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Zacchaeus: Patron Saint of surveillance?

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Introduction

Privacy and Data Protection are usually the spheres around which the ethics of 21st century surveillance orbit. With constant appeals to 'national security', states and the corporations that contribute to data-gathering and processing systems expect populations to be visible and traceable. Pre-emptive action might be directed at individuals or groups designated as most dangerous. Evidence-gathering to detect and prosecute perpetrators of violence or sedition involves scrutinizing such mobile data communications records as have been retained by service providers. Most people, with no terrorist intentions whatsoever, participate in systems of mass data-collection in everyday life. Online shopping, movie viewing, and accumulating points on loyalty cards are forms of surveillance, shaping behaviour to an extent greater than many likely imagine. The advantages we accrue are significant, not least when health datasets help epidemiological research or children's educational progress is monitored.

Privacy is a right to be claimed, and respected, and Data Protection regulations enforce legitimate use of personal information. However, neither easily draws attention to people's capacity to manage how they are made visible, less visible, or invisible. A Christian social ethic of surveillance can usefully turn to *practices* presented in the biblical traditions; stories of how people, far-removed in time for digital environments, might engage us imaginatively in developing appropriate responses to visibility/invisibility.

The Bible has many narratives of people making themselves more or less visible before God, of God's own management of Divine in/visibility, and of people's visibility vis-à-vis one another. In this article, I focus on just one story of a person whose visibility is altered by Jesus. I will relate this narrative to practices of (in)visibility and suggest that a theology of surveillance from the Cross as a valuable paradigm for ethical responses to everyday 21st century surveillance systems.

Retelling Zacchaeus's story (with some imaginative license).

Jericho is 25 km north-east of Jerusalem and news of Jesus' imminent arrival reaches the townspeople gathered excitedly to hear a sequence of runners, each arriving with his 140 characters on a clay ostrakon. It could get terribly confusing if one runner was a little faster than the others and they got the sequence of short messages muddled. However, the people of Jericho work out that Jesus is coming. The local Pharisees just have time to erect their small wooden shelters from where they can look down the Main Street - thinking they are themselves unobserved - although everyone knows they are there.

As Jesus turns into the main street one, rather short, man climbs a tree to have a better vantage point. He can see Jesus' slow progress, brought to a crawl by the cluster of street artists feverishly sketching rough drawings of Jesus and members of the crowd smiling over his shoulder. Jesus stops at a sycamore tree, looks up and starts shouting over the noise to the man sitting in the branches. Like an audience at a British pantomime, the crowd boo and hiss the man in the tree; well known to them as Zacchaeus, a corrupt tax gatherer, who has been colluding with the Roman authorities.

Jesus invites himself to Zacchaeus's home for dinner. And, with a bit of jostling and 'accidental' bumping into Zacchaeus, the crowd parts to let him get home. Zacchaeus' wife - more than a little surprised - has barely time to send their daughters to the market for five extra loaves and fishes. To cut a long story short, Zacchaeus has a change of heart over dinner with Jesus and offers to compensate, by a factor of four, those he has defrauded. And, much to his wife's horror, gives half his possessions to the poor. It is a familiar tale (Lk 19:1-10) and, whatever else it teaches, this a story of (in)visibility.

The sociological concept of (in)visibility.

We see people and are seen by others. Our visibility is an important aspect of how societies organize relations (Brighenti 2010). Without necessarily involving any duplicity, we present ourselves to others differently when we are 'front stage' and 'backstage' (Goffman 1990 [1959]). We are always competitively positioning ourselves relative to others in social space. This positioning is effected using relative amounts of capital at our disposal comprised of economic, cultural, social and symbolic capital (Bourdieu 1985, 1989). Struggles over fair degrees of visibility may be worked out in political action when a group finds itself denied visibility and subject to unwelcome visibility – both at the same time. Refugees, for example, might be temporarily housed in large, anonymous housing estates where their day-to-day concerns go unobserved by most of the public (and especially out of sight of commentators). Yet, in lurid, fear-mongering news media headlines those same refugees are forced into hyper-visibility as the supposed source of crime and disorder. Representation of categories of people, such as those receiving unemployment benefits, can stigmatize; being visible is not simply a matter of fact (one is seen) but of perception (how one is viewed). Surveillance systems might gather data concerning refugees, welfare recipients, or multitudinous other categories and the analysis be deployed to highlight injustices requiring remedy. The very same processes might intrude into everyday lives, inducing fear and restricting legitimate movement. This does not mean that surveillance is merely a tool dependent upon the intentions for good or ill of particular agents. Rather, flows of personal information are analysed 'in the context of existing institutional relations of power and control' (Hier and Greenberg 2009: 22). The technologies are shaped by and shape those relations.

Whilst we can be in a state of more or less visibility, the term '(in)visibility' captures the dynamic capacity of making ourselves more *and* less visible (Stoddart 2011: 140). The 'in' of (in)visibility is bracketed to remind us of the fluidity of making ourselves more and less visible, as well as being made more and less visible by others. Furthermore, 'in' is bracketed to avoid implying a simple dichotomy; someone may be visible in a number of areas of life (e.g., attributed or self-claimed ethnicity, wealth, or religion) whilst being invisible in others (e.g., as a person with a mental illness).

In terms of agency, we can deploy our (in)visibility skilfully or we can neglect to develop this capacity.

(In)visibility in the Zacchaeus story.

Zacchaeus risks increasing his visibility by climbing a tree – although the crowd’s attention is more likely to be on the road as they await Jesus’ arrival. Jesus, who is adept at managing his own visibility in towns such as Capernaum, Bethany, Jerusalem, and here Jericho, takes Zacchaeus’ control of his own visibility out of Zacchaeus’ hands. By addressing him directly, Jesus makes Zacchaeus hyper-visible, and compounds this by inviting himself to dinner at Zacchaeus’ home. Given that Jesus is already under scrutiny by religious leaders for his habit of dining with undesirable categories of people (Matt. 11:19), he is strategically managing his own visibility; albeit there are consequences for his host. The biblical text says nothing about a wife and family of Zacchaeus but it is a reasonable assumption that, in this culture, they are around. The actions of Jesus – and the compensation and philanthropy of Zacchaeus – combine to significantly increase the visibility of Zacchaeus’ family-unit. Whether that was welcome or not is conjecture. The immediate beneficiaries are the poor and the defrauded who, although seen every day on street corners or in markets having to buy the most meagre of produce, are somewhat socially invisible. The rich simply look through or past them. By the end of this dinner, the poor and defrauded have become much more visible to Zacchaeus. Similarly, with their new-found funds they will be visible in a new way when they next shop at the market. Their visibility has been acknowledged and enhanced by Jesus’ call upon Zacchaeus.

(In)visibility in 21st century contexts.

Surveillance can be usefully defined as ‘any systematic and routine attention to personal details, whether specific or aggregate, for a defined purpose. That purpose, the intention of the surveillance practice, may be to protect, understand, care for, ensure entitlement, control, manage or influence individuals or groups’ (Lyon 2015: 3). Surveillance ethics is not, however, a matter merely for the state, corporations or other data-gathering institutions. When approached by way of (in)visibility the ethics of surveillance is an everyday issue and, significantly, a skilled practice. As someone from the UK where refugees and asylum-seekers are figures of deep suspicion and treated with great hostility by sections of the press, I was impressed by the advertisement for the Norwegian Viking Ship museum in Oslo which I visited in May 2017. A reduced entry fee is publicized for refugees and asylum-seekers. Where there is a hostile political climate, increasing the visibility of refugees on a museum price-list is a fraught business. (I should, however, give credit to the UK Museums Association that has done work in this area of social inclusion.). It is both welcoming and offers ammunition for anti-immigrant politicians to stoke grievances.

Another positive contribution of surveillance technologies to our managing of our visibility lies in the area of ‘hidden’ disabilities – such as many learning difficulties. Educational institutions gather personal data that can be shared with relevant tutors without raising students’ visibility in the classroom. This is, in some ways, in stark contrast to pre-digital days when a classmate would be collected quite visibly by the ‘remedial teacher’ and later be liable to playground bullying.

We could think about how tagging others in our Facebook photos impacts our friends’ (and perhaps opponents’) visibility. Being careful with our own privacy settings in the light of photo-tagging is now

an important social skill, especially where automated facial recognition systems scan uploaded images on social media platforms to offer enhanced user experiences.

At a simple, and probably rather ineffective level, a teacher might use his mother's family name instead of his own on his Facebook profile as a way of making it more difficult (although not impossible) for his pupils to locate him. As a trivial attempt to reduce the effect of online companies' carelessness with my personal data I use a different date of birth each time I register for discount coupons. Having six or seven birthdays in the year does mean I receive special offers at odd points in the calendar. If there is a legal requirement to identify me – as with the government offices or insurance companies I *do* use my proper birthdate. At a much more serious level, a protestor might choose to conceal his face to avoid automated recognition by the police or security services in regimes that are actually, or potentially, hostile to legal and peaceful demonstrations.

(In)visibility is politically-charged, particularly in challenges to the integrity of encrypted messaging systems that increase in intensity following a terrorist crime. We in the UK observed this after the recent Westminster Bridge and Palace killings. Our Home Secretary called again for a back-door to systems such as WhatsApp – with either gross ignorance or wilful misinformation as to the technological practicalities (Haynes 2017). Lawyer-client privilege and whistle-blowing by insider informants on institutional corruption or malpractice, not to mention to regular, professional journalists' connections to sources, are legitimate reasons for retaining technological options to manage our own (in)visibility (CCBE 2016).

Rights language in terms of privacy, as important as it is, only captures some of the dimensions highlighted by the concept of (in)visibility. Whilst privacy is a moral claim against others (usually institutions) it is a discourse that does not readily point to our responsibility to manage our own privacy (or visibility). In surveillance cultures it might not be a breach of privacy when someone is housed in a block known to be reserved for refugees, or to be seen by members of the public when one is visiting a Welfare Benefits office. But these are questions of visibility. So too are the material effects upon people resulting from a category into which they have been placed through the algorithmic sorting of surveillance data – what David Lyon calls, 'the invisible doors that permit access to or exclude from participation in a multitude of events, experiences, and processes' (Lyon 2003: 13). Privacy might work for individuals but not for groups – especially when the group is one of which we are not aware we have been placed. This might be credit-scoring, crime-rates for the area in which we live, or arguably more trivial, the consumer profiles created about us that determine the special offers we receive. How, by whom, for what purposes, and with what credibility are we being sorted or categorised by our personal information? What characteristics are attributed to the category into which we have been placed – identities by which are made more visible – perhaps hyper-visible – to corporations or governments? The reverse of this also holds – are there important aspects of our identity that are rendered invisible (or at least less visible) because they are not quantifiable? Although there are attitudinal scales that social scientists use to measure levels of perceived social trust or, for example, some dimensions of religiosity, I think we might want to resist surveillance as social sorting that categorises virtue. Measuring or at least estimating our value as 'good' customers is one thing – but already 'good' is being morphed or shaped in the image of the market.

The shape of a Christian ethics of (in)visibility

Surveillance from the Cross

For some years now I have advocated that we can usefully frame a Christian response to surveillance by talking about ‘surveillance from the Cross’ (Stoddart 2011). Whilst I think it is meaningful to talk about Jesus himself being under surveillance during his public ministry (from the Pharisees, teachers of the law, and the Romans (e.g., Luke 14:1)), we can talk metaphorically in a way that opens deeper insights. To speak of ‘surveillance from the Cross’ or ‘cruciform surveillance’ is to talk of a quality of surveillance that coheres to the character qualities of Christ. It is perhaps easiest if I offer first the contrast, then return to the Cross. The contrast I have in mind is those traditional images of Christ as *pantokrator* (‘Lord Almighty’, as in 2 Cor. 6:18 and in Revelation). The emphasis in this iconography is on his all-watching, all-powerful, history-dispensing, lordship of the cosmos and history. I think this is problematic because its affinity with images of an imperial rule too easily becomes a political theology justifying powerful earthly rule in the name of a powerful divine authority. At the risk of over-simplifying, we might characterise this as ‘surveillance from the throne’. It typifies traditional appeals to God’s watching over us that aim to threaten, instil obedience to religious (and political) rulers, and is rather closely aligned not only with empire but with patriarchy too.

If, by contrast, we take the Cross, rather than a throne, as the paradigm for the quality of God’s watching care, quite different dimensions come to the surface. If the *character* of Jesus is embodied most fully on the Cross, the controlling paradigm is therefore humility, service, self-sacrifice, and solidarity with the poor and otherwise marginalised. The man who preached the sermon at Nazareth (Luke 4:16-19) – lifting up the broken hearted and giving sight to the blind – lives, and as a victim of political torture, dies this message. To refer then to ‘surveillance from the Cross’ is to frame a better quality of watching – one of solidarity with the weak, one of self-restraint, humility, and fellow-suffering. (In effect, this is to interpret the power imagery of *pantokrator* in terms of the suffering servant.)

When, rather than a throne, we make the Cross, our primary paradigm for the quality of better watching-over (surveillance in other words) we find a very different political theology of surveillance confronting us. So, when we bring this back to the narrower field of (in)visibility we can talk about Jesus, our fellow-sufferer, the one in solidarity with the poor and marginalised who intervenes in the (in)visibility of other people. The tale from Jericho presents a Jesus who takes control of another person’s (in)visibility; namely that of Zacchaeus. This is for Zacchaeus’s sake – but also for the sake of those whom Zacchaeus has defrauded.

If we then turn to Zacchaeus, he is, I think, a useful paradigm for Christians who want to lay claim to the control of their (in)visibility. Zacchaeus’s (in)visibility is no longer at his discretion to deploy on his terms. His (in)visibility is, to some extent, although not fully, taken out of his hands. His (in)visibility is *relativized* by Jesus’ prior claim upon him. To put this another way, Christians may not always give priority to their own (in)visibility. The impact upon others’ visibility ought always be considered in the light of Christ’s prior call.

Surprisingly, there is a link to 21st century surveillance concerns buried in the Greek text of this narrative. It is not any tree, but a sycamore-fig tree (*sukomoréa*) that Zachaeus climbs (Lk. 19:5). This is significant in the story because Zacchaeus’s confession and promise of compensation also mentions figs. These are hidden away in the Greek for ‘I accused falsely’ or ‘I defrauded’ (Lk. 19:8). Zacchaeus owns up to *sukophantéo* – literally to being a ‘fig-informer’ or one using inside information to defraud (Strong 2010: 237) (Fitzmeyer 1981-1985: 1225). The fig-informer climbed a fig-tree. It is reasonable then to link Zacchaeus with 21st century fraudsters such as insider traders in

shares on the stock market or who, through the misuse of people's personal information takes advantage of them. He is someone who uses surveillance data to manipulate costs to certain groups of people – perhaps in ways that they do not even know is happening.

I do not want to hang an entire Christian social ethics of surveillance from one branch of a sycamore-fig tree. Nevertheless, salvation comes to Zacchaeus in the form of repentance from illicit use of personal information, and a commitment to recompense those he has defrauded. The kingdom of God comes in the unmasking of illicit surveillance practices *and* in recompense to those poor (or otherwise) people who have been the defrauders' victims.

Surveillance from the Cross – or (in)visibility ethics in the light of the Cross – place, I think, a strong emphasis not only on *responsibility* but solidarity. As the encyclical *Sollicitudo rei socialis* so aptly affirms, this takes us beyond the mere fact of interdependence in an increasingly globalised world, to genuine relationships characterised by 'a firm and persevering determination to commit oneself to the common good; that is to say to the good of all and of each individual, because we are all really responsible for all' (John Paul II 1987: §38). This requires recognising one another as neighbours and helpers, not instrumentally in the sense of others being valuable only in as much as they are useful to our own flourishing. If the goods of this world are, theologically speaking, meant for all then a Christian social ethic interrogates those structures of sin that need to be overcome in order that those denied goods are provided with what they need for their authentic human development (John Paul II 1987: §§36, 42). In the immediate context of surveillance cultures this means holding a preferential option for the *digitally* poor. Poverty here means not merely any lack of digital technologies but those whose life chances are hindered by disproportionate surveillance. But, it may be, as we have seen, that particular data-gathering might draw attention to hidden injustices or identify interventions that are required (as in epidemiological studies).

Concrete (or visible) implications.

There are many implications of this ethics of (in)visibility. In the political dimension, will we support political parties that deploy surveillance regimes that adversely impact the visibility of already-marginalised groups, or introduce new forms of marginalisation? This is not limited to questions of national security but, as welfare benefit systems comes under increasing pressure from neoliberal economic models, we may wish to consider withdrawing support from politicians who use the most needy in our country as targets for intrusive surveillance.

In the social dimension, how complicit are we each prepared to be in the manipulation of *others* visibility through our actions on social media? Knowing that all the time our personal information is being monetized by internet platforms, what practical skills are we developing that will make us more careful with the implications of our own (in)visibility upon the (in)visibility of others?

Workplace surveillance – controlling the (in)visibility of employees – has people in decision-making positions who, by sharpening up their ethical focus, could make significant challenges to a surveillance culture. So, in the professional dimension, what is the level of our awareness of the impact of our professional decisions upon the (in)visibility of our employees or colleagues? Do we surrender to the popular attitude that resorts to more surveillance as the answer to any problem in the workplace? Some healthcare workers have protested at passport checks becoming part of their responsibilities in admitting patients (as a government initiative to address perceived levels of 'health tourism' (Potter 2017). In what is taken to be a misunderstanding of government guidance, teachers in some local authorities have been expected to request passport evidence of non-white

children in order to identify refugees and asylum-seekers, much to the objections of a number of parents (Pells 2016).

The paradigm of surveillance from the Cross propels us to ask who, amongst the poor and marginalised, are most affected – and in what ways? This is a crucial ethical test for any surveillance system or culture. The British sociologist Zygmunt Bauman makes this telling observation when discussing attempts to promote security with calls for people to sacrifice freedom:

Security sacrificed in the name of freedom tends to be *other people's* security; and freedom sacrificed in the name of security tends to be *other people's* freedom (Bauman 2001: 20).

In a world where the successful secede from community participation and responsibilities – behind gated communities and privatised systems of health, education, and even security, provision – Bauman's is a significant challenge (Bauman 2001: 50). A Christian ethics of surveillance counters just such withdrawal and, instead, calls for solidarity – not too unlike that which Zacchaeus modelled by the end of his impromptu dinner hosting Jesus. Zacchaeus, separated from us by 2000 years, is, I suggest, at least worth a second look as the patron saint of surveillance, bearing in mind that his practice of (in)visibility cost him more than half his possessions.

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References

1. Bauman, Z., 2001, *Community*, Cambridge: Polity Press.
2. Bourdieu, P., 1985, 'The Social Space and the Genesis of Groups', *Theory and Society*, 14 (6), 723-44.
3. --- 1989, 'Social Space and Symbolic Power', *Sociological Theory*, 7 (1), 14-25.
4. Brighenti, A., 2010, 'Democracy and Its Visibilities', in Kevin D. Haggerty and Minas Samatas (eds.), *Surveillance and Democracy*, Abingdon: Routledge, 51-68.
5. CCBE 'Ccbe Recommendations: On the Protection of Client Confidentiality within the Context of Surveillance Activities', <<http://bit.ly/2xZGVmt>>, accessed 23-Oct-2017.
6. Fitzmeyer, J. A., 1981-1985, *The Gospel According to Luke*, The Anchor Bible; Garden City, NY: Doubleday & Company, Inc..
7. Goffman, E., 1990 [1959], *Presentation of Self in Everyday Life*, London: Penguin Books.
8. Haynes, J. 'Backdoor Access to Whatsapp? Rudd's Call Suggests a Hazy Grasp of Encryption', (updated 27-Mar-2017) <<https://www.theguardian.com/technology/2017/mar/27/amber-rudd-call-backdoor-access-hazy-grasp-encryption>>, accessed 23-Oct-2017.
9. Hier, S. P. and Greenberg, J., 2009, 'The Politics of Surveillance: Power, Paradigms, and the Field of Visibility', in Sean P. Hier and Josh Greenberg (eds.), *Surveillance: Power, Problems, and Politics*, Vancouver: University of British Columbia, 14-29.
10. John Paul II, 1987, 'Sollicitudo Rei Socialis'.

11. Lyon, David., 2003, 'Surveillance as Social Sorting: Computer Codes and Mobile Bodies', in David Lyon (ed.), *Surveillance as Social Sorting: Privacy, Risk and Digital Discrimination*, London: Routledge, 13-30.
12. Pells, R., 'Non-White Schoolchildren Asked to Provide Proof They Are Not Asylum Seekers | the Independent', (updated 23-Sept-2016) <<http://www.independent.co.uk/news/education/education-news/non-white-schoolchildren-prove-not-asylum-seekers-schools-nationality-documents-london-a7324851.html>>, accessed 26-Oct-2017.
13. Potter, J., 'Today Marks the Day When a Founding Principle of the Nhs Is Destroyed – and Doctors Like Me Are Being Told to Help.', (updated 23-Oct-2017) <<http://www.independent.co.uk/voices/nhs-immigration-checks-non-urgent-care-day-founding-principle-destroyed-a8015436.html>>, accessed 26-Oct-2017.
14. Stoddart, E., 2011, *Theological Perspectives on a Surveillance Society: Watching and Being Watched*, Aldershot: Ashgate.
15. Strong, J., 2010, *The New Strong's Expanded and Exhaustive Concordance of the Bible*, Nashville, TN: Thomas Nelson.