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Consumer Technology after Surveillance Theory

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Picture a prison from a Hollywood film, with long lanes of adjacent cells full of prisoners. The prisoners are shouting, and smashing their dinner trays against the bars. But then, the Nokia ringtone pierces the corridor. The guard checks his pockets, but his phone is not ringing. All prisoners simultaneously reach into their overalls, and one pulls out a ringing phone. The idea of prisoners being called by their friends on the outside or even fellow prisoners is shocking. They would appear to be completely out of control.

Apart from the consumer-prisoner sketched above, affix the word consumer to the otherwise disciplined, and consider some events of the recent past. The consumer-soldier provided the Abu Ghraib torture shots, for example. The consumer-worker writes a blog that criticizes the corporation. The consumer-student uses his own laptop with GPRS, avoiding the university server and its log files. The consumer-patient looks at her chart and Googles her condition, checking the prescribed treatment against postings in the patient discussion forum.

In other words, the Foucauldian subjects of surveillance now own and use consumer technology, which makes them unruly. Michel Foucault described how surveillance disciplined people in enclosed spaces – the prison, the barracks, the hospital, the factory, and the school. Design as well as techniques (the institution's daily 'regime') eventually made bodies reformed and docile.¹ In the 18th and 19th century, the periods Foucault analysed, people will have had consumer technology, or personal objects foreign to the institutional regime. So far, however, the personal objects carried and accessed by the surveilled subjects hardly have been considered.

Does surveillance theory currently account for the consumer-prisoner, consumer-soldier, consumer-worker, consumer-student and consumer-patient? It does account

for the consumer, at least. According to surveillance theory after Foucault, consumers are enticed into participating in being watched in exchange for product, as Mark Poster and Greg Elmer write.² Participatory surveillance describes how the consumer must leave traces and thereby becomes subject to dataveillance, as Roger Clarke has termed it, the current state of which is described below.³ Click-and-agree as well as click-and-buy have an in between step, however, where it is noted in the scroll down which information is collected on you. Michael Stevenson sums it all up in the new media project, the “whatever button.”⁴ The Firefox extension replaces command confirmation buttons with “whatever.” Normally one just clicks through the various buttons (“I agree,” “I accept,” “I confirm”), and receives the product. To the interactions in between, one would say, “whatever.” There is a sense of docility and perhaps futility in Stevenson’s notion, which surveillance theorists keep in mind, too. To participate in consumer society, you have to be watched. It’s not so much that resistance is futile. It’s more that there is just too much interactivity. Elmer writes that turning cookies off blackens out much of the Web for the surfer.⁵ Having to confirm every cookie, after setting advanced privacy preferences, unleashes a barrage of browser alerts. Eventually one yields back to the default setting, and carries on with “whatever.” (See Figure one.)

Click-and-buy has one of its finer moments in the patented “1-click” purchasing system by Amazon, which frees the consumer from the “whatever” step. To be able to consume product the fastest, in a single click, you must have all your data pre-filled, well formed and fresh. Thomas Elsaesser has suggested that our databody – the set of stored personal details that grants us access to product or space – must remain well groomed, so as to get it ready for the day, like brushing one’s teeth in the morning.⁶

Theorists and consumers alike are already familiar with consuming at pace. For some time now, surveillance has allowed the docile to consume not product but space, as through airports to the next remote comfort lounge, Manuel Castells writes.⁷ Docile bodies moving quickly is an unfamiliar image, for we are more accustomed to the Orwellian motion pictures – hordes of the similarly clad, ambulating like sleep-walkers, whether in factory outfits or in late 1940s business suits, hats and shoes.⁸ The backdrop is the Pittsburgh smog, heavy and enervating. Surveillance and disciplining regimes once drained energy, and slowed commerce. To become human again after

mechanization, and to resist, factory workers would ‘pace’ themselves, and perhaps strike. That is to say, the watchful, disciplining regime eventually would slow down money and people. Nowadays, it speeds things up.

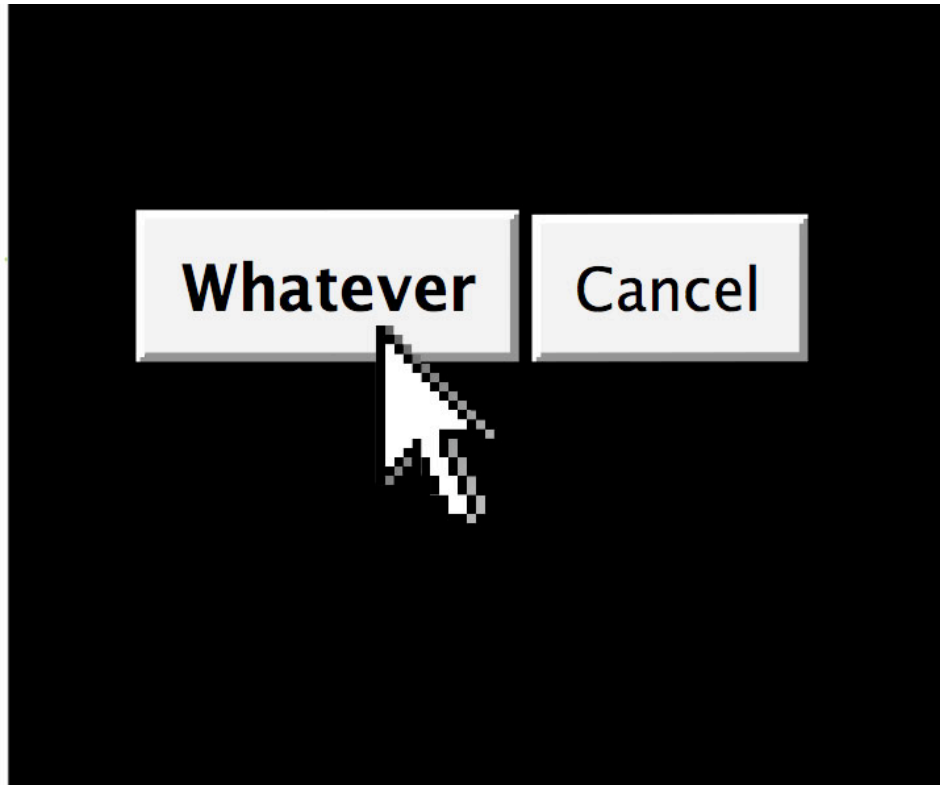


Figure one: The Whatever Button by Michael Stevenson, 2007, <http://www.whateverbutton.com>, Firefox extension.

As with George Orwell’s discussion in *Nineteen Eighty-Four* of those worth watching, the most highly surveilled remain the ‘kinetic elite,’ able to consume dedicated flow space by passing quickly through gateways.⁹ The “space of flows,” as Castells termed it, had three layers, the hardware and its electronic impulses, the network topology of cable links, and the organization of space for the managerial elite.¹⁰ It’s the third layer that is of interest in the access society, a term employed by Jeremy Rifkin.¹¹ The lesser surveilled – like Orwell’s Progs who do not merit watching – would wait in line, sadly, by economy class check-in, with too much luggage. Their flow is impeded. They hurry up and wait, caught repeatedly by Deleuzian fencing. Gilles Deleuze took issue with Foucault, saying that the password society has overtaken the panoptic.¹² Surveillance no longer reforms bodies, but rather grants physical access for bodies of various sizes. One need not be in shape,

physically, though looks remain important. Those passing most swiftly have their databodies well-formed, like good code. As Peter Adey writes, waiting at customs at Schiphol Airport (Amsterdam) and watching businessmen arch their necks for the eye-scanner is a Deleuzian moment by Privium.¹³ It's not so much that a given elite has its own lounges, passageways and gateways, in a Castellsian sense, like Royal families had their own waiting rooms, ingresses and egresses at train stations. It's more that flow space is a result of 'privileges.' As in a computer or video game, one's achieved 'level' unlocks free space.

The "data body" (two words) was coined by the Critical Art Ensemble, taking a cue from Mark Poster's data double. Critical Art Ensemble (CAE) defined it as "the total collection of files connected to an individual" – a collection "in service" to corporations and the state.¹⁴ Whereas to Poster the data double impoverished the self by reducing it to fields in a database with character length limits, to CAE it becomes far richer. All data are in play. "No detail of social life is too insignificant to record and to scrutinize."¹⁵ Wendy Chun has discussed how the Internet has brought with it not only the idea of a "freedom frontier," but also that of a "dark machine of [state] control."¹⁶ The latter myth, she writes, "screens the impossibility of storing, accessing and analyzing everything.... Even the U.S. National Security Agency (NSA) admits this impossibility."¹⁷ In other words, the question nowadays is not so much whether data are collected and stored, but rather how they are indexed and made queriable. First, with respect to its collection, there was the issue of the ephemerality of data. The memory rot that so worries digital librarians and archivists, combined with the maintenance of old machines to view the content in something like its original setting, are less the issue than when query machines stop, when the scripts break. One normally concerns oneself with exploits, and subsequent intrusions of spam and the editbots, automatically changing Wikipedia pages.¹⁸ Networked content is at risk. Who forgot to turn the filter back on after the re-install? Now look at the mess.

But, secondly, the data sets are becoming bounded by time in ways different from digital decay. When privacy advocates negotiate data retention durations, they are also creating limited query windows. How long should the police keep video surveillance data? How long should a search engine keep user data? In 2007 Google, for example, agreed to anonymize user data older than 18 months, changing an earlier

proposal that read “18 to 24 months,” as Peter Fleicher, the company’s Global Privacy Counsel, writes on the official Google blog.¹⁹ Whilst the 6-month difference is banal (and also may be a product of Google’s organizational culture – their servers also last the magic number of 18 months), the timeframe creates new urgencies for the query machines seeking, as Fleicher continues in bullet points:

- to defend our systems from malicious access and exploitation attempts;
- to maintain the integrity of our systems by fighting click fraud and web spam;
- to protect our users from threats like spam and phishing; [and]
- to respond to valid legal orders from law enforcement as they investigate and prosecute serious crimes like child exploitation.²⁰

The study of anonymized profiles of users is only beginning, and their current constitution in search engine space is not well interrogated. The famous case of the released AOL search engine query data in 2006 made news for its “disturbing glimpse into users’ lives.”²¹ Later, it became an item in the U.S. House of Representatives, where the Congressman from Massachusetts remarked, “We must stop companies from unnecessarily storing the building blocks of American citizens' private lives.”²² Here is how Declan McCullagh, the staff writer at CNET News, introduces the story a person sharing his life in his search strings, together with his queries:

AOL user 311045 apparently owns a Scion XB automobile in need of new brake pads that is in the process of being upgraded with performance oil filters. User 311045, possibly a Florida resident, is preoccupied with another topic as well:

how to change brake pads on scion xb 2005

us open cup florida state champions

how to get revenge on a ex

how to get revenge on a ex girlfriend

how to get revenge on a friend who f---ed you over

replacement bumper for scion xb

florida department of law enforcement

crime stoppers florida²³

Further questions arise beyond what users may expect from engines. These now also have to do with the everyday disappearance of the query environment as well as the results. The server logs keep the queries, as well as the clicked-on items (not shown above), but not all the results that were offered. Those are ephemeral; one cannot recreate search engine query results from the past. This allows the engines to shift the blame the users.

But anonymized, 18-month-old profiles of exploiters, spammers, phishers, frauds and other anomalous users also raise somewhat different questions from those previously put forward by database philosophers when critically discussing aberrance as a normal outcome of algorithmic queries of large, stored collections of data. Profiles are slices of norms, and generate niches as well as “niche envy,” as Joseph Turow writes.²⁴ The Internet has changed advertising from its achievement as an art form for the masses (on TV and billboards) back to the pedestrian ‘direct advertising’ of the weary door-to-door salesman, lugging product. “Direct,” to use the short form, now relies on the collection of individual data, knowing not the customer, as in the past, but the customer type. Demographics, whilst important, are broad indicators in comparison to specific purchase histories in what Elmer has termed the personal information economy. ‘Customers who bought this item also bought...’ is one form of recommendation that *thrives* on anonymous users.

Turow’s “niche envy” is a concern not so much for the databody daily grooming that Elsaesser discussed, resulting in the ability to consume product and space rapidly. Rather, it is about people knowing other people’s databody, and desiring it. The continual uproars amongst Facebook users are cases in point. The social software continues to increase the number of sticky events in the social network. Previously, one’s page or group did not broadcast, until early September 2006, when a student posting from the Campus Progress blog appeared on Slashdot:

So-and-so is “no longer single.” Someone else removed “the Hubble Telescope” from their interests. Apparently, 10 of my friends “care about the End the Genocide in Darfur campaign issue.” For those who haven’t logged on, not to mention the poor souls who aren’t on Facebook, here’s what the networking site introduced just after midnight, California time, last night: The

site now records the minutia of everyone's moment-by-moment activities on Facebook, and aggregates them all to a handy "News Feed" page, and a "Mini-Feed" on every profile.²⁵

After user protest, the feeds became an option, instead of the default. More recently, another default versus global opt-out episode unfolded. Beacon, introduced by Facebook in December 2007, takes feed analysis to a new level of niche marketing. Whereas in the past one's anonymized purchases were logged on a single site and recommended to others (Amazon), with Beacon a Facebook user is alerted to friends' purchases from multiple sites (via their captured and aggregated feeds). The backlash came from Moveon.org, the online, political progressive organizer, with a campaign and a petition, where one moveon.org member and Facebook user wrote: "Oh my gosh, my cousin's entire Christmas shopping list this week was displayed on the [Facebook News] feed."²⁶ Whilst the outcry was smaller (0.1% of users joined the moveon.org campaign as opposed to 7% joining the protest group, "Students against Facebook News Feed"), Facebook yielded once more, allowing users to opt out of what it describes as organic and social promotion of product -- by adding just three lines of code.²⁷

What to do? To theorists, artists, activists and NGOs, awareness may bring change. We should know how much we participate in the surveillance society, and that not possessing the Albert Heijn supermarket's loyalty card is the equivalent in surveillance thought to being punished (pay more). It becomes expensive when avoiding participation in surveillance society. To raise consumer consciousness, Michael Stevenson proposes that the Albert Heijn supermarkets install an additional viewing screen. As soon as the loyalty card is scanned and you're rewarded with your discounted items, you also see the dynamic back-end, or what Lev Manovich has called new media: capture, store, interface, search, to which may be added: algorithm and recommend.²⁸ Perhaps consumers would like to see their shopper-profiles when they check out, and be aware of how collective profiles shape (shelf) space. Products are recommended (and shelved) on the basis of collective past purchases; new products are 'related,' in a relational database sense, to ones well consumed by the profiles passing through the supermarket. Corporate research departments also scout awareness-raising projects, often by artists. It is in this context that Eric Kluitenberg

calls artist-designer projects accidental, unpaid beta testing.²⁹ A Google query, “RFID workshop” Amsterdam, in early December 2007, returned 880 results, many referring to a string of radio frequency identification tag events, attended by hackers, artists, thinkers, programmers and facilitators. For example at the Picnic ’07 event in Amsterdam, people tagged themselves in the hopes that an application would be hacked together so as enable the like-minded, or similarly interested, to locate each other. Interest fields in the database would network people live. Social life would imitate new media. (See Figure two.)

Another strategy for dealing with the surveillance society lies in databody self-help. The aware and profiled consumer may try to reassert his idiosyncrasy, becoming less like consumer shop-alikes, or algorithmically social networkers with related interest tags, and more a unique, special individual. Looking at the profiling machine with back-end transparent, the shopper may say, ‘can I escape from this particular rendering of myself? Can I recompile my *dataself*?’ First, here’s a poignant example of how the self is taken over by data capture, storage, algorithm, and recommendation, and how the consumer tries to reassert himself through knowledge of the stored interactions with his TV and digital video recorder.

In 2002, the Wall Street Journal wrote:

Mr. Iwanyk, 32 years old, first suspected that his TiVo thought he was gay, since it inexplicably kept recording programs with gay themes. A film studio executive in Los Angeles and the self-described “straightest guy on earth,” he tried to tame TiVo's gay fixation by recording war movies and other “guy stuff.” [...]

“The problem was, I overcompensated,” he says. “It started giving me documentaries on Joseph Goebbels and Adolf Eichmann. It stopped thinking I was gay and decided I was a crazy guy reminiscing about the Third Reich.”³⁰

Of course the user may not like what a machine has captured, stored and algorithmically recommended. Subsequently, he tries to make his databody cooperate with his current preferences, so as to improve his future profile. (There is yourself, and a simulation of a future self, as William Bogard writes.³¹ The simself is the

surveillance product of great value.) The question, however, concerns whether consumer technology will allow him to re-establish himself. For example, can he really clear his history? Previously expressed preferences may cast unwanted shadows on the future.

The larger question concerning consumer technology has to do with whether it needs to know about you in order for you to consume it. This is familiar ground. To consume space, no longer can you be anonymous, like Walter Benjamin's *flâneur* once was.³² The *flâneur* was able to blend into the urban crowd. Up until the 1950s one could board an ocean liner, and disappear. Board an airplane these days and you re-appear. The current impossibility of anonymous movement has been captured in the notion of the 'disappearance of disappearance,' as Kevin Haggerty and Richard Ericson put it.³³

The disappearance of disappearance is evident in the consumer safety city, as the *flâneur* and the anonymous shopper are on the verge of extinction. Moreover, in consuming product, as opposed to space, surveillance is no longer limited to the (kinetic) elite. Everyday people, the under-surveilled progs in Orwell's terms, or the databody-challenged queued up in airports, the dividuals in Deleuzian language, are increasingly the subjects of surveillance. The question remains whether the unruly consumer-prisoner, consumer-soldier, consumer-patient, consumer-worker and consumer-student are using products without surveillance built in. Which consumer technology is still available without it? (Consider buying professional grade technology, and set mode to manual.)



Figure two: Attendee badge, with interest profile matching for social networking, Picnic '07, Amsterdam.

Acknowledgments

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Notes

¹ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1979).

² Greg Elmer, "A Diagram of Panoptic Surveillance," *New Media & Society*, 5.2 (2003): 231-247; and Mark Poster, *The Mode of Information* (Chicago: UCP, 1990).

³ Roger Clarke, "Information Technology and Dataveillance," *Communications of the ACM*, 31.5 (1988): 498-512.

⁴ Michael Stevenson (2007), "The Whatever Button," <http://www.whateverbutton.com/>, 1 November 2007.

⁵ Greg Elmer, *Profiling Machines* (Cambridge, MA: MIT Press, 2004).

⁶ Thomas Elsaesser, personal communication (Amsterdam, 20 December 2005).

⁷ Manuel Castells, *The Rise of the Network Society* (Oxford: Blackwell, 1996).

⁸ *Brazil* (Terry Gilliam, 1985) and the Apple MacIntosh "Big Brother" TV commercial, aired during the Super Bowl, 22 January 1984.

⁹ George Orwell, *Nineteen Eighty-Four* (London: Secker and Warburg, 1949). The notion of the 'kinetic elite' is attributed to Peter Sloterdijk.

¹⁰ Castells, 1996.

¹¹ Jeremy Rifkin, *The Age of Access: How Networked Services Change the Economy, and Us* (Harmondsworth: Penguin, 2000).

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- ¹² Gilles Deleuze, "Postscript on Control Societies," *Ctrl Space: Rhetorics of Surveillance from Bentham to Big Brother*, eds. Thomas Levin, Ursula Frohne and Peter Weibel, (Cambridge, MA: MIT Press, 2002): 317-321.
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- ¹⁴ Critical Art Ensemble, *Flesh Machine* (New York: Autonomedia, 1998): 145.
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- ¹⁸ Alexander Galloway, *The Exploit: A Theory of Networks* (Minnesota: University of Minnesota Press, 2007).
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- ²⁰ Fleischer, 2007.
- ²¹ Declan McCullagh, "AOL's disturbing glimpse into users' lives," CNET News (7 August 2006), http://www.news.com/AOLs-disturbing-glimpse-into-users-lives/2100-1030_3-6103098.html
- ²² Declan McCullagh, "AOL gaffe draws Capitol Hill rebuke," CNET News (9 August 2006), http://www.news.com/2100-1028_3-6104040.html
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- ²⁴ Joseph Turow, *Niche Envy* (Cambridge, MA: MIT Press, 2006).
- ²⁵ Graham Webster, "Doug Jones Sneezed. 1:23pm," Campus Progress blog (5 September 2006), <http://campusprogress.org/features/1138/big-brother-is-poking-you>.
- ²⁶ Moveon.org, Facebook Privacy Campaign Petition (December 2007), <http://civ.moveon.org/facebookprivacy/071120email.html>.
- ²⁷ Valleywag, "Beacon protests a hundred times smaller than News Feed uproar," blog post (5 December 2007), <http://valleywag.com/tech/facebook/beacon-protests-a-hundred-times-smaller-than-news-feed-uproar-330299.php>.
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³⁰ Jeffrey Zaslow, "If TiVo Thinks You Are Gay, Here's How to Set It Straight," *Wall Street Journal* (22 November 2002).

³¹ William Bogard, *The Simulation of Surveillance* (Cambridge: CUP, 1996).

³² Walter Benjamin, *The Arcades Project*, trans. Howard Eiland and Kevin McLaughlin (Cambridge, MA: Harvard University Press, 1999).

³³ Kevin D. Haggerty and Richard V. Ericson, "The Surveillant Assemblage," *British Journal of Sociology*, 51.4 (2000): 605-622.