DATA NECROPOLITICS

Antonio Pele
Associate Professor, Law School PUC-Rio University
Marie Curie Fellow, EHESS/IRIS (2021-23) in collaboration with the Columbia Center for Contemporary Critical Thought.
apele@puc-rio.br
antonio.pele@ehess.fr

‘Algorithmic Governmentality’ (A. Rouvroy), ‘Expository society’ (B. Harcourt), ‘Black Box Society’ (F. Pasquale), ‘Surveillance Capitalism’ (S. Zuboff), ‘Techno-Feudalism’ (C. Durand), ‘Radical Anti-Humanism (E. Sadin), increasing literature has been highlighting how our societies and subjectivities are being modified and threatened by new technologies and Big Techs¹. While these debates are grasping how our social existence and future are being shaped by the development of novel technologies, guided by profit rentability and power struggles, I would like to suggest another critical layer. The current deployment of new technologies also relies on a novel circulation of violence. Borrowing the expression from Achille Mbembe I call this phenomenon Data Necropolitics, which is also the title of the book I am working on. Necropolitics is ‘the generalized instrumentalization of human existence and the material destruction of human bodies and populations.’² My intuition is that Data Necropolitics is at the intersection of these two phenomena. Data and new technologies are reifying human’s lives, through different procedures of ‘mortification of the self,’ labour exploitation³, and in some cases, and especially among vulnerable populations, they can foster violence and eventually death. Violence should not be understood as ‘mere’ physical aggression or violation of private property rights. It is also socio-economic and symbolic. When I refer to Data Necropolitics, I have in mind not only the physical elimination of given individuals, but also a predatory/digital form of governance that expose and produce social

violence, vulnerability and eventually (social) death. It circulates below and sets the foundations of our technological ‘welfare’.

Among the roots of Data Necropolitics, the prominent ones are related to military activities. Drone strikes epitomizes the role of algorithms in targeted killings. A 2021 report of the U.N panel of Experts on Libya also suggests that in March 2020 the first attack launched automatically by an artificial intelligence-based drone has been registered. With A.I drones, a ‘necroethics,’ namely, the ability of ‘killing well’ is shaping our understanding of wars, as Gregoire Chamayou suggests. It ‘holds forth on the procedures of homicide and turns them into the objects of a complacent moral evaluation.’

Within these dynamics, the relations between the military, intelligence services and Big Techs have been even more critical. The current global race on A.I supremacy and the economic stakes underpinning data surveillance show those core political issues. Pentagon’s Project Maven is currently involving Silicon Valley companies such as Google, to boost and apply A.I technologies in defence project. It is also the case of the JEDI Cloud project that, with Microsoft, aims at ‘increasing the lethality’ of the U.S Department of defence. The UK intelligence services (e.g. MI6) have recently signed a contract with Amazon to store sensitive data in the cloud of the US-Based firm. A similar agreement was signed in 2015 between the French intelligence services (DGSI) and the US-based firm Palantire. These examples certainly reveal the competition (and collaboration) between tech compagnies to access profitable public contracts. They also show how our ‘expository society’ and the ‘counterrevolution’ paradigm are entwined. Parallelly, these trends also produce an increasing social, political, and digital vulnerability that target the behaviour of the world population. They sustain a global race towards Data Necropolitics. Achille Mbembe notices that the expansion of necropolitics, relies on the creation of ‘new military markets’ so that ‘war and terror have transformed into modes of production (…)’.

For instance, two French Tech companies have been charged with complicity in torture for selling surveillance equipment to Libya and Egypt. To put in a nutshell, Data Necropolitics build necroecomies. For many individuals, this violence is not new and has always been part of their daily life. Women face (online) violence and sexual harassment, while the ‘brotopia’ of Silicon Valley

---

generally bypassed the work and talent of female engineers. On the other, women are also constantly at the vanguard of political/digital struggles. They are whistle-blowers, as demonstrates the example of Frances Haugen regarding Facebook, and they invent novel modalities of digital governance such as Data Feminism. The same goes with the African-American populations especially in the United-States, where scholars and activists have been relentlessly denouncing and resisting the novel circulation of racism in the digital age. Timnit Gebru and the DAIR Institute have revealed how A.I can foster racism, and may harm vulnerable groups. Shaka McGlotten advances the idea of 'black data' to grasp how Black people are hailed by big data through race. Regarding health inequalities during the pandemic in the U.S, Rashida Richardson holds that ‘Government data practices in the public health sector represents one extreme where insufficient collection, use, and reporting of ethnorracial health data can disguise underlying problems and tacit discrimination that aggravate and hasten racial inequities and harms including excess death ». It is possible to trace a similar phenomenon in France where socio-economic issues have been more salient. During the pandemic, the lack of data regarding social vulnerability to disease and France myopia regarding biostatistics have also fostered and normalized health injustice. Mathieu Arminjon and Régis Marion-Veyron have rightly referred here to France biopolitical failure in its management of the pandemic. It is worth reminding that Didier Fassin has deeply explored those questions, and with my colleague Stephen Riley we have precisely relied on Fassin’s concept of ‘politics of life’ to move beyond the biopolitical theoretical framework. Data Necropolitics encompasses the necropolitical ethos that defines health inequalities and how data (and the lack of data) are used by respective Governments to normalize health and social injustice. However, Data Necropolitics also goes further than these issues. It is carried out not

8 Emily Chang, Brotopia. Breaking up the Boy’s Club of Sillicon Valley (New-York, Portofolio/Penguin, 2018).
13 Didier Fassin, De l’Inégalité des Vies, Paris, Collège de France Fayard, 2020
only by governmental policies, but also by the private sector. It does not only focus on public health but expands to all the dimensions of everyday life.

For instance, facial recognition is slowly but surely being deployed in Latin America. In Brazil, it is well implemented in public transport (like the metro of São-Paulo), and twenty Brazilian cities are experimenting with it for law enforcement purposes. Brazil’s federal public authorities have designed a pilot project (‘Em Frente Brasil’) providing, since 2019, specific public funding to cities interested in this initiative. This project relies on partnerships with foreign tech companies (mostly from China and Israel) that have offered their surveillance equipment to this public program.

This discreet but sustained deployment of facial recognition in Brazil appears in the intriguing case of the Brazilian NGO, CUFA (Central Única das Favelas). For more than twenty years, the latter has promoted art, education, sport, music and leisure among Brazil’s vulnerable youth communities. Like many other NGOs, CUFA launched the initiative to distribute free food baskets in the favelas during the pandemic. However, and in contrast to other similar initiatives, it also planned to use facial recognition to register the potential 2 million beneficiaries. A partner tech company offered its expertise to collect all the biometric data. Amid critics raised by activists and scholars regarding the final use of the collected data, CUFA decided to give up the use of facial recognition.

For sure, those cases reveal how A.I and facial recognition still rely on and produce racial bias and criminalize African American / Afro-Brazilian populations. They also show the lack of transparency in the collection and storage of data. Despite the relevance of these questions, another issue should be addressed. The lack of efficient national regulation and legal vacuum regarding the precise use of facial recognition are designed to foster the deployment of these technologies.

While the Global North have recently adopted relatively strong regulations regarding facial recognition and I.A, like the future E.U regulation on A.I - these technologies are being tested in Latin America and in the Global South in general, in areas that are forbidden in the Global North, and with the ‘help’ of compagnies situated in Europe, China, Israel and the United-States. So far, as we have seen above with Brazil, these technologies are deployed in two areas: law enforcement and humanitarianism. Big Tech enter heavily and precisely into the breach of the social and institutional weakness of the Global south, namely, criminality/violence, and socio/economic inequalities. It is at this intersection where Data Necropolitics is the most predatory since it targets the most vulnerable populations of the world.

15 I thank Caitlin Mulholland my colleague of the Law School at PUC-Rio and Samuel Silva Rodrigues de Oliveira for the discussions around the present case.
Here, Data Necropolitics is disguised by what I call ‘Techno Philanthropic capitalism’. Technological donations, and trial run technological experiments, aims at filling the social and economic vacuum of many Latin American and Global South societies. Tech companies intend to consolidate their foothold, building strong relationship with officials while massively collecting data from citizens. It is not only the violent data extraction of ‘data colonialism’ as Nick Couldry and Ulisses A. Mejias have presciently analysed16, but also and foremost a seeming techno-philanthropic ethos that intends to fix State failures and helps vulnerable communities.

These ongoing strategies turn the Global South and Latin America as giant and open laboratories for the experimentations of A.I, facial recognition, and mass data surveillance. Because of legal weakness and political complacency, these populations are becoming the digital guineapigs of Data Necropolitics.

---