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The virus and the vessel, or: how we learned to stop worrying and love surveillance

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Abstract

This Society for the Advancement of Socio-Economics (SASE) Presidential address was given (virtually) at the annual SASE conference in July 2020. It is an early analysis of governments' response to COVID-19, specifically governments' attempt to reduce the spread of the virus by modifying people's behaviors. Some of these attempts followed familiar models of power, such as discipline and governmentality. In addition, I show that a new practice of power emerged, addressing subjects who are considered 'ungovernable'. In the first part of the lecture, I look at how states see their subjects and argue that COVID-19 reveals and normalizes a state's view of subjects as 'unresponsive' and therefore 'ungovernable'. In the second part, I look at how social media companies constitute us as 'ungovernable' and help reshape how states govern. Finally, I discuss instances of resistance, which might save our political agency after all.

Key words: comparative politics, democracy, governance, health care system, state, technology

JEL classification: I18 government policy, regulation, public health, O3 innovation, research and development, technological change, intellectual property rights

1. Introduction: controlling diseases as 'compact models of power'

'Don't touch your face.'

'Wash your hands for 20 seconds.'

'Keep 6 feet away from others.'

SARS-CoV-2 was first identified in December 2019.¹ By July 2020, the virus has been responsible for making 14 million people sick, and for the death of almost 600 000 individuals.² In response to the virus, certain behavioral modifications were called for and selected practices of social control were employed. These were aimed to alter how we manage our bodily fluids, conduct our social interactions and employ our material environment.

We have been there before. Viruses, bacteria and parasites have long impacted our social order. Leprosy, according to Michel Foucault (1977, p. 198), gave rise to ‘rituals of exclusion’, namely, ‘the massive, binary division between one set of people and another’, that in turn provided the model for a ‘pure’ community. The mosquito brought not only malaria to Egypt. It brought modernity. ‘With the mosquito’s help’, Timothy Mitchell (2002, p. 50) wrote, ‘questions of hygiene, disease, housing, and ignorance emerged as the principal way of addressing the situation of rural Egypt’.

Given humans’ pre-occupation with taming and exploiting nature, we may want to question the supposed yielding of our social order to nature’s commands.³ In his masterful book on ‘civilizing’ social behavior, Norbert Elias (1994) insisted that it was shame, not hygiene, that made people change how they handle bodily fluids. Maybe so. But turning Elias on his head, Foucault (1977, p. 197) has beautifully shown how—normalizing gaze aside—society has been made through disease. In passages that may strike us today as eerily familiar, Foucault describes the measures taken when the plague appeared in a town. He concludes: ‘This enclosed, segmented space, observed at every point, . . . in which the slightest movements are supervised, in which all events are recorded, . . . in which each individual is constantly located, examined and distributed among the living beings, the sick and the dead—all this constitutes a compact model of the disciplinary mechanism.’

The response to COVID-19 similarly constitutes a ‘compact model’ of social control. I want to suggest, however, that this ‘compact model’ produces not the by now familiar disciplinary order but a different order. In the first part of the lecture, I look at how states see their subjects and argue that COVID-19 reveals *and* normalizes a state’s view of subjects as ‘unresponsive’ and therefore ‘*ungovernable*’. In the second part, I briefly look at how social media companies help constitute us as ‘ungovernable’, but also how they help reshape how states govern. Finally, I discuss current instances of resistance, which might save our political agency after all.

2. How states see their subjects

The coronavirus does not impact all communities in the same way. COVID-19 took hold in the more ‘globalized’ countries and in the global North before it began to spread in low- and

- 1 This address owes great debt to Ruth Palmon, who has been involved in all stages of its making, from identifying relevant materials, thinking analytically about their meaning and reading/listening to various versions of the address. I also thank Jose Itzigsohn, and the members of the ‘Comparative COVID’ working group at Brown University for reading a version of this article.
- 2 July 2020 is when the original lecture has been delivered. As of late February 2021, there have been more than 110 million confirmed cases worldwide, including at least 2.4 million deaths.
- 3 Others have argued that social orders produce diseases. For James Scott, diseases are the mocking manifestation of failed state control. ‘Taming nature’ by way of crop mono-culture and genetic uniformity, for example, have often invited epidemics (Scott, 1999, p. 268). Moore (2015) suggested that nature’s current breakdown is nothing less than a revolt against capitalist imperatives.

middle-income countries in the global South. Countries that share borders and much else in common, have been affected quite differently. Still, wherever it goes, the virus impacts the most vulnerable. In many countries, the virus disproportionately affects marginalized communities. This is important because it reveals COVID-19 as an economic and political story of inequality and death. It reminds us that vulnerability to the virus depends on measures governments take or do not take in response to the disease. It also reminds us that vulnerability depends on measures governments have adopted long before the virus showed up—measures that affect health care, education, employment and policing.

As the virus was spreading across countries and communities, many governments, although certainly not all, acknowledged the importance of handwashing, social distancing and facemask wearing for controlling the spread of infection. But governments have taken strikingly different measures to *enforce* these new rules of behavior. Differences in government measures tell us how governments see the virus. They also tell us how governments see their subjects.

Social theorists have considered the various means by which ‘the state’ watches us, and explained what governments try to see. Subjects are seen for the purpose of tax collection, military conscription and political stability. They are watched for the sake of population control and economic development. We are seen through censuses, in police stations and hospitals, via SATs and CCTVs. The state knows our names, our income, who we vote for and how well we take care of our kids (e.g. Tilly, 1985; Donzelot, 1997; Scott, 1999; Brayne, 2014; Loveman, 2014). But the state does not simply know who we are. The state uses that knowledge to make us. Turn us into good mothers, reliable workers and loyal citizens.

What the literature often neglects to consider is that what the state knows does not emerge out of watching alone. The ‘supervisor’ who is placed in the central tower looking into the cells of the peripheric building, watching ‘a madman, a patient, a condemned man, a worker or a schoolboy’, arrives already armed with certain theories of human behavior (Foucault, 1977, p. 200). Supervisors, experts, and, by extension, the state, hold pre-conceived perceptions regarding what we are, and see us through these perceptions. The state sees us through the lens of what it expects to find. This means that it is what the state thinks it knows, as much as what it actually observes, that informs how the state makes us. Theories of power normally focus on the practices of control that constitute us as subjects. Instead, here I am interested in investigating the state’s view of its subjects *which informs these practices in the first place*. A state’s view of its subjects—as much as the practices that are informed by that view—constitutes individuals as active or inactive subjects, and thereby our political future.

To ascertain the likely effectiveness of a policy, a state evaluates how its subjects would respond to it, and for that purpose, I argue, it employs a certain ‘theory of action’. The response to COVID-19 has exposed the kind of ‘theories of action’ employed by governments and thereby reveals how different states see their subjects. Furthermore, the response to COVID-19 has exposed meaningful variation in governments’ view of their subjects. Measures that see and constitute agents as capable of choice and action have been used by many governments, but only Sweden relied on such measures as a primary response. Nudging—which relies on a view of subjects as only *minimally* capable—has also been used widely, but was emphasized in Britain in particular. Measures that see subjects as ungovernable, such as digital surveillance, have been a central part of the response only in a few countries, including Israel. Still, the novelty of measures that view subjects as ‘inactive’ and ungovernable require us to investigate their meaning, as well as origins.

2.1 Subjects capable of choice and action: Sweden

Sweden's early approach to the pandemic has been considered exceptionally lenient. The Swedish government forbade large gatherings, but it did not close restaurants, bars or cafes. The government recommended universities to switch to remote learning, but kept elementary schools open. People with mild symptoms were asked rather than instructed to stay at home. In lieu of bans and prohibitions, the Swedish government made recommendations. It was one's personal decision whether or not to follow those recommendations (Rothschild, 2020). The response to COVID-19 was to be 'a matter of self-regulation' (Özkırmli and Trägårdh, 2020). The State Epidemiologist, Anders Tegnell, told *Nature*, 'The citizen has the responsibility not to spread a disease' (Paterlini, 2020). Swedes were asked to use their judgment, take individual responsibility and do the things they think would fit them the best.

This alleged self-regulation was in effect what Peter Miller and Nikolas Rose call 'government-at-a-distance' (Miller and Rose, 1990). The state did not in fact trust people to act responsibly on their own. Rather, experts from the Swedish Public Health Agency instructed subjects what was the responsible, mutually respectful behavior to follow—and the state trusted people to act *according to what these experts say*. One state official suggested that the only difference between the Swedish approach and that of other countries was the mode of expression. 'Instead of telling people what to do, we are trying to explain' (Stavrou, 2020).

What does this approach tell us about how the government in Sweden sees its subjects? What kind of agency does the government assume? Following insights from the literature on governmentality, we know that trusting subjects' 'self-regulation', which is nevertheless aligned with expert recommendations and state interests, rests on a view of 'active' citizens. That is, reliance on self-regulation assumes citizens who have the necessary faculties and the will to *make choices*, and who have the discipline to *act* according to those choices.⁴ As one reporter put it, 'The Swedish prerogative asks citizens to act like adults, and then trusts that, left to their own devices, people will' (Bruck, 2020). In short, it relies on a view of citizens who are capable of choice and action (Miller and Rose, 1990; Foucault, 1994; Garland, 1997).

Given social scientists' tendency to see governmental practices everywhere, it is significant that Sweden's approach was a major exception, and a heavily criticized one. The global consensus was that relying on the self-governance of subjects was both naïve and irresponsible. And the Swedish government soon changed its position and endorsed more stringent quarantine measures.

2.2 Subjects minimally capable of choice and action: Britain

In Britain as well, the government initially avoided restrictive rules. The government's goal at first was not to stop the spread of the virus but to achieve 'herd immunity' in a controlled fashion, while still aiming to protect the most vulnerable (Knight, 2020). Like Sweden, the government did not impose a national lockdown—it even allowed soccer matches and horse-racing festivals. But rather than relying on the government's persuasion abilities and

4 Governmentality relies on the ability to persuade, in part through information, which also assumes subjects' ability to process information. It is for that reason that in the USA the American Medical Association, National Institutes of Health and Centers for Disease Control and Prevention recommend that medical information for the public be written at no higher than an eighth-grade reading level. Mishra and Dexter (2020) found that official information about COVID-19 in the USA exceeded this recommended reading level.

individuals' self-regulation, the government employed behavioral 'tricks', designed by its behavioral insights team—known as the 'nudge unit' (Yates, 2020).

'Nudge' is a concept in behavioral sciences that has become popular in a number of academic fields and policy domains. One of the basic insights of nudge theory is that people could be made to act at a certain way through coaxing and gentle encouragement rather than either persuasion (as with governmentality) or coercion. This insight is utilized, for example, when making organ donation the default on your driver's license, but also when locating candies near cashiers in grocery stores. This insight clearly informed the markings of 6 feet on floors, to encourage physical distancing and the placement of hand sanitizers near the entrance of buildings, to encourage people who walk in to use them. Memorable rules are another form of 'nudging', which explains the recommendation to sing Happy Birthday twice while washing hands. To help people avoid touching their face, the 'Nudge Unit' in Britain suggested the use of substitute behaviors (such as rubbing one's face with the *back* of the arm), the use of physical barriers (such as holding one's hands together) or the use of alternative behaviors (such as drumming fingers on legs instead).

What does the use of nudging tell us about how the government in Britain sees its subjects? What kind of agency does the government assume? In sharp contrast to Sweden's reliance on people's capacity for responsible self-regulation, the government's reliance on nudging in Britain reveals little trust in subjects' desire to make the right choices, and even less confidence in subjects' ability to follow through with the choices they do make. In other words, the government shows no faith in people's capability of action. Nudges seek to overcome our weaknesses by displaying choices in a way that frees individuals from the anxiety of choosing and from the challenges and obstacles of acting. Note, then, that with nudging, in the name of making action easier, subjects are no longer expected to make choices. Rather, the government is the one making choices for them. In contrast to governmentality, then, there is no longer need to align subjects' will with the government's goals. Cass Sunstein in *The Ethics of Influence* assures us that the ethical problem of violating our autonomy (and, I would add, undermining our agency) is 'likely to be diminished if government is requiring people to do what they would do if they were properly informed' (Sunstein, 2016, p. 200). But Sunstein also emphasizes the need for transparency and accountability, which implies that he does not fully trust governments or their experts to know or, if they know, to strictly follow what people are likely to choose to do if they were properly informed.

Britain's reliance on nudge theory attracted much, and mostly negative, attention—in part because it led the government to initially oppose more restrictive measures, such as lockdowns, for fear of 'behavioral fatigue' and therefore disobedience. The British government has soon changed its position and endorsed more stringent measures. Nudging tricks, however, have been prominently used also elsewhere—if in addition to, rather than as an alternative to, other strategies.

2.3 Subjects incapable of choice and action: Israel

In response to the coronavirus, other countries certainly employed both governmental measures and nudging techniques,⁵ but these were secondary to more coercive measures, such as

5 Many state governors and mayors in the USA provided information to residents as of what was the right way to behave and appealed to residents' sense of self-interest and mutual responsibility. New

closing down schools and restaurants or imposing lockdowns. The Israeli case reveals, however, the limits of thinking of these measures as merely disciplinary (Foucault, 1977). Although, like Sweden and Britain, the Israeli response is somewhat unique, the techniques used by the Israeli government offer us a view into a new ‘compact model of power’ also elsewhere, and a view into a possible future in which we all learn to stop worrying and love surveillance.

Like other countries, the Israeli government employed a number of disciplinary measures to control the spread of the virus, including mandatory facemask wearing, mandatory self-isolations and extended lockdowns. What stands out in the Israeli response is the use of digital, non-voluntary mass contact tracing.

Contact tracing procedures are used to identify people who have come into contact with an infected person, so that they know to self-isolate. Contact tracing is traditionally done by epidemiological fieldworkers who use interviews to map out the movements and meetings of individuals who have tested positive. Tracers find out when those diagnosed with COVID-19 saw friends, went grocery shopping, etc.—and in this way identify those who were exposed.

When the first cases of COVID-19 appeared in Israel, in addition to relying on information gathered through epidemiological contact tracing, the whereabouts of people known to have tested positive for the virus were published in various media outlets, so that people could figure out *on their own* whether or not they were exposed. A typical announcement, involving a curious mixture of self-governing and disciplinary measures, looked like this one, regarding ‘Patient No. 11’.

The patient was on an organized tour—“Carnivals of Italy Tour” by Marom Teufa. The patient is a resident of Ramat Gan, who similarly to patient no. 12 left with Israil flight H3556 on 19.2 at 16:05 and returned on 25.2 from Verona, Italy, on Israil flight H3566 that left Italy at 20:00 local time and landed in Israel at midnight, 26.2... [On] Thursday, 27.2, [the patient] attended the Go-Active Marom Nave gym in Ramat Gan between 10:20 and 13:00. During her stay, she participated in a Feldenkrais class that started at 10:20 and a gymnastics class that took place between 12:00 and 12:45. She stayed at Fresh Market in the complex where the gym is located between 13:10 and 13:45. Anyone present at the above locations at the dates and times specified for 15 minutes or more must enter home quarantine immediately for a duration of 14 days and report this at the Ministry of Health's website or Ministry of Health's hotline at *5400.⁶

But the need to rely on individuals recalling when exactly they went grocery shopping for epidemiological contact tracing is laughingly anachronistic. For those with mobile phones,

York City, for example, has been sending text messages a number of times a day, with information and directives, such as ‘Parents: know the signs of Pediatric Multi-Symptom Inflammatory Syndrome to protect your child. Learn more: <https://on.nyc.gov/2T8Lybn>.’ (Note, however, that residents need to enroll to receive these texts. So only those successfully “governed” received them.) New York State initiated a ‘Wear a Mask New York Ad Contest’ to increase awareness. The winning ad’s message was: ‘we all need to do our part.’ ‘I wear mask to protect you, you wear mask to protect me.’ Others, of course, minimized the threat. The US Federal government under President Trump shared with other illiberal populist governments, including in Brazil and Russia, a strong disregard to science, leading to a disassociation between government recommendations and scientific understandings. Added to this, of course, was the promotion of *anti-science*, combined with racism and nativism.

6 Accessed at https://www.health.gov.il/English/News_and_Events/Spokespersons_Messages/Pages/02032020-3.aspx on February 28, 2021.

applications that provide maps, calendars and financial records do the remembering for us. Our phones know better than we remember. And other people's phones know things that we do not—including who was in the store or the gym with us. So why ask people to report on what their phones easily reveal? And, in Israel, the government had the means to get information for contact tracing directly from people's phones.

Israel was at the forefront of using 'digital' contact tracing because, in Israel, the virus confronted what officials at the Israeli Security Agency, the *Shin Bet*, nickname *Ha'kli* ("הכלי") or 'The Vessel.' The Vessel contains personal information of all cellphone users that is regularly collected by phone companies and which, by Israeli law, is shared with the Shin Bet. The Vessel is a *mass* surveillance tool, and it involves indiscriminate surveillance of everyone at all times. And the Vessel is incredibly *intrusive*. It collects geolocation, information on phone calls and text messages and information on websites visited. It also includes data collected from surveillance cameras, matched with facial recognition programs (Bergman and Shvartztuch, 2020).⁷ With such data, imagine how remarkably easy and fast it is to trace the past movements of infected persons and identify all those who had been near them.

Utilizing this security apparatus for contact tracing exposed for the first time the existence of the Vessel to the Israeli public. Utilizing the Vessel for 'civilian' purposes was arguably in violation of its permissible use under law. Another reason why Israel was at the forefront of using digital contact tracing was a Parliamentary crisis in the wake of three inconclusive elections within less than two years, which allowed Prime Minister Benjamin Netanyahu's 'caretaker government' to approve the use of the Vessel through emergency regulations, possibly for political rather than public health reasons. The Vessel had been in use for four months before the use of Shin Bet geolocation for contact tracing was formally approved by Parliament, in July 2020 (Maltz, 2020). The July law (חוק מעקבי השב"כ) explicitly prohibited the use of information for purposes other than epidemiological tracing, such as criminal investigations or evidence in the courts, although the government considered at some point giving the police access to that data (Breiner and Lis, 2020).

Relying on data collected in the Vessel, the Shin Bet provided the Ministry of Health the names and phone numbers of individuals who were near an infected person for more than 15 minutes (Breiner and Lis, 2020). These individuals then received a text message from the Ministry of Health informing them that at a certain day and time they were in contact with an infected person, and that they should immediately self-isolate. The Vessel was also used to monitor self-isolation, by geolocating those who were told to stay home. Additionally, the Vessel was used for more targeted purposes, for example, to 'follow' nuclear family members of infected persons who were suspected for lying in their epidemiological contact tracing.⁸

2.4 From disciplining subjects to 'deactivating' them: governing an ungovernable society

I want to suggest that with the use of digital surveillance for contact tracing, choice and action shift from subjects to an algorithmic device. The use of digital surveillance for removing

⁷ This was the first article that exposed the existence of the Vessel.

⁸ Estimates suggest that around 30% of infected people in Israel claimed they hadn't seen anyone at all in the previous 14 days or otherwise refused to co-operate with epidemiological contact tracing (Efrati, 2020). It is easy to see such lack of cooperation as failed governmentality.

choice and action away from subjects means that surveillance serves here not as a disciplinary tool, but as a ‘deactivating’ mechanism of power.

In Stanley Kubrick’s movie, ‘Dr. Strangelove, or: How I Learned to Stop Worrying and Love the Bomb’, from which I borrowed the subtitle of this lecture, a US attack is already under way when Americans learn about a Soviet ‘Doomsday’ machine, which is programmed to destroy the planet in response to any American nuclear attack. Once triggered, the machine cannot be turned off. When Dr. Strangelove, played by Peter Sellers, hears about the machine from the Russian ambassador, he snaps: ‘The whole point of the doomsday machine is lost if you keep it a secret!’ Following the same logic, let me clarify that the Vessel—which is most likely used mostly for collecting intelligence and monitoring Palestinians in the occupied Palestinian territories—was supposed to remain secret and was not meant as a disciplinary mechanism. No doubt, to the extent that Palestinians know that they are constantly monitored, the Vessel, like any panopticon, functions as a tool of social control. And now that the entire Israeli population is aware of being constantly monitored, it may have some disciplinary implications on Israeli Jews as well. People may not defy isolation orders now that they know that carrying their mobile phones means that the Shin Bet knows where they are. Nevertheless, it would be a mistake to reduce the Vessel to its disciplinary consequences. The Vessel has not changed its perception of subjects when shifting its gaze from Palestinians to Israeli Jews. When employed for containing COVID-19, the Vessel does not see subjects primarily as docile bodies that respond to ‘correct training’, as disciplinary mechanisms do.⁹

A key for identifying the type of agency the Vessel assumes is realizing that the use of the Vessel for contact tracing—the collection and utilization of information—eliminates the need of subjects to make informed choices, and it eliminates the need of subjects to act in accordance with choices they make. In this way, the Vessel ‘deactivates’ active subjects. In epidemiological contact tracing, people are asked to cooperate with the authorities by reporting on their whereabouts and their social interactions. Epidemiological contact tracing heavily depends on individuals’ understanding that the information they share, no matter the inconvenience, is necessary for the public good. The Vessel makes people’s cooperation with the authorities redundant. It no longer matters that people do not remember the time they headed to the grocery store. It also no longer matters that people intentionally lie, as many Israelis did, in regard to who they had dinner with. The Vessel in that way *relieves subjects from the expectation for choice or action*. Indeed, the Vessel assumes a subject that is unreliable when it comes to choices and incapable when it comes to action. While the Shin

9 To be clear, Israel’s overall response to COVID-19 also included measures that were governmental, disciplinary or punitive. The government authorized prison sentences for violating isolation orders; it prohibited visitors, including lawyers, from prison and detention facilities; and it allowed the police to break up gatherings by the use of ‘reasonable force’. These measures were not applied evenly, but rather discriminately—in accordance to the kind of agency attributed to different subjects. ‘Governmental’ measures—based on information and persuasion—have been used for those assumed to respond to governmental rationality; disciplinary measures have been directed at those considered ‘unresponsive’. The expectation that Arab Israelis would fail to follow government orders led to tighter measures against them. Inequality also explains why organizations concerned with the rights of the Arab minority in Israel were among those who challenged the use of the Vessel in the Israeli High Court. At the same time, in response to COVID-19, and as Foucault (1977) would expect, disciplinary mechanisms expanded their scope beyond those who are normally targeted.

Bet's Vessel contains an unimaginable amount of information about subjects, Israelis are reduced to empty vessels themselves.

And although Israel is alone in utilizing national intelligence tools in response to COVID-19, other governments, including South Korea, Singapore and China, have used mandatory contact tracing apps, which serve the same function (Hendrix and Eglash, 2020; Yang 2021).

I want to suggest that the use of digital mass surveillance for managing the coronavirus pandemic is a defining moment in our social order. September 11, 2001, an earlier defining moment, broadened the security apparatus and strengthened national security agencies, the police and immigration agencies in the USA, as well as many other countries. Today, in the name of global public health, COVID-19 allows this security apparatus to move from targeting those who allegedly cause risk to targeting those *at risk*. If one of the important charges against the security apparatus was that it was discriminatory, especially against certain minority groups, the charge against the current apparatus is that it is defiantly inclusive. Everyone is in. Data are now used to protect us from others, others from us, and us from ourselves. This shift, like the ones before, is particularly noticeable in some countries, but it is spreading worldwide.

In addition to who is seen (we all are!), we need to understand how we are seen. Mass digital surveillance, even more than nudging, is based on a view of citizens as *unreliable* when it comes to choices and *incapable* when it comes to action. As such, citizens are seen as unresponsive to governmental and even disciplinary measures and, therefore, ungovernable. If COVID-19 indeed becomes the defining moment of our time, it marks the rise of the 'ungovernable society'. In such social order, the dominant practices of power are aimed not at training us or at convincing us to act at a certain way, but at *bypassing the need to rely on our choices or actions altogether*.

2.5 Have we learned to stop worrying and love surveillance?

Governments want to see us—but what about the subjects? Have we learned to stop worrying and love surveillance? The initial response to digital contact tracing suggests that, yes, we, too, are slowly learning to accept surveillance—if not as desirable, then as necessary or inevitable. It was only in 2013 that Edward Snowden shocked the American public by disclosing that phone companies regularly share data with the US National Security Agency. Surveys conducted in the early phase of the COVID-19 pandemic, however, suggest that people may support surveillance measures after all. In one US survey, 60% were willing to install an app that would collect information about their location data and health status (Hargittai *et al.*, 2020). In Switzerland, 72% were in favor of such an app (Hargittai and Thouvenin, 2020). In another US survey, 45% thought it was acceptable for the government to use cellphones to track the location of people to manage COVID-19 (Anderson and Auxier, 2020). In South Korea, where sweeping electronic surveillance was used, 'public outrage has been nearly nonexistent' (Kim, 2020). In line with Naomi Klein's (2020) warning of a dystopian 'Screen New Deal', others described 'an uneasy tolerance of surveillance' (Fahim *et al.*, 2020). After all, the very successful business model of the digital economy, as described by Shoshana Zuboff (2018), is exactly based on our willingness to be constantly surveilled. The Vessel, from that perspective, is merely the political extension of the same practice. When Israelis learned of the Vessel, most people responded with a shrug, and funny memes on Tik Tok.

This is not to say that there was not organized or individual resistance to the Vessel. Appeals against digital tracking were made at the Israeli High Court, and experts in technology, privacy and law kept calling for privacy-preserving alternatives. Some people chose inconvenience over surveillance by leaving home without their mobile phones or using so-called burner phones (Leshem, 2020). The most common complaint against the Vessel, however, was not the act of surveillance, but its ineffectiveness. Many people who were told that they had been near an infected person and had to self-isolate claimed that the Vessel's geolocation was erroneous (Harel and Lis, 2020). A report by the State Comptroller, published in October 2020, confirmed that the rate of those individuals identified by the Shin Bet, entered self-isolation, and later became sick was much lower than those identified through epidemiological contact tracing by the Ministry of Health (Kubovich, 2020).

Notwithstanding the general indifference people showed in the face of mass surveillance, when they were asked to voluntarily download tracking apps, they did not. In Israel—partly because the Shin Bet was not too happy with the use of a security apparatus for ‘civilian’ purposes (Harel and Lis, 2020)—the Ministry of Health introduced a voluntary app for contact tracing, called Ha’magen (“המגן”). Ha’magen means ‘The Shield’, which metaphorically positions itself beautifully as a contrast to a vessel. Voluntary surveillance was not an attractive proposition, however. Only 100 000 Israelis downloaded the app, and half of them later removed it, leading the Ministry of Health to admit failure and discontinue the app.¹⁰

Given people's principled support of mass contact tracing, the low rate of downloads may not reflect objection to surveillance as much as failure of governmentality. If the vigor of the Vessel symbolizes the state's denial of subjects' capacity for choice and action, the impotence of the Shield may indicate the reason for this denial—the fact that subjects no longer respond to governmental practices. People's disinterest in contact tracing apps, as well as people's lack of cooperation with contact tracers and people's suspicion of the COVID-19 vaccine, all justify a government's distrust in people's capacity for choice and action—that is, distrust in people's self-regulation.

This should take us from discussing ‘how states see their subjects’ to asking ‘how subjects see their state’. Although I cannot develop the issue here, I will briefly offer that rising skepticism—of authorities, of experts, and of science—is leading to a broken alliance between subjects, states and experts, upon which governmentality rests. In Israel, stickers appeared on public benches and private cars saying: ‘I, too, do not believe in the Corona lie.’ (גם אני לא מאמין לשקר הקורונה) (Dor, 2020). As vaccines became available in January 2021, it was possible to find Facebook posts describing heartbreaking, if false, stories of people who died right after receiving the first shot.¹¹ Facebook and other social media platforms have been instrumental in offering both facts and ‘alternative facts’. Much of what we think we know about

10 There were technical issues that made people who downloaded the app remove it later on, including battery use, an extremely long logging-in process and too many text messages (Goichman, 2020). But the downloading rates of voluntary tracing apps have been low in other countries as well, including Singapore, India and Norway. With the exception of Iceland, no country reported a rate higher than 25%. It is analytically significant that the rate of downloading (i.e. compliance) seems independent of the privacy measures included in the apps.

11 Like other conspiracy followers, many of those spreading misinformation regarding the COVID-19 and/or the vaccine do not consider themselves to be anti-science. On the contrary, they argue that they are more scientific and critical than the for-profit companies that promote science. Many rumors, however, are anti-science as they ignore the available data (Dor, 2020).

COVID-19, facemasks, Wuhan and herd immunity comes to us online. Today, we may be seen by the state but we are watched and constituted by social media companies. These companies play an important role in how we have come to be seen as ‘ungovernable’, but also in how the state governs.

3. How tech companies make users and govern states

Scholars of technology have alerted us to different ways by which tech companies have changed the nature of capitalism and consumerism, and in the process altered what we do, how we think, who we are. Facebook, Google, Amazon, Netflix, but also smaller companies that make gadgets such as smart thermometers, all employ extraordinary resources into seeing us. These companies collect information on what we enjoy, what we pay attention to and for how long, what we buy, and in what physical and emotional state we do so. And then they find ways, including through nudging and misinformation, to manipulate our activities, our preferences and our emotions. Zuboff (2018) in *Surveillance Capitalism* describes in alarming detail how companies moved from monitoring to actuation, from behavioral prediction to behavioral manipulation. Through these very same processes, tech companies have diminished our capacity for choice and action—and constituted us as ‘ungovernable’ in the eyes of governments. Governments’ response to COVID-19 should be seen in that light.

As COVID-19 spread around the world, however, tech companies put surprisingly little effort in changing people’s behavior. Google shared a silly nudging technique to help people wash their hands (Li, 2020). Facebook unveiled a new ‘care’ emoji. The magazine *Wired* summarized back in May 2020, ‘So far at least, the pandemic response has become a bitter lesson in everything technology can’t do and an example of Silicon Valley’s legendary myopia’ (Vogelstein and Knight, 2020). Later on, however, social media and other tech companies have become more active—not so much in governing the behavior of users, but in disciplining the state.

One ‘intervention’ was in regard to contact tracing apps. After all, data collection and analysis are what many tech companies do for a living. Developing effective contact tracing apps could generate enormous profit. Fighting the spread of COVID-19 could repair companies’ stained image. And with such apps even more user data could be collected! The least reputable companies were in touch with governments first. In Israel, the Minister of Defense initiated cooperation with NSO—an Israeli firm that had been accused of selling spyware technology to non-democratic governments (Halpern, 2020).¹² The US Department of Health and Human Services reportedly awarded a contract to Palantir Technologies—a secretive data-mining firm that the US immigration agency, ICE, has relied on to deport and separate migrant families (Kleinman and Krishnaswami, 2020). Past behavior suggests that these private companies would not be concerned with protecting users’ privacy. Other companies developed alternatives to the state. In April 2020, Google and Apple announced they were together designing a contact tracing app. Given that most smartphones in the world are powered by either Apple’s iOS or Google’s Android operating systems, unrolling such an app would have an enormous impact. Provocatively, these

12 NSO’s new coronavirus tracking software, called Fleming, has reportedly being tested by more than two dozen governments around the world (Fahim et al., 2020).

companies promised to develop an app that was voluntary and privacy-preserving—and the initiative as a result generated mostly positive commentary. Google and Apple eventually developed an exposure notifications system on their respective phones (on iPhone it can be used without an app). This system, unlike either the Vessel or the Shield in Israel, keeps your data in your phone. Most government authorities that rely on this system (but not all) kept it voluntary. Here, then, tech companies disciplined the state by determining levels of security and privacy for contact tracing apps that were more restrictive than what many states, not only Israel, were willing to tolerate.

Another ‘intervention’ of tech companies in state matters in the course of the COVID-19 pandemic involved steps taken to slow down misinformation. Initial steps in combating false claims were extremely modest at best. Facebook added posts directing users to the World Health Organization website. When a video called ‘Plandemic’, which promoted conspiracy theories and false statements about COVID-19, went viral, Facebook and YouTube deleted the video, but only after millions of people had seen it (Andrews, 2020). Twitter tagged as ‘misleading’ and ‘disputed’ some claims about the pandemic and blocked or removed other false claims, such as linking the disease with 5G wireless systems (France24, 2020). Again, more provocative were steps media companies have taken in disciplining state actors, in spite of Mark Zuckerberg’s long-standing policy of not fact-checking politicians and his position that Facebook should not be what he referred to as an ‘arbiter of truth’ (Bowles, 2020; Ghaffary, 2020). In July 2020, Twitter suspended for 12 hours the account of President Trump’s son, Donald Trump Jr., after he had shared a viral video containing false medical claims that taking hydroxychloroquine could prevent getting coronavirus. Facebook also eventually took down the video, but only after it had racked up more than 16 million views (Alba, 2020). In August, Facebook removed a post by Trump’s campaign in which Trump claimed children were ‘virtually immune’ to the coronavirus (Kang and Frenkel, 2020). In October, Facebook deleted a post in which President Trump had claimed COVID-19 was ‘less lethal’ than the flu. Twitter hid the same message behind a warning about ‘spreading misleading and potentially harmful information’.

In the context of COVID-19, Apple and Google challenged governments to respect privacy, and Twitter and Facebook agreed, albeit reluctantly, to flag misinformation, including when circulated by elected officials. These measures could not prevent the circulation of misinformation in regard to COVID-19 in the USA or elsewhere. Nonetheless, with such measures, social media companies have showed willingness to more actively intervene in the way states see and govern subjects. However, it has minimal impact on how tech companies themselves see and govern.

4. How subjects resist

The response to the coronavirus pandemic reveals a compact model of power in which users are constituted by tech companies and are seen by governments as ungovernable subjects who are incapable of choice or action. Subjects, however, may resist. Subjects may demand a change to the way they are seen. In May 2020, #BlackLivesMatter protests erupted in the USA in response to the murder of George Floyd and in response to many similar accounts, especially those that were caught on camera and circulated online. Although not in direct response to COVID-19, we may want to acknowledge the pandemic as one of the triggers to the #BLM protests in the USA and the many similar protests all over the world—the

pandemic intensified violence against people of color, at a time that the virus was disproportionately impacting marginalized communities.

In mass protests in the USA and around the world, #BlackLivesMatter activists claimed the right to be seen as equal citizens and challenged what the police see. Protesters held signs saying, 'My blackness is not a threat' and 'The color of our skin is not a weapon.' As importantly, people of color demanded *not* to be seen—not to be constantly monitored and watched.

Protestors also demanded the police to be seen. Disciplinary measures, as Foucault realized, apply not only to patients but also doctors, not only to Blacks but also the police officers who kill them. Police officers in the USA, however, do not always turn their body cameras on, and information about disciplinary actions against police officers is not always open to the public. 'How many weren't filmed?' was another sign seen in protests.

While it is still too early to assess the long-term political gains of the movement, public authorities as well as private companies have been responding to the pressure. IBM, Amazon and Microsoft have paused sales to the police of their facial recognition products—which are biased and often misused. In response to a one-month advertising boycott organized by the NAACP and other organizations, Facebook announced it would add warnings to posts from politicians who break its rules. Here again, private companies responded by putting constraints on the state.

5. Conclusion

Have we learned to stop worrying and love surveillance? In this lecture, I suggest that we should worry not only about practices of surveillance, but also about the view of subjects that informs the use of surveillance, and that of nudging, in the first place. I argue that the response to COVID-19 reveals and normalizes government practices that see us as 'unresponsive' and therefore 'ungovernable'. I also argue that social media companies, which have been profiting from our unresponsiveness, consciously diminish our capabilities as free political agents. With digital surveillance and nudges, we no longer need to make responsible decisions, and we no longer need to have the discipline to act based on those decisions. We are made to wash our hands for 20 seconds, self-isolate, put a mask on or not put a mask on, learn facts about the COVID-19 vaccine or believe that the vaccine includes a trackable microchip, launched by Bill Gates ([Staff, 2020](#)).

And the more we are seen as 'ungovernable', the more difficult it is to govern us—as governments learned when they failed to convince us to keep social distancing, put on a face-mask, or get us vaccinated, and as social media companies are learning as they are trying to curb misinformation. In another kind of mass protest during COVID-19, taking place in many countries around the world, people objected to the wearing of masks and other government responses to the pandemic. Many participants in such protests, informed by false claims circulating online, believed that COVID-19 was a 'hoax', that the disease was not much worse than the flu, that masks may cause bacterial or fungal infections, or that vaccines can alter DNA. Because of digital echo chambers, we live in smaller, isolated worlds, with logic, information sources and belief structures of their own, that need not be accounted for elsewhere. Tech companies created the conditions for and they, as well as many governments, exploit these echo-chambers. But they are quickly losing the ability to govern many of these spaces. Subjects are losing the ability to choose what they value, or

know what they have reason to value. Subjects are losing their ability to function as democratic agents. Still, there are those like #BlackLivesMatter who fight back. There is a reason to fight back, before we are all too compliant, or too comfortable in our own bubble, to even notice this loss of agency; before we all learn to stop worrying, and love it all.

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