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EDITORIAL MANAGERS **SHEENA CALVERT & ÖZDEN ŞAHİN**

What is the relationship between contemporary digital media and contemporary society? Is it possible to affirm that digital media are without sin and exist purely in a complex socio-political and economic context within which the users bring with them their ethical and cultural complexities? This issue, through a range of scholarly writings, analyzes the problems of ethics and sin within contemporary digital media frameworks.

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Without Sin: Freedom and Taboo in Digital Media

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LANFRANCO ACETI & DONNA LEISHMAN

EDITORIAL MANAGERS
SHEENA CALVERT & ÖZDEN ŞAHİN

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NSA: No Speaking Aloud, Anonymous, 2013.

Post-Society: Data Capture and Erasure One Click at a Time

"Oh, in the name of God! Now I know what it feels like to be God!"

Frankenstein (1931)

They must have felt like gods at the NSA when they discovered that they were able to spy on anyone. What feels ridiculous to someone that works with digital media is the level of ignorance that people continue to have about how much everyone else knows or can know about 'you.' If only people were willing to pay someone, or to spend a bit of time searching through digital data services themselves,they would discover a range of services that have started to commercialize collective data: bought and sold through a range of semi-public businesses and almost privatized governmental agencies. Public records of infractions and crimes are available for 'you' to know what 'your' neighbor has been up to.These deals, if not outright illegal, are characterized by unsolved ethical issues since they are a 'selling' of state documents that were never supposed to be so easily accessible to a global audience.

Concurrently as I write this introduction, I read that the maddened Angela Merkel is profoundly shocked that her mobile phone has been tapped into – this is naive at best but also deeply concerning: since to not understand what has happened politically and technologically in the 21st century one must have been living on the moon.Perhaps it is an act or a pantomimestagedfor the benefit of those 'common' people that need to continue living with the strong belief or faith that their lives are in good hands, that of the state.

Nevertheless it speaks of a 'madness' of the politician as a category. A madness characterized by an alienation from the rest of society that takes the form of isolation. This isolation is, in Foucauldian terms, none other than the enforcement of a voluntary seclusion in the prison and the mad house.

The prisons within which the military, corporate, financial and political worlds have shut themselves in speak increasingly of paranoia and fear. As such the voluntary prison within which they have sought refuge speaks more and more the confused language that one may have imagined to hear from the *Stultifera Navis*.

Paranoia, narcissism and omnipotence, all belong to the delirium of the sociopaths, [1] who push towards the horizon, following the trajectory set by the 'deranged minds.'

> *It is for the other world that the madman sets sail in his fools' boat; it is from the other world that he comes when he disembarks.* [2]

This otherworldliness – this being an alien from another world – has increasingly become the characteristic of contemporary political discourse, which, detached from the reality of the 'majority' of people, feeds into the godlike complex. Foolishness and lunacy reinforce this perspective, creating a rationale that drives the *Stultifera Navis* towards its destiny inexorably, bringing all others with them.

Having segregated themselves in a prison of their own doing, the politicians look at all others as being part of a large mad house. It is from the upper deck of a gilded prison that politicians stir the masses in the lower decks into a frenzy of fear and obedience.

> *Why should it be in this discourse, whose forms we have seen to be so faithful to the rules of reason, that we find all those signs which will most manifestly declare the very absence of reason?* [3]

Discourses, and in particular political discourses, no longer mask the reality of madness and with it the feeling of having become omnipotent talks of human madness in its attempt to acquire the impossible: that of being not just godlike, but God.

As omnipotent and omniscient gods the NSA should allow the state to 'see.'The reality is that the 'hands' of the state are no longer functional and have been substituted with prostheses wirelessly controlled by the sociopaths of globalized corporations. Theamputation of the hands happenedwhile the state itself was merrily looking somewhere else, tooblissfullybusy counting the money that was flowing through neo-capitalistic financial dreams of renewed prosperity and Napoleonic grandeur.

The madness is also in the discourse about data, deprived of ethical concerns and rootedwithinperceptions of both post-democracy and post-state.So much so that we could speak of a post-data society, within which the current post-societal existence is the consequence of profound changes and alterations to an ideal way of living that technology – as its greatest sin – still presents as participatory and horizontal but not as plutocratic and hierarchical.

In order to discuss the present post-societal condition, one would need first to analyze the cultural disregard that people have, or perhaps have acquired, for their personal data and the increasing lack of participation in the alteration of the frameworks set for post-data.

This disregard for personal data is part of cultural forms of concession and contracting that are determined and shaped not by rights but through the mass loss of a few rights in exchange for a) participation in a product as early adopters (Google), b) for design status and appearance (Apple), c) social conventions and entertainment (Facebook) and (Twitter).

Big data offers an insight into the problem of big losses if a catastrophe, accidental or intentional, should ever strike big databases. The right of ownership of the 'real object' that existed in the data-cloudwill become the new arena of post-data conflict. In this context of loss, if the crisis of the big banks has demonstrated anything, citizens will bear the brunt of the losses that will be spread iniquitously through 'everyone else.'

The problem is therefore characterized by multiple levels of complexity that can overall be referred to as a general problem of ethics of data, interpreted asthe ethical collection and usage of massive amounts of data. Also the ethical issues of post-data and their technologies has to be linked to a psychological understanding of the role that individuals play within society, both singularly and collectively through the use of media that engender new behavioral social systems through the access and usage of big data as sources of information.

Both Prof. Johnny Golding and Prof. Richard Gere present in this collection of essays two perspectives that, by looking at taboos and the sinful nature of technology, demand from the reader a reflection on

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the role that ethics plays or no longer plays within contemporary mediated societies.

Concepts of technological neutrality as well as economic neutrality have become enforced taboos when the experiential understanding is that tools that possess a degree of danger should be handled with a modicum of self-control and restraint.

The merging of economic and technological neutrality has generated corporate giants that have acquired a global stronghold on people's digital data. In the construction of arguments in favor or against a modicum of control for these economic and technological giants,the state and its political representatives have thus far considered it convenient not to side with the libertarian argument, since the control was being exercised on the citizen; a category to which politicians and corporate tycoons and other plutocrats and higher managers believe they do not belong to or want to be reduced to.

The problem is then not so much that the German citizens, or the rest of the world, were spied on. The taboo that has been infringed is that Angela Merkel, a head of state, was spied on. This implies an unwillingly democratic reduction from the NSA of all heads of state to 'normal citizens.' The disruption and the violated taboo is that all people are data in a horizontal structure that does not admit hierarchical distinctions and discriminations. In this sense perhaps digital data are violating the last taboo: anyone can be spied upon, creating a truly democratic society of surveillance.

The construction of digital data is such that there is not a normal, a superior, a better or a worse, but everything and everyone is reduced to data. That includes Angela Merkel and any other head of state. Suddenly the process of spying represents a welcome reduction to a basic common denominator: there is no difference between a German head of state or a blue collar worker; the NSA can spy on both and digital data are collected on both.

If anything was achieved by the NSA it was an egalitarian treatment of all of those who can be spied upon: a horizontal democratic system of spying that does not fear class, political status or money. This is perhaps the best enactment of American egalitarianism: we spy upon all equally and fully with no discrimination based on race, religion, social status, political affiliation or sexual orientation.

But the term spying does not quite manifest the profound level of Panopticon within which we happen to have chosen to live, by giving up and squandering inherited democratic liberties one right at a time, through one agreement at a time, with one click at a time.

These are some of the contemporary issues that this new LEA volume addresses, presenting a series of writings and perspectives from a variety of scholarly fields.

This LEA volume is the result of a collaboration with Dr. Donna Leishman and presents a varied number of perspectives on the infringement of taboos within contemporary digital media.

This issue features a new logo on its cover, that of New York University, Steinhardt School of Culture, Education, and Human Development.

My thanks to Prof. Robert Rowe, Professor of Music and Music Education; Associate Dean of Research and Doctoral Studies at NYU, for his work in establishing this collaboration with LEA.

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Lanfranco Aceti
Editor in Chief, Leonardo Electronic Almanac
Director, Kasa Gallery

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NSA: No Speaking Aloud, Anonymous, 2013.

Without Sin: Freedom and Taboo in Digital Media

INTRODUCTION

"Without Sin: Freedom and Taboo in Digital Media" is both the title of this special edition and the title of a panel that was held at ISEA 2011. The goal of the panel was to explore the disinhibited mind's ability to exercise freedom, act on desires and explore the taboo whilst also surveying the boarder question of the moral economy of human activity and how this is translates (or not) within digital media. The original panelists (some of whom have contributed to the this edition) helped to further delineate additional issues surrounding identity, ethics, human socialization and the need to better capture/understand/perceive how we are being affected by our technologies (for good or bad).

In the call for participation, I offered the view that contemporary social technologies are continuously changing our practical reality, a reality where human experience and technical artifacts have become beyond intertwined, but for many interwoven, inseparable – if this were to be true then type of cognizance (legal and personal) do we need to develop? Implied in this call is the need for both a better awareness and jurisdiction of these emergent issues. Whilst this edition is not (and could not be) a unified survey of human activity and digital media; the final edition contains 17 multidisciplinary papers spanning Law, Curation, Pedagogy, Choreography, Art History, Political Science, Creative Practice and Critical Theory – the volume attempts to illustrate the complexity of the situation and if possible the kinship between pertinent disciplines.

> *Human relationships are rich and they're messy and they're demanding. And we clean them up with technology. Texting, email, posting, all of these things let us present the self, as we want to be. We get to edit, and that means we get to delete, and that means we get to retouch, the face, the voice, the flesh, the body – not too little, not too much, just right.* [1]

Sherry Turkle's current hypothesis is that technology has introduced mechanisms that bypass traditional concepts of both community and identity indeed that we are facing (and some of us are struggling with) an array of reconceptualizations. Zygmunt Bauman in his essay "From Pilgrim to Tourist – or a Short History of Identity" suggests that:

> *One thinks of identity whenever one is not sure if where one belongs; that is, one is not sure how to place oneself among the evident variety if behavioral styles and patterns, and how to make sure that people would accept this placement as right and proper, so that both sides would know how to go on in each other's presence. 'Identity' is the name given to the escape sought from that uncertainty.* [2]

Our 'post-social' context where increased communication, travel and migration bought about by technological advances has only multiplied Bauman's conditions of uncertainty. Whilst there may be aesthetic tropes within social media, there is no universally accepted authority within contemporary culture nor is there an easy mutual acceptance of what is 'right and proper' after all we could be engaging in different iterations of "backward presence" or "forward presence" [3] whilst interacting with human and non-human alike (see Simone O'Callaghan's contribution: "Seductive Technologies and Inadvertent Voyeurs" for a further exploration of presence and intimacy).

Editing such a broad set of responses required an editorial approach that both allowed full expansion of each paper's discourse whilst looking for interconnections (and oppositions) in attempt to distil some commonalties. This was achieved by mentally placing citation, speculation and proposition between one another. Spilling the 'meaning' of the individual contributions into proximate conceptual spaces inhabited by other papers and looking for issues that overlapped or resonated allowed me formulate a sense of what might become future pertinent themes, and what now follows below are the notes from this process.

What Social Contract?

> *Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man.* (Thomas Hobbes in chapter XIII of the *Leviathan* [4])

Deborah Swack's "FEELTRACE and the Emotions (after Charles Darwin)," Johnny Golding's "Ana-Materialism & The Pineal Eye: Becoming Mouth-Breast" and Kriss Ravetto's "Anonymous Social As Political" argue that our perception of political authority is somewhere between shaky towards becoming erased altogether. Whilst the original 17th century rational for sublimating to a political authority – i.e. we'd default back to a war like state in the absence of a binding social contract – seems like a overwrought fear, the capacity for repugnant anti-social behavior as a consequence of no longer being in awe of any common power is real and increasingly impactful. [5] Problematically the notion of a government that has been created by individuals to protect themselves from one another sadly seems hopelessly incongruent in today's increasingly skeptical context. Co-joined to the dissipation of perceptible political entities – the power dynamics of being 'good' rather than 'bad' and or 'sinful' appears to be one of most flimsy of our prior social borders. The new reality that allows us to transgress and explore our tastes and predictions from a remote and often depersonalized position feels safer (i.e. with less personal accountability) a scenario that is a further exacerbated space vacated by the historic role of the church as a civic authority. Mikhail Pushkin in his paper "Do we need morality anymore?" explores the online moral value system and how this ties into the deleterious effect of the sensationalism in traditional mass media. He suggests that the absence of restrictive online social structure means the very consciousness of sin and guilt has now changed and potentially so has our capability of experiencing the emotions tied to guilt. [6] Sandra Wilson and Lila Gomez in their paper "The Premediation of Identity Management in Art & Design – New Model Cyborgs – Organic & Digital" concur stating that "the line dividing taboos from desires is often blurred, and a taboo can quickly flip into a desire, if the conditions under which that interaction take place change."

The Free?

The issue of freedom seems to be where much of the debate continues – between what constitutes false liberty and real freedoms. Unique in their own approach Golding's and Pushkin's papers challenge the premise that is implied in this edition's title – that 'Freedom and Taboo' even have a place at all in our contemporary existence as our established codes of morality (and ethics) have been radically reconfigured. This stance made me recall Hobbes's first treaty where he argued that "commodious living" (i.e. morality, politics, society), are purely conventional and that moral terms are not objective states of affairs but are reflections of tastes and preferences – indeed within another of his key concepts (i.e. the "State of Nature") 'anything goes' as nothing is immoral and or unjust. [6] It would 'appear' that we are freer from traditional institutional controls whilst at the same time one could argue that the borders of contiguous social forms (i.e.

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procedures, networks, our relationship to objects and things) seem to have dissipated alongside our capacity to perceive them. The problematic lack of an established conventional commodious living such as Bauman's idea that something is 'right and proper' is under challenge by the individualized complexity thrown up from our disinhibited minds, which can result in benign or toxic or 'other' behaviors depending on our personality's variables. [7] Ravetto describes how Anonymous consciously inhabits such an 'other' space:

> *Anonymous demonstrates how the common cannot take on an ethical or coherent political message. It can only produce a heterogeneity of spontaneous actions, contradictory messages, and embrace its contradictions, its act of vigilante justice as much as its dark, racist, sexist, homophobic and predatory qualities.*

Perception

Traditionally good cognition of identity/society/relationships (networks and procedures) was achieved through a mix of social conditioning and astute mindfulness. On the other hand at present the dissipation of contiguous social forms has problematized the whole process creating multiple social situations (new and prior) and rather than a semi-stable situation (to reflect upon) we are faced with a digital deluge of unverifiable information. Perception and memory comes up in David R. Burns's paper "Media, Memory, and Representation in the Digital Age: Rebirth" where he looks at the problematic role of digital mediation in his personal experience of the 9/11. He recalls the discombobulating feeling of being: "part of the digital media being internationally broadcast across the world." Burns seeks to highlight the media's influence over an individual's constructed memories. From a different perspective Charlie Gere reminds us of the prominence (and shortcomings) of our ocular-centric perspective in his discussion of "Alterity, Pornography, and the Divine" and cites Martin Jay's essay "Scopic Regimes of Modernity" [8] which in turn explores a variety of significant core concepts of modernity where vision and knowledge meet and influence one another. Gere/Jay's line of references resurrect for the reader Michel Foucault's notion of the "Panopticon" (where surveillance is diffused as a principle of social organization), [9] Guy DeDord's *The Society of the Spectacle* i.e. "All that once was directly lived has become mere representation") [10] and Richard Rorty's *Philosophy and the Mirror of Nature* (published in 1979). [11] The latter gave form to an enduringly relevant question: are we overly reliant on a representational theory of perception? And how does this intersect with the risks associated with solipsistic introjection within non face-to-face online interactions? The ethics of 'looking' and data collection is also a feature of Deborah Burns's paper "Differential Surveillance of Students: Surveillance/Sousveillance Art as Opportunities for Reform" in which Burns asks questions of the higher education system and its complicity in the further erosion of student privacy. Burn's interest in accountability bridges us back to Foucault's idea of panoptic diffusion:

> *He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection* [12]

In panoptic diffusion the knowingness of the subject is key – as we move towards naturalization of surveillance and data capture through mass digitization such power relationships change. This is a concern mirrored by Eric Schmidt Google's Executive Chairman when considering the reach of our digital footprints: "I don't believe society understands what happens when everything is available, knowable and recorded by everyone all the time." [13] Smita Kheria's "Copyright and Digital Art practice: The 'Schizophrenic' Position of the Digital Artist" and Alana Kushnir's "When Curating Meets Piracy: Rehashing the History of Unauthorised Exhibition-Making" explore accountability and power relationships in different loci whilst looking at the mitigation of creative appropriation and reuse. It is clear that in this area serious reconfigurations have occurred and that new paradigms of acceptability (often counter to the legal reality) are at play.

Bauman's belief that "One thinks of identity whenever one is not sure if where one belongs" [14] maybe a clue into why social media have become such an integral part of modern society. It is after all an activity that privileges 'looking' and objectifying without the recipient's direct engagement – a new power relationship quite displaced from traditional (identity affirming) social interactions. In this context of social media over dependency it may be timely to reconsider Guy-Ernest Debord's 'thesis 30':

> *The externality of the spectacle in relation to the active man appears in the fact that his own gestures are no longer his but those of another who represents them to him. This is why the spectator feels at home nowhere, because the spectacle is everywhere.* [15]

Underneath these issues of perception / presence / identity / is a change or at least a blurring in our political (and personal) agency. Don Ritter's paper "Content Osmosis and the Political Economy of Social Media" functions as a reminder of the historical precedents and continued subterfuges that occur in mediated feelings of empowerment. Whilst Brigit Bachler in her paper "Like Reality" presents to the reader that "besides reality television formats, social networking sites such as Facebook have successfully delivered a new form of watching each other, in a seemingly safe setting, on a screen at home" and that "the appeal of the real becomes the promise of access to the reality of manipulation." [16] The notion of better access to the 'untruth' of things also appears in Ravetto's paper "Anonymous: Social as Political" where she argues that "secrecy and openness are in fact aporias." What is unclear is that, as society maintains its voyeuristic bent and the spectacle is being conflated into the banality of social media, are we becoming occluded from meaningful developmental human interactions? If so, we are to re-create a sense of agency in a process challenged (or already transformed) by clever implicit back-end data gathering [17] and an unknown/undeclared use our data's mined 'self.' Then, and only then, dissociative anonymity may become one strategy that allows us to be more independent; to be willed enough to see the world from our own distinctive needs whilst devising our own extensions to the long genealogy of moral concepts.

Somewhere / Someplace

Perpetual evolution and sustained emergence is one of the other interconnecting threads found within the edition. Many of the authors recognize a requirement for fluidity as a reaction to the pace of change. Geographer David Harvey uses the term "space-time compression" to refer to "processes that . . . revolutionize the objective qualities of space and time." [18] Indeed there seems to be consensus in the edition that we are 'in' an accelerated existence and a concomitant dissolution of traditional spatial co-ordinates – Swack cites Joanna Zylinska's 'human being' to a perpetual "human becoming" [19] whilst Golding in her paper reminds us that Hobbes also asserted that "[f]or seeing life is but a motion of Limbs" [20] and that motion, comes from motion and is inextricably linked to the development and right of the individual. But Golding expands this changing of state further and argues where repetition (and loop) exist so does a different experience:

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The usual culprits of time and space (or time as distinct from space and vice versa), along with identity, meaning, Existenz, Being, reconfigure via a relational morphogenesis of velocity, mass, and intensity. This is an immanent surface cohesion, the compelling into a 'this' or a 'here' or a 'now,' a space-time terrain, a collapse and rearticulation of the tick-tick-ticking of distance, movement, speed, born through the repetitive but relative enfolding of otherness, symmetry and diversion.

Golding's is a bewildering proposition requiring a frame of mind traditionally fostered by theoretical physicists but one that may aptly summarize the nature of the quandary. The authors contributing to this edition all exist in their own ways in a post-digital environment, anthropologist Lucy Suchman describes this environment as being "the view from nowhere, detached intimacy, and located accountability." [21] Wilson and Gomez further offer a possible coping strategy by exploring the usefulness of Jay Bolter and Richard Grusin's "pre-mediation" as a means to externalize a host of fears and reduce negative emotions in the face of uncertainty. The imperative to create some strategies to make sense of some of these pressing issues is something that I explore in my own contribution in which I offer the new term *Precarious Design* – as a category of contemporary practice that is emerging from the design community. Precarious Design encompasses a set of practices that by expressing current and near future scenarios are well positioned to probe deeper and tease out important underlying societal assumptions to attain understanding or control in our context of sustained cultural and technological change.

Embodiment

In theory our deterritorialized and changed relationship with our materiality provides a new context in which a disinhibited mind could better act on desires and explore the taboo. Ken Hollings's paper "THERE MUST BE SOMETHING WRONG WITH THIS, SALLY... Faults, lapses and imperfections in the sex life of machines" – presents a compelling survey of the early origin of when humans began to objectify and try live through our machines starting with disembodiment of voice as self that arose from the recording of sound via the Edison phonograph in 1876. Golding and Swack mull over the implications of the digital on embodiment and what it means now to be 'human' as we veer away from biological truth and associated moral values towards something else. Sue Hawksley's "Dancing on the Head of a Sin: touch, dance and taboo" reminds us of our sensorial basis in which:

Touch is generally the least shared, or acknowledged, and the most taboo of the senses. Haptic and touch-screen technologies are becoming ubiquitous, but although this makes touch more commonly experienced or shared, it is often reframed through the virtual, while inter-personal touch still tends to remain sexualized, militarized or medicalized (in most Western cultures at least).

Within her paper Hawksley provides an argument (and example) on how the mediation of one taboo – dance – through another – touch – could mitigate the perceived moral dangers and usual frames of social responsibility. Swack raises bioethical questions about the future nature of life for humans and "the embodiment and containment of the self and its symbiotic integration and enhancement with technology and machines." Whilst Wilson and Gomez's go on to discuss *Bioprescence* by Shiho Fukuhara and Georg Tremmel – a project that provocatively "creates Human DNA trees by transcoding the essence of a human being within the DNA of a tree in order to create 'Living Memorials' or 'Transgenic Tombstones'" [22] – as an example of a manifest situation that still yields a (rare) feeling of transgression into the taboo.

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CONCLUSION

In the interstices of this edition there are some questions/observations that remain somewhat unanswered and others that are nascent in their formation. They are listed below as a last comment and as a gateway to further considerations.

Does freedom from traditional hierarchy equate to empowerment when structures and social boundaries are also massively variable and dispersed and are pervasive to the point of incomprehension/invalidation? Or is there some salve to be found in Foucault's line that "'Power is everywhere' and 'comes from everywhere' so in this sense is neither an agency nor a structure," [23] thus nothing is actually being 'lost' in our current context? And is it possible that power has always resided within the individual and we only need to readjust to this autonomy?

Conventional political power (and their panoptic strategies) seem to be stalling, as efforts to resist and subvert deep-seated and long-held governmental secrecy over military/intelligence activities have gained increased momentum while their once privileged data joins in the leaky soft membrane that is the ethics of sharing digitally stored information.

Through dissociative strategies like online anonymity comes power re-balance, potentially giving the individual better recourse to contest unjust actions/laws but what happens when we have no meaningful social contract to direct our civility? Its seems pertinent to explore if we may be in need of a new social contract that reconnects or reconfigures the idea of accountability – indeed it was interesting to see the contrast between Suchman's observed 'lack of accountability' and the Anonymous collective agenda of holding (often political or corporate) hypocrites 'accountable' through punitive measures such as Denial-of-Service attacks.

Regarding de-contextualization of the image / identity – there seems to be something worth bracing oneself against in the free-fall of taxonomies, how we see, how we relate, how we perceive, how we understand that even the surface of things has changed and could still be changing. There is no longer a floating signifier but potentially an abandoned sign in a cloud of dissipating (or endlessly shifting) signification. Where once:

The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the 'social-worker'-judge; it is on them that the universal reign of the normative is based; and each individual, wherever he may find himself, subjects to it his body, his gestures, his behaviour, his aptitudes, his achievements. [24]

There now is no culturally specific normal in the diffuse digital-physical continuum, which makes the materiality and durability of truth very tenuous indeed; a scenario that judges-teaches-social workers are having some difficulty in addressing and responding to in a timely manner, an activity that the theoretically speculative and methodologically informed research as contained within this edition can hopefully help them with.

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EDITORIAL

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DIFFERENTIAL SURVEILLANCE OF STUDENTS

Encounters with Surveillance/Sousveillance Art as Opportunities for Reform

by

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ABSTRACT

In the post-9/11 media context, it is crucial to examine how higher education institutions are negotiating and grappling with the diverse needs of the hundreds of thousands of international students who are pursuing post-secondary studies in the United States. In my paper, I examine a recent change to United States policy that subjects international students to increased surveillance and violates these students' human rights. I contend that higher education institutions need to take a more active role in advocating on behalf of international students' privacy and access to democratic education. I argue that encounters with surveillance and sousveillance digital media art can provide opportunities to work toward ending the differential surveillance of international students and promoting democratic education for international students in the United States.

INTRODUCTION

The growing international student population in higher education challenges us to examine how educational institutions are responding to the changing needs of this important and expanding constituency. Although the United States government is subjecting international students to increased surveillance and violating these students' human right to equal privacy under the law, higher education institutions have done little to advocate on behalf of these students' privacy and access to democratic education. In my paper, I examine how a recent change to United States policy can adversely affect international students' access to democratic education in the United States. I argue that exposing this inequitable United States policy through surveillance and sousveillance digital media art can provide opportunities for reform and promote democratic education for international students in the United States.

Differential Surveillance

Historically, the Federal Bureau of Investigation (FBI) has had indirect access to detailed information on international students at higher education institutions. FBI personnel were required to contact the United States Department of Homeland Security (DHS) to collect data on international students. However, in an underpublicized and largely overlooked revision to DHS privacy policy in September 2004, the DHS granted the FBI direct access to its databases for monitoring foreign students and other visitors. According to a FBI spokeswoman, the federal policy revision assists the FBI in its search for criminals and terrorists. This 2004 revision to DHS policy enabled the FBI to acquire unfettered and unconditional access to both the Student and Exchange Visitor Information System (SEVIS) and the U.S. Visitor and Immigration Status Indication Technology System (US-VISIT). With its unfettered and unconditional access to the SEVIS and US-VISIT databases, the FBI gained the ability to collect extremely sensitive biographic, academic, travel, photographic, and biometric information, including fingerprints, of international students without restriction. [1] This direct access to both the SEVIS and US-VISIT databases allows the FBI to construct extremely detailed digital profiles of international students.

Through its differential surveillance of domestic and international students, the pre-2004 DHS privacy policy violated the Universal Declaration of Human Rights articles 2 and 12 that state "no distinction shall be made on the basis of the ...international status of the country or territory to which a person belongs" and no one "shall be subjected to arbitrary interference with his privacy" respectively. [2] The 2004 revision to the DHS privacy policy and its objective of aiding the FBI target international criminals and terrorists exacerbated these violations of Universal Declaration of Human Rights. The 2004 revision to the DHS privacy policy strengthened distinctions based on international students' foreign status and increased potential interference with international students' privacy.

Effects of Differential Surveillance

This recent change to United States policy can adversely affect international students' access to democratic higher education in the United States. Democratic education is education that is that is an essential part of the public sphere: "the space within a society, independent both of state power and of private, corporate influence, within which information can freely flow and debate on matters of public, civic concern can openly proceed." [3] Higher education is an

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integral part of this public sphere because it is one of the dwindling public spaces, including the public press, public libraries, public gatherings, various in-person and online places, that grants participants, and in this case students, the right to openly discuss and question social and political issues. [4] Democratic education enables students to analyze, review, and as P. T. Jaeger describes judge the "government and its monopoly on interpretation of political and social issues, serving as a channel of communication between members of a democratic society and political actors within the government." [5] It provides the space for students to participate in the open discussion and questioning of social and political issues that is essential to a properly functioning democracy. This experience and the skills to engage in the open discussion and questioning of social and political issues reaches far beyond the classroom to help students, who are and will continue to be members of the public, question authority, and work toward the public good.

By subjecting international students to increased scrutiny through greater surveillance, the pre-2004 DHS privacy policy along with its 2004 revision are structured to produce inequality between international and domestic students. These policies have the potential to reduce international students' opportunities to pursue democratic education in the United States. According to Terry Hartle, senior vice president of the American Council on Education, the 2004 revision to the DHS privacy policy is "another signal that the U.S. isn't as welcoming to international visitors as we have been in the past and that is quite unfortunate." [6] Indeed, besides the increased difficulty that international students experience with the revised educational visa application process and the expanded, conflicting, and ever-changing SEVIS requirements, the potential threat of the FBI's increased surveillance may deter international students from pursuing higher education in the United States. According to Danley, the "world no longer views American higher education with as much favor because of 9/11 and the way the federal government and the public reacted." [7] The concern that the FBI may misinterpret or misuse international students' sensitive personal information may further deter them from pursuing higher education in the United States.

Among those international students who do gain access to higher education in the United States, the pre-2004 DHS privacy policy along with its 2004 revision produce inequality between international students and United States citizens. The data requirements of the SEVIS system are onerous for many institutions and beyond the "sheer volume of information that must be collected and maintained for individual students, the constant updates and rule changes to SEVIS make work difficult for offices, particularly those with small staffs." [8] These offices are required to collect and input data for as many as 150 demographic fields of information that they did not gather before the pre-2004 DHS privacy policy along with its 2004 revision. For example, the federal government requires that higher education institutions collect I-20 student visa permission forms for students, their spouses, and their dependents and input this information into the SEVIS system. [9] These data requirements far exceed the data requirements for United States citizens, but the federal government's unfunded mandate requires higher education institutions provide detailed information to SEVIS. The vast amount of data that higher education institutions are required to collect about international students is made even more burdensome by the twenty-one day rule. This rule requires that any change to an international students' status, including but not limited to registration, needs to be reported to SEVIS. [10]

Surveillance is often associated with perceptions of distrust and this increased surveillance may cause international students who are studying in the United States to feel a diminished sense of trust in their environment. [11] A student who learned that he was subject to surveillance at Hope College in Holland, Michigan said that he detected "a shift towards a direction of distrust between the administration and the student body." [12] Likewise, with increased surveillance at higher education institutions, students, and Muslim students particularly, have been hesitant to join or associate with organizations such as the Muslim Student Association because they fear being linked with terrorist organizations. [13] Indeed, surveillance can hinder international students from fully accessing and participating in democratic education by preventing them from fully engaging in critical inquiry and discouraging them from viewing their campuses as open, dynamic public spaces. [14] Since international students are monitored more closely than their United States counterparts, they may feel less comfortable participating in the open discussion and questioning of social and political issues that is essential to a properly functioning democracy.

This diminished sense of trust may begin before international students even enter the classroom. All international students are required to meet with the often underfunded and overworked staffs of international student and scholar offices across the United States. The administrators who staff these offices can contribute to the diminished sense of trust that international students feel at their institutions because many of these administrators no longer have the time to cultivate meaningful and productive relationships with their international student populations. One administrator noted that "SEVIS changes the people-oriented culture of the international students and scholars office to a more, technical, data oriented culture" while another administrator said that "she and her staff feel that their contact with the students is limited." [15] According to Danley, "too many (international) students discover an overzealous, unfriendly, and intolerant atmosphere" at higher education institutions. [16]

DEARTH OF ADVOCACY FOR INTERNATIONAL STUDENTS

Despite the differential surveillance of domestic and international students, higher education institutions have done little to advocate on behalf of these students' privacy and access to democratic education. They have not objected to violations of the Universal Declaration of Human Rights articles 2 and 12. Although some administrators and educational associations have expressed concerns over the federal mandate conflicting with institutional goals, the majority of the concerns from professional educators and educational associations such as NAFSA and the Association of International Educators have focused on the impracticality and unmanageable costs of the mandated institutional data reporting requirements. Administrators and educational associations have primarily objected to the costs and financial burdens that the pre-2004 DHS privacy policy along with its 2004 revision have placed on institutions during uncertain economic times. [17] [18]

I suggest that a probable reason why higher education institutions have done little to advocate on behalf of international students' privacy and access to democratic education relates to the economic benefit that higher education institutions gain from international students. According to the U.S. Department of Commerce, foreign student education and international training ranks fifth among export industries producing $11 billion per year for the United States economy. [19] Indeed, in the time period between 2001 and 2012, the number of international students in the United States increased over thirty percent. [20] The passivity of higher education administrators and educators

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and their lack of advocacy on behalf of international students' privacy and access to democratic education can be viewed as part of a larger trend of growing neoliberalism in the academy. [21] Neoliberalism, with its emphasis on the capitalist free market and the privatization and corporatization of public goods, including social welfare programs and education, poses a substantial threat to higher education institutions' developing public spheres and public missions. [22] With decreased public funding and an increased focus on economic efficiency, higher education institutions and the staff members who represent them have looked to international student enrollment as one of their alternative sources of revenue. [23]

There is a body of evidence that suggests that the higher education community views international students as units of economic capital in the global economy. Several articles in the *Chronicle of Higher Education*, a respected publication of the higher education community, include representations of international students as units of economic capital. In the *Chronicle of Higher Education*, international students are referred to as "assets" and assisting them is viewed "as an investment in the future of our trade and economic relations." [24] Statements applaud international students' positive economic impact on employment in the United States and portray them as a crucial source of funding for faculty and facilities. [25] Higher education administrators' descriptions of international students as economic capital does not end when the students complete their studies at US institutions, but rather extends beyond these students' graduation when higher education administrators describe these students as units of capital for alumni gifts. [26]

To a certain extent, higher educational institutions characterize all students, both U.S. citizens and international students, as units of economic capital. However, "there is a further objectification of international students as a market and economic resource to be expanded, shared, controlled, and secured." [27] International students are often described in imperialistic and colonialist ways as if they are capital goods or resources instead of human beings. This objectification of students is an indication of the United States' economic imperialism and contribution to growing social and economic disparities between the First World and the Global South. For example, some administrators believe that "colleges and universities in the United States need to develop new and better ways to market themselves overseas, especially in Asia, if they are to retain their dominant position in attracting foreign students." [28] This language of dominance and objectification is familiar and reminiscent of imperialistic and colonial American and European history. Perhaps, in the postmodern globalized world, we can add students to the many capital goods that the First World relocates from the Global South and uses to maintain its global social and economic dominance. Indeed, the student numbers speak for themselves with the stream of nearly all students running in the same direction; the vast majority of students come to the United States from countries in the Global South and many stay in the First World. [29]

NEED FOR REFORM

As I have shown, there are both social and economic reasons why higher education institutions have done little to advocate on behalf of international students' privacy and access to democratic education. These reasons may contribute to the fact that higher education institutions have not objected to the violations of the Universal Declaration of Human Rights articles 2 and 12. I contend that higher education institutions' need to take a more active role in advocating on behalf of international students' privacy and access to democratic education. I believe that exposing, publicizing, and working to reform the pre-2004 DHS privacy policy along with its 2004 revision can provide opportunities for change in promoting access to democratic education for international students in the United States.

In his discussion of power relations, Bonilla-Silva discusses the need to persuade those in positions of power to work toward changing the status quo. [30] Although Bonilla-Silva concentrates his argument on addressing racial inequality in the United States; his discussion is instructive in relation to reducing the inequality that international students encounter at higher education institutions. It is important that we do not leave international students alone in the hard work of promoting equality, privacy, and access to democratic education. These students, without U.S. citizenship, and physically distant from their bases of support are not the best equipped to effect U.S. policy change on their own. U.S citizens and people in positions of power including educators and administrators need to work with international students to eliminate the violation of these students' human right to equal privacy under the law and access to democratic education.

Change often begins on an individual level and if individual educators and administrators are not prepared for overt political action or rallying institutional-level action, I encourage them to look for disruptions and spaces of resistance that provide opportunities to resist the dominant narrative of increased surveillance of international students. Power structures favor institutional actors such as institutions and corporations because these entities are far more organized and well funded than private citizens. According to deCerteau, "space is a practiced place" and sites of resistance such as discussions of these controversial issues with other educators, academics, digital media artists, colleagues, and both international and domestic students constitute deCerteau's spaces. [31] They expand the possibilities inherent in places and transform them into dynamic and practiced spaces. These actions and sites of resistance lack stability, but they are liminal spaces that offer the potential to challenge the current policy agenda. [32] These spaces are liminal in that they may be fleeting conversations in the halls, small meetings where administrators ask students to discuss their perceptions and understandings of their experiences, or temporary digital media art exhibits. However, when taken in aggregate, these sites of resistance have the potential to effect positive change.

Should these sites of resistance work together, they gain momentum and threaten the power of the current policy agenda and grant individual educators, administrators, and international students greater power to resist the increased surveillance of international students. If there are enough spaces or sites of resistance and a sufficient number of individual actors who work together to encourage higher education institutions to take a more active role in advocating on behalf of international students' privacy and access to democratic education, we have a greater chance of effecting policy change at the national level. Ultra-red's work with Union de Vecinos offers a modest, but encouraging example of how sites of resistance can work together to bring change to underrepresented populations. Ultra-red, an arts collective and political organization started in Los Angeles, collaborated with Union de Vecinos, a tenant organization in the Boyle Heights community of Los Angeles, to advocate for the importance of public housing preservation. The Ultra-red artists and Boyle Heights residents worked together to create a series of art installations that preserved cultural memory about demolished public housing and exposed the government's lack of support for public housing. Although the initial joint installations did not prevent the Boyle Heights public housing from being demolished, they assisted in mobilizing the Boyle Heights residents and creating the

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momentum for change in housing policy. Union de Vecinos subsequently expanded its reach to more residents and coordinated an installation that persuaded the city government to improve traffic control in the community. [33] Ultra-red's work with Union de Vecinos provides an illustration of how disruptions and spaces of resistance provide opportunities to resist the dominant narrative and promote change for underrepresented populations.

ENCOUNTERS WITH SOUSVEILLANCE/ SURVEILLANCE ART AS OPPORTUNITIES FOR REFORM

I believe that exposing the pre-2004 DHS privacy policy along with its 2004 revision through surveillance and sousveillance digital media art can provide opportunities for reform and promote democratic education for international students in the United States. Art can have a profound impact on influencing people's perspectives on the violation of international students' human rights and their access to democratic education. Edelman notes that "the capacity of works of art to shape perceptions of achievements, challenges, and failures, are instances of the transformative powers of art, those that from the basis of explicit views about politics, policies, and the choice of leaders." [34] Surveillance and sousveillance digital media art occupy spaces and sites of resistance that can be transformative and raise awareness about the increased and differential surveillance of international students. Although not yet acknowledged as a formalized art practice, surveillance art is a broad category of art that questions surveillant practices, draws upon these practices as a referent, and/or uses surveillance technologies in its creation. [35] Within the broad category of surveillance art, sousveillance art is a more specific and defined set of surveillance art practices that were initially defined by Steve Mann and have since gained a broad following to include scores of artists and artworks. [36] [37] Sousveillance art, drawing from the French 'sous,' defined as 'below,' is art that involves "reverse" surveillance with the surveilled party inverting the traditional surveillance power relationship and "recording or monitoring" the surveyor. [38] Embedded within sousveillance art is the activist idea that sousveillance can eventually equalize the power relationship between the surveyor and the surveilled. [39]

Counter-surveillance and sousveillance art offer opportunities for promoting equality between international and domestic students and mobilizing resistance to the growing interference with international students' privacy. The digital nature of the SEVIS and US-VISIT databases, with the FBI digitally collecting extremely sensitive information about international students without restriction, lends itself to a digital medium of resistance, and surveillance and sousveillance art are, in my opinion, the most suitable and efficacious artistic medium for this resistance. Both surveillance and sousveillance digital media art employ the master's tools, digital devices and information, and with the support and momentum of educators, administrators, and students, have the potential to eventually dismantle the master's house, the federal government's differential surveillance of international students using the SEVIS and US-VISIT digital databases for housing personal information.

To my knowledge, there are no digital media artworks that directly address the differential surveillance of international students at U.S. higher education institutions, but many surveillance digital media art pieces are liminal spaces that offer the potential to challenge surveillance practices. [40] For example, Robert Spahr's *Panopticon Cruft* is a digital media artwork that places webcam footage of a static physical location next to a continuous stream of text from the DHS website that Spahr has rearranged into poetry. Spahr's video draws attention to the importance of webcam technology through decontextualizing it and "subverts the original intent of the information from DHS" [41] Spahr believes that "images can become the catalyst for change" and he hopes the images from *Panopticon Cruft* will "contribute to the discourse, by raising awareness, and by questioning some of the assumptions we all take for granted." [42] With *Panopticon Cruft*, Spahr challenges audiences to consider how they are constantly under digital surveillance in public and private places.

Figure 1. *PanopticonCruft (Fragments),* 2007, by Robert Spahr. Still image from digital video. © Robert Spahr, 2007. Used with permission.

David R. Burns's *Visit-US* takes a more critical view of digital surveillance in the form of an abstract 3D computer animation that visually depicts the vast amounts of electronic personal information that governments collect on foreign visitors. According to Burns, "this instantaneous access to massive amounts of personal data allows nations to increase the surveillance and control they have over the visitors who wish to cross their borders." [43] With its criticism of differential surveillance of international travellers, *Visit-US* is particularly well suited to encourage participants to question and challenge the pre-2004 DHS privacy policy along with its 2004 revision. In fact, Burns clearly expresses his desire to question and challenge the surveillance of people's movements and the collection of their digital personal data; he hopes "that the abstract visual imagery in *Visit-US* allows it to be globally accessible and reveals a critical view of the political and cultural impact that ubiquitous surveillance technology has on society." [44] Burns has created and continues to create sites of resistance when he has exhibited and continues to exhibit *Visit-US* and present his research on surveillance at international exhibition spaces and conferences. His exhibitions and conference presentations create liminal spaces that raise participants' awareness and understanding of how surveillance technology is used to control and monitor people's movements across borders. [45]

Just like their surveillance counterparts, sousveillance digital media art projects occupy spaces and sites of resistance that can raise awareness about surveillance. The interactive website, www.theyrule.net, visualizes the associations between the most powerful individuals and corporations in the United States. With, www.theyrule.net, JoshOn reverses the typical data collection process where corporations collect information about ordinary individuals and encourages users to interactively draw connections between the most powerful individuals and corporations in the United States. Although not directly critical of differential government surveillance, the website uses surveillance technology to create art and raises questions about the government's complicity in the power differentials between different members of society. [46] Has an Elahi's digital media project, trackingtransience.net, is directly critical of differential government surveillance. [47] As an American artist of Bangladeshi descent, Elahi had the harrowing experience of being mistakenly identified as a suspect in the 9/11 attack on the United States and was detained and interrogated by the FBI for six months about his expansive global travel history. [48] [49] In his sousveillance digital media artwork, Elahi satirizes the FBI's surveillance of his whereabouts through his all-encompassing surveil-

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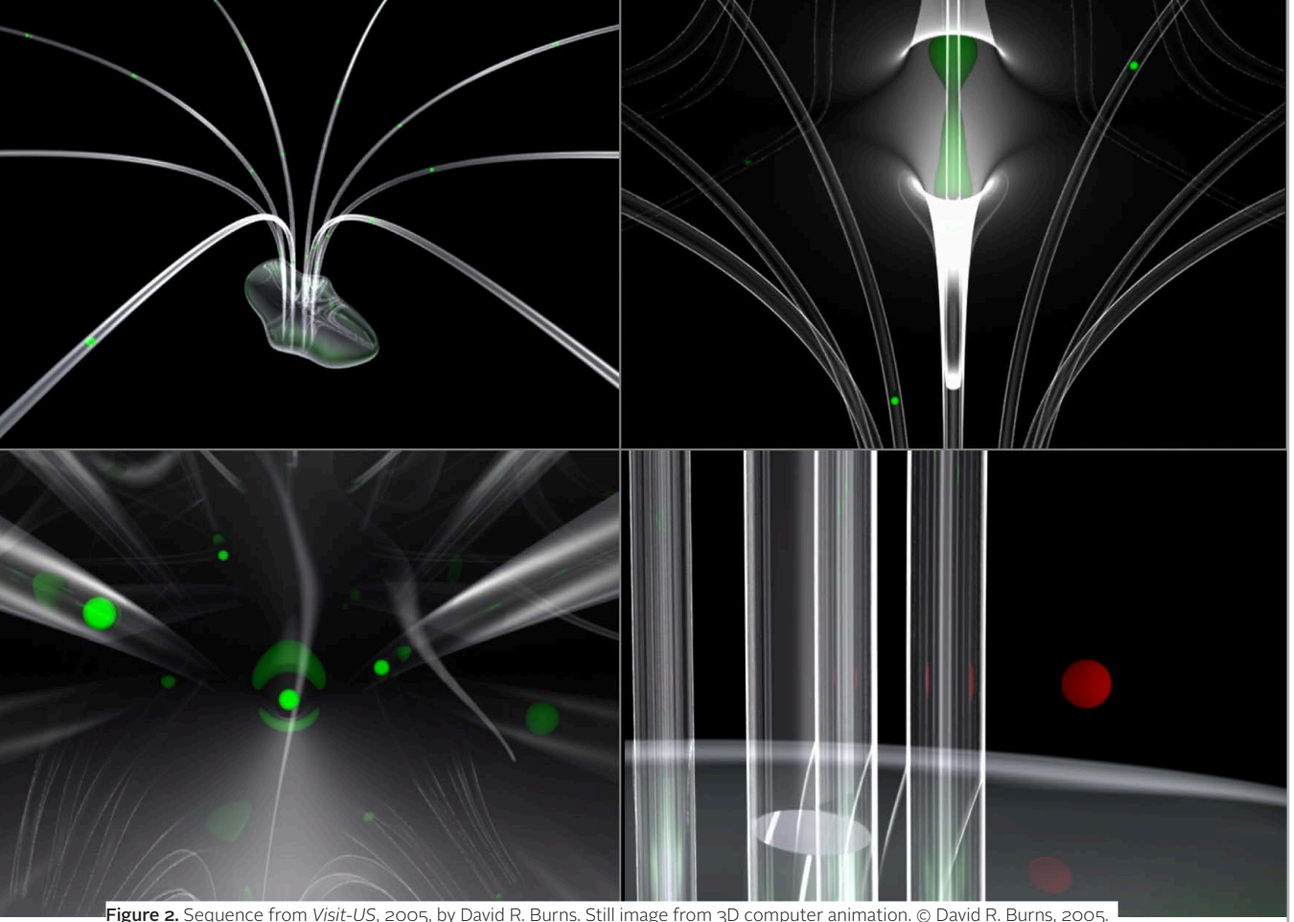

Figure 2. Sequence from *Visit-US*, 2005, by David R. Burns. Still image from 3D computer animation. © David R. Burns, 2005. Used with permission.

lance of himself and his travels. [50] Elahi uses surveillance mechanisms in an effort to reverse the power relationship between him and the FBI; Elahi uploads photographs of his daily life to trackingtransience.net and carries a GPS device with him at all times so that his website has up-to-the-minute data on his geographical location. [51] Elahi's digital media artwork, trackingtransience.net, occupies a space that can raise awareness about the problematic nature of differential surveillance of people and its interference with democracy.

Like Hassan Elahi, the Surveillance Camera Players, based in New York City since 1996, are openly opposed to surveillance in public places. They perform anti-surveillance plays in front of surveillance cameras in public places and encourage others to join them and their mission to "protest against the use of surveillance cameras in public places" because they believe these cameras violate their "constitutionally protected right to privacy." [52] The Surveillance Camera Players perform sousveillance art by conducting plays such as George Orwell's *1984* for the video camera viewers and the spectators who are present during their performances. [53] The Surveillance Camera Players' performances are digital media art projects that occupy spaces and sites of resistance that can raise awareness about surveillance and its obstruction of privacy and democracy.

Surveillance and sousveillance digital media art has the potential to persuade educators, administrators, and students to reform the differential surveillance of international students in the United States. These art projects open up spaces for higher education professionals and students to openly discuss the need for all students to have equal access to democratic education and work toward changing the status quo. In fact, both Robert Spahr and David R. Burns created these spaces by displaying their surveillance digital media artworks, *Panopticon Cruft* and *Visit-US*, respectfully, in higher education institutions' public exhibition spaces. I encourage digital media artists and scholars to critically and reflectively consider what is happening in their institutions and, indeed, what is happening in institutions worldwide and consider bringing surveillance and sousveillance art into their classrooms and exhibition spaces for discussion. Introducing surveillance and sousveillance artistic work into classrooms and exhibition spaces opens a safe space for students, administrators, and faculty to critically engage and dialogue with surveillance and policy issues. These actions and sites of resistance may lack stability, but they are liminal spaces that offer the potential to use digital media art to resist the seduction of near ubiquitous surveillance and promote international students' access to democratic education.

CONCLUSION

In this paper, I argue that exposing and working to reform the pre-2004 United States Department of Homeland Security privacy policy along with its 2004 revision can provide opportunities to protect international students' privacy and promote access to democratic education for international students in the United States. I contend that higher education institutions' need to take a more active role in advocating on behalf of international students' privacy and access to democratic education. I discuss the need for United States citizens to join international students and become involved and invested in protesting and working against the FBI's increased surveillance of international students. [54] I suggest searching for liminal spaces and sites of resistance and demonstrate how surveillance and sousveillance digital media art has the potential to provide opportunities to reform and change the current power structure in the United States. I hope that this paper promotes awareness, discussion, and debate about how higher education institutions can do more to promote equality among all students, adhere to the Universal Declaration of Human Rights, and protect international students' privacy and access to democratic education. ■

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