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BOOK REVIEW: WINDOWS INTO THE SOUL: SURVEILLANCE AND SOCIETY IN AN AGE OF HIGH TECHNOLOGY, BY GARY T. MARX, CHICAGO, IL: THE UNIVERSITY OF CHICAGO PRESS, 2016

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In surveillance studies, scholars are preoccupied with controversial issues raised by the constantly evolving surveillance technologies and recent trends that accompany these advancements. One contentious subject is built upon the discussion about mass surveillance, data protection, and the potential crossing over personal information borders. In the book *Windows into the Soul: Surveillance and Society in an Age of High Technology (2016),* Gary Marx ideally aims to set the somewhat fuzzy debate in surveillance studies when it comes to the frequently narrow discussions about whether surveillance is 'right' or 'wrong'. According to several authors, the monolithic metaphor of the *panopticon* from Jeremy Bentham and, later, Michel Foucault is spectacular but far-fetched within the context of modern computer-based surveillance technologies, specifically considering the power asymmetry that is progressively diminishing (Haggerty and Ericson: 2000; Dupont: 2008). The 'democratization of surveillance' and the decentralization permit greater access to individuals – not just authorities – to be the agents of surveillance whereas other actors are the subject (Marx and Muschert: 2007; Dupont: 2008). However, both academic and fiction literature advance potentially visionary depictions about the detrimental effects of surveillance, as George Orwell's influential book *1984* closing line portrays: *"But it was alright, everything was alright, the struggle was finished. He had won the victory over himself. He loved Big Brother."*

The debate around whether surveillance in today's society is 'good' or 'bad' is currently examined by scholars and the general public, subsequently shaping the discussion around two poles: technophobia and technophilia. For Gary Marx, empirical analysis is of utmost importance when generating judgments and analyzing various claims made by scholars in surveillance studies. In *Windows into the Soul,* Marx restates essential ideas about the 'new surveillance', ideas that he articulated through time, in various articles (Marx: 1998; Marx and Muschert: 2007; Marx: 2013; Marx: 2016). For the author, the alignment between the new surveillance technologies and the existing legal and technical protections against the potential troubles caused by new monitoring techniques results in a convoluted situation that requires heightened attention from scholars but also when imposing new rules and regulations.

The four main goals settled by Gary Marx at the beginning of his book concern empirical description, conceptual elaboration, cultural analysis, and ethics and policy, aiming at generating a conceptual framework for evaluating the dilemmas determined by the new surveillance techniques. Throughout the whole book, Marx contends multiple times that the variations encountered in scrutinizing the subject of

surveillance cannot be fully grasped with only one set of ethical standards. Essentially, this is the most noticeably supported theme throughout the book. Marx does not have a traditional approach on the subject of surveillance – that is, as the author contends, with a broad central argument – he offers rather a 'soft-driving' argument by the questions issued throughout the book and outline that the *setting* or *context*[1] of surveillance is of foremost importance. He commences his analysis from an initial remark about theoretical accounts – 'surveillance essays' that advance concepts such as the *panopticon*, *superpanopticon* (Poster: 1990), *society of control* (Deleuze: 1992), *liquid modernity* (Bauman: 2000) and so forth – narratives that frequently oversimplify the complexity of an empirical phenomenon through broad ideal types (Marx: 2016, p. 44). Thus, for Marx, a reasonable account would come after establishing a conceptual framework for analysis which is highly dependent on the setting of a specific type of surveillance and that requires taking into account both advantages and disadvantages.

For Marx, Foucault's *Panopticon* and Orwell's *Big Brother* are exaggerated depictions that are rather distant from the genuine picture of surveillance. The new demands in modern society brought different needs for maintaining order. In addition, various services are bound to the provision of personal data. Analyzing the new surveillance technologies – for instance, satellites, cards, internet monitoring devices, DNA screening – require a conceptual framework in order to comprehend their potential risks and benefits. The main thesis of the book revolves around the questions that must be raised in such an analysis.

The implications within the discussion around surveillance ethics are undoubtedly colliding with the subject of privacy. Marx considers that contemporary states cannot be perceived without the collection of personal data and, moreover, this tendency will increase alongside further 'softer' ways of gathering data. The new surveillance is present in democracies and, if one principle can be stated within the book with regard to privacy in democracies, *respect of the dignity of individuals* is the utmost basis in democratic societies (Marx: 2016, p.116). In a regime similar to Orwell's representation in *1984,* coercion and hard forms of control are put forth when an authority monitors people in their public and private life, forcing them to act according to the values of the regime. Conversely, 'soft surveillance' and the voluntary provision of data in democracies relies on the freedom to suggest, persuade, and convince individuals to voluntary provide personal data. This is the new type of surveillance that needs to be analyzed in the context of contemporary societies. Surveillance can be both an enemy and a friend of privacy. However, there is not a great amount of space dedicated to the specific issue of privacy. Moreover, there is no sketch or any minimal discussion about the ideas put forth in the literature around this topic (Scanlon: 1975; Parent: 1983) as he has no intention to consider this type of examination.

Gary Marx suggests an ethical framework that results from posing fundamental questions which need to be addressed as standards before scrutinizing whether surveillance in a given context is 'right' or 'wrong'.[2] Marx goes beyond the standard questions posed in ethics, rather arguing throughout his book that the foremost

1 By context, the author refers to geographical places and spaces, particular time periods, networks and systems (Marx: 2016, p. 18).

2 This represents an 'additive approach' towards understanding surveillance.

questions regarding surveillance should initially address and discover the necessary concepts for a comprehensive analysis of surveillance. Thus, a situational approach to the ethics of surveillance and its implications is required. There are numerous references to ways of establishing adequate conceptualizations and methodologies when approaching the convoluted study on various types of surveillance. Examples and case-studies from real-life situations are presented extensively in Marx' book, illustrating the variety of situations, types of data, and settings that can subsequently alter arguments and statements about surveillance from other authors.

Windows into the Soul offers a broad and complex image in a rather fragmented and dynamic field of inquiry, that is surveillance studies. The recent monitoring technologies are tools, and what both scholars and decision-makers are required to do is a concise evaluation and assessment with regard to potential risks and benefits in society resulted from such tools. The relation between the three actors in the new surveillance, the agent, the subject, and the audience, is different from what the classical depictions used to illustrate. The book offers an excellent analysis of the contemporary structures, processes, and goals of surveillance in the context of the present approaches towards data and information privacy.

At the first glance, *Windows into the Soul: Surveillance and Society in an Age of High Technology (2016)* may appear slightly inconclusive for many scholars, but Marx incontestably argues against the classical approaches to this specific subject, accounts which offer a clear-cut and rather oversimplified image of a complex problem. Ultimately, in the last part of his book, Marx delivers an invitation to carefully analyze the dimensions that seek to question and scrutinize the advantages and disadvantages of tools such as the new surveillance technologies, and moreover to attentively address the necessary rules and regulations. The book provides highly valuable materials for building unhurried judgments about surveillance in contemporary society.

References:

Bauman, Z., (2000), *Liquid Modernity*. Polity Press, Cambridge, UK.

Deleuze, G.. (1992), "Postscript on the Societies of Control", *October*, Winter, 59, pp.3-7.

Dupont, B. (2008), "Hacking the Panopticon: Distributed Online Surveillance and Resistance." *Sociology of Crime Law and Deviance* (Elsevier) 10, pp. 259-280.

Haggerty, K.D., and Ericson R.V. (2000), "The Surveillant Assemblage." *The British Journal of Sociology* 51, (4605), pp. 605-622.

Marx, G. T. (2013), "An Ethics for the New (and Old) Surveillance." In F. Flammini, R. Setola and G. Franceschetti (eds.), *Effective Surveillance for Homeland Security: Balancing Technology and Social Issues*, Taylor & Francis Group .

Marx, G. T. (2006), "Ethics for the New Surveillance." *The Information Society: An International Journal*, pp. 171-185.

Marx, G. T. (2016), *Windows into the Soul: Surveillance and Society in an Age of High Technology*. Chicago: The University of Chicago Press.

Marx, G. T., and Glenn W. M. (2007), "Personal Information, Borders, and the

New Surveillance Studies." *Annual Review of Law and Social Science* 3, pp. 375-395.
Orwell, G. (1999), *Nineteen Eighty-Four*. London: Secker & Warburg Ltd.
Parent, W.A. (1983), "A New Definition of Privacy for the Law." *Law and Philosophy* (Springer) 2 (3), pp. 305-338.
Scanlon, T. (1975), "Thomson on Privacy." *Philosophy & Public Affairs* (Wiley) 4 (4), pp. 315-322.