

## Book Review

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Marx, G. T. (2016).

*Windows into the soul: Surveillance and society in an age of high technology*. Chicago, IL: University of Chicago Press. 400 pp. \$35, ISBN-13: 978-0226285917.

**Reviewed by:** Bruce Jacobs, *University of Texas at Dallas, Richardson, TX, USA*

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There is arguably no topic more germane to American civil liberty than surveillance. What we do, where we go, and how we communicate are all increasingly being watched. The watchers no longer are exclusively government authorities—the Orwellian concern that has long plagued civil libertarians. Rather, surveillance has become part and parcel of the private sector. That has frightening implications for the nexus between liberty and security.

It is this state of affairs that Gary Marx expertly explores in *Windows into the Soul*. No person is better positioned to write this book than Marx. Author of the classic *Undercover: Police Surveillance in America* some 30 years ago, Marx was among the first to devote serious academic inquiry to the encroaching police state. Since publication of that book, the police state has gotten incrementally more invasive yet commensurately more privatized. That trend, I believe, is the core contribution of *Windows*.

Among the most troubling features of this new surveillance are its ubiquity, stealth, and exploitative capacity. Ubiquity is an artifact of technology infused in goods and services that is supposed to make our lives easier, more convenient, and more efficient. Every time we use a credit card, it leaves a record of where we shopped, when, and how much we purchased. Internet searches leave quasi-permanent trails that provide potential marketers a mechanism to target our preferences and exploit them for monetary purposes. Social media offers unparalleled opportunities to capture data, analyze it, and mine it for ulterior motives. Marx rightly points out that the rise of “surveillance capitalism” rivals or exceeds any privacy threats from the government.

Marx also points out that this kind of surveillance is often more insidious than the traditional Orwellian counterpart because it either is pseudo-voluntary or because people often are less than fully aware that is indeed taking place. Privacy, once lost, is extraordinarily difficult to reestablish—particularly when large multinational corporations that profit from its existence suggest that no one is really being harmed by the data collection and argue further that society is obtaining a net benefit from it.

The book is detailed, well-written, and smartly organized. Academic readers will appreciate the conceptual categories and taxonomies Marx uses to assemble the chapters and themes within the chapters. Academic readers also will appreciate the detailed footnotes and citations to studies as a way to organize many of the broader libertarian and justice-related issues the book identifies. Those same features, however, may make the book less accessible to a lay audience, which likely will labor through some of the conceptualization. Marx ably attempts to bring some of the arcane points down to everyday level, providing real-life examples from real-life people. His integration of cartoons, photographs, and other demonstrative evidence assists in this process. Still I came away from the

book feeling, for example, that many undergraduate students who read this book for a social control class will muddle through some of the dense writing if they are truly to appreciate the power of Marx's argument.

In the final analysis, these criticisms are more stylistic than anything else. The book exposes how Big Data/Big Tech may be more threatening to personal privacy than Orwell's Big Brother ever was. Marx implies that some of the harms from the encroaching surveillance state can be minimized so long as people are aware of what is happening and that the entities doing the monitoring remain accountable. The problem is that many of the tactics and technologies Marx outlines are either immune from, or resistant to, the disinfecting power of sunlight. Because Big Data, Big Tech, and surveillance capitalism work hand in glove, there is no real incentive to provide awareness. Or, if the awareness is provided, it comes at the expense of participation in that very technology or service (i.e., notorious opt out clauses, which link participation to permission to use our data).

Traditionally, surveillance has almost always been about the trade-off between security and liberty. The more security you want, the more freedom you have to give up. Of course, Benjamin Franklin once famously said that those who give up liberty for security deserve neither. Marx's *Windows into the Soul* puts this trade-off into stark relief and does so in a way that shows that the loss of liberty is not necessarily meaningfully accompanied by an increase in security. In fact, the new surveillance state (especially its private form) erodes both liberty and privacy while arguably decreasing levels of personal security. The fact that one is always being watched may make one feel safer, but the feeling is illusory and cannibalized by the invasive reach of technology. For Marx, the question comes down to how to leverage the utilitarian benefits of this technology in a way that prevents, or at least slows, the inexorable creep of social control.