Criminalization, Representation, Regulation
Thinking Differently about Crime

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Introduction

At the NSA [United States’s National Security Agency], I witnessed with growing alarm the surveillance of whole populations without any suspicion of wrongdoing, and it threatens to become the greatest human rights challenge of our time.

—Edward Snowden

Surveillance permeates our daily lives in countless ways, though it often operates below the radar. In 2013, however, the secret operation of numerous mass surveillance programs became headline news in mainstream media thanks to the publication of leaked documents made available by Edward Snowden. The secret programs that Snowden brought to light share an affinity with most other types of surveillance: they scoop up, organize, and store data about people, places, and things so that it is close to hand for future analysis and action. As this chapter illustrates, there is nothing necessarily sinister in the organizational impulse to undertake surveillance for the purposes of informing future action. The mundane technologies and practices that make up surveillance become problematic, though, when they interlock with processes of representation, racialization, and criminalization.

As you have learned in previous chapters, the processes of representation, racialization, and criminalization are intimately linked. Through Ummni Khan’s discussion of the work of Stuart Hall (Chapter Three), for instance, you learned that representations structure and frame how we think about phenomena. Using the HBO show Oz as an example, Khan discussed the mass-mediated projection of racist stereotypes about prison inmates. In this chapter we consider linkages between stereotypical representations, racialization, and

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criminalization less with an eye to their mass-mediated projections, and more with a view to the way they are enacted in often-hidden processes and signifying practices. By focusing on profiles and profiling technologies—key mechanisms, or tools, of contemporary surveillance—our goal is to illustrate how surveillance can perpetuate linkages between stereotypical representations, racialization, and criminalization. We accomplish this by once again looking to the concept of governmentality, which focuses our analytic attention on the everyday, mundane, and often taken-for-granted exercise of power.

In what follows, you will learn about how surveillance and governmentality relate to the idea of social control. You will learn that studying surveillance provides a way of thinking about governmentality, and also that the concept of governmentality is useful for understanding why surveillance has become so ubiquitous in so many places around the world. We will discuss how profiles and profiling technologies work to enable surveillance, and we will show how profiling is used in the financial, policing, international travel, and medical sectors. By showcasing how profiling and profiling technologies can work in these different sectors, we will illustrate how processes of representation, racialization, and criminalization intersect in surveillance systems. Before jumping into this analysis, however, it will first be worthwhile to begin with an example of just what is at stake when racist and stereotypical representations are embedded into surveillance systems.

Stereotypes, Surveillance, and the Case of Maher Arar

In the weeks and months following September 11, 2001 (hereafter referred to as 9/11), Canadian police and security-intelligence organizations worked feverishly to investigate what was described at the time as an “immanent threat to public safety.” Galvanized by the spectacular and tragic attacks that had unfolded in the United States on 9/11, investigators cast a wide net designed to sweep up those suspected to have the capability of facilitating—if not actually executing—an act of terrorism.2 They sought, especially, those individuals fitting a profile of what was known or suspected about al-Qaeda operatives at that time. Caught up in this investigative net were numerous Canadians of Arab or Middle Eastern descent.

Below we tell the story of one of these Canadians—Maher Arar—because it illustrates how surveillance may be implicated in regulatory or governance

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processes and practices, ranging from overt control to more subtle and covert forms of influence. Arar’s story also illustrates the potentially profound consequences that can follow from the misuse of and overreliance on profiles and surveillance. It exemplifies how surveillance can manifest the linkages between social structures like systemic racism, sedimented cultural representations like stereotypes of Muslim identities, and the everyday lived experience of marginalization and oppression.

Before the fall of 2002, Arar was living in Ottawa and going about the affairs of his daily life much as we all do. He was born in Syria, but he immigrated to Canada when he was 17 and became a Canadian citizen in 1991. He completed degrees at McGill University and the Université du Québec and subsequently worked in the communications sector.

In the fall of 2001, Arar came to the attention of authorities because he had met up with Abdullah Almalki at a café in Ottawa. Like Arar, Almalki had also immigrated to Canada from Syria, also becoming a citizen in 1991. Almalki was at that time under investigation by Canadian security forces because he had worked during the early 1990s in Pakistan and Afghanistan. Once Arar was identified as a potential associate of Almalki, he too became the subject of an investigation. He was put under surveillance periodically during the fall of 2001. Although this surveillance yielded nothing unusual about Arar, investigators began collecting more and more information about him. They assembled a substantial dossier on Arar, including, for example, a rental agreement for an Ottawa-area apartment that he had signed, which had named Almalki as an emergency contact. Canadian security forces eventually turned the information they had collected on Arar over to the US Federal Bureau of Investigation without any kind of qualification.3

Although there was no evidence of Arar’s having done anything wrong, the fact that he had been under surveillance by Canadian security forces cast a pall of suspicion over him. In the political climate of the immediate post-9/11 period, Arar and Almalki—and others who seemed to match a prevailing set of reductive characteristics informing national security investigations—were stereotyped in such a way that their presumption of guilt might as well have been a foregone conclusion.

Even though Arar and Almalki were under investigation in 2001, it is important to note here that their cases would eventually become the subject of public inquiries that would clear them of any suspected wrongdoing. These inquiries also demonstrated that Canadian security forces and

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3 Ibid., 52–56.
government officials, who were under pressure to preempt another 9/11, bent and broke numerous rules governing the investigation of suspects. Back in 2001, however, before the public knew anything concrete about the fast and loose way authorities were undertaking their investigations, Arar’s fateful meeting with Almalki turned him into a “person of interest.” Unaware that security forces had begun to assemble a profile on him, Arar travelled to Tunis for a family vacation. Returning to Canada from his vacation in late September 2002, he was detained by the US Immigration and Naturalization Service (INS) while transiting through New York’s JFK airport. He was accused of being a terrorist and held in solitary confinement in a New York detention centre for over a week. In spite of strenuously denying this accusation, he was deported to Syria. For the next 374 days—over a year—Arar was kept in a Syrian jail where he was repeatedly interrogated and tortured when not confined in a tiny chamber that he subsequently likened to a grave. In October 2006, Arar was cleared of all charges of terrorism by a Commission of Inquiry held by the Government of Canada. He received a settlement of $10 million. Arar still remains on “no-fly” lists maintained by the US government, however.

Arar would likely never have been deported to Syria had it not been for the fact that Canadian security forces passed unqualified, uncontextualized information about him to American security forces. His story presents us with a worst-case scenario of what can happen when organizations conduct surveillance and use profiles to guide their interactions with individuals, in ways that reduce those individuals’ life histories down to a few data points and that operate in the background, unbeknownst to those individuals. It also suggests how surveillance and profiling are implicated in processes of social control and governmentality. Indeed, Arar’s case clearly illustrates how surveillance was directly related to the exercise of control over his individual circumstances: The information it generated was used to legitimate his confinement, deportation, illegal interrogation, torture, and incarceration. Beyond the exercise of control over Arar, we can also imagine how a general atmosphere of surveillance might have played a role in the governmentalties circumscribing the everyday life of racialized communities in pre- and post-9/11. To be of Middle Eastern or Arab descent, to be of Muslim faith, to know what happened to Arar and others—and to feel one’s self under surveillance—was and remains a potentially terrifying prospect (“If I seem to match a police profile, if I am under surveillance, could the same thing happen to me?”). Under these conditions, the beliefs and practices of racialized communities—indeed, their very capacity for self-determination—may be fundamentally constrained.
Profiles and Profiling Technology

Ambiguities and Potentialities of Surveillance

Maher Arar’s case presents us with an extreme example of what can happen when surveillance goes wrong. When the everyday practices and processes that underpin surveillance interlock with existing racial stereotypes, for example, it’s not just that they reinforce extant forms of systemic racism and criminalization, it’s also that they can radically alter an individual’s life course in devastating ways. Unlike the projection of racist stereotypes in mass-mediated cultural products like television shows, the projection of racist stereotypes through the practices and processes of surveillance can have immediate and profoundly negative consequences for those under surveillance.

Having said this, we must take care in how we analyze surveillance. It would be overly simplistic to argue that because it can be deeply implicated in systemic racism surveillance is inherently bad. Surveillance by itself did not result in Arar’s maltreatment—it was surveillance in the context of aggressive policing, surveillance interlocking with overcooked political rhetoric and widespread systemic racism, surveillance in the service of a vastly unequal global political system, and so on. Besides, there are any number of examples that one could cite where surveillance is regarded as having had positive consequences. Think, for instance, about when public health officials use data from epidemiological surveillance to intervene in influenza outbreaks. Or when satellite images of Earth and aerial photography are put to use for environmental protection by monitoring for cases of illegal dumping. Examples such as these suggest that surveillance can just as easily have positive and desirable outcomes as negative and undesirable outcomes. Accordingly, a good starting point for the analysis of surveillance is to assume that it is neither necessarily good nor necessarily bad, but that it is instead ambiguous with respect to these potentialities. But moving beyond this initial analytic stance requires investigating the conditions under which surveillance might be good or bad and, crucially, investigating who is served—and who is harmed—by surveillance.

Such investigation is important because, as Maher Arar’s case so clearly illustrates, the potential for surveillance processes to produce disastrous outcomes is real. Moreover, surveillance-mediated disasters tend to happen to people who are already marginalized in some way, for instance when surveillance and profiling practices interlock with existing stereotypical representations, systemic forms of racism, disadvantage, and processes of criminalization. To help better illustrate the ambiguities and potentialities of surveillance, and how they might interlock with racism and criminalization, we turn now to a discussion of social control and governmentality. This will set up our
consideration of surveillance, profiling, and profiling technologies in different sectors of contemporary life.

**Surveillance and Governmentality: Moving Beyond Mechanistic Theories of Social Control**

Below we will briefly introduce the idea of social control, and then discuss why contemporary scholars have found it necessary to move beyond the mechanistic theories associated with this idea. We next discuss the concept of governmentality, which advances social theory beyond mechanistic understandings of social control. The study of surveillance sheds light on governmentality and, in turn, the concept of governmentality is useful for thinking through some of the dynamics of contemporary surveillance. Using the example of profiles and profiling technologies, we will illustrate the potential of automated and largely hidden forms of governmentality that function through everyday surveillance.

**Social Control**

Ideas about social control are long-standing in sociology. If we understand social control to describe the processes through which elements of social order are maintained and reproduced, then we may read it into the classic sociological works of Marx, Weber, and Durkheim. In Marx’s writings, for example, it is the capitalist mode of production that mediates and controls hierarchic class relations. In Weber’s writings, large-scale bureaucratic institutions are a source of control. And in Durkheim’s writings, collectively held social facts enable social order. We might think of Marx, Weber, and Durkheim as offering structural explanations for social order. In other words, we might read them as conceptualizing what later came to be called social control in terms of society-wide structures like the capitalist economy, the state bureaucracy, and collectively held social facts.

If we choose not to read the concept of social control into classic sociological works, then we must begin its analysis in the late nineteenth century, when it is thought to have first entered the sociological lexicon. One of the earliest articulations of social control was in an 1896 article entitled “Social Control” by American sociologist Edward Ross. Ross advanced the concept of social control to describe “that ascendancy over the aims and acts of the

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individual which is exercised on behalf of the group.” Implicit in this definition is an understanding of society as containing a system of mechanisms that function—either through reward or punishment—to maintain harmony in social relations. Also implied is the idea that individual actors, in the absence of social control mechanisms, would naturally tend toward conflict. In a manner not dissimilar from classic European political theory (as expressed, for example, by Thomas Hobbes’s *Leviathan*), the early theorizations of social control supposed that self-interested individuals functioned together in groups largely because of external “social” forces.

**Rethinking Social Control, Rethinking Power**

The task of analyzing and explaining these social forces—of diagnosing the precise causes of conflict and the exact means by which social order and harmony is maintained or disrupted—has proven an enduring matter of debate in sociology. One key issue in this debate concerns the relationship between coercion and influence. Is social control effected because individual actors are coerced or forced to take a given course of action, or because they are influenced and persuaded that a given course of action is in their best interests?

Another key issue in this debate concerns the sources of coercion and influence. To what degree is it possible to speak of autonomous “social” forces operating in separate spheres from the institutions of sovereign states and their juridical mechanisms? To what degree, in other words, is it possible to distinguish influence and coercion as effected through the family or the community from influence and coercion effected through the government and other institutions of the state? Early theorizations of social control suggested a stronger distinction between these spheres than many contemporary scholars are willing to accept. During the 1980s and 1990s, against the backdrop of sustained political challenges to the structures of the welfare state in several liberal democracies (including Canada, the United States, and the United Kingdom) scholars took aim at approaches that traced strong distinctions between state and nonstate actors in the analysis of social control. Arguing that these relied too heavily upon a mechanistic and functionalist view of social relations, they illustrated, for example, how neoliberalism and neoliberal rationalities created mechanisms for “governing at a distance.”

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Coercion and influence, from this perspective, functioned together through a wide array of different forms of authority. Accordingly, mechanistic distinctions between control effected through government and control effected through social forces were viewed as untenable.

Critiques of mechanistic theories of social control were accompanied by a widespread and fundamental rethinking of the nature of power. Power was classically viewed as the exercise of force to make people do (or refrain from doing) something. A king or queen best exemplifies this understanding of power: He or she commands his or her subjects (through law), backed up with the threat of violence (the exercise of power), and thereby secures control over the people in his or her territory. Yet this classic view was challenged, particularly in the latter half of the twentieth century, by a perspective that saw power not only in government, law, and violence, but also diffused throughout the entire social body in the mundane, everyday lived experiences of subjects.

The contrast between these two views of power is evident if we hold together a turn-of-the-twentieth-century definition with a later definition. In Max Weber’s monumental *Economy and Society*, power is given the following general definition: “the chance of a man or a number of men [sic] to realize their own will in a communal action even against the resistance of others who are participating in the action.” Though Weber expands upon and complicates this initial definition, its general connotation is one of opposing forces locked in struggle; a tug of war or a pitched battle come to mind.

As you read in Chapter One, such definitions of power were criticized and transformed, perhaps most notably by Michel Foucault. In *Surveiller et Punir* published in 1975 (which was translated into English and retitled *Discipline and Punish* in 1977), Foucault proposed to study the “micro-physics” of power, a power “exercised rather than possessed.” This approach to studying power was different from the classic approach, especially in its emphasis on effects rather than forces. By emphasizing effects, Foucault was able to distinguish between the well-studied modality of “sovereign power” and the little recognized, distinctively modern modality of “disciplinary power.” “Whereas sovereign power is expressed through the symbols of the dazzling force of the individual who holds it,” he wrote elsewhere, “disciplinary power is a discrete, distributed power; it is a power which functions

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8 Rose, O’Malley, and Valverde, “Governmentality.”
through networks and the visibility of which is only found in the obedience and submission of those on whom it is silently exercised.”

We might think of these different modalities of power in terms of their visibility to the social analyst. One is overt and easy to recognize in its effects; the other is more covert and is more difficult to see in its effects. For example, one is manifest in spectacular punishment (think of prisoners being overtly restrained and put on public display in a pillory; see Figure 10.1), the other in quiet exhortation (think of a parent looking disapprovingly at a rowdy child;

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see Figure 10.2). The two modalities interlock, but before Foucault much more had been written about overt sovereign power than covert disciplinary power—about power as possessed rather than as exercised at the level of its micro-physics.

From Social Control to Governmentality

This notion of power’s micro-physics, its covert exercise and not simply its overt concentration in persons and institutions, prompted a need to supplement classic, structural thinking about social control with a more supple idea. Foucault used the term **governmentality** to describe this idea, which focuses analysis on the broad “ensemble” of institutions, actors, procedures, calculations, and knowledges that make governing possible.12 According to Nikolas Rose and colleagues, the analysis of governmentalities focuses on

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the practices that they consist of, how they are carried out, their contestations and alliances with other arts of governing. From such a perspective, it becomes apparent that each formulation of an art of governing embodies, explicitly or implicitly, an answer to the following questions: Who or what is to be governed? Why should they be governed? How should they be governed? To what ends should they be governed? … Further, instead of seeing any single body—such as the state—as responsible for managing the conduct of citizens, this perspective recognizes that a whole variety of authorities govern in different sites, in relation to different objectives. Hence, a second set of questions emerges: Who governs what? According to what logics? With what techniques? Toward what ends?¹³

From this perspective, the concept of governmentality provides analytic cues to guide empirical inquiry. It identifies important questions for research and suggests where researchers might look for answers.

_Surveillance and Governmentality_

The concept of governmentality can provide important cues for understanding surveillance in everyday life. And in turn, empirical studies of surveillance can offer a means for understanding contemporary governmentalities. Below we provide a brief introduction to surveillance in contemporary life, touching especially on profiles and profiling technologies and suggesting how these are implicated in social control and governmentality.

Thinking explicitly about its relation to human subjects, David Lyon defines surveillance as “any collection and processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been garnered.”¹⁴ “Although it may have protecting, entitling or caring components,” he notes, “surveillance expands primarily as a means of power in modern societies, due to military, geo-political and economic dynamics expressed through bureaucratic organizations.”¹⁵ Important for Lyon’s analysis of surveillance is the ubiquity of information technologies, especially digital technologies, which support all manner of monitoring. These platform technologies provide an infrastructure for linking different kinds of surveillance systems together.

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We might think of linked surveillance technologies as creating a giant system that is virtually inescapable. In other words, it is virtually impossible to live untouched by surveillance today except, perhaps, for those on the very margins of social existence. This situation stems from the growing integration of previously discrete surveillance systems. According to Kevin Haggerty and Richard Ericson, such integration “marks the progressive ‘disappearance of disappearance’—a process whereby it is increasingly difficult for individuals to maintain their anonymity, or to escape the monitoring of social institutions.”

Consider, for example, the following scenario: You might wear a baseball cap to hide your face from the closed-circuit television (CCTV) cameras in your local mall parking lot. But if security guards and police obtain permission to combine CCTV data with, say, cellphone data—and if that data shows that your cellphone was under the camera’s gaze at precisely the same time as the running, behatted individual—it could be doubly difficult for you to deny that you were where these surveillance systems say you were. This scenario suggests how seemingly discrete systems—a mall CCTV system and a cellular telephone system—might be linked together to help build up a data set about people. Many other systems could be overlain as well, producing a progressively more detailed profile. Where was your transit pass used on the day in question? Did your bank account balance change in an unusual way in the days following? Did you email anyone or post anything on Facebook that relates you to the incident in question?

What the above scenario underscores is that surveillance is a pervasive feature of contemporary life. We transact with numerous surveillance systems on a daily basis, and these transactions can, under the right circumstances and through data aggregation, be readily connected together. But why should we care if surveillance is becoming more pervasive and interconnected? It’s no big deal, you might say, if there are multiple different ways of monitoring your behaviour—no one ever got hurt by being looked at. It is difficult to deny that it is better to be watched than, say, physically assaulted. Yet this does not mean that the experience of being watched is a benign one.

Foucault, whose theorization of the micro-physics of power we discussed above, gave a chilling description of the potential effects of pervasive surveillance. In *Discipline and Punish*, Foucault wrote a now iconic analysis of Jeremy Bentham’s ideas about the panopticon (see Chapter One). Foucault’s analysis illustrates the idea that, if you feel you are under constant

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surveillance, you will eventually take on the work of your overseer—you will police yourself. Foucault provocatively suggested that although the panopticon was never built as Bentham had envisioned it, the institutions of modern life—the school, the hospital, the factory—had, in decisive respects, taken on an uncanny resemblance to the panoptic prison. The result was a system of discipline that, in theory at least, was diffused throughout the social body and which enrolled subjects into the work of their own discipline. It was a system founded, in other words, upon widespread self-discipline. Based on a reading of Foucault’s discussion of the panopticon, it would seem reasonable to conclude that surveillance and imprisonment are but two sides of the same coin.

However, Foucault’s broader analysis in *Discipline and Punish* (and other writings) indicates the deeply contested operation of power. It would be overstating things to say that he did not see much of a difference between surveillance and imprisonment. In addition to accounting for the complexities of his analyses, care must be taken when using his ideas to explain contemporary situations. Foucault's arguments were based on a study of transformations that happened during the eighteenth and nineteenth centuries. For this reason, they cannot merely be overlain on the present. Thus, although many scholars have theorized contemporary surveillance in relation to Foucault’s ideas—especially his reading of the panopticon—a good deal of adaptation is
often viewed as necessary.\textsuperscript{17} Some scholars have recently begun to take issue with the use of Foucault’s work as a key frame for understanding contemporary surveillance. As they have argued, the panopticon, with its controlling carceral connotations, does not adequately grasp the dynamics of contemporary surveillance,\textsuperscript{18} missing a great deal of activity that, while not necessarily overtly controlling, is nonetheless key in its governing effects.

As we shall now argue, profiles and profiling technologies exemplify how contemporary surveillance, while not functioning in an obviously panoptic way, may nonetheless produce (self)disciplining and normalizing effects in ways that problematically enact stereotypical representations and broader, structural processes like racialization and criminalization. From this perspective, surveillance—including the mundane and often-hidden processes and everyday practices that make it work—may be viewed as a conduit for governmental power in everyday life. If through the conceptual lens of governmentality we understand contemporary governance operating not as “an all-pervasive web of ‘social control,’”\textsuperscript{19} but rather through “assorted attempts at the calculated administration of diverse aspects of conduct through countless, often competing, local tactics,”\textsuperscript{19} then we may glimpse why surveillance has become so central to the smooth functioning of everyday life. The concept of surveillance, in other words, names the processes and practices that help to coordinate and account for the calculated administration of diverse conduct.

Profiles and Profiling Technologies as Surveillance

Computer profiling ... is understood best not just as a technology of surveillance, but as a kind of surveillance in advance of surveillance, a technology of “observation before the fact.” A profile, as the name suggests, is a kind of prior ordering, in this case a model or figure that organizes multiple sources of information to scan for matching or exceptional cases.\textsuperscript{20}

Suppose you are looking at an apple sitting on your table. You take out a piece of paper and write down the words “red” and “fruit.” You have just

\textsuperscript{17} David Lyon, ed., \textit{Theorizing Surveillance: The Panopticon and Beyond} (Cullompton: Willan, 2006).
\textsuperscript{19} Rose and Miller, “Political Power beyond the State,” 175.
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profited your apple; that is, you have just represented it according to a couple of its key, identifying characteristics. According to this profile, the object you are looking at is a red fruit. Notice that the two words you have written down are a rather thin representation of your delicious, three-dimensional apple. You would never consider eating the paper instead of the apple. Yet, in spite of its not being very tasty, the profile you have created has a utility. It is smaller, thinner, lighter, more portable, and perhaps also more durable than the thing it is meant to represent. We might think of this profile as more malleable, easier to manipulate and move around, than the apple it stands in for. Depending on your perspective, the profile’s attributes may have greater utility than the apple’s; if you want to satiate your hunger, you would choose the apple, but if you want to organize your kitchen, if you want to identify, assess, and classify the object you are looking at in relation to the other objects in your kitchen, the profile is what you will reach for. It will tell you to put the apple with other fruit (or maybe with other red items, depending on how you choose to organize your kitchen).

Profiles help us identify, assess, classify, and manage the world around us. But how do profiles and profiling technologies actually work, especially in organizational contexts? And how are they related to surveillance and governmentality? We address these questions below.

Writing about the personal information economy and the consumer profiling industry, Greg Elmer suggests that profiles are like “simulations or pictures of consumer likes, dislikes, and behaviours.” They enable, as in the quotation by William Bogard that opened this section, a kind of surveillance in advance of surveillance. In other words, they allow organizations to study certain key characteristics of consumer behaviour (how many purchases were made over the last month and in which stores) and then make predictions about future behaviours. In the contemporary era, consumer profiling is automated and embedded within the processes of consumption. Its aim—through tracking patterns of consumption and continually monitoring the likes and dislikes we express in our choices about consumption—is to anticipate, cater to, and influence our future needs and wants.

23 Elmer, Profiling Machines, 5–6.
Contemporary consumer profiling works, Elmer suggests, by seducing consumers into divulging their personal information, usually at points of purchase. Have you ever been asked, for example, for your AIR MILES card at the supermarket? You accumulate points with each purchase, but in return you give LoyaltyOne Incorporated—the company that owns the AIR MILES program—valuable information about each purchase. Each time you use your AIR MILES card, you trigger an information flow that adds to the profile of you maintained by LoyaltyOne. By analyzing your consumption information and matching it with information about your location (your postal code, for instance), LoyaltyOne can sort you into a niche market. Are you a wealthy midtowner or a poor suburbanite? LoyaltyOne answers this question for retailers wishing to target their products to particular markets—if you’re a wealthy midtowner, you might get advertising for gourmet macaroni and cheese; if you’re a poor suburbanite, you might get advertising for last year’s discount macaroni and cheese instead.

Drawing from marketing literature, Elmer argues that certain types of data have become integral to the way that consumer profiling works to identify, assess, and classify consumers. There are at least four key types of data coveted by the consumer profiling industry:

First, geographic data encompass categories such as region, climate, population density, and market area. Examples of geographic data include telephone, area codes, zip codes, and Internet URLs and domain names. Second, demographic data tend to focus on personal information that is specific and unique to an individual. Examples of demographic data include age, sex, race, marital status, income, occupation, education, religion ... and nationality. Third, psychographic data attempt to address social aspects such as class, values, lifestyles, and personality. Finally consumer behaviour data refers to specific needs and desires, such as usage rate, brand loyalty, product knowledge, and attitude about specific products.

Some of this data is publicly available, some you may divulge at various transaction points in the course of your consumer life, and some is imputed, or estimated, based on data that have already been obtained.

In order to organize and make sense of the different types of data that are collected, organizations rely on mundane as well as sophisticated profiling.

25 Elmer, Profiling Machines, 79.
You might think of your loyalty card as a comparatively mundane technology (although it is sophisticated enough in its own right—its unique identifier links you to the purchases you make), but this front-end profiling technology is supported by sophisticated back-end computer hardware and software technologies that enable organizations to construct detailed intelligence about consumers and markets. “Consumers may not be aware,” Oscar Gandy observes, “of the many ways in which decision support systems supply the decisions, or the options, including prices that are set before them.” These profiling technologies scrutinize a broad data set to help make decisions about customer loyalty and the risk that unhappy customers will turn elsewhere for their consumer goods.

As Gandy argues, market-leading firms make use of their own data as well as data they purchase from specialized data mining companies, to figure out which markets to serve, which customers to cultivate, and which ones to ignore. They conduct experiments using the profiles they have built—simulations, or in Bogard’s terms, surveillance in advance of surveillance—in order to segment their markets and maximize gain while minimizing risk in each market segment. The logical goal of this process is to individualize and personalize marketing. However, although consumer profiles may be individualized, “the fact is that most of the information in them is derived from data mining techniques that use theoretical and derived models as a basis for the classes and categories into which the individual is assigned.”

It is this process of imputation and estimation, of derivation and guesstimation, that implicates profiles, profiling technologies, and the surveillance they enable in stereotyping and the perpetuation of racist cultural representations. As Gandy argues, these interventions tend to automate discrimination. They rely on models that “reproduce the social, economic, and political disparities that are experienced as comparative and explicit disadvantage.”

We shall now illustrate this process, which has been described as one of cumulative disadvantage, with reference to examples from the financial, policing, international travel, and medical sectors.

27 Oscar Gandy, Coming to Terms with Chance: Engaging Rational Discrimination and Cumulative Disadvantage (Farnham: Ashgate, 2009), 81.
28 Ibid., 83.
29 Ibid., 78.
What David Lyon calls **digital discrimination** is also a useful concept when it comes to understanding how profiles and profiling technologies come to reproduce inequalities. Digital discrimination is at play when, as Lyon puts it, “flows of personal data—abstracted information—are sifted and channeled in the process of risk assessment, to privilege some and disadvantage others, to accept some as legitimately present and to reject others.”

While the concepts of cumulative disadvantage and digital discrimination nicely capture the automation of discrimination, our aim here is to emphasize that profiles and profiling technologies are implicated not merely in the reproduction of social, political, and economic disparities, but also that they enact stereotypes, sedimented cultural representations, and systemic racism.

The binary oppositions that Lyon outlines (“the privileged” and “the disadvantaged” and those who are “legitimately present” and “the rejected”) speak to the ways in which tropes of representation secure power relations. As Stuart Hall demonstrates, binary oppositions and stereotyping secure power relations in that they operate in such a way that those “who are in any way significantly different from the majority—‘them’ rather than ‘us’—are frequently exposed to this binary form of representation” and are “often required to be both things at the same time.”

Digital discrimination sees the symbolic power of stereotyping and binary opposition “digitized,” enacting material effects on individuals and certain groups. Our hope is that through recognizing enactments of digital discrimination we can create a space to understand how we are differently implicated in these practices, and from this understanding be better able to form alliances that critically and collaboratively challenge stereotypical representations and social inequities.

**Financial Profiling**

In some cases entire neighbourhoods are profiled. Called *neighbourhood lifestyle segmentation* or *consumer segmentation*, this form of profiling is often done by way of postal codes and sees particular segments of a population, often consumers, subjected to interviewing, polling, product testing, and other forms of market research and information derived from census enumeration. From there they are categorized into segments within highly detailed consumer databases so that products and services can be marketed to them. In other words, consumers are made known by more than their postal code through a type of financial and geographical profiling (called *geodemographics*).

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Profiles and Profiling Technology

Profiles and psychographics by those in the business of consumer analytics). By way of surveys and polling, this is the practice of segmenting groups by certain common attributes to predict and determine attitudes, transactional habits, and purchases. Environics Analytics, for example, has a database system called PRIZM C2 that neatly classifies Canadians into nearly 55,000 neighbourhoods and into 66 separate lifestyle segments or clusters, such as “Lunch at Tims,” who are “high school-educated, blue-collar workers living in older homes and small apartment buildings,” “Asian Up-and-Comers,” “Money and Brains,” “Park Bench Seniors,” “Back Country Folks,” and “Nouveau Riches” who “like other well-to-do Canadians—their average household income is $129,000—they travel abroad, shop at chi-chi chains like Holt Renfrew and own a range of investments.” According to Environics Analytics “when your company links its customer database to PRIZM C2 segments or groups, the result is an accurate portrait of how your targeted consumers behave—whether they prefer luxury cars to subcompacts, tofu to tamales, or radio to podcasts.”

Such customer profiling and data compilation marks a practice of trafficking in information where consumer profiles, or “lifestyle segments,” and detailed transactional information from the use of consumer loyalty cards such as LoyaltyOne’s AIR MILES Rewards Program (discussed above) to Shopper’s Drug Mart’s Optimum Card are sold, traded, rented, and used in targeted marketing. In other words, individuals are coded into particular lifestyle segments by way of information such as transactional habits derived, for example, from monitoring shopping or travel behaviours.

However, targeted marketing is not solely about using census and consumption data to code city spaces and those who live in them so that companies can successfully market tofu and tamales. Sometimes entire neighbourhoods, suburban enclaves, and city spaces are profiled for money lending, or what could be called predatory financial services. Since the 1980s, there has been a growth in high-cost financial services that target those with low incomes and few assets. These financial products and services include pawn shops, income tax refund loans, prepaid credit cards, cash-for-gold companies, and cheque-cashing and payday advance loan outlets.

Money Mart, for example, first opened in Edmonton, Alberta, in 1982 and now has over 450 locations across Canada. Money Mart was purchased by US-based Dollar Financial Corporation in 1996. A payday advance loan generally works like this: The borrower must provide proof of regular income and cannot exceed the maximum amount allowed by provincial law.

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employment income, such as a pay stub; a working phone number and email address; proof of a working bank account, such as a blank cheque; and identification to prove that the borrower is over 18 years of age. With Money Mart, potential borrowers can apply online and are encouraged to feel secure in doing so, as the company’s website states that the “payday loan application is secure, [so] you don’t need to worry about the safety of your personal information online.” Payday loans range from $120 to a maximum of $1,500, and Money Mart informs borrowers not to “feel obligated to receive the full amount for which you’re qualified to borrow, you can always dial down the payday loan amount to just the cash you need.” If the loan is approved, the money is either deposited in the borrower’s account or received as cash at a payday lender branch. Daily interest is accrued and various processing fees are charged.

In Alberta the maximum borrowing costs for a $300 loan for 14 days is $69, with an annual percentage rate (APR) of 599.64%, according to Money Mart’s website (www.moneymart.ca). The Ontario Payday Loans Act (2008) prevents payday loans in that province from being calculated at an annualized rate and sets a 62-day limit on the length of a loan. Federally, the payday loan industry’s service charges are regulated by the Criminal Code of Canada under section 347.1, which “criminalizes the charging of usurious interest rates.” Given these relatively high borrowing rates and lending fees, Money Mart has been subject to various class action lawsuits, including one filed in Ontario that reached a settlement in 2010 where that company was directed to pay $27.5 million in cash as well as other stipulations. According to one study, the average payday loan customer in Ontario owes $23,579, excluding mortgages, to financial institutions. This same study found that 51 per cent of users of payday loan services did so because it is a “quick and easy process,” while 18 per cent found the locations more convenient than that of mainstream banks, and 15 per cent reported having “no other alternative sources for borrowing.”

Cheque cashing is another popular product that these high-cost financial services companies offer. Users of cheque-cashing services pay a flat service fee plus a set percentage of the total value of the third-party cheque in order to cash that cheque. According to one 2006 survey of Canadian consumer attitudes and behaviour, 7 per cent had used a nonbank cheque-cashing service that year, with 31 per cent of those respondents using “this service to

cash a federal government cheque at a storefront cheque-cashing service, at least once last year”; this number represents “nearly half a million adult Canadians,” according to this survey.\footnote{Créatec, “Executive Summary,” General Survey on Consumers’ Financial Awareness, Attitudes and Behaviour, Conducted for the Financial Consumer Agency of Canada (FCAC) (Ottawa: FCAC), 4, http://www.fcac-acfc.gc.ca/Eng/resources/researchSurveys/Documents/FCAC_GenSurvExec_2006-eng.pdf (accessed April 10, 2014).} Avoiding service fees and other costs was part of the rationale for the introduction of debit cards to be issued to some Ontario Works income recipients rather than issuing cheques, since many recipients do not have bank accounts and need to use a cheque-cashing service to access their benefits. One report from the Toronto Star noted that over the course of a year these service charges would total $249 for an individual recipient.\footnote{Councillor Paul Ainslie, quoted in Daniel Dale, “Debit Cards to Replace Welfare Cheques,” Toronto Star, August 8, 2011, http://www.thestar.com/news/2011/08/08/debit_cards_to_replace_welfare_cheques (accessed April 15, 2012).} With a prepaid debit card, users are said to no longer be easily identified as welfare clients and would use the card along with a PIN number for purchases anywhere MasterCard is accepted or to withdraw cash from an ATM. Some supporters of this City Services Benefit Card initiative have called it a “dignity card,” with one City of Toronto councillor stating “I’ve been hearing people gripe for years—‘People get a welfare cheque, and the first thing they do is go to the liquor store, the beer store.’ Well, usually when I get my paycheque, one of the first things I do is go to the liquor store or beer store. You should have some enjoyment in life. I think it’s a little draconian to start saying, ‘You’re on welfare, and this is exactly how you’re going to spend the money we give you.’”\footnote{Ibid.}

While neighbourhood lifestyle segmentation and data derived from census enumeration can be used to target certain neighbourhoods as ripe for payday loan and cheque-cashing stores, mainstream banks and lending institutions have also been found to profile potential borrowers for financial services like subprime loans. This practice has led to a racialization of the home foreclosure crisis of the late-2000s in the United States, where discriminatory lending practices saw to it that Black and Latino homebuyers were saddled with risky, high-interest loans.\footnote{Joe Feagin, Racist America: Roots, Current Realities, and Future Reparations (New York: Routledge, 2010), 161.}

According to a study by Jacob Rugh and Douglas Massey, subprime loans are considered “risky” because borrowers were often those who might not regularly qualify for traditional mortgage loans (due to poor credit scores, lack of assets, weak borrowing history, or other indicators of
riskiness) and who would be subject to higher interest rates and harsher penalties for default. In some cases certain borrowers who might qualify for lower loan rates were instead steered to higher-interest financial products. “Risky” borrowers were aggressively marketed to as their loans were later bundled and repackaged on the mortgage-backed securities market. Rugh and Massey found higher foreclosure rates in Black and Latino segregated neighbourhoods because these neighbourhoods were key locations for predatory lending services where, given the “legacy of redlining,” these neighbourhoods “continue to be underserved by mainstream financial institutions.”

Redlining is a practice that saw a denial of services by lending institutions, insurance companies, and other financial services by discriminating against racialized populations, particularly Black individuals in the United States beginning in the 1930s. It initially involved drawing red lines on maps that delineated areas where the privileged would be served and the disadvantaged would be underserved, separating, to use Lyon’s terms, the “legitimately present” from “the rejected.” According to Rugh and Massey, “the racialization of America’s foreclosure crisis occurred because of a systematic failure to enforce basic civil rights laws in the United States,” for example, Black borrowers receiving discriminatory treatment when attempting to procure financial lending services, or simply being denied service when entering a lending institution.

Rugh and Massey conclude that “discriminatory subprime lending is simply the latest in a long line of illegal practices that have been foisted on minorities in the United States.” So profiling, whether at the bank, on city streets, or at the airport, operates by segmenting particular populations by race, gender, class, or other categories of determination, often for discriminatory treatment and in ways that connect with extant inequities.

**Airport Profiling**

In 2009, Canadian rapper The Narcicyst (see Figure 10.4) released the music video for his track *P.H.A.T.W.A*. With this video, the Iraqi-born artist reflects on the security regimes and practices at the post-9/11 airport, extraordinary renditions, and the ubiquitous orange jumpsuits and black hoods worn by

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41 Ibid., 646.
42 Ibid.
43 Extraordinary renditions are the secret, extrajudicial, or forcible removal of a person to another country, often a country known to violate human rights and the due process of law.
those held indefinitely at the Guantanamo Bay detention camp. The video begins with The Narcicyst and his travelling companion, a Black man, wondering which one of them will be harassed more at the airport’s preboarding passenger screening zones. To this The Narcicyst states: “Obviously me, dog. You know Iraq is the new Black.” In one scene, The Narcicyst sits in an interrogation room being questioned while his bags are searched by two agents, one with a badge that says FBI (which viewers later find out stands for Federal Bureau of Instigation) and who later tells The Narcicyst in Arabic that his interrogation was not “a racism thing” as he hands him a card that reads “U.S. Department of Arab Man Security.” The interrogation centres on questions of The Narcicyst’s “ethnicity” (“I know you’re Canadian. What’s your ethnicity?”) while he raps: “at borders I’m sorted out from beardless cats that boarded the plane as I was boarding, then detained.” With this video, The Narcicyst provides insight about racial profiling at the airport and he expresses, through sound and visual culture, the anxieties experienced by those “flying while brown.”

The contemporary governance of travel, and in particular air travel, is marked by an ever-increasing accumulation of passenger data and file sharing of such data between government agencies and between nations, and in some cases the governance of movement is marked by traveller profiling through
their purchase and travel patterns, national origin, or other markers.\footnote{Mark Salter, ed., \textit{Politics at the Airport} (Minneapolis: University of Minnesota Press, 2008).} From pre-enrolled passenger screening programs, to frequent flyer databases or the Advance Passenger Information System (APIS) and Passenger Name Record (PNR) databases that compile information on travellers’ comings and goings, to “no-fly lists,” travellers are profiled through their patterns. For example, in 2006, it was announced that the US Department of Homeland Security had been assigning “terror scores” or risk profiles through its Automated Targeting System to millions of travellers since 2002 based on methods of payment for flights (paying by cash or credit card, or last-minute purchases), gender, buying a one-way ticket, seating preferences, choice of halal meals, and other records. This example clearly illustrates how stereotypical attitudes can feed back into the creation and use of profiles, thus implicating this surveillance technology in the exacerbation of extant forms of discrimination, marginalization, and racism.

\textit{Profiling in Policing}

Policing is effected not only through territorial surveillance but also at the extraterritorial level of abstract knowledge of risk ...\footnote{Richard Ericson and Kevin Haggerty, \textit{Policing the Risk Society} (Toronto: University of Toronto Press, 1997), 5.} Another prominent domain in which profiles and profiling technologies structure relations between organizations and individuals is policing. This is plainly visible if we understand policing as an activity that is broader than patrolling the streets; that is, if we understand policing as connected at the level of knowledge with the risk management activities of numerous public- and private-sector organizations. Consider the policing of young drivers, for example. It is well known that insurance companies charge young drivers—especially young male drivers—higher rates. Insurance companies rationalize this form of age-based discrimination actuarially—that is, by deriving from an analysis of past patterns which categories of drivers have a higher probability of having an accident. Traffic policing is informed by and contributes to this actuarial knowledge. Police are aware that young male drivers are in a higher risk category than other drivers, so they may be more likely to notice the bad driving habits of young males than other drivers. And, by taking increased notice of these bad habits and stopping and charging young male drivers at a higher rate than other drivers, police contribute to the statistics that insurance companies use to create actuarially informed profiles of young male drivers.
As the quotation by Ericson and Haggerty above suggests, police play a key role in gathering information about people. Moreover, by making this information available to other risk-managing organizations like insurance companies, they also play a key role in the production of knowledge about categories of people. They function, Ericson and Haggerty argue, “as an inspectorate that traces population movements in time and space, for example, through street-stop checks, registration of vice practitioners, special-event security, business and residential security reviews, vehicle registration systems, and driver licensing systems.” In the aggregate, they effectively help to risk-profile groups of people. As Ericson and Haggerty write:

In the most routine aspects of their work—for example, reporting an accident, conducting a street-stop check or an employment screening check, and recording information about criminal suspects, victims, and informants—police officers register peoples’ significant accomplishments and failures, credentials and demerits, routines and accidents.

This routine surveillance work is structured in relation to the knowledge needs of other risk-managing organizations. Accordingly, police use categories like “age, race, gender, and ethnicity” to describe their observations and to build risk profiles of populations—this activity “forces people into specific institutional identities.”

One of the most notorious means of forcing people into specific institutional identities is racial profiling. Racial profiling has been defined by the Ontario Human Rights Commission as “any action undertaken for reasons of safety, security or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment.” Numerous organizations—not just the police—undertake activities that are implicated in racial profiling. When the Ontario Human Rights Commission conducted an inquiry into the effects of racial profiling as experienced by those directly impacted, it encountered numerous examples:

- a law enforcement official assumes someone is more likely to have committed a crime because he is African Canadian;

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46 Ibid., 7.
47 Ibid., 8.
48 Ibid.
• an employer wants a stricter security clearance for a Muslim employee after September 11;
• a criminal justice system official refuses bail to a Latin American person because of a belief that people from her country are violent.

Summarizing the criminological literature, Scot Wortley and Julian Tanner indicate that racial profiling typically comes to light in policing through racial disparity in police stop-and-search practices, increased police patrols in minority neighbourhoods, and undercover activity that selectively targets ethnic groups.

Although the definitions and scope of racial profiling in policing continue to be the subject of academic debate, there is evidence that police engage, sometimes even unwittingly, in racial profiling. Moreover, a range of social scientific research reports that individuals from marginalized communities have the experience and sense of being unfairly profiled, and therefore targeted, by police. As this research indicates, racial profiling is experienced against the backdrop of existing social fissures and hierarchies. Its potential to worsen existing inequities is real, and surveillance practices that could be perceived of in terms of racial profiling pose serious challenges to the legitimacy of public organizations such as the police.

Racial profiling manifests linkages between stereotypes and systemic racism in two primary ways. At one level, when discretionary decisions enact stereotypical views of racial difference and suspicion, they conform with—and thereby support—systemic racism. For example, a 2010 study by the Toronto Star found that the Toronto Police Service stopped and documented (by way of filling out contact cards) Black males ages 15–24 at a rate 2.5 times higher than white males of the same age group. This study applied census data on

50 Ibid., 7.
the 74 police patrol zones in Toronto, finding “that blacks were documented at significantly higher rates than their overall census population by zone, and that in many zones, the same holds true for ‘brown’ people—mainly people of South Asian, Arab and West Asian backgrounds.” The study also found that although Black people make up 8.4 per cent of the city’s population, “they account for three times as many contact cards.” Discretionary decisions that support systemic racism can also be observed in decisions made by the Minister of Citizenship and Immigration to issue security certificates in order to detain or expel noncitizens who are deemed to be putting Canada at risk by having the potential to commit terrorist acts.

At another level, to the extent these discretionary enactments of systemic racism are taken up by feedback loops—and counted as instances that validate the norms of systemic racism—they further cement and support the politics of representation that enables race-based discrimination, racism, and the de facto criminalization of racial difference.

Profilling in Medicine

In our final example, profiling in a medical care context, we want to consider an instance in which the kind of sorting that profiling enables may have innocuous and even positive outcomes. Consider the example of atherosclerosis, as Annemarie Mol does in The Body Multiple: Ontology in Medical Practice. Atherosclerosis is, in biomedical terms, a condition of low blood pressure afflicting the lower limbs. Some would maintain that it has an objective and defining set of characteristics—it may be profilled according to its symptoms, like chest pains or numbness of the legs. Yet, as Mol argues, the characterization of atherosclerosis according to its symptoms is but one way of enacting the disease. It is, in fact, profilled according to different criteria depending on whether one is at home or in hospital, a patient or a doctor, a...
laboratory technician or a surgeon. It is, in other words, profiled differently according to one’s context and perspective. This difference of context and perspective is what makes atherosclerosis multiple. Yet in order for there to be a diagnosis of atherosclerosis, these different contexts and perspectives must be effectively coordinated according to the norm—the ideal that helps to determine what atherosclerosis ought to look like.

A diagnosis of atherosclerosis may lead to medical intervention that could prolong a patient’s life. Yet, as Mol argues, the act of diagnosis is bound together with a normative judgment about what is healthy and what is not. This judgment differentiates some people, the deviants, from others, who are thereby taken to be standard. There is a lot of literature about the way in which this worked in the late nineteenth century. This was the period when women were marked as sickly deviants in contrast to the standard man, when Blacks acquired the status of unfit and invalid human exemplars falling below the standard set by whites, and when the category of the homosexual was invented to encompass people who were marked as developmental accidents failing to meet the maturity of heterosexuality. These various polarities, all feeding on the difference between the normal and the pathological, were linked together.  

Are there lessons to be learned from these historical examples? Certainly a continuity between the medical judgments of the nineteenth century and those of the twenty-first century is that in both eras profiles and classifications were informed by and used to create knowledge concerning what was normal and what was not. To what degree, however, does the medical determination of normalcy in the contemporary era—especially its shaping of and construction through surveillant profiles—enable governmentality and the administration of diverse conduct? There is substantial social scientific literature on *medicalization*, or the transformation of social problems into medical ones.  

In addition, sociologists and criminologists have been concerned about mapping the “medico–legal borderland,” the conceptual space where actions are defined in terms of a hybrid of legal and medical principles. These scholars have considered symmetries across—and connections between—the exercise of expert knowledge and authority in

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both medical and legal spheres. In studying the medico-legal borderland, it is apparent that problems once considered criminal are now viewed as amenable to medical treatment. Similarly, problems once viewed as medical are now criminalized. Foundational to the classification of problems within this borderland are the knowledges and signifying practices that rely on profiling.

And, as you have learned from considering profiling and profiling technologies in other sectors, the potential for such medical practices to interlock with existing stereotypical representations and systemic racism is real. Consider, for example, the way that persons identified as HIV seropositive are now increasingly subject to criminal prosecution in Canada for the non-disclosure of their serostatus—their “HIV positive” status—to sex partners. This trend indicates that a medical condition is now, in key respects, being criminalized. And who among communities of individuals living with HIV are most subject to criminal prosecution? Analysis indicates that, to date, a majority of those prosecuted have been male defendants who are Black, African, and Caribbean.

This example suggests linkages between stereotypical representations, systemic racism, criminalization, medical monitoring, risk profiling, and surveillance, what Barry Adam and colleagues call a “striking case in the governmentality of health and disease.” By helping to constitute the range of what is believed to be normal (and by contrast what is viewed as abnormal), and by helping organizations and professionals to discriminate among normal and abnormal events, symptoms, behaviours, body types, and so on, medical profiling may, like the other kinds of profiling we have discussed, enable governmentalities and the administration of conduct. It is true that medical profiling may have positive outcomes, leading for example, to an early diagnosis and to interventions that may improve a person’s health. However, analysts of surveillance need to be aware that the same kinds of profiling used to reach positive outcomes for some may also be used in ways that have negative outcomes for others.

Conclusion

Our aim in this chapter has been to illustrate the relationship between contemporary surveillance, especially as effected through profiles and profiling technologies, and governmentality. Although surveillance is ubiquitous and plays a key role in the organization of contemporary life, not least in the management of our everyday transactions with organizations, it does have the potential to negatively impact people, especially those who are already marginalized in some way.

To illustrate this point, we have introduced the ideas of social control and governmentality, relating them to different understandings of the way that power functions. We have also suggested that surveillance, profiles, and profiling technologies can act as conduits of governmental power. In particular, we have focused on how profiling and profiling technologies can intersect with existing social hierarchies and inequities to perpetuate stereotypical representations, racism, and criminalization. We wanted especially to draw attention to how profiles and profiling technologies are informed by and help construct feedback loops and knowledge that has the potential to perpetuate inequities. To return to the story of Maher Arar, discussed at the beginning of this chapter, it is evident that stereotypes about Muslim and Arab Canadians were pervasively circulating among security forces (and the general population) in the aftermath of 9/11. These stereotypes were built into the profiles that security forces used to help identify the targets of their surveillance and investigation. In effect, they criminalized Muslim and Arab identities with disastrous consequences, as Arar’s case illustrates. If there is a lesson to be learned from this terrible story, it is that surveillance, in spite of its ubiquity and centrality in contemporary life, can be wielded to dangerous ends.

Study Questions

1. What was your first encounter with a surveillance profile or technology today? Beginning from this encounter, make a list of all of your interactions with surveillance throughout the day. What doors have these interactions opened for you? What doors have they closed? How do you think the outcome of these interactions might differ if you were of differing race, age, sex, gender, ability, etc.?

2. Aboriginal peoples are overrepresented in Canadian prisons when compared to the non-Aboriginal population. Using the concept of cumulative disadvantage, describe some of the factors that may contribute to this inequity.
Exercise

Camera surveillance of public spaces has grown significantly over the past decade in Canada and in other countries around the world. Can you think of a public space that you pass through as you go about your everyday affairs that is under camera surveillance? Visit this space with pen and paper in hand and count how many surveillance cameras appear to be in operation. Discuss with your peers the effect of these cameras. Do they make this public space safer? Canada’s Charter of Rights and Freedoms describes the freedom of peaceful assembly and the freedom of association as fundamental freedoms. Do these cameras impinge upon your fundamental freedoms? Can we think of these cameras as profiling technologies?

Keywords

surveillance; profiles; profiling technologies; governmentality; social control; neoliberalism; cumulative disadvantage; digital discrimination, racial profiling

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