>51</sup> Ibid, 162.

<sup>52</sup> Ibid, 123.

<sup>53</sup> <https://www.nytimes.com/2019/12/30/world/asia/china-xinjiang-muslims-labor.html>

the panoptic principle that no one will attempt to break through a wall which requires time and periods of non-observation to accomplish.<sup>54</sup> Since all inmates would feel the eyes of the inspector, he would not risk sanction in what Bentham believed to be an impossible task under the discipline created by the process of *panopticism*. In the NCC's case Bentham imagined a double fence around the houses he called a "sequestration belt," which is significant to note because the term suggests the removal of the world from the individual rather than the individual from the world.<sup>55</sup> This line of thinking is based in Bentham's own ideology and faith within the Panopticon itself in preventing irrational action; however, the emergence of thick lumbering concrete walls in Xinjiang's detention centers are reminiscent of the real possibility of attempted escape despite the inherent irrationality within the action.<sup>56</sup>

Notwithstanding the questionable aforementioned aspects, the true extrajudicial and nefarious nature of Bentham's implementation of the NCC has yet to be discussed, which involved what Charles Bahmuller called "The Last Roundup."<sup>57</sup> Bentham placed a demeaned status upon the paupers in his planning of the NCC, as he refers to them as "a sort of grown children."<sup>58</sup> While it does differ slightly from the status looked upon the Uyghur population by the CCP as uncultured or crudely barbaric, the purpose of this type of demeaned status for targets to be placed inside the Panopticon is to reinforce legitimacy among both the CCP and Bentham, in that those who need relief, education, or reform are in no position to be choosers of whether or not they receive it.

In the pursuit of what Bentham deemed a morally superior purpose, entry into the NCC was not voluntary among those he deemed fit to confine within its boundaries. Those he deemed "beyond the fringes of respectability" included beggars, convicts, prostitutes, orphans, vagrants: they all met the

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<sup>54</sup> Bentham, 36.

<sup>55</sup> Bahmuller, 161.

<sup>56</sup> Autonomous Region State Organ Telegram, New Party Politics and Law (2017) No.419, 1.  
<https://www.documentcloud.org/documents/6558510-China-Cables-Telegram-English.html>

<sup>57</sup> Bahmuller, 149.

<sup>58</sup> Ibid, 111.

criteria to be entered into the NCC upon powers beyond their own volition.<sup>59</sup> Once again we see the individual criteria to be interned, those that fit into the areas Bentham deemed improvable were to be rounded up and entered voluntarily or involuntarily into the NCC, for the morally superior reason of survival and the learning of valuable work skills. The same concept of “social correction” was seen as early as 2016 in Xinjiang, with 85 classes and 2,292 people taking part in achieving transformation.<sup>60</sup> This transformation is attempting to be justified by the CCP as a morally superior purpose of a “healthy heart attitude” through education, religious guidance, skills training and psychological interventions.<sup>61</sup>

The perverted moral aspect in forced confinement professed by Bentham is certainly continued in the living aspects he detailed in his design for the NCC. Bentham desired for maximum profitability within the work houses, and, therefore, living standards for those within it’s walls were cut to the bone. For example, meat was to be removed from consumption and food to be of the “coarsest and cheapest kind.”<sup>62</sup> One aspect Bentham struggled with was the issue of health and starvation and thus settled on the idea that an individual should receive enough food as not to starve but not enough to be satisfied.<sup>63</sup> Again the idea of individual profiles over group profiles are reinforced, in which height and body mass would be taken into account to achieve an intended purpose of minimizing food portions and maximizing profit. Asceticism was essentially enforced within Bentham’s design, purposed towards individual reform yet introducing harsh aspects, such as the elimination of amusement entirely, with one day for rest set on Sundays for education. Bentham’s choice of Sunday as a rest day can also be seen in how he desired a replacement of Christian religion with one based in his utilitarianism.<sup>64</sup>

The extrajudicial nature of the NCC is also demanded by Bentham as Bahmueller writes:

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<sup>59</sup> Ibid, 150.

<sup>60</sup> Zenz, 114.

<sup>61</sup> Ibid, 116.

<sup>62</sup> Bahmueller, 145.

<sup>63</sup> Ibid, 146.

<sup>64</sup> Ibid, 168.

Most important was the demand that the Company be delegated the authority to commit to its prison-factories what marginal men, women, and children that it would, and to commit them without trial.<sup>65</sup>

In Xinjiang we can see a state apparatus operating outside the legal guidelines of the nation itself. This type of extrajudicial authority has been granted to the security apparatus within Xinjiang under the Party Secretary Chen Quanguo. Additionally, this begs the argument that the Panopticon requires the backing of a state or state ignorance in its operation and theoretically had the NCC been accepted and implemented in England, the Crown would have been necessary in the carrying out of Bentham's principles.

The way in which Bentham and the CCP view their respective targets and their time spent within the two models, or evolutionary stages, of the Panopticon are eerily similar. For instance, Bentham fully understood that this process was an infringement upon the rights of the individual, but of rights wholly negative, or what he called the "liberty of doing mischief."<sup>66</sup> Bentham desired a circumscription of rights to the proportion of security necessary for order itself. It was seemingly in the inmate or pauper's benefit to be inducted into Bentham's creation, as their lives were based in manner, habits, and morality wholly insufficient to civilized society. A Chinese-Uyghur document released in 2017 titled 'Transformation through Education Classes Are Like a Free Hospital Treatment for the Masses with Sick Thinking' extolls the benefits of re-education and entry into a panoptic structure as a cure for illness, equating Uyghur and other ethnic and religious minority identity and culture as dangerous medical conditions.<sup>67</sup> The way these actors perceive these populations is similar to how a surgeon would assess a heart condition, a complete removal of the organ and a fresh new one set with a new appropriate ideology put in.

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<sup>65</sup> Ibid, 150.

<sup>66</sup> Ibid, 154.

<sup>67</sup> Zenz, 122.

## The Panopticon in Practice

China's history of political re-education is seen throughout the 20<sup>th</sup> century after the victory of Mao Zedong and the CCP in 1949, with political and economic enemies sent to detention camps with the outward purpose of re-education towards to the Communist ideal. While this historical Chinese system does share certain aspects with Bentham's design of the Panopticon and the existing detention centers in Xinjiang, *panopticism* and the panoptic principle are absent in China's historical Laogai model.

While both the Laogai and the Xinjiang detention centers operate around the principle of controlling the inmates, the methods through which the Laogai achieved this are markedly different to the panoptic model. The Laogai was built around a specific set of goals, which were "acknowledge your crimes, acknowledge you faults, submit to superiors, submit to the law."<sup>68</sup> These goals revolve around the idea of total submission not conformity to the standard set and is the first major difference between the two systems. Secondly the function of re-education was achieved primarily through violence, not surveillance.<sup>69</sup> Gratification for good behavior did exist, with prisoners in the Laogai given commendations or material awards for relaying information on other prisoners. However, one key differentiator from the panoptic model of individual discipline is that punishment was applied to groups for the misdeeds or misbehavior of one individual.<sup>70</sup> If individual reform were the goal, sanction or punishment against the entire group in response to individual action would be inapplicable.

Additionally, solitude and separation from the group was rare, as the groups themselves were watched, not individuals in isolation. As such solitary confinement was rare.<sup>71</sup> The structure of the Laogai camps varied, but featured in general large walls and sentry outposts at various stations similar to a traditional

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<sup>68</sup> Wu, Hongda Harry. *Laogai: The Chinese Gulag*. (Boulder, Colorado: Westview Press, 1992), 28.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid, 31.

<sup>71</sup> Ibid, 64.



prison; however, the technology and architecture of the camps did not display the usage and function of the Panopticon, nor did the Laogai philosophy espouse nor create the process of *panopticism* within the system. It was a brutal but traditional structure of group punishment for ideological and class differences; however, it never introduced Bentham's ideas.

Knowingly or unknowingly, the modern Xinjiang camp centers replicate Bentham's ideals very closely, albeit in a modern context. With a massive system confining an estimated 800,000 to 2 million Uyghurs and other religious and ethnic minorities as of 2018,<sup>72</sup> the structure and methods implemented under Chen Quanguo feature the functions and philosophical layout of Bentham's design.

Public information regarding the increase of CCP demand for structures with prison-like features was seen as early as 2016; however, Quanguo's ascension sped up the pace of construction contracts in the region, with government bids for re-education structures with high security surveillance and prison features reaching as high as 18 bids alone in June of 2017, with 78 construction bids for such facilities between April 2016 and May 2018 (74 bids after Quanguo's move to Xinjiang's Party Secretary).<sup>73</sup> These structures varied in size; however, all held similarities in the requirements, architecture designed to confine and control.

Descriptive information regarding the internal structure leaked in November of 2019, which comprised of numerous CCP documents regarding the system, dubbed the China Cables by the International Consortium of Investigative Journalists (ICIJ), detail the inner-philosophy, methods, architecture, and function of the Xinjiang camp system, and is used in this analysis in comparison with the inner-philosophy, methods, architecture, and function of Bentham's NCC design over two centuries before.

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<sup>72</sup> Finley, 2.

<sup>73</sup> Zenz, 117.

In what the CCP declares ‘training centers,’ safety of the center and efficient education are key priorities. Measures to remove the risk of escape is one of these primary concerns and numerous methods are maintained to ensure it. For example, increased installation of police stations at gates, guard duty rooms, high guard posts, consistent patrol routes, are all reminiscent of traditional confinement structures; however, the telegram does detail adherence to zone separation, individual unit management, perfect peripheral isolation, and internal separation.<sup>74</sup> This is achieved primarily through technology via high-definition video cameras and microphones, which can be confirmed in construction bids for these centers, which required the installation of intense security features such as large walls, security fences, barbed wire, reinforced doors and windows, watchtowers, and, especially, surveillance systems that cover the entire facility leaving ‘no blind spots.’<sup>75</sup>

This follows with page two of the telegram, as it states:

There must be full video surveillance coverage of dormitories and classrooms free of blind spots, ensuring that guards on duty can monitor in real time, record things in detail, and report suspicious circumstances immediately.<sup>76</sup>

We see in this short section above the first variation away from Bentham’s optimal design, the use of large walls to contain individuals. While Bentham believed that the panoptic process would remove the individual’s will to attempt escape, as to him under the Panopticon the impossible requirement of time assumed unsupervised would not occur and the thought of escape irrational and superfluous only resulting in immediate sanction or punishment, the reality of individual irrationality requires these walls in an architectural context such as the Panopticon. It can be seen, however, the demand for an inmate structure free of blind spots, is the same to Bentham’s “total visibility,” although under a modern technological lens, which is more efficient and does enable real-time visibility to all under it’s gaze.

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<sup>74</sup> Autonomous Region State Organ Telegram, New Party Politics and Law (2017) No.419,1.

<sup>75</sup> Zenz, 118.

<sup>76</sup> Autonomous Region State Organ Telegram, New Party Politics and Law (2017) No.419,2.

While Bentham's time limited his ideal form to assumed permanent surveillance for his captives, the modern era brought us the real capability for true permanent surveillance. The requirement for total visibility and absence of blind spots is dissimilar to most modern penal systems in developed countries, which follow a policy of reducing blind spots from cameras. However, it is important to recognize the judicial nature of prisons in developed countries under the rule of law compared with the extrajudicial nature of the Xinjiang detention camp system, which follows Bentham's desire for the NCC to be separate from the existing judicial system, as noted in an earlier section.

In addition to the existence of cameras covering all sections of the detention center, the telegram also notes that guards must be present with inmates, or what they call 'students,' in cases of "eating periods, toilet breaks, bath time, medical treatment, family visits."<sup>77</sup> Inmate activities are monitored constantly by digital and human eyes. Further, the implementation of a classification system is discussed, specifically a 3-tiered system for individuals, comprising a "strong (very strict) management area, a strict management area, and a general management area."<sup>78</sup> Training changes are based on management level for each singular case, not at the group level. Furthermore, these records, which are universal and act as a census within the detention centers, consist of total history within the center itself, including performance, rewards, punishments, and grade improvements.<sup>79</sup> These methods create a distinction between the Xinjiang centers and traditional penal systems, instead moving into the realm of *panopticism* in action as described by Foucault. The Xinjiang system seizes the individual, quarantines them, isolates them, evaluates them, and applies changing methods with the aim of permanent behavioral change contingent upon transitory examination results.

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<sup>77</sup> Ibid, 1.

<sup>78</sup> Ibid, 4.

<sup>79</sup> Ibid.

The almost religious-like demand for behavioral and individual data collection is in line with Bentham's desired data log-books, with all action kept and recorded. The expected behavior developed through the Panopticon structure in Xinjiang is then evaluated and calculated into individual case assessments of "ideological transformation, study and training, and compliance with discipline."<sup>80</sup> The principal of individual data collection and assessment is then combined with the function of *panopticism*, that being punishment as a mental state of self-censorship, both in thought and action, with the looming threat of immediate sanction upon observed action deemed unappropriated or evil by the panoptic operators. This is confirmed within the telegram as well, as it states, "Take the student's monthly score as the basic basis for measuring the effectiveness of education and training, and link it directly to rewards, punishments, and family visits."<sup>81</sup>

The ongoing process of individual transformation within the panoptic structure requires the consistent application of its function; therefore, individual results are paramount to the effectiveness of the operation of the Panopticon. The usage of physical punishment to achieve ends of reform are also consistently applied depending on progress in both the theoretical NCC and existing Xinjiang detention system. Despite Bentham's ideal goal of eliminating excess physical punishment through the usage of surveillance upon inmates and paupers, and also the visibility of the NCC through detailed log-books recording pauper and guard action, Xinjiang's internal mechanisms involve both excess punishment and the lack of visibility to deny inmates the protection from abuse. The existence of these features is caused by the pressures and realities of the Panopticon operating in a real setting.

First, the elimination of physical punishment and the idealized implementation of mental discipline within the individual assumes the willed removal of irrational behavior after the first instance of misbehavior and the immediate act of sanction afterwards. While on paper Bentham believed in this

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<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

principal as a moral way to reduce and remove physical punishment upon those within the structure, the real-life counterpart is faced with what Bentham would have called irrational action in the form of misbehavior or disobedience and thus employs the consistent usage of physical punishment.

Furthermore, this fact does not comprise an inherent weakness in the Panopticon's effectiveness, as in his initial letters on the Panopticon, Bentham never fully dismisses physical punishment, only seeking to limit its usage within the Inspection House.<sup>82</sup>

Secondly, in the case of Bentham's design to reduce inmate/pauper physical abuse by guards through visibility of their actions as well as those confined, the reality of implementing an extrajudicial structure designed for confinement of non-convicted individuals requires secrecy and anonymity of those operating it day-by-day for protection. Additionally, outside actors remain a factor in attempts at minimizing visibility of the Panopticon, which serves to also protect the state allowing the existence of a large extrajudicial system of forced individual reform.

The "three studies" of the national language, law and skills<sup>83</sup> are promoted as key educational aspects to be followed, but in it, in conjunction with the rating system discussed above, we see the imposition of a synthetic form of good and evil. As Foucault argues, and is present both within the theoretical models initially developed by Bentham and the modern variation adopted in Xinjiang, within the Panopticon a new dichotomy of good and evil is imposed from above with a desired purpose of supplanting existing notions of good and evil in the individual, both in beliefs and behavior. Traditional penal systems do not supply this, but the Panopticon does.

The normalization of this good and evil is reinforced by methods of gratification and punishment. The aspect of using psychological correction or creating positive and incentive-oriented mechanisms are

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<sup>82</sup> Bentham, 38.

<sup>83</sup> Autonomous Region State Organ Telegram, New Party Politics and Law (2017) No.419, 3.

fundamentally the same process of normalization,<sup>84</sup> as they all serve the same purpose of reform. This process of normalization is supported by gratification and punishment. For example, a short section of the telegram describes one benefit for good behavior to be additional family visits.<sup>85</sup> Punishment exists from the nonphysical forms of punishment, such as a reduction of time allotted for speaking with or seeing family members, to the reported instances of torture such as being beaten with electrified truncheons or made to sit on a chair of nails in cases of disobedient, unsatisfactory, or suspicious activity.<sup>86</sup> It is significant to mention how of what we know in the application of punishment in the Xinjiang centers, they are individually-based not group-based, further distancing itself from the historical Chinese political re-education camps of the Cold War.

The crossing of conformity and obedience within the individual as an objective of reform is also stated within the document: "...strengthening management constraints and habits, and cultivating students' health, civility and courtesy, compliance and obedience..."<sup>87</sup>

Compliance is equated as a lower level of conformity by Herbert Kelman: he defined it as the individual accepting outside influence to receive reward and avoid punishment from an individual or group.<sup>88</sup> With the threat of sanction ever-present to force obedience, the Panopticon seeks to ideally alter the soul of the individual into a new identity entirely. Foucault describes the panoptic form of control being the creation of an obedient individual who is subjected to rules and orders, but also allows the continual function of automatic self-discipline.<sup>89</sup>

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<sup>84</sup> Ibid, 4.

<sup>85</sup> Ibid, 4.

<sup>86</sup> <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/>

<sup>87</sup> Autonomous Region State Organ Telegram, New Party Politics and Law (2017) No.419, 3.

<sup>88</sup> Kelman, Herbert C. "Compliance, Identification, and Internalization: Three Processes of Attitude Change." *Journal of Conflict Resolution* 2, no. 1 (1958): 53. <https://doi.org/10.1177/002200275800200106>.

<sup>89</sup> Foucault, 128.

## Introducing Predictive Algorithms

The newest evolution of the Panopticon has taken an older idea and implemented it with new technology. While the issue of permanent surveillance via high-definition video cameras enabled the total inspection Bentham desired, more sinister technological methods used in Xinjiang offers darker turns into how the Xinjiang Panopticon interacts and controls individuals and will serve as a benchmark going forward in the evolution of the structure itself.

Bentham's criteria for entry into the NCC was group-based in detail. Prostitutes, beggars, vagrants, orphans, convicts, all those he deemed socially unfit or unrespectable were confined under the watchful eyes of inspectors in the Panopticon, upon which they were examined individually. Certain criteria determined whether an individual would be extrajudicially sentenced to reform in the NCC; however, it was largely group based criteria, and behavior based in the present, not the past. For example, in some dystopian timeline in which Bentham found funding and government support for the NCC, guards or catchers for the prison-houses would be transferred individuals arrested by police for entry or, even more simply, go out and find those who fit criteria by themselves. Individuals who displayed evidence of admissible criteria, whether by begging, prostitution, or any other aspect, would be seized. The individual only met entry criteria based on present action, not past action.

The admissibility of individuals to become incarcerated in Xinjiang is becoming not only the criteria met in the present, but the past as well. The introduction of predictive algorithms on behavior by the IJOP has introduced the Panopticon to more pervasive and permeable forms of control, a type of predictive discipline. Predictive algorithms are the results of inputting individual files of past behavioral patterns and variables into machines to determine future behavior. The IJOP data cloud collects and stores data on all individuals within its system through a variety of methods, including both digital and non-digital forms of data collection, from the thousands of checkpoints with guards to spyware installed on

phones.<sup>90</sup> Behavior becomes a precedent for becoming put on a list of suspicious persons. General criteria understood for internment include 'extremist' religious practices, such as growing a beard or giving children names of Islamic origin, the possession of 'illegal' religious content, traveling abroad, voicing criticism, inadequate patriotism, and poor Chinese-language proficiency.<sup>91</sup>

However, the introduction of predictive algorithms creates a new process of discipline, both internally and externally, to the Panopticon itself. In the pursuit of admissibility into a detention center or application of punishment within a center, causal action is no longer limited to what the individual does or says himself, but also the pasts of those he interacts with. What is known by the individual to do, the exact rules or orders he is to follow and accept, no longer remain the only criteria to safety. Within pre-digital panoptic behavioral surveillance, so long as rules were accepted and kept, sanction would not arrive. However, in keeping the rules action was not limited so long as the rules themselves were not broken in the process. Imagine a classroom setting of students preparing to take a test. The rule or order is not to fail the test; however, no limitations are put on study methods for the students.

Communication between students is, therefore, not limited and the students could study in pairs or groups. In a pre-digital panoptic setting without predictive algorithms, there is no risk to any student employing the use of group studying; however, that changes in a digital panoptic setting such as Xinjiang. Variables exist for every action in predictive algorithms and, in this setting, communication is a variable, as is who is being communicated with. Past action makes up the data within individual profiles, and individuals are assessed on a singular case basis, with predictive algorithms spitting out probable future behavioral patterns. When a single variable has the capacity of shifting algorithm results, of moving individuals into a "suspicious" category for investigation and high likelihood of confinement in a

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<sup>90</sup> <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/>

<sup>91</sup> Finley, 5.



detention centre, or of moving an already-confined individual into a more severe “area of management,” it impacts all behavior. In the same scenario, a group of students studying together could include one individual of extremist or criminal past, thereby affecting behavioral predictions on all the individuals within the study group in a negative manner.

The variability of all action introduced, whether past or present, into predictive algorithms assessing an individual’s signature predictive profile and subsequent movement either into the Panopticon camp system or into a different rating level within the system itself, represents two major revelations.

First, that the tentacles of the panoptic process are effectively applicable outside the structure of the Panopticon itself. As all action has variables when inputted which can affect algorithmic result, self-censorship can be created among the populace if sufficient data collection measures are taken. While psychological correction, education, and training are limited to the internal structure of the Panopticon, obedience can be created in the non-incarcerated population through this measure of predictive punishment.

Second and more ominous is the function of how all individual action can result in punishment depending on the variable introduced into the algorithm. The threat of sanction is no longer limited to when rules are broken; punishment can be introduced even if rules are not broken, as in the case of students above, who, for fraternizing with an individual with a history of negative action may receive sanction in some form. Of course, to the individual being examined, a concise explanation of every variable will not be supplied; however, the awareness of risk for any and all action will be known. In the Bentham design, punishment was used upon the breaking of rules should the panoptic process of self-regulation through surveillance fail. With the introduction of a machine behavioral algorithm into the Panopticon, in cases which this aspect applies, the individual will know after punishment that he has broken a rule; however, the exact rule which was broken will never be clearly presented, so the

individual will question all action. This can be considered an advanced form of normalization which creates a system of self-censorship towards all individual action, not only action against the rules, in pursuit of a synthetic standard set by operators. This creates a corrosion of social trust and communication between individuals, both inside and outside the Panopticon. In Xinjiang, despite the fact that inmates can graduate from the detention system, they are perpetually punished.

## **Conclusion**

The Xinjiang detention camp system is a remarkable evolution of Bentham's original Panopticon design, as has been shown in its inner workings, both architecturally and philosophically, differentiating it from the traditional power structures of the past. While information has always been used in power structures of the past, the Panopticon's particular use of information in the process of control and reform is what defines and consolidates its status as a power structure reduced to the ideal form, as argued by Foucault. This analysis, comparing the theoretical NCC designed by Bentham and the realized creation and construction of the Xinjiang detention system, puts on display the inadequacies and realities of Bentham's imagined concept in contrast to the same structures and objectives put into practice in real life. Issues such as a lack of transparency and existence of certain physical features, like thick walls, can be explained through the removal of the idea from paper into reality, as with the inherent problem of irrational behavior, which Bentham would dismiss consistently.

The emergence of the Panopticon as a response to social unrest and crisis is also significant, as a catalyst of some kind is required to invoke the potential for such a perceived solution, and the variability between context and ideology in both the Bentham and Xinjiang case displays how the Panopticon does not remain bound by any one individual or group in any one ideological case. It is a scalable form of ideal power which can be implemented in any society or community to confine, inspect, and reform the individual towards a desired and controlled end. The evolution of this ideal power structure in Xinjiang

remains the most prolific and expansive Panopticon, confining millions of Uyghurs and other religious ethnic minorities with the purpose of wiping out cultural and religious identity in the pursuit of Sinicization, which is the process of bringing non-Chinese people under the influence of Chinese culture. Additionally, the introduction of new technologies, such as predictive algorithms into the process of *panopticism*, has only reinforced the ability of the Panopticon to invoke self-censorship in both thought and action. The Panopticon has evolved into a new, more effective model, through the use of both digital and pre-digital forms of surveillance. The Panopticon not undergone a perverse mutation of Bentham's original ideas, but, instead, applies them accurately in practice, exhibiting the stark reality of the philosopher's ideal panoptic structure.

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