

# The Digital Transformation of the European Union Surveillance Technologies from Panopticon to Eurosur

*Panoptikon'dan Eurosur'a Avrupa Birliği Gözetleme Teknolojilerinin Dijital Dönüşümü*

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## Abstract

The European Union is currently implementing a digital transformation process in many policy areas. The surveillance technology of the Union is one of them. From the historical perspective, this study concentrates on determining the relation between Jeremy Bentham's 'Panopticon model' and Micheal Foucault's 'Watchtower' approach and the digital transformation of the European Union surveillance technologies. Bentham's Panopticon model is a metaphor which describes the new society of the eighteenth century. Foucault took it as an example, improved the idea, and tried to describe the model as a watchtower. The main aim of Foucault was to illustrate the differences between surveillance techniques before and after the eighteenth century. Taking these models as a starting point, this study aims to show the digital transformation of the European Union's surveillance methods as a common policy. For this purpose, it will be examined whether the EU's surveillance systems and border policies are a permanent cage for modern society as stated in these models or not.

**Key Words:** Panopticon, Watchtower, Bentham, Surveillance, Covid-19

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## Özet

Avrupa Birliği günümüzde birçok politika alanında dijital bir dönüşüm süreci uygulamaktadır. Birliğin gözetleme teknolojisi de bunlardan biridir. Bu çalışma, tarihsel perspektiften Jeremy Bentham'ın 'Panoptikon Modeli' ve Micheal Foucault'nun 'Gözetleme Kulesi' yaklaşımı ile Avrupa Birliği gözetleme teknolojilerinin dijital dönüşümü arasındaki ilişkiyi değerlendirmeye odaklanmaktadır. Bentham'ın Panoptikon modeli, on sekizinci yüzyılın yeni toplumunu tanımlayan bir metafordur. Foucault bunu örnek almış, fikri geliştirmiş ve modeli bir gözetleme kulesi olarak tanımlamaya çalışmıştır. Foucault'nun temel amacı, on sekizinci yüzyıl öncesi ve sonrası takip teknikleri arasındaki farkları göstermektir. Bu çalışma, bu modellerden yola çıkarak Avrupa Birliği'nin ortak bir politika olarak takip yöntemlerinin dijital dönüşümünü göstermeyi amaçlamaktadır. Bu amaçla, Birliğin takip sistemleri ve sınır politikalarının bu modellerde belirtildiği gibi modern toplum için kalıcı bir kafes olup olmadığı incelenecektir.

**Anahtar Kelimeler:** Panoptikon, Gözetleme Kulesi, Bentham, Takip, Covid-19

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## INTRODUCTION

Developments in international relations, transformation of states and systems, population growth and wars have made it necessary for states to survive by constantly producing new policies. It is possible to find the basis of the digital transformation processes that European countries are experiencing today before the 18th century. Even in a period when technology was not yet developed, it is seen that studies were carried out on observing people and monitoring and controlling their behaviors. The most interesting example of these studies was revealed in the 18th century with Jeremy Bentham's 'Panopticon model'. This model, which was designed as an architectural structure and adapted to the prison system for the first time, was examined by many philosophers, especially Micheal Foucault, in the following centuries. In addition, it has been organized by the leaders in a way that will spread to many areas in daily life by making use of technological developments. This transformation, which took place in Europe before the 20th century, was also handled by the European Union, which was established after the 1950s, and the Union implemented new policies to ensure border security by using the metaphor of the 'Fortress of Europe'. The tracking systems, which have developed with the help of technology since the 18th century, appear as one of the most important digital transformation processes the Union deals with to ensure its security.

In this direction, the main purpose of the study is to explain the measures and surveillance systems implemented by the EU which can be increased to a high level in cases requiring urgent measures such as the Covid-19 pandemic, and to discuss the infrastructure of these systems based on the 'Panopticon model' of Jeremy Bentham in the 18th century. In this context, first of all, Bentham's panopticon mechanism and Foucault's watchtower metaphor, which are accepted as the basis of tracking systems, will be discussed. Then, the digitalization of these techniques with today's technologies and how they are handled within the scope of the European Union border policies will be examined. While examining the relationship between the Panopticon and the European Union surveillance system, the study prioritized the development and change of technology and tried to present the data obtained from primary and secondary sources comparatively.

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## 1. JEREMY BENTHAM'S 'PANOPTICON MODEL'

The turmoil and internal disturbances experienced by the empires in 18th-century Europe made it necessary for the government to establish authoritarian control systems. The Panopticon idea of Bentham, which is one of the subjects of the study, emerged in this period, on the possibility of being a solution to this process. Contrary to what is known, the design of this control mechanism belongs to his brother, Samuel Bentham, not Jeremy Bentham (Furlong, 2021: 136). Architect Samuel Bentham collaborated with his brother Jeremy Bentham when he was asked to design this building in 1785. Therefore, while the designer of the panopticon is architect Samuel Bentham, the idea of how the systems in the design will work belongs to Jeremy Bentham. This structure is referred to as the Panopticon as stated. The word panopticon is derived from two different words known as "pan" and "opticon". The word 'pan' means whole, while the word 'opticon' means to observe. For this reason, the building takes the name Panopticon, which means "Observing the Whole" in accordance with the task it will

fulfill. And also, the name was derived from the figure in Greek mythology, Panoptes, who was a giant with a hundred eyes (Özdel, 2012: 23).

The idea underlying the Panopticon thought of Jeremy Bentham, also known as the founder of utilitarianism, is actually based on an international political economy. This is related to the control of the free market and the free labor market by the government. The key point here is control. In order to ensure order in society, human behavior must be kept under control, and when necessary, it must be changed and intervened by a government. For the continuity of society with economic freedom, there is a need for a state apparatus that attaches importance to surveillance activities. The government can do this by collecting data, keeping health records, monitoring the economic movements of citizens, and keeping criminal records (Gill, 1995: 17).

Considering the political and economic conditions of the 18th and 19th centuries, Bentham's Panopticon model is based on the idea that people act in their own interests and constantly try to maximize them. According to Bentham, individuals should be free to make their decisions and making their choices; however, they should be prevented from harming the general interest of society. On the contrary, they should be encouraged to make choices that are in everyone's best interest. A person who acts only for his own benefit will also be unreliable. Therefore, they should be subject to surveillance (Türe ve Türe, 2019: 99). While individuals make free choices, the choices they make should be shaped by the institutions created by the government and the reward and punishment mechanisms set forth by its rules. Thus, while individuals progress in line with their interests, they become able to serve the common interest of society with their behaviors shaped by the surveillance of power (Laval, 2012: 52).

The main idea of Bentham's Panopticon is based on the principle that "the closer you are watched, the better you behave". This principle is Bentham's key point. According to Bentham, security is the basic condition for the happiness of society. This system, which he proposed to be developed for current or potential criminals, is based on monitoring the movements of criminals and operating the reward and punishment mechanism. These people, who are aware that they are being watched, will develop their behavior accordingly and will know the consequences (Steadman, 2007).

"The Panopticon consists of a ring building and a tower in the middle of this ring. It has a watchtower in the middle and large windows that look into the interior of the ring-shaped building that surrounds the tower. The ring-shaped building is divided into cells. The cells also have two large windows, one looking in and the other out. The window facing the inside coincides with those of the tower. Thanks to the light coming from the window looking out, it is possible to follow the silhouettes of the prisoners in the cells in the ring-shaped building easily from the tower. The inside of the tower is not reflected outside, so it is impossible to tell how many people are in the tower, or even if there is anyone." (Türe ve Türe, 2019: 101). This model is a design that allows unseen surveillance. The panopticon is not only a prison, but also a power technology and surveillance project.

Based on the idea of controlling large masses, it was thought that it could also be used for purposes such as surveillance, imprisonment, forced labor, and education. The main idea is control and authority, in this context, the effective and efficient surveillance of the person who will provide control is based on the logic of 'invisible surveillance'. Thus, even if there is no watcher, the person will have to control his behavior with the feeling of being watched, so that the authority will be able to shape his behavior in the way he wants. Thus, the government can make the authority it wants permanent (Strub, 1989: 42).

Bentham's Panopticon design received some attention in the United Kingdom and the United States but was not considered in countries such as France and Ireland. In 1826, prisons were built in two states of the USA with Bentham's design, but when it was not found very successful in practice, the old system was returned (Steadman, 2012).

## **2. MICHEAL FOUCAULT'S 'WATCHTOWER' MODEL**

Micheal Foucault, starting from Bentham's description of the prison-Panopticon, has worked on the invisibility of modern powers and was inspired by Bentham's idea in the context of the way power provides discipline (Murakami Wood, 2016: 8). Foucault, one of the important sociologists of the 20th century, has worked on the position of individuals from the point of view of power during the transition from feudal order to capital order. Accordingly, the individual was not important for the power in the feudal system; what was important was the concepts of land, village, and family. However, in the capitalist system, since it is feared that individuals will overturn this newly emerged order through rebellion or resistance, and it is aimed to prevent this, the necessity of monitoring each individual one by one has emerged. Foucault mentions that there are similar practices to the Panopticon in the feudal order. He tries to explain this with the examples of quarantine developed as a precaution against the plague and leprosy epidemic in the Middle Ages. In this period, the rules are based on closing the person somewhere. Those who break the rules and oppose the authority of the government are punished with death. Therefore, unlike trying to improve individuals, the aim was to individualize and monitor society (Foucault, 1980: 34).

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When the epidemic period and the capitalist period are compared, instead of the king's power, it is understood that an invisible power administration has emerged where there are no open strategies and clear punishments, and individuals try to control their behavior due to the oversight of the power. This situation shows that the power has begun to change the form, and that there has been a transformation from the power of one person to the 'power of the eye'. While Bentham's Panopticon is based on watching a certain group of individuals, Foucault considers this situation as a 'Watchtower' by saying that the whole world has turned into a giant Panopticon. In the 21st-century society, the Watchtower (giant tower) is the power, individuals believe that they are constantly watched without being able to see who is in the tower. Citizens who are individualized in cells created by the surveillance power, without being able to communicate with each other, have to live with the thought of being watched. The individuals, who are constantly watched by the eye on the top of the tower, are controlled by invisible power (Özdel, 2012: 25).

"Panopticon refers to Bentham's surveillance architectural construction, which is specifically used in prisons as a means to optimize the observation of inmates by a single guard, without the inmates being aware that they are being watched." To be able to accomplish this, Bentham envisioned the construction of an annular building with a watchtower in the centre. The tower has wide windows that open onto the inner side of the ring. The peripheral building is divided into cells with two windows: one on the inside facing the tower and the other on the outside to let light in. This creates the effect of backlighting, exposing the captive's shadows in the cell. (Rathbone, 2022). According to Foucault these cells "are like so many cages, so many small theatres, in which each actor is alone, perfectly individualized and constantly visible". The prisoner is responsible for observation and getting information, never responsible for communication or visibility. This control is the basis of the 'guarantee of order'. Accordingly, power should be guided by the principle of visibility and verifiability. Power is individualized and internalized in a process known as panopticism (Foucault, 1991: 201). The central observation served as both the exercise of power and the registration of knowledge (Fox, 1989: 723).

When it comes to surveillance systems, first Bentham's Panopticon and then Foucault's Watchtower can be discussed. These systems are based on central monitoring of individuals and can also be considered architectural designs. Thus, they are explained by architectural surveillance theories. The next stage is the adaptation and digitalization of these physical architectural surveillance designs. The widening of the distance between monitored individuals made it impossible to physically monitor individuals and resulted in the digitalization and globalization of surveillance technologies and the development of a networked surveillance mechanism. Thus, surveillance is conceptualized, the movements of society are turned into data, and today's monitoring technologies emerge by combining physical and digital within surveillance. Thus, power institutionalizes and legitimizes surveillance (Galič, Timan and Koops, 2017: 9).

When the etymological origin of the concept of surveillance is examined, it is seen that it means 'sur' (from above) and 'veillance' (to watch). The entry of the surveillance process into daily life after Bentham and Foucault started with the use of Closed-Circuit Television (CCTV) cameras in areas such as highways, airports, and workplaces. Thus, it can be said that surveillance and follow-up in public spaces are spreading more and more. It is seen that the developments in information and communication technologies after the 1960s were also effective in this spread. In this process, while the individual is observed to stay within the framework of certain behavioral patterns, there are also explanations that the purpose is to protect and care for the individual (Galič, Timan and Koops, 2017: 10). Today the panopticon method helps to surveil in various settings such as the consumer contexts, government administration, and workplace. This can happen to some extent in all countries. In this study, case study was adopted as the research method. In this direction, the surveillance policies of the European Union were selected as a case study and an evaluation was tried to be made with the document analysis method. Thus in this study, the European Union will be examined in the context of surveillance policies.

### 3. EUROPEAN UNION AND SURVEILLANCE

Apart from the 18th-century panopticon model, the modern panopticon does not rely on a central watchtower. According to the modern panopticon, there should be secrecy. In other words, the main aim is to make people forget that they are under observation. Today's technologies allow security cameras to be as small as possible, even if they can be seen clearly. Thus, with camera systems that can be integrated with the environment, the tendencies and behaviors of citizens and consumers can be easily controlled. It is stated that the surveillance mechanism is made for the public good and it is stated that there is no need to be afraid of the modern panoptic system.

With the changes in technology, the use of fingerprint and face recognition technology has led to new developments in surveillance systems. These databases, which record facial patterns, do not only serve the public interest, but also become a tool for catching possible criminals, and finding terrorist-related persons, missing persons, or refugees.

Foucault's theorization of surveillance is useful in order to understand the character of the European border regime. The European border regime is a way of attracting the "right kind of migrant" and sorting out the "wrong ones". Contrary to Bentham, Foucault did not work on controlling individual behavior, he suggested that this issue should be examined by the state. However, it is also seen that he uses surveillance systems as a discipline tool. He states that the state's surveillance systems are designed accordingly. The European border regime's mission is to let certain people and goods in and prevent others from entering, and control them once they enter. This mechanism is not new, it is a redesigned version of Foucault's watchtower. "The European surveillance border regime can be characterized as a yet incomplete, partially -big- data-driven, partial- algorithmic, partially but increasingly digital, and panoptic power structure in the making." (Huber, 2020: 115, 119). Borders and immigration policies are not enough to stop irregular migration, so many governments turn to internal migration control for settled irregular migrants. These kinds of policies that identify irregular migrants are vital. At this point, registration and identification mean computerized and networked databases. The EU member states are currently developing a network of databases in the field of irregular/illegal immigration (Broeders, 2007: 71).

The EU member states have adopted various technological instruments that have serious consequences for many of the EU's policies such as migration, free movement, and border policies (Sadik and Kaya, 2020). In the following section, the technologies of surveillance and control, particularly the EU's information technology systems, Schengen Information System, Visa Information System, and Eurodac are investigated to exemplify the EU's surveillance practices.

### **3.1. Schengen Information System**

The concept of free movement was to enable the working European population to freely travel and settle in any EU State. In 1985, in Schengen, with the signing of the Agreement on the gradual abolition of checks at common borders, an Agreement was reached. After the signing of the Convention implementing that Agreement in 1990, the Schengen Agreements which were born as an intergovernmental initiative started in 1995 (Schengen Area, 2022). Schengen operates two comprehensive registration and surveillance systems. The former is the Schengen Information System (SIS) that relies on data-based registration and surveillance system made up of national databases that feed information into the central one in Strasbourg. Even though it is in operation, the need to design an SIS II is caused to the renegotiation and redevelopment of SIS in an enlarged EU (Broeders, 2007: 79). SIS II was implemented in 2006 to establish a technologically viable system capable of accommodating the expanded European Union, and it has evolved into the largest database within the EU. Since its inception, the majority of the data stored in the system pertains to third-country nationals who have been denied entry into the Schengen Area (König, 2016: 5). The latter is SIRENE that is twinned with the SIS as an auxiliary or supplementary system (Broeders, 2007: 79).

### **3.2. Visa Information System**

The Visa Information System (VIS) consists of a central Information Technology system and a communication infrastructure that links the central to national systems. VIS connects consulates in non-EU countries and all external border crossing points of Schengen states. It processes data and decisions related to applications for short-stay visas to visit, or to transit through the Schengen Area. The system can be used in biometric matching, primarily of fingerprints, for both identification and verification purposes (Visa Information System, 2022). Introduced in 2008, the VIS operates in a similar manner to the SIS. It consists of a central database housed in the same headquarters as SIS and collaborates with national counterparts. The primary purpose of VIS is to register individuals who enter the Schengen Area with a visa, with the main goal of facilitating the identification of individuals who have remained irregularly within the Schengen Area beyond the expiration of their visa (König, 2016: 5). From the point of view of the VIS, it is not possible to register irregular migrants, especially when they enter illegally. Irregular immigrants may enter the country illegally, come on a legal visa and remain illegal after the visa expires, or come as asylum seeker and stay after their asylum request is rejected. In all these cases, databases work differently. Those who come within the scope of the asylum procedure are registered with EURODAC. Those who come legally are included in the VIS database. Persons who are controlled and monitored by identity, fingerprint, and face recognition can be found much more easily through the central network in the Union's surveillance systems (Broeders, 2007: 85).

### **3.3. EURODAC**

The prominence of external border management was heightened due to the increasing threat of terrorism and illegal activities following the March 2004 Madrid attack. This attack had an impact on the security policies of European Union nations, thereby amplifying the significance of justice and home affairs (Ultan, 2020: 352). EURODAC, the European Dactylographic comparison system, was established in 2003 with the purpose of assisting the enforcement of the Dublin Convention on asylum. Serving as an asylum fingerprint database for the European Union, EURODAC captures the fingerprints of applicants to deter concurrent asylum applications in multiple member states. In cases where a match is found within the stored dataset, applicants can be transferred to the member state where their initial asylum claim was lodged (König, 2016: 5). In 2013, revisions were made to the EURODAC Regulation, expanding its application beyond asylum to

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combat terrorism, crime, and irregular migration. Through the implementation of the "Passenger Name Records-PNR" program, introduced by a decision of the Commission, individuals attempting to enter EU member countries are subjected to registration. The PNR system enables the collection of various personal data, including individuals' contact details, travel dates, payment information, ticket details, and even seat numbers on the plane. These types of information are treated on an equal level for all individuals entering EU countries, forming part of the efforts to counter terrorism and irregular migration. Consequently, it becomes evident that the information of all foreign nationals is accessed and stored in a uniform manner (Passenger Name Records, 2022).

## 3.4. Europol and EUROSUR

These data collection and tracking systems act in coordination with Europol and EUROSUR. On January 3, 1994, Europol commenced its operations under the name "Drugs Unit" with a limited scope, primarily focused on combating drug-related crimes and facilitating information sharing among member countries. Europol's responsibilities encompass various tasks such as facilitating information exchange, gathering and analyzing intelligence, notifying national authorities about criminal situations, supporting investigations in member states, and establishing an interconnected network of shared information. Europol's jurisdiction and activities extend beyond drug trafficking to encompass areas such as irregular migration and human trafficking, cybercrime, fraud, money laundering, financial offenses, terrorism, and organized crime (About Europol, 2022).

The European Border Surveillance system (EUROSUR), established in 2013, serves as a framework to enhance information sharing and collaboration between Member States and FRONTEX. Its main objective is to enhance situational awareness and response capabilities at the external borders. EUROSUR operates as a network designed to collect, exchange, and analyze information related to land and sea border surveillance. It encompasses activities such as monitoring, detecting, identifying, tracking, preventing, and intercepting unauthorized border crossings. The primary aim is to detect, prevent, and combat illegal immigration and cross-border crime while also contributing to the protection and preservation of migrants' lives. EUROSUR functions through close cooperation between national border guard forces and the EU's external border authorities (Eurosur, 2022).

## 4. RESULTS OF THE RESEARCH

All these works carried out by the European Union through digital transformation have made it much easier to control people after the development of the Panoptic system. In the transformation process of surveillance systems, the European Union has paid attention to the development of common policies in this area in order to ensure its security. In this respect, it has introduced digital transformation in many areas from border security to data security, from the control of immigrants to the free movement of EU citizens. Some of the European countries like Germany and France have expanded the scope of their own surveillance technologies during the years (Dworkin, 2015). While the application of these technological systems has been met in daily life, surveillance systems have been used to ensure border security in an emergency situation such as the Covid-19 epidemic, and a new structure has been brought to this process with a vaccine passport.

On 17 March 2020, EU leaders took the decision to temporarily restrict non-essential travel to EU countries, and this continued until 20 June 2020. In order to slow down the transmission of the current epidemic, the EU restricted free movement, took travel measures, and tried to adapt the digital transformation of the surveillance systems according to the current epidemiological situation (COVID-19 Travel Measures, 2023). After June 2020, the content of these limitations has been expanded, and especially with the developments related to the vaccine, the surveillance systems have been activated again. With the discovery of the Covid vaccine, EU leaders took steps to develop common measures and practices in these areas in order to minimize the impact of the epidemic on the four basic freedoms of the movement of goods, services, persons, and capital, and decided to start vaccinations and expand the Covid vaccination passport application (Kutluhan, 2022: 108). With the vaccination passport application, the digital transformation of the EU's surveillance systems has also been extended within the scope of health applications. This strict control practice was relaxed as of January 25, 2022, and all restrictions were lifted as of December 13, 2022. However, the way has been left open for the re-implementation of the established surveillance system in any way, if the epidemiological situation worsens (Travelling from outside the EU, 2023).

## 5. CONCLUSIONS

This study aimed to reveal how the philosophy of a surveillance system used in the 18th century developed in the following years and how it is evaluated today. It is seen that the Panopticon, which was designed by the Bentham brothers for the first time, was reconsidered by Foucault in the 20th century, and how it was used as a tool for states to establish power and discipline over the people. In both models, although individuals do not know by whom they are being followed since they

know that they are being watched, they have to regulate their movements and behaviors accordingly. With this method, those in management can control the behavior of individuals and enable them to behave as they wish. This situation can be seen in many applications in many regions of the world and can also be evaluated in the European Union policies. In particular, the philosophy of surveillance, which is used within the scope of border control, immigration policies and criminal pursuit, has gained importance with the contribution of technological developments. With the Schengen area and Visa Information System, legal entries and exits are followed, and with EURODAC, the data of illegal arrivals is controlled. Generally including biometric data, their aim is controlling migration flows and identifying and sorting legal and irregular migrants. It is understood that the system is followed up with Europol and EUROSUR in general. This situation is an indication that the effect of surveillance systems that emerged in the 18th century on the continuity of the state and the control of individuals' behavior continues to develop with the influence of today's technologies.

This change in surveillance technologies is moving towards the development of the Union's migration policies and the control of all states through a common system in the fight against crime. The role of surveillance technologies in monitoring potential criminals and securing the borders of the Union is increasing day by day.

As a result, it is possible to say that the system, which was based on controlling the behavior of the individual by observing in the 18th century, developed with the advancement of technology. The metaphor of the panoptic, which started as a prison surveillance system in the 18th century, was systematized in the following years and started to be adapted to daily life. When this metaphor pioneered by Bentham and then Foucault, combined with today's technologies, it would not be wrong to say that we are faced with a much more advanced surveillance system than they predicted. Although this situation is built on the pursuit of criminals by the states, nowadays everyone is aware that they are being watched through technology, but they continue to live by taking it for granted.

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