



EYES EVERYWHERE: ETHICAL CONSIDERATION OF ARTIFICIAL INTELLIGENCE IN GOVERNANCE THROUGH FOUCAULT'S PANOPTICON LENS

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Abstract

This article aims to understand how the application of Artificial Intelligence (AI) in governance mirrors the core elements of the panopticon and to analyse the ethical implications of integrating AI into governance practices, mainly focusing on surveillance purposes through the lens of panopticon. The integration of AI has ushered in a transformative era for governance and surveillance. Focusing on ethical considerations is crucial to addressing the challenges of governance and ensuring its use for efficient governance in the future. This qualitative study uses content analysis to understand emerging ethical issues related to using AI in governance. This study mainly utilised secondary data in the form of research articles, books, newspapers, and so on. The panopticon approach is applied to map out the sensitivity of ethical issues in the AI-driven era. This article delves into the use of AI in governance through four subsections: data-driven decision-making, public interaction with government, public service delivery, and public safety and security, and concludes with an analysis of AI gaze as a watchful eye of social control or guiding light for future governance developments. This study focuses on a key alignment of technology and political science to design a more ethical and effective future of governance.

Keywords: AI surveillance, Governance, Ethics, Foucault's Panopticon

1. Introduction

Artificial Intelligence (AI) alludes to a machine's potential to imitate individuals thinking and learning; in technological advances, such machines have been termed intellectual bots (Zharovskikh, 2023). The rapid development of AI has significantly reshaped our societies, posing significant concerns regarding the future of governance, such as raising the question - Are we entering an era of "ubiquitous surveillance?" It is astounding to contemplate that, despite its incredible impact, AI is an advancement in technology that has only been developed for just over six decades (Darlington, 2017). The publication of Michel Foucault's "Surveiller et Punir" (1975), later translated into English as "Discipline and Punish", portrayed an important turn in the research into the subject of surveillance. In surveillance studies, Foucault arose as an integral figure, acknowledged as a foundational thought whose work continues to inform and shape our understanding of surveillance processes (Manokha, 2018). Michel Foucault used the panopticon as a metaphor for examining broader implications of surveillance and power in modern times. Prisoners in a panopticon are constantly monitored but cannot know whether they are being observed at any specific moment. This develops an asymmetrical power dynamic in which inmates are constantly aware of the potential risk of being monitored, which could give rise to increased self-control and obedience (McMullan, 2015). Foucault wants us to recognise that the modern world is about the emergence of a surveillance state. Integrating AI in government operations can revolutionise how government institutions function and interact with citizens. The rise of AI has revolutionised numerous aspects of governance, from data-driven decision-making to public interaction with government, public service delivery, and the enhancement of public safety and security. AI in government operations for decision-making is becoming efficient by analysing vast data sets. The interaction between citizens and government is being revolutionised by AI-powered chatbots that provide 24\7 access to service and information. Automated service delivery in governance through AI can reduce time and increase effectiveness. AI can be used to analyse crime data and can predict crime patterns to improve public safety. By using this, the state can efficiently deliver services to its citizens. However, it is also possible to emerge as a surveillance state. This modern version of the panopticon gaze constantly reminds individuals about the watchful eyes of power and the need to analyse the ethical consideration of power everywhere in contemporary society concerning AI in governance. The existing literature explored ethical concerns of AI in governance in a more general way, and there is an existing gap in ethical considerations of AI in governance through Foucault's panopticon approach. Addressing this

gap strengthens the understanding of AI integration in governance through the panopticon approach.

Against this backdrop, this article aims to understand how the application of Artificial Intelligence (AI) in governance mirrors the core elements of the panopticon and to analyse the ethical implications of integrating AI into governance practices, mainly focusing on surveillance purposes through the lens of panopticon. This study begins with an introduction that includes the fundamental ideas about the keywords for a more profound knowledge of the content, followed by the methodology section. The third section describes Foucault's panopticon as the theoretical underpinning of the study. The fourth section delves into the use of AI in governance through four subsections: data-driven decision-making, public interaction with government, public service delivery, and public safety and security. The fifth and sixth sections deal with AI Gaze: a Watchful Eye Or a Guiding Light in Governance? And Ethical Considerations of AI in Governance through the Panopticon Lens. The seventh section concentrates on the analysis of the usage of AI in governance and its ethical considerations, considering the panopticon's premises. Lastly, this article concludes by providing major takeaways from the study.

2. Methodology of the Study

This article follows a qualitative approach to explore the ethical concerns of AI-powered surveillance through the lens of Foucault's Panopticon theory. This study uses content analysis to understand emerging ethical issues related to using AI in governance. This study utilised secondary data to comprehensively review the scholarly literature on AI governance, surveillance studies, ethics, and the panopticon. By connecting these themes to the Panopticon theory, the research will critically analyse the ethical concerns arising from the constant monitoring and potential social control inherent in AI surveillance systems. The AI surveillance, Governance, Ethics, and Foucault's Panopticon are the critical units of analysis of the study. The study attempts to build a new dimension of analysis through the panopticon lens.

3. Theoretical Framework

There is a character in Greek mythology who never sleeps and sees everything. The character is Argos Panoptus, a giant with hundreds of eyes around his body. The archetype of the most powerful guardian, this myth, was in the mind of philosopher Jeremy Bentham in the 18th century when he designed a prison cell called a panopticon for watching all the prison inmates simultaneously (Balakrishnan, 2024). Foucault's panopticon theory reimagines the panopticon,

initially envisioned by Jeremy Bentham as a tool for moral reform and control, as a potent symbol of the intricate relationship between surveillance, knowledge, and power. According to Foucault, the design of the panopticon is not just about physically watching prisoners; it is about creating a mental state in them. The architecture of the panopticon makes them internalise the idea of being constantly observed, even when they cannot see the watcher. Prisoners start to regulate their behaviour because they consistently assume they might be under inspection. Privacy - a common theme in surveillance studies - is a response to over-surveillance and an extension of the panopticon's tower (G, 2012). Panopticon allows guards to see prisoners, but prisoners never know if they are being observed or not, and the 'visibility is a trap' concept (Foucault, 1977) has become relevant today.

Foucault saw power not as something wielded by a single ruler or institution but as a network of invisible forces constantly at play. The abundance of surveillance technology and data collection makes Michel Foucault's ideas about ever-present monitoring strikingly relevant in today's AI-powered governance. His analysis of surveillance and panopticon is crucial in the digital age, and data is an unprecedented mode of surveillance and control (Draccus Media, 2023). The unseen guard is not a single thing but a complex network of algorithms and government organisations. The digital panopticon goes beyond mere physical architecture; it promotes the internalisation of laws and regulations, extending surveillance deep into the most intimate aspects of our lives.

4. Use of AI in Governance

Tom Davenport and Julia Kirby's book 'Only Humans Need Apply: Winners and Losers in the Age of Smart Machines' (Davenport & Kirby, 2021, pp. 2-5) outlines three periods of automation. First, machines displaced human muscle in specific manual jobs, such as factories and farm machinery. Second, clerical and knowledge workers were relieved of routine tasks like entering data. The third age sees the automation of intelligence—the computerisation of activities that were previously regarded as demanding human judgment (Eggers, Schatsky, & Viechnicki, 2017). Under the direction of specialised committees under the Ministry of Electronics and Information Technology, the Indian government is committed to the adoption of AI and has been especially leveraging the latest innovations such as 5G, AI, and blockchain. The National Program on Artificial Intelligence accentuates India's dedication to transformative technologies, thereby firmly positioning it as a pioneer in the ethical invention and deployment of AI (Role of AI Technology in Government and Public Sector | Ey India, n.d.). The Government is implementing AI across multiple domains, along with Bhashini

(NLTM) for language translation, Indian Urban Data Exchange (IUDX) for smart city planning, Ideal Train Profile for optimizing train capacity, Digidhan Mitra Chatbot for digital payment assistance, Aadhaar Enabled Payment System for secure transactions, and IRCTC's AI Virtual Assistant for passenger support, enhancing efficiency and revenue generation across sectors (Raja, 2023). The policies of India pertaining to AI have undergone significant evolution over time. During the G20 summit in 2023, the government underscored its commitment to adopting a regulatory framework that fosters innovation while concurrently addressing the challenges associated with AI. According to reports from the Organisation for Economic Co-operation and Development (OECD), more than 1000 AI policy initiatives have been introduced by 69 countries, territories and the European Union. China is making substantial investments in the development of AI tools and has also framed regulatory framework that govern the utilisation of generative AI tools like ChatGPT by its citizens (Downie & O'Brien, 2024). Moreover, the governments of the United States and Singapore have started the integration of ChatGPT into their administrative frameworks (Dwivedi and Kar, 2024, cited in YOJANA, February 2024). Likely Japan, the Yokosuka city government has started using ChatGPT to support its office operations (Yang & Wang, 2024, cited in YOJANA, February 2024). While AI offers possibilities for the future, the application requires a cautious approach and consideration of the concerns needed for the effectiveness of governance.

4.1 Data-driven Decision-Making

AI is emerging as a future foundational technology, allowing computers to learn from vast datasets. Unlike humans, AI can make optimal decisions in a fraction of a second. From medical breakthroughs in cancer research to innovative solutions for climate change, AI's impact is undeniable. Machine learning, natural language processing, and computer vision are key components of AI that aid in faster and more accurate decision-making (Zharovskikh, 2023). AI methods and innovations have enormous opportunities for governments, allowing them to identify novel trends in data and make accurate predictions. By adopting AI, governments may use data-driven knowledge to make better decisions, resulting in more enlightened and evidence-based regulations. AI can assist governments in reviewing enormous quantities of data, recognising patterns, and unearthing trends that would be harder to detect with traditional manual analysis. This allows officials to make predictions that are more precise as well as informed decisions, seeking to address challenging societal concerns successfully. These devices, which make use of complex algorithms and machine learning skills, can help government agencies automate a broad range of tasks and decision-making processes.

Incorporating AI into government decision-making can allocate resources, deliver effective service, and enhance innovation, ultimately leading to a more efficient and responsive government (Chiancone,2023). Prediction of crimes and prevention, public health management, transportation and infrastructure planning, social welfare programs, environmental monitoring, and resource management are just a few instances of data-driven governance using artificial intelligence.

4.2 Public Interaction with Government

According to a Bloomberg report in June 2022, AI expenditure is increasing in governments like the UK, the US, China, and Canada. AI integration in government is a significant reason for saving millions of labour hours. The AI chatbots can efficiently automate government interactions, allowing workers to focus on more complex tasks. The US Army recruitment website has a virtual assistant named SGT STAR, and so far, since 2023, it has answered 10 million public queries. Emma is the virtual assistant used by the US Department of Homeland Security. It helps over a million immigration service applicants each month by analysing them to find relevant resources and applications. The way government and citizens interact has significantly transformed in recent years. The tools like AI-powered analytics, automated processes, and chatbots are allowing citizens to participate in governance and helping to understand their needs and concerns deeply. The 2023 Stanford University report reveals the spending of 3.3 billion dollars by the US federal government alone on AI in the 2022 fiscal year. This shows the widespread adoption of the use of AI in various departments of governance (Goyal, 2024). Integrating AI into government mobile applications can result in more intelligent, responsive, and citizen-centric platforms that expedite procedures, enhance service delivery, and facilitate greater communication between government and citizens.

4.3 Public Service Delivery

The government uses AI to provide services such as online tax filing, license applications, and access to public information. Using AI in governance will create and update content for policy changes and updation in services or emergencies. The advancement and distribution of AI have a profound impact on government operations and public service delivery. One of the primary benefits of AI is its capacity to handle vast volumes of data immediately and accurately, allowing governments to make better decisions and improve the delivery of public services. One of these is the Smart City program, which has been implemented in Barcelona, Spain. This program employs smart sensors to track traffic, pollution levels, and energy usage in the city, allowing policymakers to take action to minimise the city's carbon footprint and improve the

quality of life for its residents. In the healthcare sector, the Singapore government has created an AI system that monitors the actions of elderly people in their homes, allowing healthcare personnel to assist in emergencies or identify alerts before a critical scenario happens. The Telangana government framed an AI solution that can leverage agricultural data and provide actions that can potentially increase the yield of crops. Shiksha Setu is a mobile application developed by the Assam government for recording the digital attendance of both students and teachers (Singh, 2024, cited in YOJANA, February 2024). The government and public sector can benefit from productivity, efficiencies, and effectiveness through the adoption of AI in governance, but the journey needs to be careful to avoid adverse outcomes.

4.4 Public Safety and Security

Technology can potentially enhance national security and public safety, and we believe that the collaboration between humans and machines will provide outcomes that far exceed our expectations (Carter-Rosenne, 2018). In North Carolina, the state's Department of Transportation has started to use AI-powered drones to keep track of traffic and detect accidents, supporting traffic flow management and reducing response time; in Los Angeles, the fire service uses a software called FireMap, which uses machine learning to anticipate where wildfires will spread. FireMap makes predictions based on data from various sources, including weather, geographical location, and vegetation (Chiancone, 2023). Technological advances have always been critical for ensuring public safety and offering agencies a competitive advantage. However, in recent years, there has been a rise in AI capabilities, significantly altering the game in all aspects of security, from counterterrorism and intelligence to law enforcement and border control (Carter-Rosenne, 2018). AI offers intriguing answers for public safety, and careful examination of ethical implications and responsible implementation is critical to its success in the digital era.

5. AI Gaze: a Watchful Eye Or a Guiding Light in Governance?

From surveillance for protection to efficiency-optimising algorithms, AI can serve as a vigilant eye and a beacon of direction in transforming the future. As governments look for methods to improve the efficiency and effectiveness of public service delivery, we may expect to see even greater integration of AI in the future. This might include using AI in domains like law enforcement, emergency response, and environmental management. When implementing AI systems, governments should carefully evaluate these factors and make an effort to ensure that the technology is used responsibly and ethically. The ultimate objective is to use AI to improve public safety, foster trust, protect privacy, and result in safer, more resilient communities for

everyone. This necessitates a balanced approach that recognises the benefits of AI while tackling its drawbacks (Chiancone, 2023). AI surveillance technology is rapidly gaining acceptance in more nations than previously expected. Surveillance goes far beyond unchecked government power and mass surveillance, as “Big Brother is watching you” (Orwell, 1949), which is a reminder of the political future of the omnipresent eyes of the ominous ruler. In such a way, AI-driven surveillance by using AI in governance may create a similar effect in real-world governance. Robotic birds, smart glasses, AI-enabled body cameras, wristbands, EEG headbands, metadata collection, and biometric databases are unique AI surveillance cases worldwide (Juumta, 2019). Government surveillance methods include mass surveillance programs like the PRISM program operated by the United States National Security Agency (NSA) and the ECHELON global signal intelligence (SIGINT) network developed and operated by the United States (Gundogar, 2023). The question of who is accessing the control of this surveillance system points towards ethical concerns and the panopticon gaze in the technological transformative era.

6. Ethical Considerations of AI in Governance through the Panopticon Lens

The widespread usage of AI technology creates new issues for governance and raises ethical concerns. Applying the Panopticon lens to AI surveillance might reveal how these systems may generate a similar societal divide. Consider a network of cameras, facial recognition software, and data-collecting algorithms that constantly watch our movements, internet activities, and private interactions. As AI technology advances, ethical issues about its application in government grow in importance (Chiancone, 2023). AI can process personal data specifically in Foucault’s view, it augments the AI’s ability to predict, modify, and regulate behaviours synchronously (Draccus Media, 2023) and necessitates an examination of where to draw the line between surveillance measures and individual liberties, significantly because powerful new technologies are continuously emerging. Scientists and academics collaborate with technologists and government officials to develop regulations and guidelines (AI governance) to ensure that AI is utilised safely and ethically (O’Reilly, 2023). The development of government monitoring powered by AI is transforming the world, yet unavoidable ethical questions accompany this progress. Ironically, we, the observers, have gotten more comfortable, possibly inadvertently, providing large amounts of personal information. The Panopticon concept is a robust approach to explicating the ethical dilemmas inherent in AI-based surveillance in governance. Foucault wants us to acknowledge that the modern world is about more than simply the advent of democracy and human rights; it is also concerned with

forming the surveillance state. The conventional distinction between observer and observed is blurring in the new era. Technology compels those observants to become unknowing participants in the observation. The potential downsides of AI bring out the importance of crafting policies and regulations. The growing pervasiveness of technology raises an important question of privacy concerns with this ever-present monitoring of invisible eyes. The acceptance of Pegasus, spyware by NSO Group, an Israeli cyber-intelligence firm that began operations in 2010, is a testament to how much the surveillance potential of new technologies is becoming important to governments (Balakrishnan, 2024). It is important to foster a culture that encourages discussion on ethical issues, which is paramount when actors speedily integrate AI into governing processes.

7. Analysis

The 21st century witnessed the enormous growth of AI in nearly every facet of life, including governance. We have seen how AI-powered systems expand the scope and potency of surveillance beyond the physical limitations of the traditional panopticon and create the sense of being observed in every aspect, including physical and digital spaces. The Panopticon concept offers a valuable framework for analysing these complexities. However, the uncertainty of when and how they are being watched has become a powerful control tool, increasing self-regulation and shaping behaviour. AI-powered surveillance creates a power imbalance in the system as governments and corporations hold the ability to collect and analyse the data and thereby have the hand of dominance over individuals. The shift in this power dynamics put forward the fundamental notion of future privacy and democratic participation in governance. The evolutionary model of the panopticon is monitoring us through the use of AI in governance. When combined with machine learning algorithms, surveillance opens up possibilities for understanding what we might do in the future. The surveillance records our actions and interactions. Algorithms use these data sets to predict what the future might hold. Cameras, biometric systems, and smart tags like FASTag are always open to the eyes. Here, privacy becomes a huge price to pay for convenience (Balakrishnan, 2024). Previously, people were concerned about the powerful government always watching them. The perception of surveillance has changed from a symbol of control to keeping us safe. It is imperative to ensure the ethical concerns in this digital age regarding the application of AI in governance while normalising surveillance. AI has enormous potential for enhancing governance, but ethical considerations must remain essential to enable its responsible application. In governance, we are told that AI can make the government smarter by scrutinising large volumes of data. What

if that data is already biased, or what if it will reflect old prejudices? These challenges rely upon finding a balance between the two aspects. The notion of a digital panopticon in the realm of AI is a real and present issue to be considered. However, this danger is not inevitable because the challenge is not to denounce AI but to shape its development and operation within established guidelines that align with our rights and liberty.

8. Concluding Remarks

Alongside the fruitful benefits of AI in governance, careful adoption is necessary for resolving the ethical concerns that the application of AI into governance is raising. The critical lens of Michel Foucault's panopticon theory points to sleepwalking in the world of surveillance disguised as efficiency and effectiveness in society by AI. The considerable application of AI in governance, such as data-driven decision-making, public interaction with government, public service delivery, public safety and security, and government surveillance technologies, leads to the ubiquitous eyes of surveillance and increasing gaze of the modern panopticon. It is viewed from the perspective of Foucault's Panopticon theory, which emphasises the moral dilemma of AI-powered governance. Moving forward, some important steps are crucial regarding this matter. Citizen should have the right to understand how AI is emerging into their lives and how it is being used to make decisions that affect their lives. Data protection and privacy regulation should be strengthened, and human oversight and transparency should be maintained in the realm of AI applications. Even though AI is essential to improve government processes, it cannot substitute human judgement, empathy, and accountability, which are crucial for governance and all other fields. We should prioritise careful planning, ethical scrutiny, and ongoing public discussions to protect individual liberty and democratic governance and ensure that AI serves humanity. As governments adopt AI and create related tools, they must also verify that citizens who choose not to use these technologies are still supported, showing the conflict between progress and personal choice. While AI technologies advance, continuous research and discussions are required to make sure that they remain for the public benefit, not as an instrument of exploitation. This is the time for visionaries to cautiously deal with these formidable challenges before the potential harms of unrestrained AI deployment become irreversible. Present choices will determine whether AI advances humanity or enslaves it.

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