

## **Humor and Surveillance - "That's Not Funny" (Or Is It?): In Honor of Serge Gutwirth on His Retirement**

*Every joke is a tiny revolution.*

- George Orwell

*When you're walking your last mile, baby don't forget to smile.*

- Mose Allison

### **By Gary T. Marx**

This article looks at privacy and surveillance through comical images baring deeper truths than words alone. It is dedicated to Serge Gutwirth of the Vrije Universiteit Brussels on his retirement. For decades Serge has been an innovative, inspirational scholar creatively calling attention to the challenges computer technologies brings to democracy (an appendix offers more detail). The deadly seriousness of his topics does not preclude him from having a fine sense of humor. To honor that sensibility and spirit, I am pleased to gather some of the lighter visual treatments of topics that have engaged Serge over the decades. Sometimes the risible is our only refuge in a world seemingly hurtling towards destruction (note Orwell's potent use of satire about the most horrible of topics).

The images that follow illustrate the complexity and contradictions of contemporary surveillance and rational, engineered forms of social control.

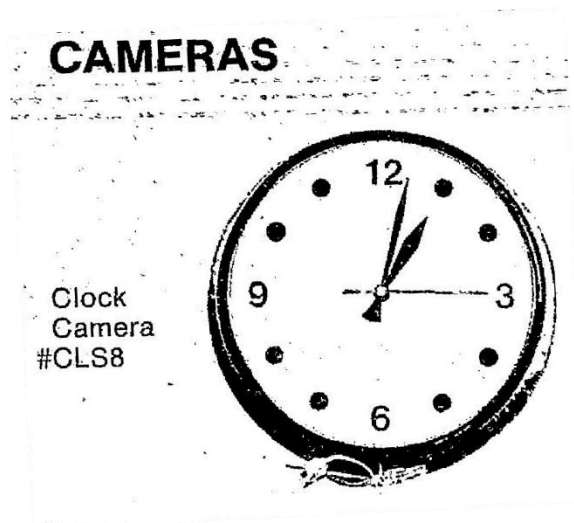
Jacques Ellul (2005, p. 133) writes,

“In Guernica, Picasso expresses the tragedy that is taking place without showing piles of bloody flesh. *The important thing in art is after all to transpose reality into an image which is sufficiently enthralling and meaningful so that the viewer gets an even better grasp of that reality.*” (emphasis added)

That also applies to humor.

Contrary to the claim of the maker of surveillance cameras hidden in clocks (below), humor can be sure that some of the best ideas *are seen*. Humor plays a vital and underappreciated role in social order and disorder. Edward A. Ross (1901) observed this at the end of the 19th century, calling particular attention to the role of ridicule. But beyond denigration in interaction, Peter Grabosky (2013) notes how it can mobilize interest groups and potential allies in raising public consciousness among those who might otherwise be unaware. In addition, humor and other art forms can bring a kind of emotional cognizance apart from what is often the detachment of cold intellectual analysis. Humor can also serve as an educational tool as the work of privacy scholar Daniel Solove (2020, 2023) shows. Humor is best, or at least most memorable, when it goes beyond frivolity and is driven by something deeper.

“Some of the best ideas are never seen” – Advertisement



There are some good reasons for the specialized language that academics use, but this can come with the cost of baffling, and even losing, the audience. With the right picture and a light touch, do we need the verbosity?



*USA Today, April 12, 2001*

Over the last fifty years in the classic sociological tradition, I have been studying the production of social order with an interest in social control and challenges to it. This started with an interest in undercover police as a

result of encounters with agent provocateurs in Berkeley in the 1960s when I was a student. Over the years, learning from Erving Goffman (1979) "it's all data," I gathered popular culture items involving cartoons and songs. As noted, these communicate in a different way from the ponderous data and texts we usually work with (Zijerveld 1983; Davis 1993, and Kuipers 2008).

The western individualistic hubris that exaggerates our control over nature and each other can be tempered with humor. There are also commonalities between science and humor. Serge is well aware of philosopher Isabelle Stengers' (2000) linking of good science to humor. But let's leave epistemological links for another place. Creativity and playfulness can be joined. In both cases the world is questioned and in principle nothing is beyond the irreverent or at least skeptical, probing eye. The seriousness and sometimes hypocritical legitimation of official lines may hide and distort, inviting satire. Is it true that sacred cows make the best hamburgers? In short, humor must be taken seriously even, or perhaps especially, for the momentous topics Serge has devoted his career to.

Humor is where you find it (whether in the intention of its creator and/or the perception of an audience) – in stories, verbal clichés, puns, subway walls and tenement halls, banks, hats, t-shirts, bumper stickers, book titles and cartoons.

# Warning

Area Recorded by  
Security Cameras



Any Videos of Trespassers  
including drunk individuals  
urinating or changing in public  
will be provided to police and  
then posted to YouTube  
so we can all laugh at your expense



<http://Ez-Toyz.com>

18661 537-5438

MAKE ORWELL  
FICTION AGAIN



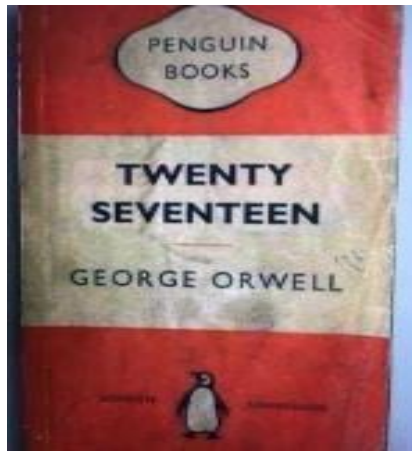
*you may not be interested in computers  
but there are computers interested in YOU*

For Security Reasons,

Please Remove  
Ski Masks Before  
Entering the Bank.

Thank you,  
Northern Security

 Northern Bank



Photos, G.T. Marx

A bit subtle. To get it one needs to recall the original book's cover. Except for the date, this replicates the cover of Orwell's *1984* published in 1948.

The spoof was done in 2017. The analysis of visual humor and laughter as it involves emotions and physiological responses are part of the emerging field of sensory criminology (McClanahan and South 2020, Marx forthcoming). The sensory intertwines in multiple ways with the bodies and artifacts of the watched and the watcher.

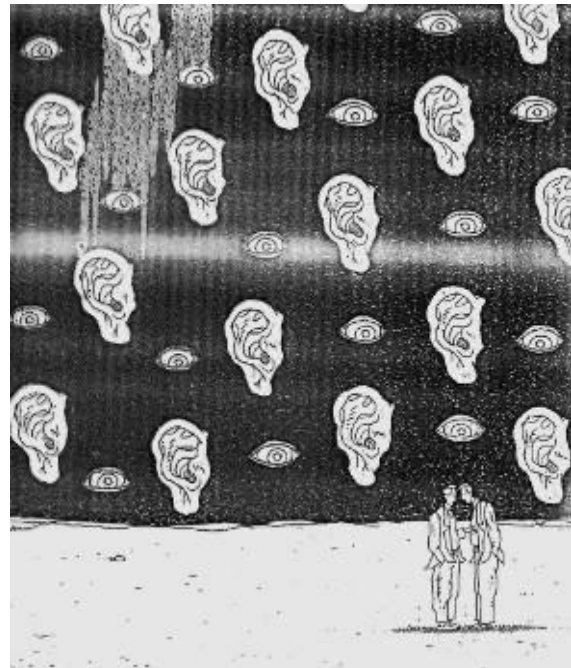
From the visual representations of Lombroso and the tattooing of offenders onward, we see a multi-faceted sensate field relying strongly on materiality linked to bodies with an emphasis on, but not restricted to the visual. In prior work, as part of an interest in surveillance in popular culture involving images, music, and art, I briefly considered humor. I identified four types of surveillance humor: *accommodation, machine-human or animal frame breaks, dystopias, and reversals.*

Common to many forms of humor is the breaking of frames (Goffman

1974) as with the eye in the TV set below (reflecting the viewer's behavior while the set is on). Things that are not usually together, or could never be together, in the real world are joined - often metaphorically. Consider the verbal clichés converted to the visual clichés as with walls that have ears (and now eyes) or the bug on a union anti-monitoring protest button (both below).



*New York Times Magazine Feb. 16, 2003*  
2003



Terry E. Smith, *The World and I*

Many surveillance-themed illustrations involve the grafting of two discrete elements together with a transfer of meaning (whether reciprocal or one-way) between objects. As with much linguistic communication, something new comes to be understood by reference to something already known. The familiar informs or offers a new way to think about the unfamiliar - whether the things it can do or its spatial and temporal

locations. This juxtaposition often seems funny. But with that can come the jarring of sensibilities and the realization that it is, or might soon become factual and actual. Is it still funny then once the news has been delivered? Is the shock value taken over by a numbed sensibility?

The *accommodation* theme involves routinizing and folding into everyday activities new devices. The technology is domesticated, made familiar, even trivialized through its omni-present, repetitive association with commonplace activities. It becomes another way to meet a traditional goal.

With *machine-human* (or living things) frame breaks technologies, humans, or animals "act" like each other and cross the boundaries of what is conventionally expected of their type. The humor lies in the juxtaposition of things we "know" don't, or have not, conventionally gone together.

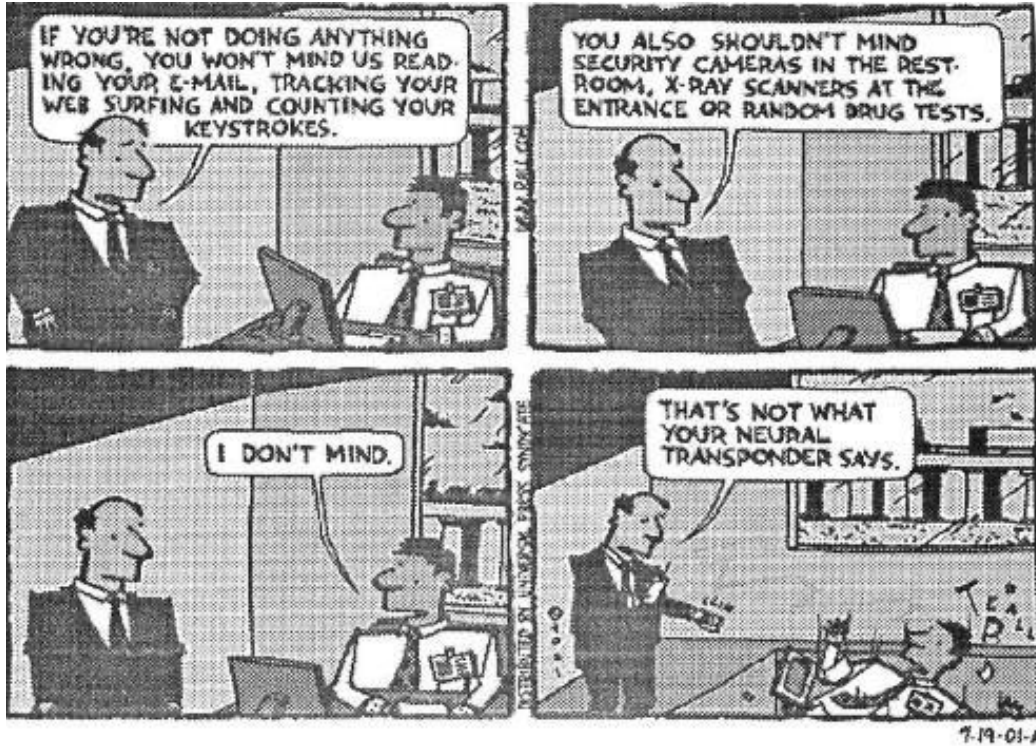
The third type of surveillance humor is "*1984 dystopia*," in which the image maker intends to shock us through satire. This says, "It's all-powerful, it's everywhere, it's inhuman, it's crazy, and this is what it could/will logically lead to." It brings the question, where will it end?

A fourth form of surveillance humor involves "*reversals*." Here an action may have unexpected and unwanted consequences. Actors may be hoisted by their own petards. The usual surveillance subjects may even have the last laugh or revenge, reversing the power relations enhanced by the technology. Examples of these are below.



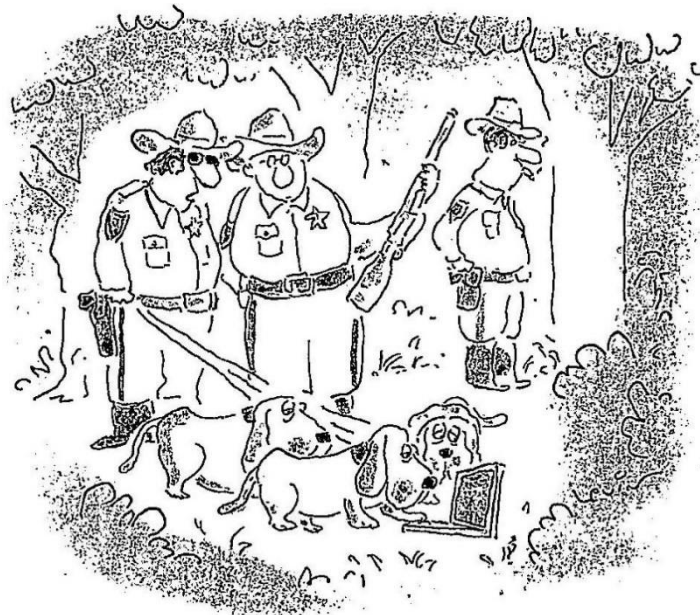
## Accommodation

It becomes business as usual, but traces of resistance may remain (but for how long?)



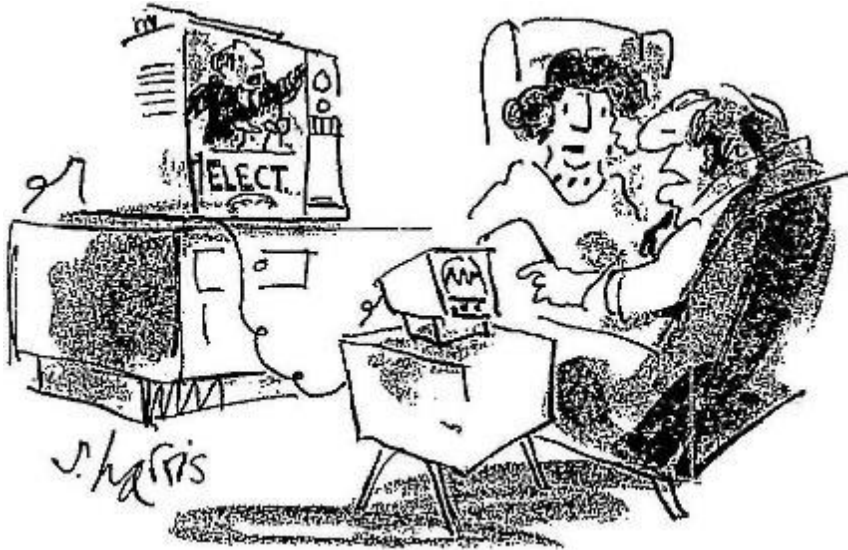
## Frame Break

"First they do an online search."



*New Yorker, Arnie Levin*

## Reversals



"According to voice stress analyzer, he is not going to lower taxes."

*Science, August 1998*

## Dystopia: (AKA "Can You believe This?")



I considered filtering each example in the paper through such a framework and it would be useful to systematically do this and explore correlates for the hundreds of humorous (or intended to be humorous) examples. They might also be contrasted by whether the focus is on the subject - whether as rebel, dupe, or hapless victim or the agent as heroic,

tragic or misguided villain or a slipper on banana peels. The social characteristics, experiences and location of the image creator and sponsor provide other slices. Cartoons might be further organized based on themes involving protest (and then from the left or the right or transcendent values such as fairness, civil liberties), non-political comment on the ironic or other forms of humor, or as simply neutral bringers of the news. Still another form of organization involves particular technologies. Note the next 8 undercover cartoons. The first four involve animal-human frame breaks. The first shows a shrouded canine surveillant to looking for unsuspecting violators. If not caught in the act, the beach might be avoided because of fear of secret watchers.

### **Undercover Humor (at least for the agents)**

K9 Alert: No Dogs on the Beach



In the next image we see the fruits of insider surveillance being secretly sold to control agents, nicely illustrating the interdependence between agents and subjects of control.



*"A few cattle are going to stray off in the morning, and tomorrow night, a stampede is planned around midnight, look I gotta get back... Remember, when we reach Santa Fe, I ain't slaughtered!"*

*The Far Side, Gary Larsen*



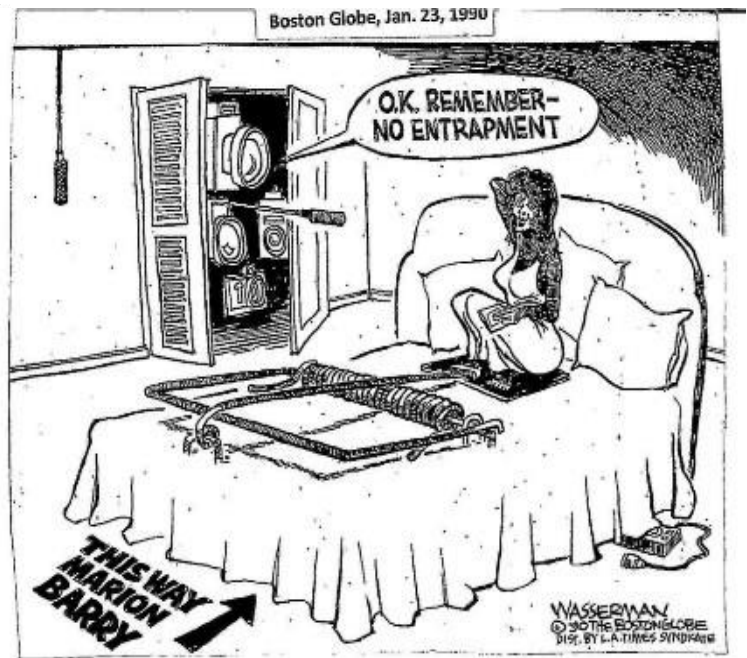
*Robert Priest*

This image is from a story illustrating a weapons purchase sting that cast a broad net. It conveys the idea of a surveillance web casting a wide net of categorical suspicion. This is a fundamental tenet of much of the new surveillance. Applicants are expected to prove their innocence and their appearance, location and who they are may make them suspect.

With artificial intelligence this net widening (Cohen 1985) for reasons “known” only by the computer will become more common catching some of the more innocent innocents, but not the most adaptive of the guilty; those able to reverse engineer the system at about the time that Kafka was writing *The Trial* a popular 1922 music hall song, “The Laughing Policeman” contains the lines “ ‘I must arrest you.’ He didn’t know what for.” Michael McGuire (2021) observes how the increased automation of policing (e.g., predictive algorithms, facial and other recognition systems) creates a disconnect between the ideal of police directly engaged in a positive way with their community. Under the worst of circumstances of opaque computer decision-making processes direct police actions without any agent discretion or explanation or review are possible, one can only imagine the depth of confusion a Kafka protagonist would feel today re, “what did I do and what is the evidence?” Yes, potentially biased, corrupt or incompetent human agents are out of the loop, but at what cost?



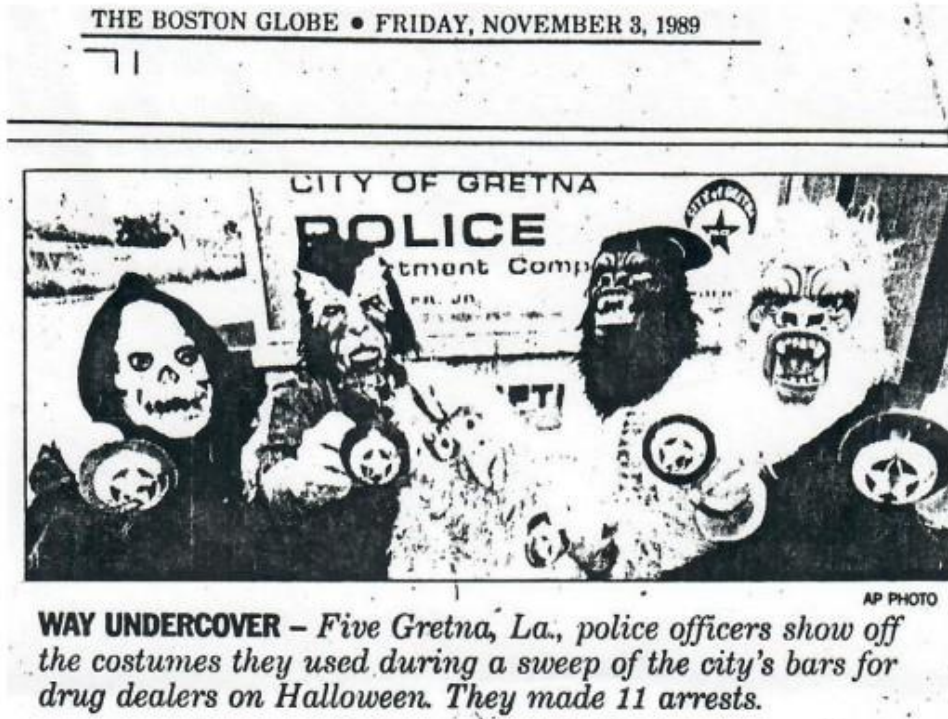
70 FAMILY CIRCLE 7/20/82



*Law Enforcement News, 11/12/1984*

**A gender frame break:** In Columbus, Ohio policemen and one policewoman donned skirts, scarves and lipstick in playing the role of the potential victim in response to a wave of molesting.

Next, we see police in the role as co-conspirators:



*"I'm starting to really like the smell of cocaine."*

*New Yorker, Matthew Diffie*

The dog reporting that he really likes the smell of cocaine surfaces the seldom acknowledged issue of the social and psychological impact of surveillance on the agents themselves. This was affectively created in the 2006 film *The Lives of Others*.

An example of irony is in the next cartoon in which a spouse is skewered on the antenna of his cordless phone after being overheard talking to his mistress. The cartoon after this brings the news without commentary as it informs viewers about an actual law in Florida.

*"We'll be listening to you."* Harry Caul, *The Conversation*



*Macleans, Roy Peterson*



The names and event below are fictitious. However, Palm Beach did pass an identification card law the cartoon depicts. This required workers in the city to be photographed and fingerprinted and carry the ID cards at all times.<sup>1</sup>



*The New Yorker*, 7/22/1991

There appear to be more cartoons focusing on subjects than agents and on protest, rather than in support or justification (as with the officer at left helping the woman). The latter are more prominent in advertisements and in warning signs generally. These serious efforts (as with Dan below who lost his legs) are not usually purposefully funny, although they may reveal more than they intend. As with the vagaries of the

“safe surfing” or “wink, wink” humor seen in precautionary messages such as the admonition that follows from a security awareness training program. The ethical tight rope here implicitly says, “don’t lie, but don’t be forthcoming! Glide along as in surfing, go with the wave, and don’t risk creating one”.

<sup>1</sup> See <https://www.sun-sentinel.com/news/fl-xpm-1985-12-19-8502270659-story.html>.

# With a PLB, Dan could have walked away with more than his life.



Since 2004, 36 people have their lives and limbs lost to a PLB. Dan lost one of them.

While skiing backcountry, snows that he'd skied many times before, Dan got hopelessly lost in five days and eventually lost his legs in a crash. Share his story.

Helped save his life, could have been worse.

Or it could have been worse.

Or it could have been worse. Dan had parked across from "Lumber" 400 GS 2ND. The powerful, little Personal Locator Beacon (PLB) transmits a distress signal over both 406 MHz and 121.5 MHz, alerting the nearest rescue team via satellite through a satellite network that's constantly orbiting the Earth.

When cell phones fall out, two-way radios fall short, and it's not yet 10:00 a.m. fast. If you ski, hike, hike, kayak, canoe, kayak, hike or fish in remote locations, a PLB is essential gear.

Just ask Dan. He's already back on the slopes, but not without the protection of his ACR Beacon. 406 PLB.

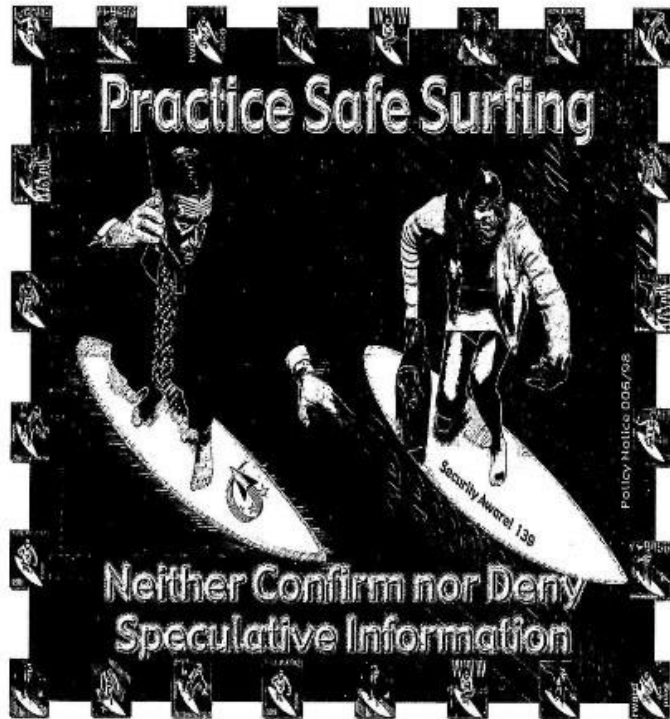
Special Dan 406 Beacon's impact by Ask us about our low stock in New Zealand. Share this, our contact info 010 080 080.



**YOUR ULTIMATE WAY OUT**

ACR Electronics, Inc.  
Contact: info@acr-electronics.com  
www.acr-electronics.com

ACR Electronics, Inc. www.acr-electronics.com



However rather than the more systematic approach, I concluded, "why bother?" since my goal here is not to scientifically analyze, but to describe and chronicle and share some lighter moments at a time of celebration for Serge. Celebrations should be joyful! Truth be told, beyond the meanings offered, there is also satisfaction in sharing images that I particularly liked.

It also might be a sacrilege to use or analyze humor for serious purposes. As E.B. White wrote, "humor can be dissected as a frog can, but the thing dies in the process." Like sausage, humor may be better experienced than analyzed. Some of my dour science colleagues responded to a new course I gave on humor with quips such as, "so that's what you clowns are up to" and "I always knew sociology was a joke." As well, for

some activists the problems are too serious to waste time on humor's trivialities. With Brecht they believe that "the person who laughs is the one who has not yet heard the bad news." Anticipating Orwell's opening quote above, Plato wanted laughter to be avoided in educating the young guardians and artists were to only depict "virtuous things" - nothing negative or discordant of public order. Aristotle called for censoring humor. They were aware of how insightful and subversive humor could be with respect to the established order. Shakespeare advised to find directions via indirection and Erving Goffman to look for big meaning in little things. Freud said there were no jokes, and he wasn't kidding.

The social complexities of "the best laid plans" that so often bring the unintended consequences, paradoxes, ironies, and surprises fuel comedic responses as a tool for understanding. On surprises, note the next image after Snowden's NSA revelations. This suggests government knows about a lot more than just telecommunications.



It knows the past, but also the future:



*New Yorker, David Sipress*

## **New Surveillance Examples and the Maximum Security Society**

*There are two problems with the new surveillance technologies. One is that they don't work. The other is that they do.*

– Anonymous social studies scholar, circa 2000

Serge Gutwirth (2001, p.71) observes that Gary Marx (1988) and Giles Deleuze (1990) respectively write of “the creeping erosion of our freedoms as a result of the development of a controlling and surveillance society”:

these authors ... claim we live we live in *La société de sécurité maximale* or in a *societe de controle* which relies on a refined technological framework to influence and, and even “program” the daily lives of citizens.

Gutwirth 2001 (p. 18-19) offers the mother of all descriptions of the new surveillance’s digital octopus as it creeps, or better gallops, to encompass ever more of surveillance society life. After reviewing the most comprehensive list of areas of life touched as of 2001, he writes:

... the conclusion is inescapable. The number of actions of an individual which leave a digital trace is simply dizzying. The massive processing of personal information is threatening to turn us into transparent and easily controlled subjects.

As comprehensive as Serge's accounting is, the kingdom of digital traces reaches new highs or lows if we consider recent developments ("advances" no doubt for some purposes) in brain computer interfaces. Writing decades ago, Gutwirth, along with the protagonist of *The Truman Show* (in the 1998 film) of that name, did not mention neuro transmission. The film is based on an unsuspecting subject whose life is programmed and recorded by thousands of hidden cameras. Truman's antagonist ("captor") Christof tells him: "I know you better than you know yourself." Truman holding on to a last shred of dignity replies: "You never had a camera in my head!" Well not in 1998, but what about today?

It is ever easier to link brain processes to wrist watches as well as to government and private computers (Farahany 2023). China is a leading developer and user of the technology. When combined with its millions of cameras and sensors and an individual worthiness score for all citizens it takes surveillance to the outer reaches of what used to pass as science fiction. Until now the brain has been relatively immune. But for how much longer? If the rapid recent developments of brainwave technology become adopted on a wide basis in China, can it be far behind in a neighborhood near you? Concerns over national security and the logic of competitive capitalism will drive it in the west as well. The *accommodation* cartoon above

will no longer be funny and merely a more neutral bringing of the news. The brain, perhaps the part most resilient of personal border crossings is under assault.

“Joe’s Drive-Thru Testing Center” below in bringing together so many different aspects, reflects the omnipresence, scale, totality, comprehensive-ness, and simultaneity of the new forms of surveillance. This provides a convenient way to meet traditional assessment needs, with the potential to link the results with so much more. It is fluid and rhizomatic and, with ever more AI, almost alive, if not fully human (Haggerty and Erikson 2000, Bauman and Lyon 2012).



(Joe's Drive-Thru Testing Center: -Emissions -Drugs  
-Intelligence Cholesterol -Polygraph -Blood  
Pressure -Soil and Water Steering/Brakes -Stress -  
Loyalty Sign at drive-through window.)

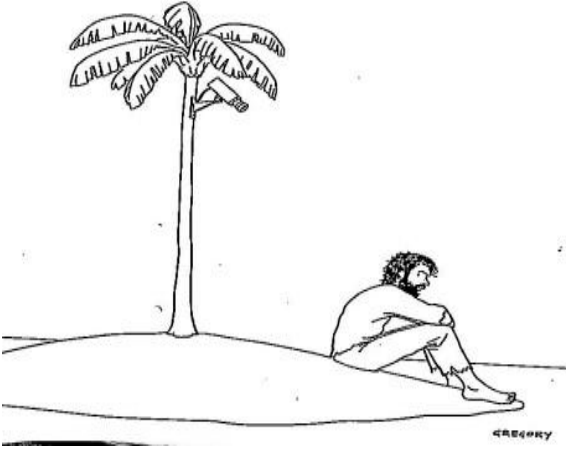
*by Dana Fradon*

Never Alone! The mechanical God and, perhaps the other one, is watching, especially in this Seattle church's parking lot.



**MY WIFE ASKED ME WHY I  
SPOKE SO SOFTLY IN THE  
HOUSE.  
I SAID I WAS AFRAID  
MARK ZUCKERBERG WAS  
LISTENING!  
SHE LAUGHED.  
I LAUGHED.  
ALEXA LAUGHED.  
SIRI LAUGHED.**

*Photo G.T. Marx*



Nor on a desert island – strange fruit on a coconut tree. *"But they shall sit every man under his vine and fig tree, and none shall make them afraid."* Mic. 4-4

The tools eviscerate the protections offered by the limits of human memory and time. Messages about surveillance commonly aim to shape the surveillance related behavior of subjects and agents as citizens and consumers. Messaging is a central part of surveillance as deterrence: *"You can't get away with it."* The data gathered lives on, even after the person dies, offerings are timeless like plastic containers in



Photo by Tamara Polajnar

the ocean. The body and its multitudinous offerings are an astoundingly rich source of data waiting to be digitalized and quietly used without the awareness or consent of subjects.

All institutions, organizations, and relationships - from work to family to consumption to travel to health to politics are fair (or unfair) game.



Surveillance becomes normalized, routinized, simply arriving with the territory.



*"He's dead. Would you like his voice mail?"  
New Yorker, David Sipress*

But there are still things it can't do:

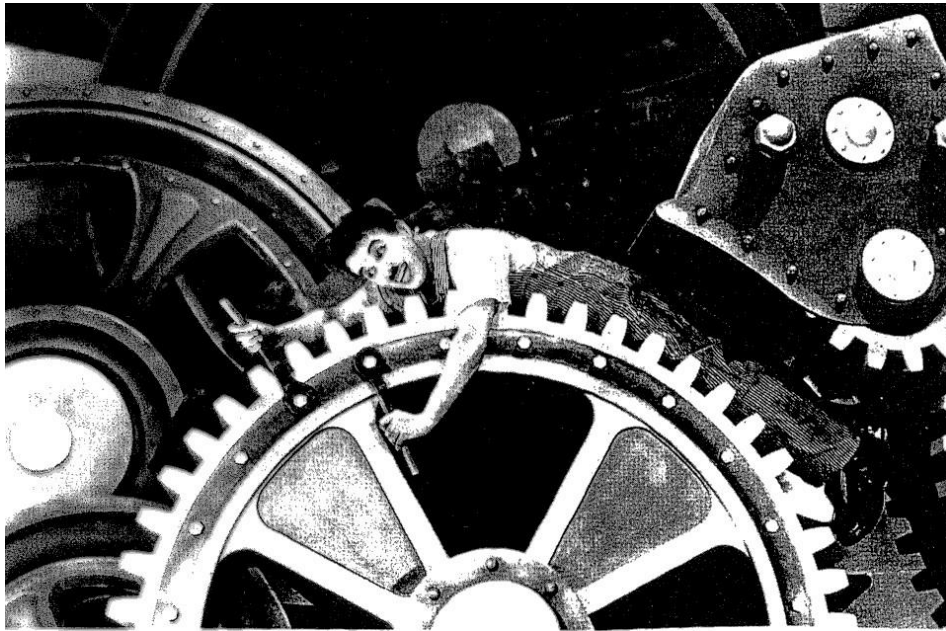


*"Trust me, Mort—no electronic-communications superhighway, no matter how vast and sophisticated, will ever replace the art of the schmooze."*

*New Yorker*

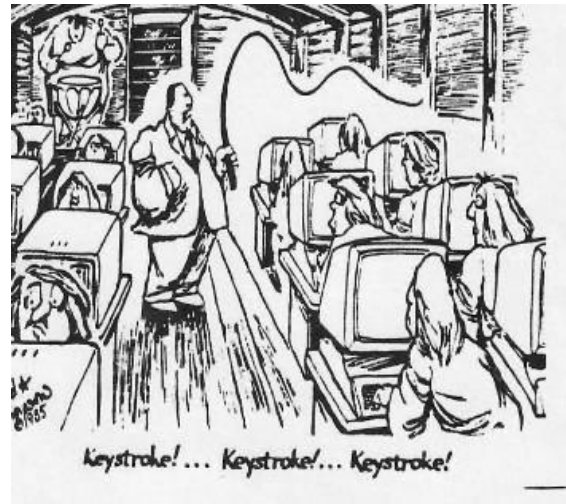
## Work: Omniscient Organizations

In a film example, Charlie Chaplin in *Modern Times* communicates the intimate links between the human and the machine and efforts to engineer assembly line (and other) behavior. The humorous (?) film offers a warning of what can happen, as Chaplin is literally drawn into the machine.

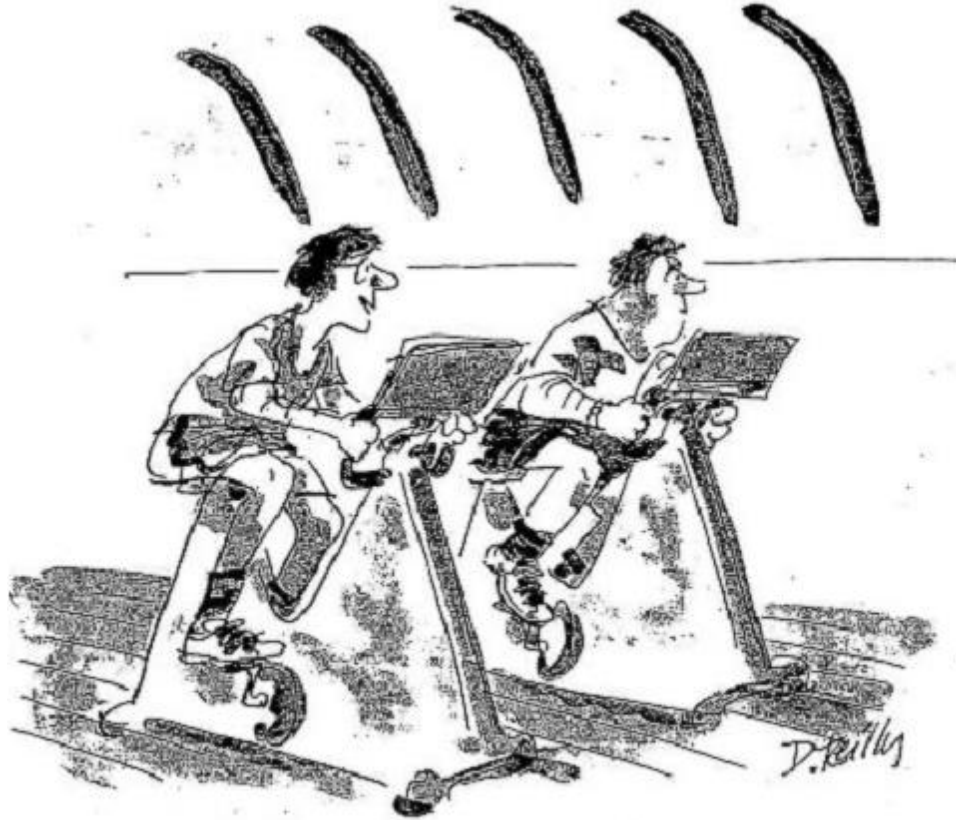


Art can inform us about “real” life, but it may help in creating it as well, as visions from the creator’s imagination later come to exist. Because they are not bound by specific empirical cases, such cultural forms can push conventional boundaries of thought, image and behavior and anticipate what is to come.

*Modern Times* again offers a wonderful 1936 example when Chaplin's private reverie smoking a cigarette in the bathroom at work is shattered by the sudden appearance of his boss on a wall-sized video screen gruffly saying, "Hey, quit stalling and get back to work." This fit well with work monitoring practices that were to appear decades later.



# Partners, Children



*"I think we're getting serious—she's springing for a credit check and a surveillance on me."*

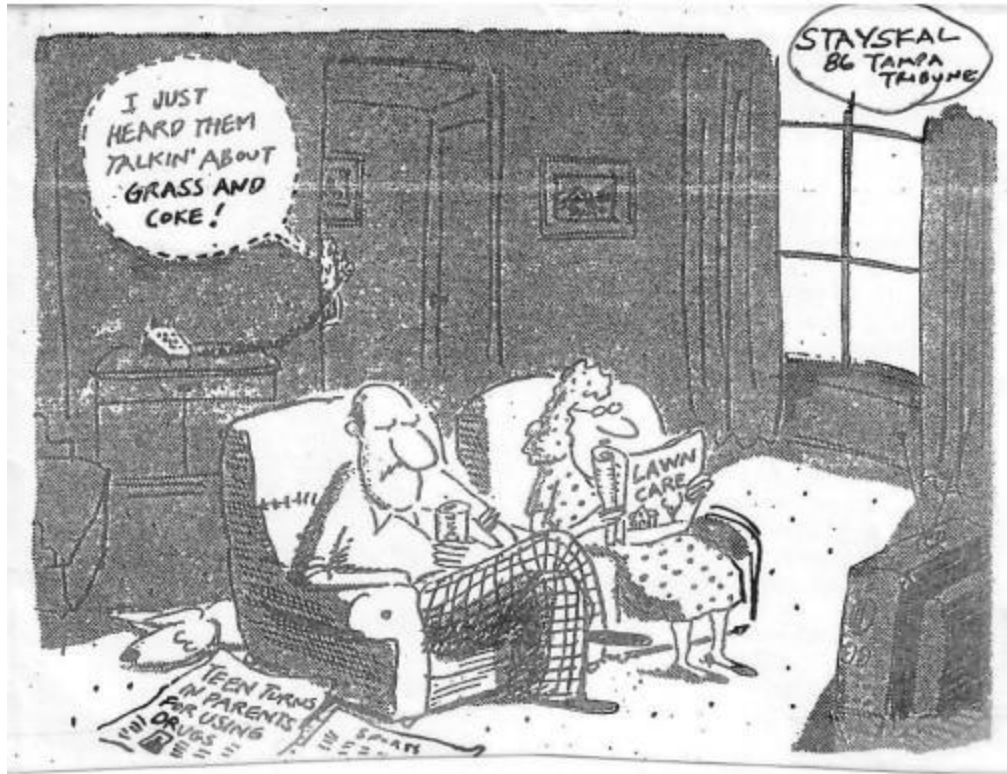
*New Yorker, D. Reilly*



MARTELL © 1987  
THE CHARLOTTE OBSERVER

1-25

Because you are family and your children care about you, will they use the technology as well, learning from their parents? Will they get it right?



## Technologies of Shame

*If we guard our toothbrushes and diamonds with equal zeal, we will lose fewer toothbrushes and more diamonds.*

– National security advisor McGeorge Bundy

When warnings are not enough. Evidence talks and bull-shit walks, proof can save the day. In the family context, as elsewhere, surveillance humor is not restricted to drawings. Consider the specious offer of "forget-me-not panties" that appeared on the web.<sup>2</sup> It asks: Ever worry about your wife cheating? Want to know where your daughter is late at night? Need to know when your girlfriend's temperature is rising? This amazing device will answer all your questions!



Gary Larsen, *The Far Side*



<sup>2</sup> See <http://pantyriders.org/forgetmenotpanties/>

## **Spoofs**

"These panties [see above] can give you her location, and even her temperature and heart rate, and she will never even know it's there! Unlike the cumbersome and uncomfortable chastity belts of the past, these panties are 100% cotton, and use cutting-edge technology to help you protect what matters most. Make sure you will never be forgotten. Forget-me-not panties™ have built-in GPS and unique sensor technology giving you the forget-me-not advantage."

This spoof, created as an art project, was taken seriously by millions of people and received over 300 requests from distributors. Among the fan letters for the product, "This idea has a lot of potential, but you will sell a MUCH larger amount of this product...fear needs to be your motivator...think about changing the name, e.g., [keepyourchildrensafe.com](http://keepyourchildrensafe.com) or [preventkidnapping.com](http://preventkidnapping.com)." Other letters asked the company to create similar boxers for men or expressed indignation - "this product, I would like to remind you, helps no one: those who buy these undergarments are being robbed of the bond of trust between partners and family members, having it replaced with chains of technology."

Spoofs can be directed at blocking or resisting surveillance, rather than appearing to facilitate it. The satirical ad below appeared in the *Austin Chronicle* in 1986 in response to President Reagan's drug testing program promised that "Pure Texas Urine/Guaranteed Drug Free \$49.95." To the satirist's surprise, he received orders. This then led him to chemists and the development and selling of powdered, drug free urine. He proudly claims,

“we are to urine what Tang is to orange juice.”<sup>3</sup> Note expressions such as “pee for pleasure, not for employment” and “test your government not your urine.”

**INVENTOR OF ANTI-DRUG TEST PRODUCTS**

**POWDERED URINE**

Invented in response to Reagan's initiative to allow drug testing in the workplace. Byrd Labs develops a solution for workers' rights.



**NUKLEAR ADDITIVE**

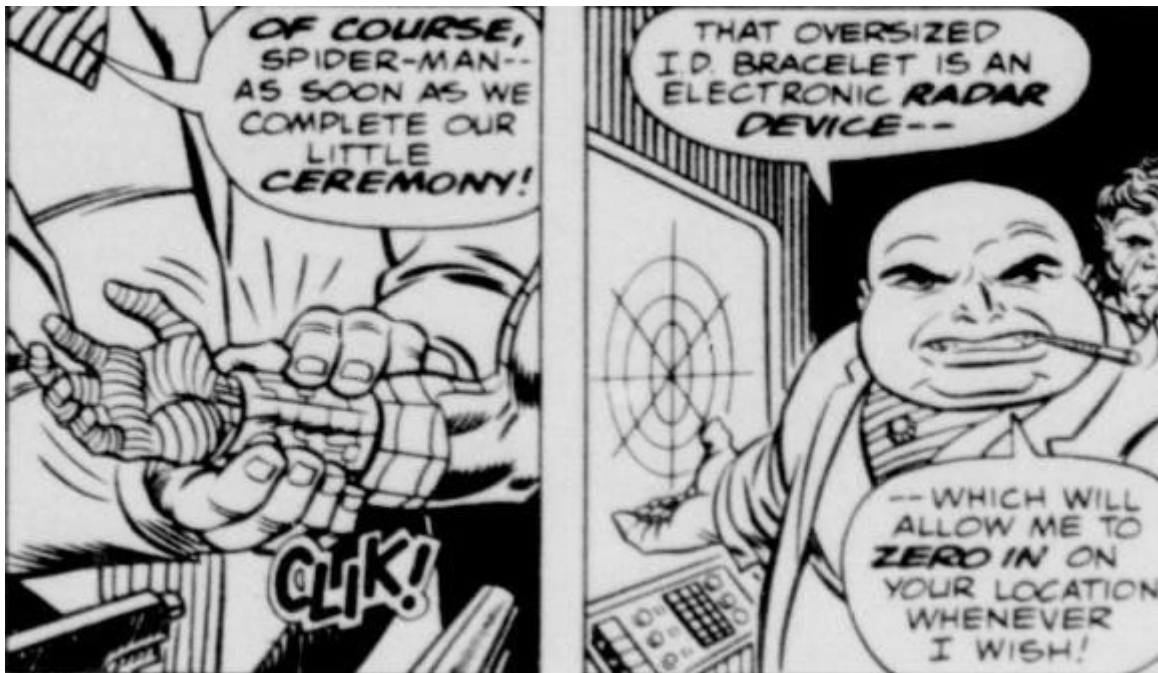
For those looking for an alternative to pre-mixing, Nuklear Atomic Cleanser was developed for added discretion and easier concealment.

**JEFFREY NIGHTBYRD**  **AUSTIN, TX. 1986**

<sup>3</sup> See <https://nodrugwar.org/posts> for image and text on origins of powdered urine. Third post is “the birth of powdered urine” Note also an idea suggested by activist Abby Hoffman that was then invented: The Urinator, <https://theurinator.com/>.



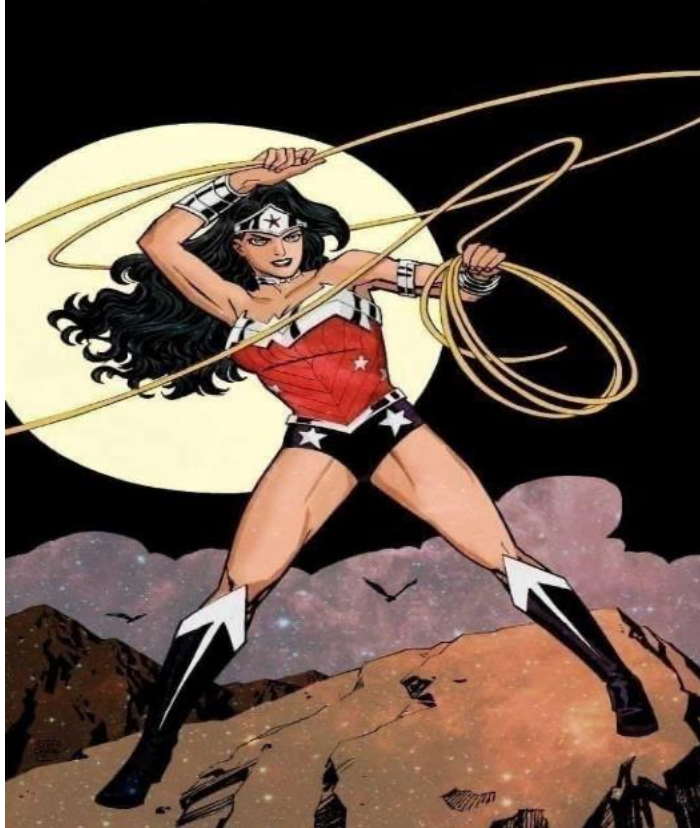
A Spiderman comic from 1977 inspired a New Mexico judge to implement the first judicial use of electronic location monitoring equipment (Novak 2022). The scholar's work, particularly when satirical and/or ironic, may also inspire the humorist (yet, as is the case with mass media producers, the scholar must bring it to their attention).



*Stan Lee, John Romita*

With respect to the move from imagination to a real device several patterns can be noted. The artist may have superior powers of deduction and inference (as well as imagination) in seeing what is likely to appear (Arthur C. Clarke in writing about space travel). Aware of this the Department of Homeland Security has an advisory group (Sigma) made up of science fiction writers. Their motto is "Science Fiction in the National Interest." As well there should be a group called "Humor in the National Interest." The artist may give ideas to inventors and implementers; there may be a self-fulfilling impact in which expecting something to happen,

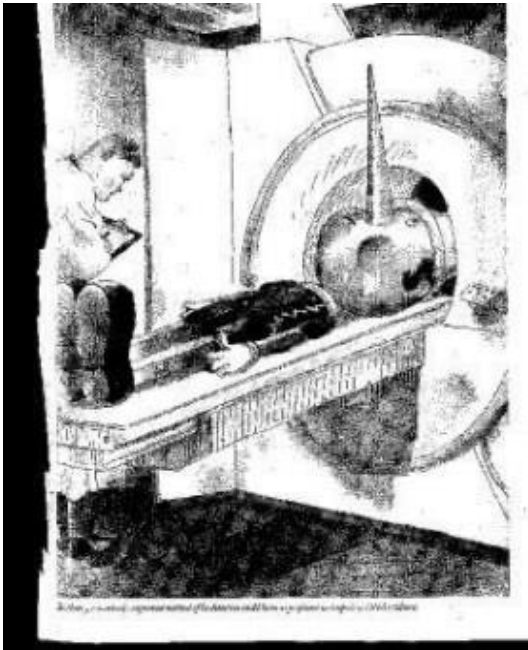
actions are taken that make it more likely; and sometimes there is simply a spurious or accidental correlation, with no direct link between the art and the development of the tool.



The artist may also be (or have been) a scientist or inventor as seen in the career of psychologist and proto-feminist William Marston. His work reflects the symbiotic relations between life and art. Marston is the creator of the comic book character Wonder Woman, whose golden lasso of truth forced opponents to confess and conform. He anticipated current forms of involuntary revelation as seen in efforts to read emotions and assess truth telling using facial expressions, eye movements and brain wave patterns. Marston's work was central to the creation of the polygraph.

## Reading and Inscribing the Body

*The picture of a person is still intertwined with the concept of the body itself.*  
S. Gutwirth



*Boston Globe Magazine*

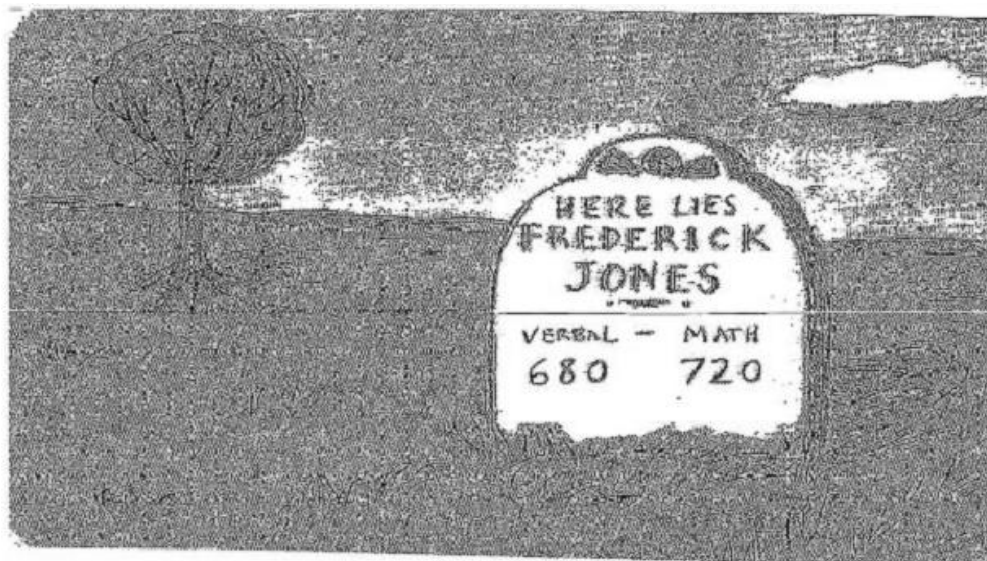
This image from an article on brain imaging to detect lying implies that while people can lie, the body's deeper, telltale messages cannot. Other characterizations relate to the idea of the "data shadow" or "data image" illustrated by showing a man alongside of another image of his body inscribed with the kinds of personal data stored in computers. Seeing the person revealed in this way suggests new meanings of the self or personhood. The body or at least the "person" presumed to be represented takes on new *disembodied* abstract forms reducing the fullness of the human to statistical categories and "averages." This may be rational when dealing with non-human elements, but violates traditional ideas of justice and fairness, where in the west, persons are to be judged as individuals not as

members of groups.

There can be a kind of perverse authenticity in full disclosure, but how much do others really want or need to know?



*New Yorker, Michael Maslin*



*New Yorker, Roz Chast*



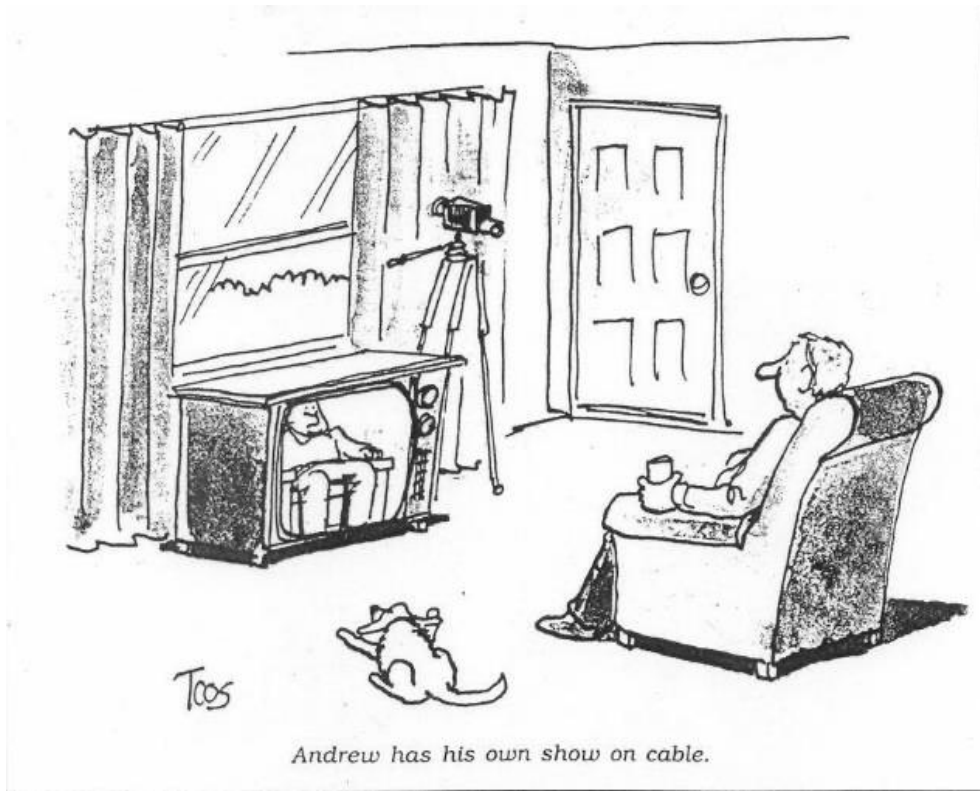
Michael Abke, Finneberg/1985  
Farbtilt-Zeichnung (547 x 668 mm)

20

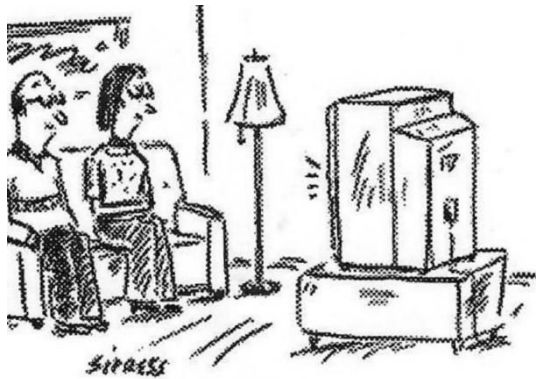
More horrific forms of body identification abound. As with Maus' (1996) comic book, some humor receives its' meaning from tragedy.

## Life Lived Online

With exhibitionism and voyeurism your life online (or on someone's line) can reach stratospheric highs or lows - consider Andrew with as many minutes of fame as he wants, or Larry's humiliation in the next images. How much has alienation increased because of new forms of deprivation *ala* being unseen and unknown on social media? Can a person function psychologically, socially, or economically today without an online presence? Is the "the ungooglable man" below to be praised or pitied? How much does identity live within the configurations made possible by the reflections on other's screens, as against residing within an almost pre-social, 19<sup>th</sup> century self- oblivious to the slings and arrows of outrageous social media fortunes in which the bar seems ever higher given how others are presenting?



*New Yorker, Toos*



*"This week on, 'Celebrity Fear Factor,' stunts are threatened with total anonymity."*

*New Yorker, Sipress*



*New Yorker, Barbara Smaller*



*New Yorker, Roz Chast*

The reliance on distanced forms (whether images or cryptocurrency) greatly expand the possibilities of deception for fun and profit. Validation of images, messages and documents becomes ever more important. Note next the fake id card of Gary (a male) made (for educational purposes only) for a conference presentation on the ease of creating fraudulent identity or Hazel's internet presentation distortions that follows. Photo-retouching, or whatever the ever-changing term is, has been a constant since the invention of photography in the early 19<sup>th</sup> century. This may be benign as with an Egyptian pyramid of altered proportions that appeared in the *National Geographic*, or just for fun as with the image of my great aunt Ethel from 1906 or, as news continually reminds us, for more dastardly purposes.

Surveillance &  
Empowerment

BFHNSU

A I O

Gary Marx

SAPS

NFA (NO FIXED ABODE)

ID:355680201 Birth:US1590247

DNA:CTGCTAACGACGATTCGATC



F O > 70



TOTALTRANSPARENCYSOLUTIONS



*Aunt Ethel, Catalina Island 1897*





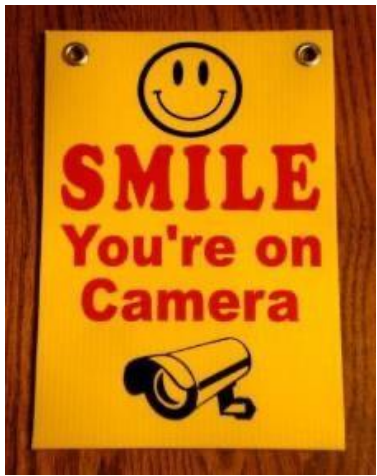
### **Soft Control as Mandatory Voluntarism and Deformed Consent**

*When the person concerned can no longer indicate a choice, extremely complex problems arise.*

– S. Gutwirth

Whatever you are catching, you will likely catch more with honey than with vinegar. Softness in which the velvet glove hides the iron fist plays best in democratic societies which in principle honor the dignity of the person as a maker of choices. This manipulative form of soft control involves a specious *mandatory voluntarism* in which subjects are presumed to have the freedom to choose. Softness rather than direct threats and coercion, along with offering choices, can fit with the liberty and dignity of the individual that is central to western democratic traditions. But when offered in the form of

"deformed consent" (e.g., an offer you can't refuse" absent dire costs) really a choice, even if it is of necessity formally willed by the subject? The sign below was on a public sidewalk. This is reminiscent of a notice I saw in a Canadian airport that said, "all passengers subject to searches. You don't have to be searched, but then you must find other means of transportation."

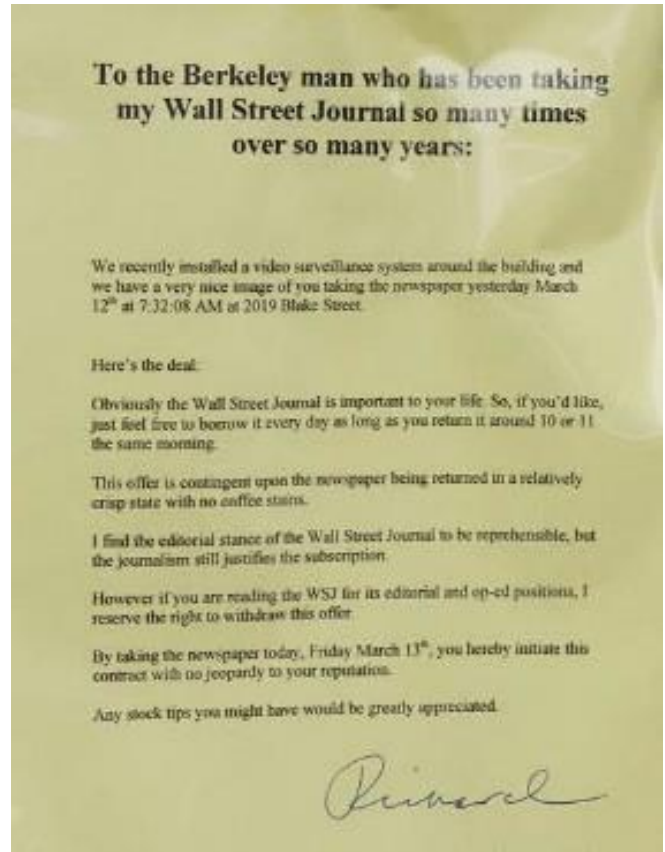
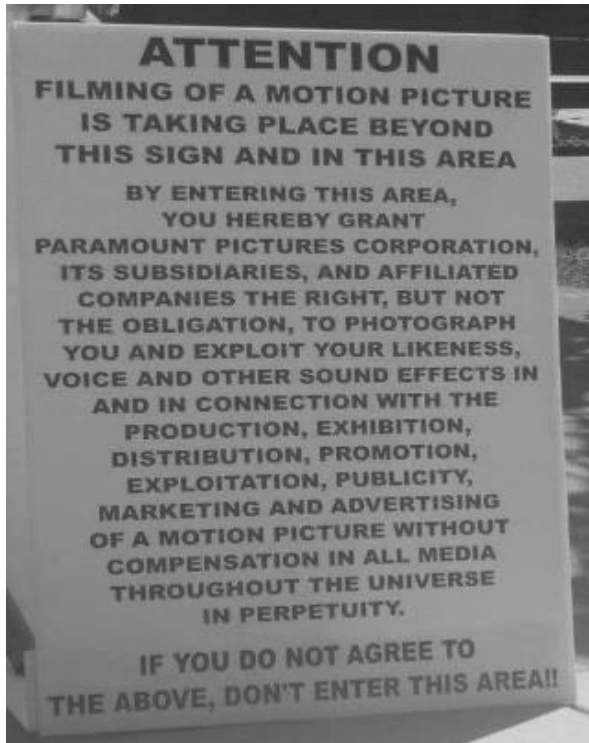


*Berkeleyside March 19, 2015.  
Photo by Marty Schiffenbauer*



Sign on major Seattle street. I was already late so I drank the cool aide.

## Make the World Safe for Hypocrisy



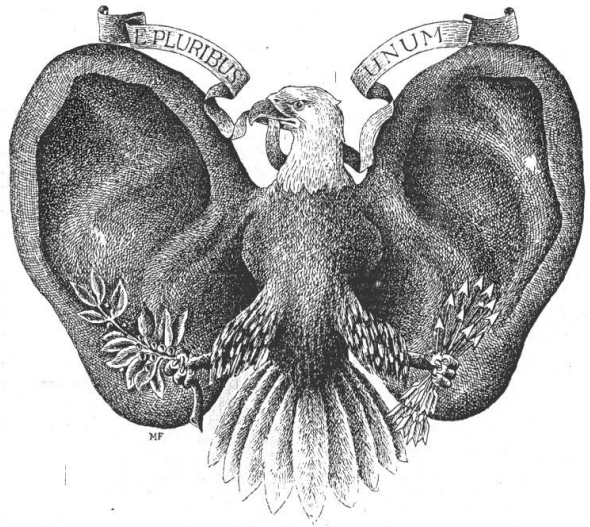
*I am here to fight for truth, justice and the American way.*

– Superman, 1978

Humor thrives on the hypocritical space between claims and reality (or at least rival perceived realities) and the joining of opposites per the next image. It is also seen with clashing images of the Statue of Liberty spying or the American eagle with elongated ears. The sacred frame breaks appreciated by some viewers are deeply offensive to others.



*Firstworldanarchists.reddit.com*



*(Art of the Times Squares, Jean-Claude, 1973)*

*(Mel Furukawa Watergate, The Outrage of Wiretaps)*



*Paul Conrad, Huntington Library, San Mateo, CA*

## Tradeoffs

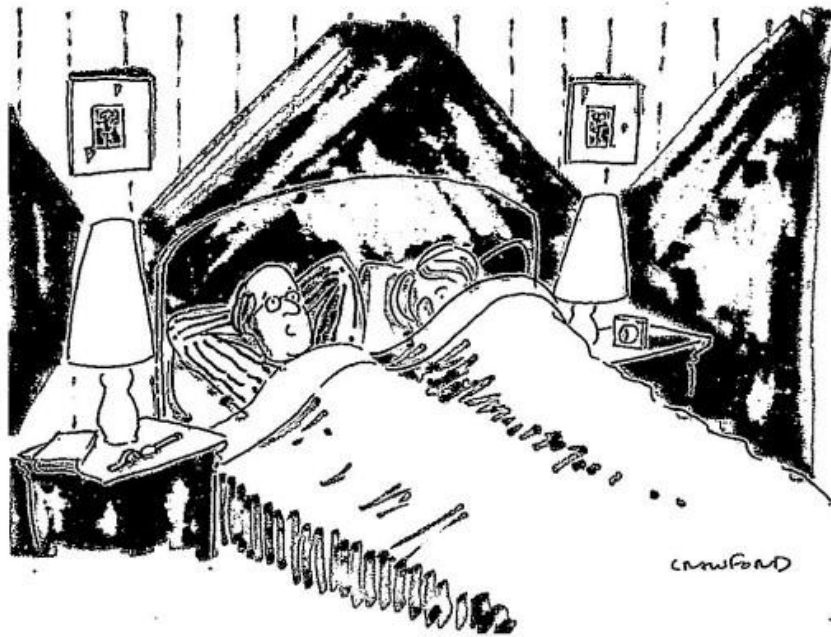
Systems are interconnected. The irony of trade-offs as always. But it is important to specify what they are, who defines them and how they are measured. Competing values and goals need to be weighed. The either-or quality of much surveillance talk (liberty or order, private or public, transparency or secrecy, the individual or community, freedom of information or censorship,) is usually too simplistic. Both/and is often a more productive approach. What was said by his coach after a famous athlete suffered a surprising defeat, "sure he has some good qualities, it's his bad qualities that ain't so good."



*"Look, you've got to accept some curtailment of your freedom in exchange for increased security."*



Yet decisions must sometimes be made. Life is about choice.



*"Not tonight, hon. It'll just wreak havoc with the motion sensors again."*

*New Yorker, Michael Crawford*

## **Techno-Fallacies**

*Unless all my science has deceived  
me, it cannot fail.*

– N. Hawthorne, *The Birthmark*

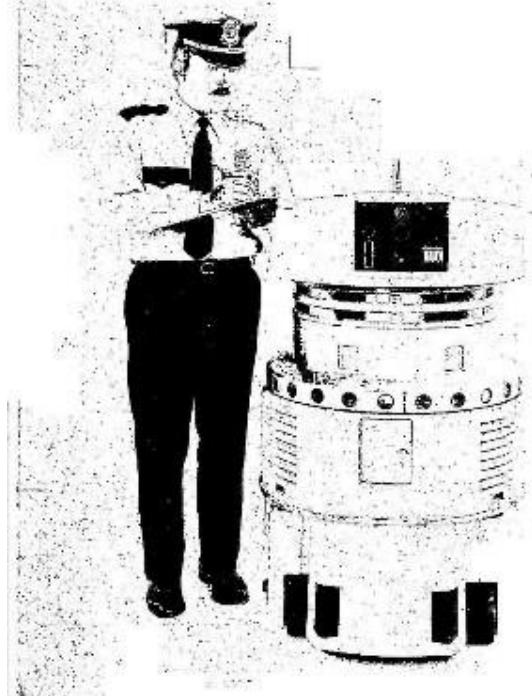
When the technology fails (and it will at some point), be sure to build in redundancy and humility. It might even be a good idea to have a Plan C. Our culture, indeed, any culture, is filled with expectations that things can go wrong. An important form of humor captures this. It might mean being hoisted on your own petard. What helps you can also hurt you. Halleluiah claims about a tool's benefits must be seen with attention to granularity – perhaps helping some and hurting others. What "works" in the short run may fail in the long run or the reverse and opinions about what "works" means can change. Or more often, it "works" in some contexts, not others.

The technology might work, but the agent is incompetent or corrupted. Subjects of unwanted surveillance have their own resources and can act back. Stuff happens and problems need to be seen, decisions about whether it is worth investing in or continuing it, whether problems can be minimized (if rarely always prevented) and whether compensation or remediation is possible after the fact.



*Elliot Erwitt, Brazil 1961*

Ready to roll....OOPS (see next image as robot trips and drowns on the job)



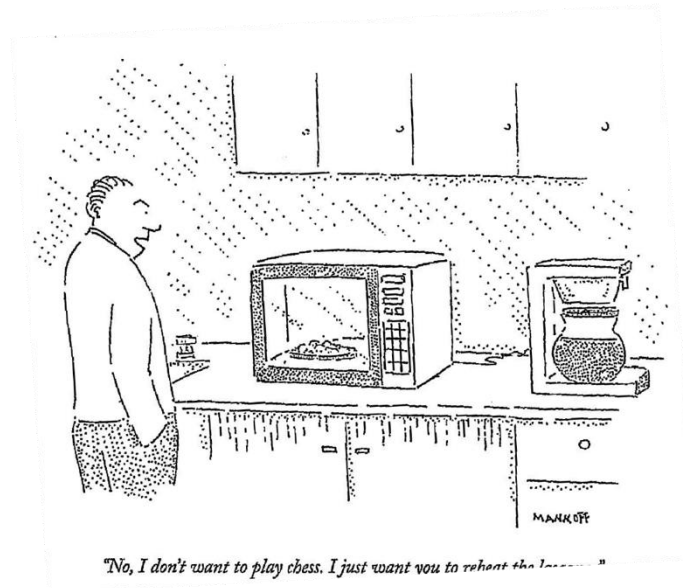
*Washington DC, Accident or suicide?*

<https://www.cbsnews.com/news/washington-dc-knightscape-k5-robot-fallsinto-fountain/>



And if it works, it might do more than you want it to do.





*New Yorker*

**“No, I don’t want to play chess. I just want you to reheat the lasagna.”** Even if the tool works perfectly, be clear about priorities and thresholds! Do you really want, or need to know? Can machines deal with discretion? Will the source of today’s problem be yesterday’s solution? Note Kafka’s (1919) short story “The Penal Colony” in which a new technology described as “a remarkable piece of apparatus” ends up destroying its creator.



## Or It Might Stop Working!

*It may well be doubted whether human ingenuity can construct an enigma of the kind which human ingenuity may not, by proper application resolve.*

– Edgar Allen Poe, "The Gold Bug"

Actions cause reactions. As conditions change old opportunities may close but new ones appear. A number of techniques of neutralization (Marx, 2017) can be noted, including *blocking*, not to mention the creation of new markets and cyber-crimes. Human ingenuity in overcoming control efforts can be a match for such efforts in creating controls. Consider an early state of the art system in South Africa for remotely verifying identity using thumb prints to collect retirement benefits via an ATM. The recipient simply touched the sensor pad and funds poured out. In one case, after grandma died, a relative cut off her thumb and continued to collect the funds. Such systems now have a temperature control measurement as well (awaiting a work around).

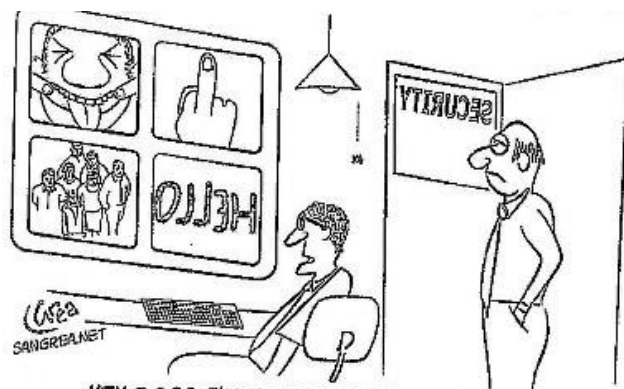
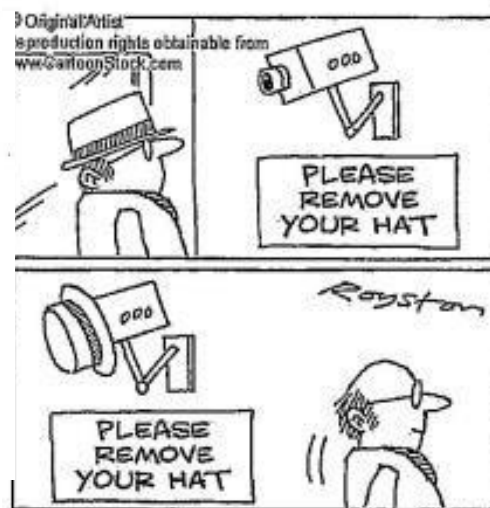
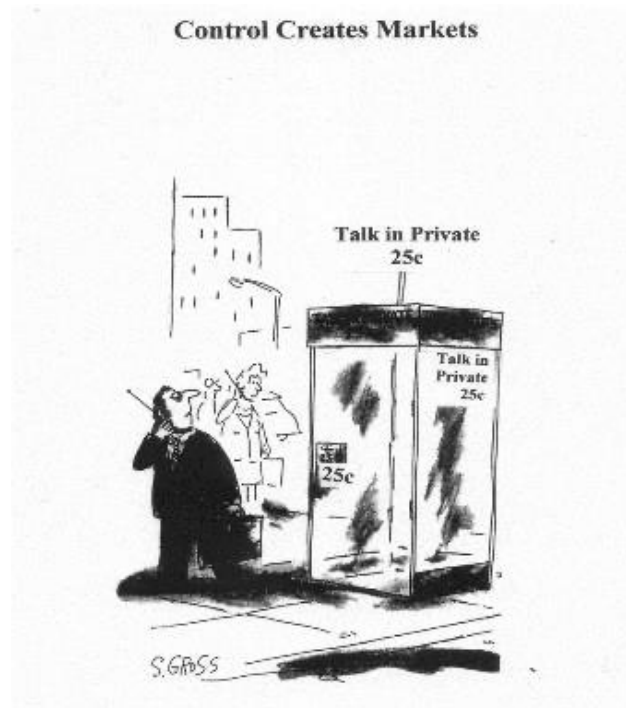


FIGURE 6.1. Covert surveillance usually has a shelf life and can self-destruct when action is taken based on the results.



Sangrea.net

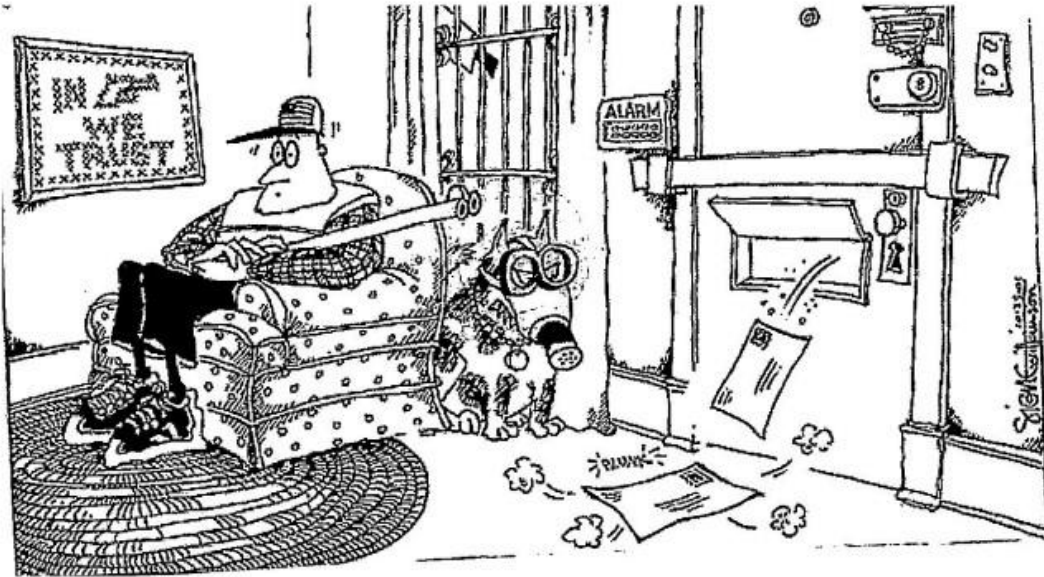
As conditions change old opportunities may close but new ones open.



*New Yorker, S. Gross*



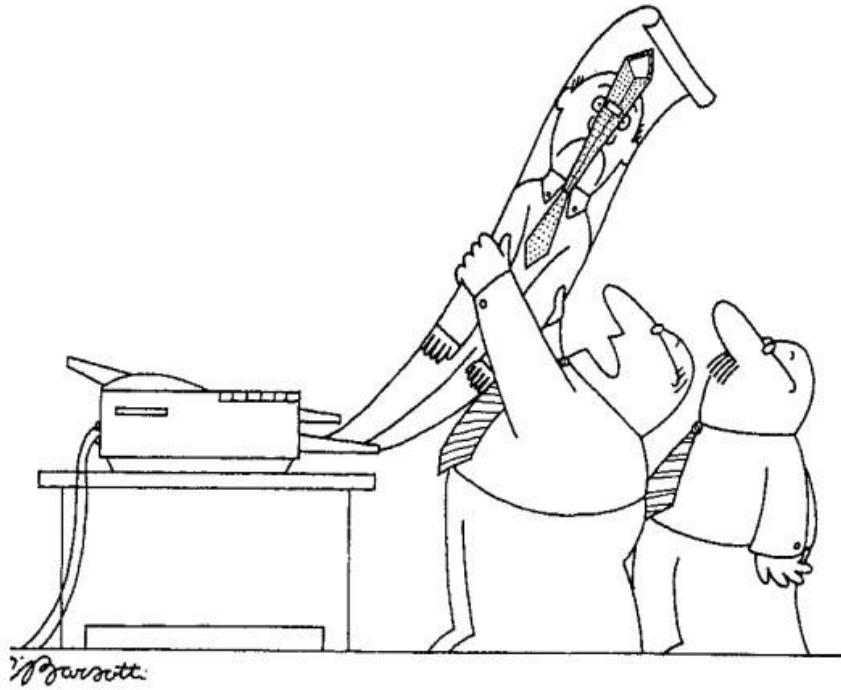
Technology might not be neutral, but when broadly available, and ever easier and cheaper to use, it has its' egalitarian potential per the next images and, per this and the one that follows, might the technology in some ways make things worse, creating pressure for more techno-fixes and Band-Aids?



Does he really feel (and is he?) more secure now given other approaches? Might the marketing of surveillance for security backfire and increase fear, anxiety and feelings of insecurity because recipients of media formatted, gonzo styled messages (Altheide 2023) are frightened and frozen? Note also the tragic cases where motion or sound activated automatic weapons discharge and kill innocent bystanders or animals. Computers don't make mistakes, humans do. See the proof in next image.

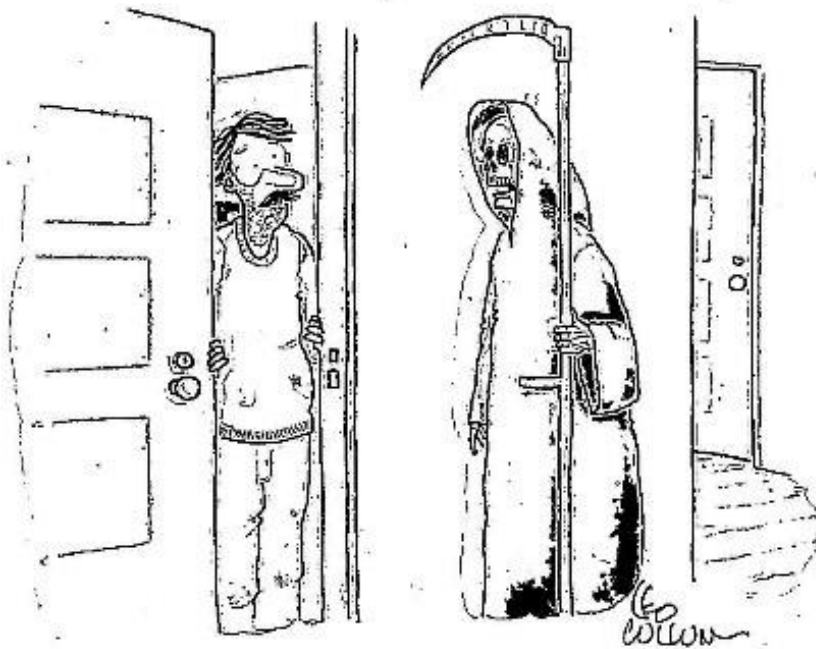


*New Yorker, Charles Barsotti*



*"My God, there's been a terrible accident in our Chicago office!"*

Mistaken identity? It doesn't matter because this is what **the computer says**. Machines don't make mistakes, people do.



*"I don't care if it's not you. That's the Social Security number you've been using."*

*New Yorker, Leo Cullum*

Deception in the face of surveillance can be decidedly unfunny, even with poetic justice present. The ease of fraudulent presentations can come back and nip one in the posterior in multiple ways. Note health complications that can be caused by seeking medical treatment through using someone else's health insurance.

In years of listening to surveillance rhetoric I often heard "technofallacies" – statements that sounded wrong, whether empirically or ethically (Marx 2017, 2022). These involve elements of substance as well as styles of mind and ways of reasoning. Some fallacies are empirically false or illogical. Other fallacies involve normative statements about what matters and is desirable, reflecting disagreements about values and value priorities. Groucho Marx's observation "these are my principles. If you don't like them, I have others?" illustrates the extendable and contestable reach of abstract values and goals.

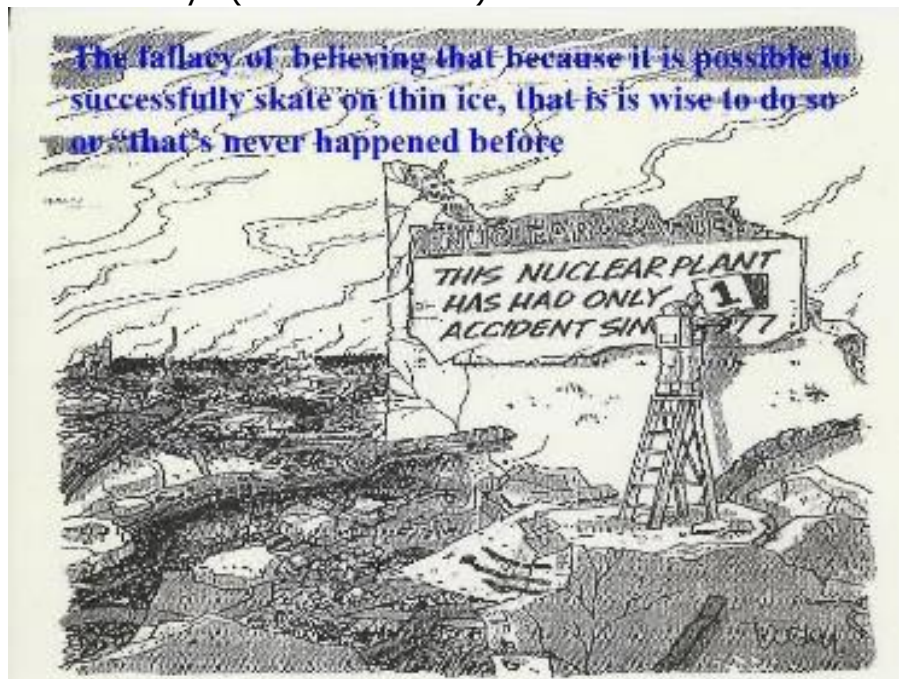
**THE FALLACY OF RE-ARRANGING THE DECK CHAIRS ON THE TITANIC INSTEAD OF LOOKING FOR ICEBERGS.**



*New Yorker, Lee Lorenz*

The fallacies are ideas in public culture that Serge's has so reflectively and reflexively questioned for so long. Among the most important of these fallacies is that effective privacy protection requires nothing more than laws and policies about digitalized personal information. This ducks privacy as the multi-faceted safeguard of the individual's freedom and of a democratic society. The next slide illustrates the always dangerous tilt toward the quick-fix and band aids for wounds that may be hemorrhaging.

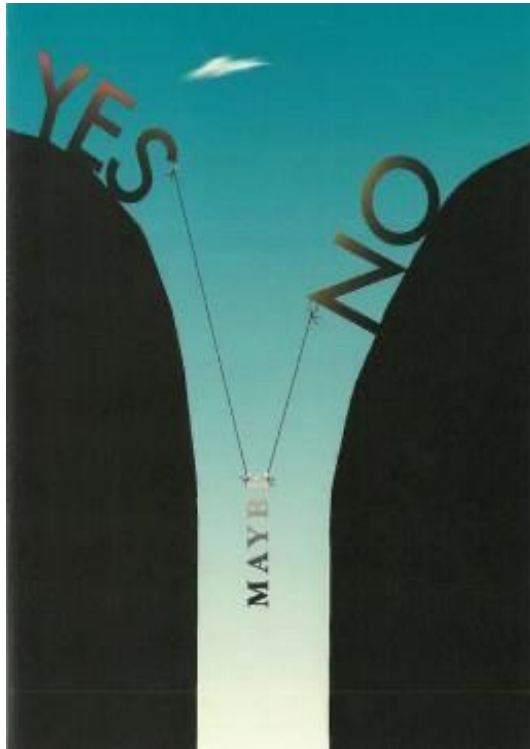
Also known as the "trust us", "we know what we are doing, hope springs eternal fallacy" (until it doesn't).



*S Gutwirth*

*The issues of privacy are full of twists and turns.*

Surveillance theorist Michel Foucault seems uncertain, maybe even confused, given the complexities and contradictions of the issues.



M. Foucault

*Mecanica Celeste*

*Richard Stine, 1994, The World of Richard Stine*



*New Yorker, Mischa Richter*



In the caption above science joins humor in acknowledging uncertainty in conclusion drawing. Where within a cartoon, song, art, ad, or story does humor (and meaning more broadly) reside? - in the intention of its creator or the perception of the audience?<sup>4</sup> These may be at odds as with “that’s not funny,” particularly at a time of sensitivity to political incorrectness. For example, what do the next images say to you? Are they serious or satirical and who gets to say? They were designed to honor the technology, but some observers see a different meaning. Does the warm image of hardware at the center of a flower reflect the friendly integration of the human and the machine or is it a subtle effort to soften/deny the harshness, standardization and impersonality of the tool and a denial of fundamental opposition between the machine and life? Is the robotic arm shaking the human hand in a supportive meeting of equals or is it squeezing it in an iron grip? Is the metal arm holding the flowers protecting or strangling them?

Like humor, scientific insights may come from playfulness and thinking outside of the container. In both cases the world is questioned and in principle nothing is beyond the irreverent eye. The seriousness and sometimes hypocritical, self interested legitimation of official lines may hide and distort, inviting satire. Cultural and epistemological biases, faulty assumptions, measurement errors, spurious correlations, incompetence,

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<sup>4</sup> A nice example can be seen in the bar codes on the shaved heads of the men in the add shown earlier. I coded this as a dystopic image. Yet the creator and presumably his or her intended audience saw it very differently. Rather than an “Oh my God” response reflecting dehumanization, a more likely response for its intended hip young audience was “hey, that’s way cool.” The image was from an advertisement for a youth-oriented radio station. Eyes and beholders!

wish fulfillment and dishonesty may distort priorities, and hide factual and moral truths from the scientist and feed the techno-fallacies seen above. That can be said without denying that even those who are more sinned against than sinning may have their own fallacies and distortions.

Given the great variety among viewers and time periods, it is a reach to move to broad generalizations about the meaning of a given example. Settings are diverse and fluid. Certainly, there are unsavory elites using doubtful means for nefarious ends, as well as more savory types using them for beneficial ends and many places in-between. As the neutralization moves illustrate, individuals act back, frequently in ways unanticipated by professional soul trainers. The latter themselves have imperfect tools and a variety of (often conflicting) goals. This makes for a messy and un-utopian (if not fully dystopian) society, but one that muddles through (a factor that can seem humorous in light of higher aspirations).

The interweaving of contemporary surveillance practices and popular culture serves as both soul training and resistance training. There is no sole form or impact. Using both hard and soft means, powerful forces may seek to reduce the soul to an object like a shoe sole that is worn down, expendable and interchangeable. But other forces such as those noted here resist and push toward a more soulful view of humans.

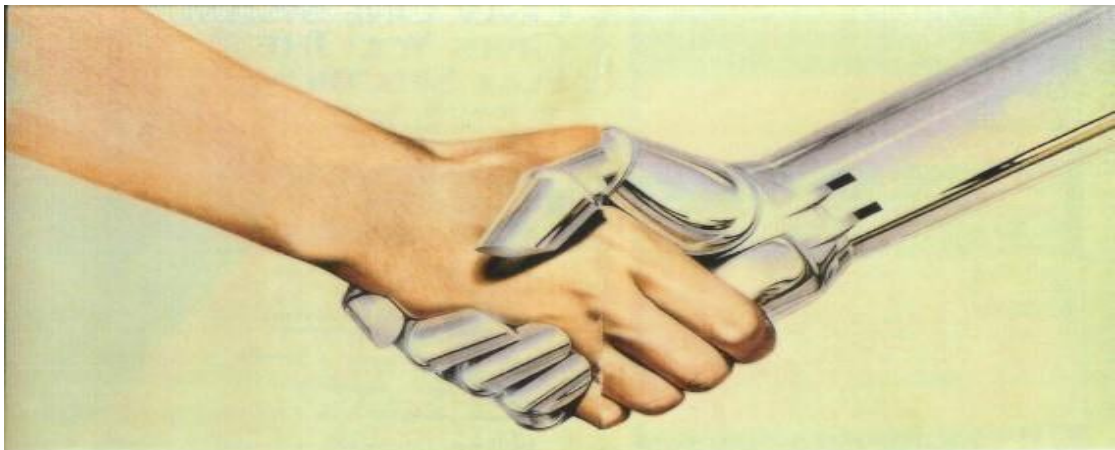
Annual Cato Institute/*Forbes* ASAP Conference

# Technology & Society 1999

November 4-5, 1999

Biltmore Hotel & Suites, Santa Clara, CA

Last year's speakers included Larry Ellison of Oracle, Eric Schmidt of Novell, Scott Cook of Intuit and



the **GLOBAL** issues of moving into the **HYBRID WIRELESS/WIRELINE** networks of the **FUTURE.**

While wireless networks provide personal, portable telephone access, and wireline networks provide the connections that span the globe, it is the interconnector of the two that promises an exciting future with greater reach and a wider range of services.

At TeleSciences, we're leveraging our long-term telephony experience and investing in solutions that will help you deliver, measure, and manage worldwide calls in the hybrid wireless/wireline networks of tomorrow.

## TECHNOLOGY FOR A BETTER WORLD



In reflecting on the new surveillance in cartoons I have shown, not explained, whether (and under what conditions) popular culture more generally serves as soul training for compliance or as soulful messages encouraging questions and even resistance is a topic for research.<sup>5</sup> Humor can undercut the taken-for-grantedness of communication on the topic (whether because of repetition or slant) which draws attention away from historical change and political meaning.<sup>6</sup> There is a need for systematic comparisons between jokes, music, cinema, literature, art and advertisements in various contexts and across mediums and societies. This would look at the culture of surveillance not as practice in our daily lives, but as cultural productions.<sup>7</sup>

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<sup>5</sup> I explore the meaning issues in greater depth in Marx, forthcoming and cut chapters "Soul Train: The New Surveillance in Popular Music" and, "The New Surveillance in Visual Imagery" at <https://press.uchicago.edu/sites/marx/index.html>. Verbal jokes about undercover policing are in Marx 1995, a review of Greenberg's (2020) fine cartoon book about surveillance is at Marx (2022a) and my efforts at self-satire intended to be humorous and humbling after all the accolades a recent book received is at Marx 2019.

<sup>6</sup> With respect to other images Finn (2012) suggests that photos of surveillance from repositories such as Getty, may serve to trivialize surveillance making it simply appear as business-as-usual lacking political meaning or reflecting historical change. Cartoons or the covers of books about surveillance (Guttzeit and Kalous 2021) can do the opposite, undercutting the tilt toward taken-for-grantedness.

<sup>7</sup> There are two traditions within "cultural studies of surveillance." One (Staples, 2013; Lyon, 2018) deals with understandings expressed in everyday behavior involving families, consumers, citizens and workers. The other form focuses on communication and the creation of content, whether as art, education, advertisements, news delivery, propaganda, or entertainment; some representative examples are McGrath 2004; Albrechtslund and Dubbeld, 2005; Muir 2012; Finn 2012b, and Monahan 2022). The second form gives direction and meaning to the first. However innovative behavior may act back on the second, as with the appearance of counters to drug testing.

This final cartoon summarizes a central message of Serge's lifetime of work. Note it doesn't imply "stop the technology," rather, "be wary and wise."

For that wisdom and for Serge I am most grateful!



(A. Levin/The New Yorker Collection/The Cartoon Book)

## Appendix: For Professor Serge Gutwirth on his Retirement



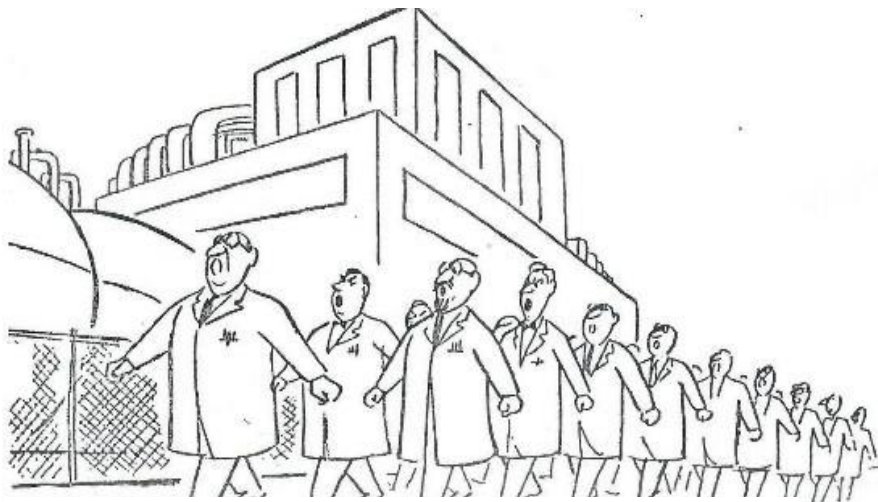
*Professor Serge Gutwirth, La Grand Place, Brussels 2017 - mon frère d'âme ("soul bruh") et un homme pour toutes les saisons et toutes les raisons.*

Serge Gutwirth is a person for all seasons - a pioneering international scholar who has played a major role in creating the emerging interdisciplinary field of law, technology, and society studies as this involves the protection of human rights. He has done this through his writing and the VUB research groups on human rights and later with LSTS (Law Science Technology and Society). The latter was among the earliest and the most prominent of international groups concerned with these questions. His degrees in law, criminology and science and technology studies have provided him with a keen eye for complexity and the historical, philosophical, and social underpinnings of contemporary technical change and the risks of untethered technology. He is well aware of the partial (and often partiality) of stories told by those who control the megaphones. He has French and Flemish cultural roots, but is equally comfortable with AngloSaxon culture, literature, and history. He has the cosmopolitan sensibility reflective of the

best of the European spirit. He has been a mentor to students who have gone on to do important work at the intersection of his fields.

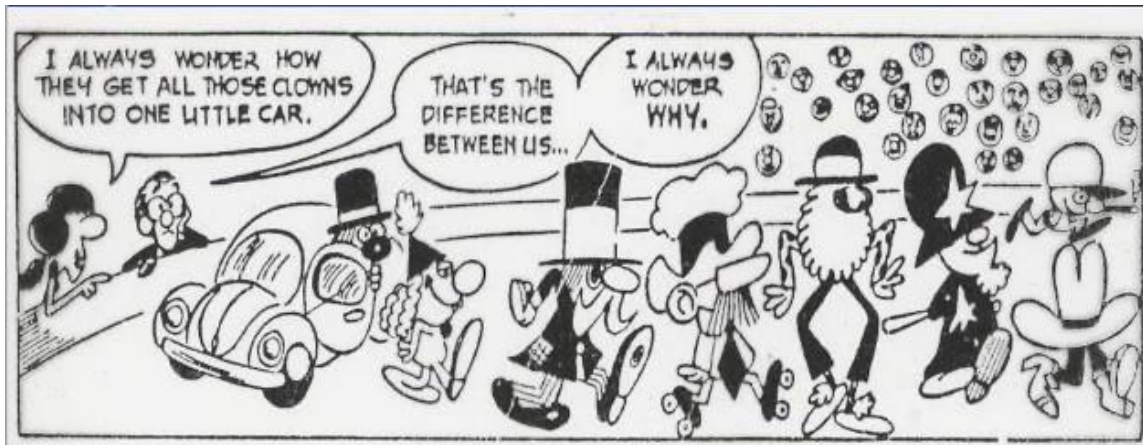
The annual Computers, Privacy and Data Protection Conference is legendary for the exchange of ideas and the creation of communities of interest in Europe and far beyond. I know others will address his academic record from his PhD thesis showing the centrality of privacy to personal freedom in a democracy to his voluminous work on data protection and the European citizen. In 2000, in reviewing *Privacy and the Information Age* (2001) for publication, I wrote (personal communication.)

Serge Gutwirth impressively draws on Dutch, German, French and English language sources to develop a strong argument regarding the centrality of privacy to personal freedom and the challenges to that sacred connection posed by new and increasingly omniscient, information technologies. most welcome addition to the literature on privacy and technology.



New Yorker Frank Modell Jan. 1958 (image, with altered text)

“From the fields of Flanders to the academies of Paris to the internationalism of Brussels to the fertile plains of the central valley to the deserts of Southern California to the hills of Berkeley to the libraries of Harvard to the labs of MIT to the mountains of Colorado to the waters of Bainbridge Island, we are the lads that you can trust to keep our countries strong and free.”



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