Faces in the Crowd: Facial Recognition Technologies and Monitoring Crowds at Public Events

An international conference organized by the *Law and Humanities* team of the CERSA (UMR 7106, Paris-Panthéon-Assas University), ETHICS (EA 7446, Lille Catholic University) and ERC FACETS[1].

Date: December 7th and 8th, 2023

Venue: Université Paris-Panthéon-Assas, centre Panthéon, 12 place du Panthéon, 75005 Paris, France.

Languages: English, French

The interdisciplinary *Law and Humanities* team is pleased to announce their second international conference devoted to facial recognition and other surveillance tools monitoring crowds attending public events. The 2023 conference aims to take stock of surveillance theory and practice on the eve of the Paris 2024 Olympic Games, at a time when the surveillance camera is being superseded by, or perhaps rather combined with, other technologies such as FRTs. The stakes are high as the impact of the security arrangements made for major sporting events have wide-ranging consequences for the daily lives of ordinary citizens. Indeed, security practices tested and implemented at those events tend to be used in other settings and thus cause long-term security legacies (Boyle and Haggerty 2009; Lindsay 2013).

Security has become an increasing concern in mega events since the Sunday Attacks on Munich 1972, 9/11 and 7/7 attacks, to the extent where the London 2012 Olympics have been called the 'Security Games' (Mason 2014). The latest incidents in France at the UEFA Champions League final at the Stade de France, which saw congestion, excessive police force and mugging of fans, adds screening and crime to terrorism as the main security concerns, and thus seeks to justify the use of intrusive monitoring systems and innovative technologies of surveillance. Any public debate on surveillance of these mega events is thus framed by these real or perceived security threats that facial recognition is meant to prevent, as explained by the rapporteur of the May 2022 recommendations by the French Senate for a three-year trial of these technologies. These recommendations form the basis of the current bill on the organization of the Olympic and Paralympic Games 2024. While to date the bill excludes any use of facial recognition per se, French ministers are toying with the idea of using 'intelligent video-surveillance', another type of FRT. The German federal constitutional court, on the other hand, stated in February 2023 that the Act on Data Processing by the Police for the *Land* of Hamburg violated the constitution, on the grounds that 'when stored data is processed by means of automated data analysis or interpretation, this constitutes an interference with the informational self-determination of all persons whose personal data is used in such processing' (1 BvR 1547/19, 1 BvR 2634/20).

Across the Channel, as McGrath reminds us, the history of the surveillance camera is "inextricably tied up" with football hooliganism (McGrath 2004: 25). At a time when football-

[1] This activity results from a project that has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (Grant Agreement No 819649–FACETS)

related violence seemed to have reached epidemic proportions - with for instance Liverpool fans being held responsible for a wall collapse at the Heysel Stadium in Brussels in 1985, causing the deaths of thirty-nine people - Margaret Thatcher pledged to act, so that by the end of the 1980s crowd surveillance at football matches was routine. The straining of cameras on hooligans entailed a changed relation to space, which is explored in John King's novel *The Football Factory*, adapted to the screen in 2004. Here, literature demonstrates how surveillance "changes the ways we feel and behave within the spaces which are surveyed" (McGrath 2004: 26). Cameras did not however prevent the tragedy at the Hillsborough stadium in 1989. In fact the interpretation of CCTV images by police officers, who feared a confrontation between supporter groups, led them to keep gates closed and caused the death of 96 people (Norris et al 1998: 129). In yet another turn of the screw, the evidence provided by the cameras made it possible to challenge the police version of events which was relayed in the media and which criminalized the victims. The English example shows how surveillance technologies developed to manage crowds - here in a sports context - then expand to other settings; how they shape subjective experiences of public space which can be rendered in literature and film; and how questions of interpretation, both by the authorities and in public discourse, remain crucial.

Notwithstanding the timing of the conference, the conversation does not seek to be narrowly defined around the Games but wishes to include issues relating to crowd monitoring at public events more generally, such as concerts, festivals or any type of public performance. For instance, in France, FRTs were experimented by the Nice authorities to control access to a music festival. Surveillance is understood here as 'the focused, systematic and routine attention to personal details for purposes of influence, management, protection or direction' (Lyon 2007: 14). Before the age of technology, states already implemented many strategies to control crowds during public events. More than four hundred years ago, a "culture of intelligence – and surveillance" (Bezio 2023) emerged under Elizabeth's reign as a powerful network of spycraft was developed. In those days, riots were rather common, often starting around and even within playhouses, the most serious event being the 1597 riot at the Swan theatre. In the wake of a riot during the performance of *The Isle of Dogs*, the dramatists Ben Jonson and Thomas Nashe were sent to prison and the Privy Council threatened to close down all the London theatres. The authorities then described the play as "seditious" and the crowd as unruly, regarding drama as "encouraging rebellion" (Dunnum 2022:13). This particular historical example could lead to a broader reflection on public authorities' persistent fear of the potentially subversive nature of any public events. In our contemporary societies, FRTs and other surveillance technologies aim at anticipating any type of disorder within the public space. The primary responsibility of ensuring a safe environment for spectators, officials, dignitaries and competitors depends on the event: it lies with the host cities, in the case of the Olympic Games (Coaffee and al. 2011), but with the organizing body jointly with local enforcement agencies, in the case of the UEFA (*The Guardian*, 13 Feb 2023). Surveillance, carefully planned, would include among others ticketing strategies, inclusion/exclusion policies based on profiling, monitoring of space for commercial and policing purposes, including crowd control and routes, managing spectators' sporting and consumer experiences, etc. These strategies cannot but raise echoes of Foucault's surveillance society paradigm (1975) and Agamben's *Homo Sacer* (1995).

The exponential development of technologies of surveillance involving ever more efficient algorithms, the use of AI or facial recognition technologies (FRT) implies that the literature in the field needs to be constantly updated. Indeed, while the conference draws on the 2014 *Surveillance & Society* special issue on 'Surveillance and Sports', it offers a unique perspective on the issue of FRT for the purposes of crowd monitoring in that it invites a cross-disciplinary approach to the theory and practice of surveillance. Indeed, as explained in *Surveillance, Law and the Humanities* (2023: 4-5), 'the humanities are less interested in

populations or forces than in stories and identities, subjective experiences and perspectives, individual lives and mentalities'. Hence this interdisciplinary conference seeks to explore the impact of FRTs or other surveillance technology monitoring and controlling crowds in public events under different perspectives. Among all the technologies used, FRT is probably the most contentious. While claiming to offer an almost instant and more efficient identification, location and screening system than other biometric technologies like fingerprints and retina scans, it impacts fundamental rights, among which the right to privacy, and raises fears of Orwell's Big Brother society. The use of algorithmic video surveillance technologies raises ethical problems relating, in particular, to the protection of privacy; the processing, access and preservation of the data generated; biases generated by the very development of algorithms (Sereno, 2022; Bertail et al. 2019); the reduction of personal identity to digital data, but also the generation of an addiction to surveillance techniques whose potential for authoritarian drift cannot be overlooked. More fundamentally, the question that arises is that of the ethical conception of this type of technology: should it really be considered as axiologically neutral or as a simple decision-making tool? Finally, the question one has to face is: to what extent are we prepared to delegate our decision-making process on such issues and what are we prepared to accept in the name of the alliance between security (real or supposed, objective or subjective) and technology.

The desire to control and manage crowds through their technological visibilization raises the esthetic and phenomenological questions of whether a crowd can be considered a collective and perceptive agent. The efficacy of statistical rationality, and more recently algorithmic rationality, has been linked to vision as the predominant form of perception (Tarde 1895; Pasquinelli 2016 ; Halpern 2014) often showing how this tends to reproduce a disembodied understanding of vision in which the maps of what one sees and what one is able to do are dissociated (Merleau-Ponty 1960), thus radically subverting our esthetic experiences. If the perception of space is always technologically mediated (Virilo 1988) then we must better understand how technologies of crowd control and surveillance shape the very space it is crowds are expected to perform (Lefebvre 2000) and question the spaces available for obfuscating or neutralizing these "programmed visions" (Hui 2011).

Semiotically speaking, the implications of utilizing automated face recognition systems in public events extend beyond a mere factual account of these happenings. Rather, they require an inquiry into how the intersections between such events and their implied technologies can elicit a series of interpretants that, in their pragmatic effect, give rise to senses and meanings over time. These senses and meanings can significantly impact our comprehension of how the boundaries between the public and private are delineated and maintained within society, as well as how identification and othering are performed (Leone, Gramigna 2021). Moreover, shedding a semiotic light on the regimes of surveillance and control in public events, starting from the regulated administration of automated face recognition technologies, allows an understanding of how these practices increasingly shape the way in which society will be constructed in the future, at least in the near future (Gates 2011).

Recognizing someone is one of the most significant and ingrained experiences in human life. It permeates our everyday activities, from social interactions to our digital lives. By definition, the most significant aspects of humanness are reflected in scientific progress, determining its development and evolution. The way technological change is shaped and structured is thus inherently grounded in societal norms and relations, which are themselves equally affected by technological transformations. In this sense, the relationship between technology and recognition can be considered as mutually constitutive. This relationship is leading to at least two main consequences: individuals increasingly encounter recognition

experiences embedded in technology; machines are being trained to recognize and react to relevant traits (Chun 2021). Whether treated as a feature or as a result of the system, recognition is conventionally codified as a biological phenotype, and historically has been represented as a biometric, and therefore a quantitative and verifiable, fact (Leone 2022). This convention is still deeply rooted in automated face recognition design and is responsible for the vulnerability of non-hegemonic communities.

The conference welcomes papers that would tackle the issues raised by the use of FRTs in public events from an interdisciplinary standpoint, studying literary, artistic responses, film or TV series productions, ethical controversies and legal debates. The organizers would also be interested in diachronic approaches to the broader subject of controlling crowds through other tools of surveillance so as to bring to the fore any continuity or disruption in the ways humans attempt to contain groups of individuals within the public space.

We welcome contributions that address legal, ethical and aesthetic issues raised by the use of FRTs, but not limited to the topics discussed above. Provisional titles are expected by **30th September** and abstracts (around 150 words) with a short bio-bibliography by **28th October 2023.**

Contact: Anne Brunon-Ernst (anne.brunon-ernst@u-paris2.fr), Armelle Sabatier (armelle.sabatier@u-paris2.fr), Claire Wrobel (claire.wrobel@u-paris2.fr)

Bibliography

Agamben, Giorgio (2016). *Homo Sacer*; *L'intégrale 1997-2015*. Paris: Seuil.

Bertail, Patrice, David Bounie, Stéphan Clémençon, Patrick Waelbroeck (2019). *Algorithmes: Biais, Discrimination et Équité*.

Bezio, Kristin M.S (2023). *The Eye of the Crown. The Development and Evolution of Elizabethan Secret Services*, London: Routledge.

Boyle P, Haggerty KD (2009) "Spectacular security: Mega-events and the security complex". *International Political Sociology* 3(3): 257–274.

Brunon-Ernst, Anne, Jelena Gligorijevic, Desmond Manderson and Claire Wrobel, eds. (2023). *Surveillance, Law and the Humanities.* Edinburgh: Edinburgh University Press.

Chun, Wendy (2021). *Discriminating Data: Correlation, Neighborhoods, and the New Politics of Recognition*. Cambridge MA: MIT Press.

Coaffee, J., Fussey, P. and Moore, C. (2011) "Laminating Security for London 2012: Enhancing Security Infrastructure to Defend Mega Sporting Events" *Urban Studies* 48(15): 3311-3327.

Dunnum, Eric (2020). *Unruly Audiences and the Theater of Control in Early Modern London*. London: Routledge.

Foucault, Michel (1975). *Discipline and Punish: the Birth of the Prison*, trans. Alan Sheridan. London: Allen Lane (1977).

Gates, Kelly (2011). *Our Biometrics Future. Facial Recognition Technology and the Culture of Surveillance*. New York: NYU Press.

Halpen, Orit (2015). *Beautiful Data. A History of Vision and Reason since 1945.* Duke University Press.

Hui Kyong Chun, Wendy (2011). *Programmed Visions. Software and Memory.* The MIT Press.

King, John (1996). *The Football Factory*. London: Vintage.

Lefebvre, Henri (2000). *La production de l'espace.* Anthropos : Paris.

Leone, Massimo (2022). "Visage Mathematics: Semiotic Ideologies of Facial Measurement and Calculus". In Danesi, Marcel, ed. *Handbook of Cognitive Mathematics*, Springer International Publishing, pp.1-26.

Leone, Massimo & Remo Gramigna (2021). *Cultures of the Face*, special issue of *Sign Systems Studies*, 49, 3-4.

Lindsay, I. (2013). "London 2012 : Securing Urban Olympic Delivery". *Sports in Society* 16(2): 223-38.

Lyon, David (2007). *Surveillance Studies: An Overview*. Oxford: Polity Press.

Mason, Fred (2014). "Watching the Watchers: A Visual Sociology Essay on Control, Security and Surveillance at Olympic Women's Soccer in Glasgow". *Surveillance & Society* 11(4):405-423.

McGrath, John E. (2004). *Loving Big Brother: Performance, Privacy and Surveillance Space*. London and New York: Routledge.

Norris, Clive, Moran, Jade and Gary Amrstrong (eds) (1998). *Surveillance, Closed Circuit Television and Social Control*. Aldershot: Ashgate.

Pasquinelli, Virilio, "Anomaly Detection : The Mathematization of the Abnormal in the Metadata Society", *Transmediale 2015*.

Tarde, Gabriel (1895). *Les lois de l'imitation*. Félix Alcan: Paris.

UNIVERSITÀ
DI TORINO

FA CE
T S

Face
Aesthetics in
Contemporary
E-Technological
Societies

PANTHÉON-ASSAS
UNIVERSITÉ
PARIS

LAW & HUMANITIES
Interdisciplinary studies in law,
political science, economics and culture

European Research Council
Established by the European Commission

ETHICS
EA 7446