



David Deutsch.  
*Apartment*, 2000.  
Gelatin silver print.  
35" x 47.5" x 2".  
From the series  
*Nightsun*. Courtesy:  
David Deutsch and  
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# A Brief Genealogy of Privacy: *CTRL [Space]: Rhetorics of Surveillance from Bentham to Big Brother*

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In his eulogy for Michel Foucault, Jürgen Habermas described Foucault's rereading of Kant's essay "What is Enlightenment?" as an act that brought to light Kant's gesture of mobilizing philosophy "to take aim at the heart of the most actual features of the present."<sup>1</sup> Habermas disagreed profoundly with Foucault about the Enlightenment and took issue with the "ironic distance" and stoic asceticism displayed by the latter with regard to Enlightenment values. Despite the depth of their disaccord, Habermas proposed that Foucault's reading of Kant's essay sets it up as one inaugural moment of philosophical modernity. After Kant, history's demands upon philosophy resonate with the urgency of contemporary contradictions. In trying to understand, then, the difficulty of thinking through the question of privacy and rights to privacy in the age of state-sponsored surveillance, I propose to undertake a brief genealogy of privacy in order to better understand what is at stake in the drive for total surveillance as well as in the struggle to protect the right to privacy. This work must be performed along the lines of Foucault's "labor of diverse inquiries," which entails "archaeological and genealogical study of practices envisaged as a technological type of rationality and as strategic games of liberties."<sup>2</sup>

When Kant responded to King Friedrich Wilhelm of Prussia's public query, "What is Enlightenment?" he pleaded for greater freedom in the public sphere and accepted the necessity of severe restrictions that would be placed on private expressions of doubt or dissent with regard to both state and church. For Enlightenment to be fully realized, Kant writes,

The public use of one's reason must always be free, and it alone can bring about enlightenment among men. The private use of reason, on the other hand, may often be very narrowly restricted without particularly hindering the progress of Enlightenment. By the public use of reason I understand the use which a person makes of it as a scholar before the reading public.<sup>3</sup>

In his dialogue with the sovereign Kant was ready to accept stringent restrictions on the private use of "reason" in the name of securing the widest possible freedom for the public exercise

of reason. Therefore, the use of private reason would have to bow down before what Descartes had called before Kant “custom” and what Kant was content to accept as the authoritarianism necessary for the smooth functioning of civil society. Free use of one’s reason before a reading public would operate under the reign of that all-powerful agent—“opinion”—which, Foucault claims, as a form of revolutionary power tolerates “no area of darkness.”<sup>4</sup> For Kant, public opinion would be capable of bridging the gap between politics and morality. As Habermas argues, “in the *Critique of Pure Reason* Kant had ascribed the function of a pragmatic test of truth to the public consensus arrived at by those engaged in rational-critical debate with one another.”<sup>5</sup> For Foucault, what accompanies this notion of the “reign of opinion” is “a dream of transparency” idealized by Jean-Jacques Rousseau and given flesh by Jeremy Bentham’s panopticon. For Habermas, the public sphere that arose in the coffeehouses, salons, and newspapers of eighteenth-century Europe constituted spaces where public debate took place.

Kant’s idealization of public opinion as the means by which reason and morality would be actualized in civil society as politics was immediately questioned by Hegel, whose theory of the state in his *Philosophy of Right* demoted public opinion to the means by which citizens were to be integrated into the state. As Jean Hippolyte reminds us in his *Introduction to Hegel’s Philosophy of History*, freedom existed for the young Hegel in antiquity because the “private life” of the citizen of antiquity

was not set in opposition to his public life. He belonged to the city, but the city was not like a State, or foreign power that coerced him. . . . this freedom was an integration of the individual to the whole, to an idea . . . that was present for him in reality and not in a beyond.<sup>6</sup>

This loss of freedom and the emergence of the public/private divide give Hegelian history its tragic cast: Hegel was against what he saw as the individualism of Christianity, which he considered a private religion—as opposed to ancient religions, which were religions of the city. Of course, what both Hegel and Hippolyte neglected was the fact that the civic virtues practiced in the Greek polis were based, as Habermas summarizes, on the male citizen’s *oikodespotes*, or absolute authority in the domestic sphere. *Oikos* is a site of economic productiveness, where slaves and women procure and produce the material necessities for the citizen’s existence. Citizens were set free from productive labor by a patrimonial slave economy. When both Kant and Hegel were writing or rewriting their treatises on political power and Enlightenment, the site of privacy was undergoing a thorough *embourgeoisement*: on the one hand, it became the space for the cultivation of modern literacy, letter writing, and novel reading. On the other hand, the functions of the private citizen were circumscribed by his participation in market relations and commerce. Both spaces sought to be free from state control—the first in order to secure a psychological autonomy

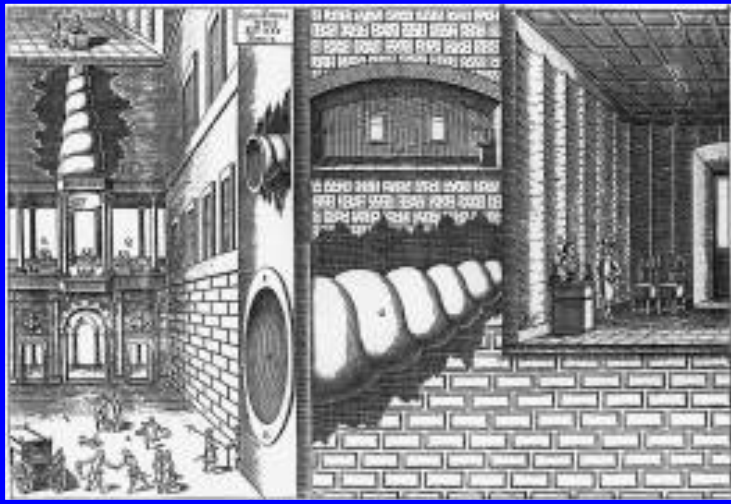
and the second to ensure the primacy of mercantilism.

Bernhard Siegert calls attention to the fact that “invasion of privacy” is a relatively modern legal category. From Roman times to the eighteenth century, letters were viewed primarily as testaments, to be read and received after the death of the author; tampering with letters was prosecuted under *crimen falsi*, or acts of fraud.<sup>7</sup> In fact, Siegert points out that the power of the state was founded on its ability to protect its citizens’ newfound sense of privacy. For Erasmus, letter writing was primarily a scholarly affair that combined both art and technique in the classical exercise of *exercitatio* and *imitatio*. He tried to help letter writers by offering models in his “On the Writing of Letters/De conscribendis epistolis,” a text that was pirated, printed, and reprinted.<sup>8</sup> As Siegert puts it, “Letters were recyclable discourse.”<sup>9</sup> The value of individuality and “imagination” in letter writing did not find prominence until well after the rise of the territorial postal system, “the *raison d’état* [had] transformed everyone into subjects of the modern state.”<sup>10</sup> It was only after this Foucauldian shift that the modern subject emerged as the author of the private letter, which became a space protected by the state for *both* self-reflection and self-exposure.

It has never been more urgent to theorize in a strong historical context a genealogy of privacy in relationship to rhetorics and new technologies of surveillance. *CTRL [Space]: Rhetorics of Surveillance from Bentham to Big Brother*, edited by Thomas Levin, Ursula Frohne, and Peter Weibel, is an invitation to do so. It could be argued that vision is the weapon of discipline societies, hearing the realm of the control societies, but have we been entirely dislodged from the Foucauldian nineteenth-century regime of discipline and moved into what Gilles Deleuze calls the control societies of the twentieth century? Astrid Schmidt-Burkhardt’s “The All-Seer: God’s Eye as Proto-Surveillance” and Dörte Zbikowski’s “The Listening Ear: Phenomena of Acoustic Surveillance” provide a setup for thinking through the division of the labor of control along the lines of sight and hearing. Schmidt-Burkhardt’s essay takes us from antiquity into modernity and at its best offers provocative historical details about representations of the eye in art—as when she shows how the Enlightenment and the French Revolution appropriated the image of God’s disembodied eye to new purpose. If the Christian God could see into the heart of sinners, the eye of the Republic embodies the ardor of its most passionate citizen and defender, Jean-Paul Marat, who made state surveillance of the newly enfranchised “public” his most important function. He saw no irony in the fact that more surveillance was necessary in order to guarantee hard-won freedom from tyranny. But by the time Schmidt-Burkhardt reaches her discussion of modernity, it becomes evident that she is performing a thematic reading of the asetheticization of the eye in art and, surprisingly, does not account for the question of the gaze.

Zbikowski’s essay on listening proposes a brilliant historical precedent for all forms of bugging and eavesdropping: megalithic

temples in Malta had various rooms and orifices that could amplify sound, paving the way for channeling the powers of architecture to serve the purposes of audio surveillance. Zbikowski's study of Athanasius Kircher's designs for listening devices at court is based on various drawings he made of loud-speaker-like listening devices that would be built into walls to amplify conversations taking place in front of innocuous "listening" statues and other hidden orifices.<sup>11</sup> The spy is another incarnation of the figure of Walter Benjamin's courtier, which he described as allegorizing the tragic submission of intellectual power to the tyrant.<sup>12</sup> Kircher, as would-be spymaster, had plans to provide Italian court architecture with various listening and surveillance systems—demonstrating that the entire baroque court system could be apprehended as an ear, labyrinthine and responsive.



In the early modern setups for surveillance, human anatomy remained the model upon which the devices of visualization and amplification were based. While art history describes the prostheses developed by the needs of surveillance, literary history provides a model for the dematerialization of the body. In an analysis of the history and genealogy of privacy in relationship to literary history, Wolfgang Ernst reminds us that there is a crucial connection between cybernetics and the emergence of the modern novel.<sup>13</sup> Ernst demonstrates that Puritanism and literary history offer us a key to understanding contemporary notions of both privacy and identity. The historical and political conditions that permitted the rise of the modern novel, namely, the enfranchisement of the bourgeoisie and the centralization of state power in eighteenth-century Europe also led to the fetishization of private life and privacy as the hallmark of individualism and its travails. As Ian Watt's *The Rise of the Novel* demonstrates, Puritanism intensified the Christian tendency, discursively inaugurated by Augustine's *Confessions*, toward intense self-scrutiny.<sup>14</sup> Foucault's thesis that power exercised over sexuality was exercised not in prohibition, but

Athanasius Kircher.  
*Spionage-Ohr,*  
*Entwurf einer*  
*Abhöranlage* [Spy-Ear  
 Draft of a Listening  
 System drawing].  
 Originally published  
 in Athanasius Kircher,  
*Musurgia Universalis,*  
 1650.

in gregariousness offers one way to understand the disciplinary power of the imperative to tell all.<sup>15</sup> Puritanical exhibitionism was in turn facilitated by both printing press and novel. Excessive pleasure in self-revealing is the unforeseen by-product of the Reformation injunction to make a detailed inventory of one's behavior and one's deepest, darkest secrets. The drive toward exhibitionism that arises out of excessive modesty and sexual ignorance is illustrated nowhere more pathetically than in book three of Rousseau's *Confessions*, where he describes his thwarted career as a "flasher" in order to justify his sexual innocence and promote his literary exhibitionism—at the same time.

My heated blood incessantly filled my brain with girls and women; but, ignorant of the relations of sex, I made use of them in my imagination in accordance with my distorted notions, without knowing what else to do with them. . . . My agitation became so strong, that being unable to satisfy my desires, I excited them by the most extravagant behavior. I haunted dark alleys and hidden retreats, where I might be able to expose myself to women in the condition in which I should have liked to have been in their company.<sup>16</sup>

Protestant interiorization of conscience led to scrupulous self-surveillance, which in turn created the conditions for profitable and productive self-exposure. But when is the act of confession an act of exhibitionism? Its pleasure threatens to make what would be a normal and disciplinary practice—religious self-examination—into the playground of perversions. Rousseau's attempts to shine the light of conscience in every corner of his past serves to produce both discipline and pleasure.

The space of public dissent and public discourse is increasingly saturated with spectacle and all its bewitching attendants—overwhelming violence, overweening celebrity, baffling beauty, photo ops, and docudramas about yesterday's news headlines. In his well-known essay "Postscript on Control Societies," Deleuze—also takes aim at the heart of the present, drawing a seductively elusive but total vision.<sup>17</sup> What he finds there is a moving target—the snake, which becomes a privileged image for his understanding of the latest mutations of capital. The conceptual smoothness of Deleuzian meditations offers another morphologically mimetic critique of the contemporary moment that upon first reading offers not so much access as stimulation. When Deleuze presents control societies as succeeding the disciplinary societies described by Foucault, the succession of one for the other is not perfectly self-evident. Discipline and control are implicated in a vital complicity with the operations of power that are mapped onto the disembodied eye and ear. Discipline is represented by forms of visual surveillance, while control is best represented by aural surveillance, as incarnated by the coils of the ear.

"Postscript on Control Societies" implies that liberal democracy and trade unionism must "adapt" to capital's latest

mutations, and in so doing, it literally leaves no room for the redemption of an idea of public space and dissent. Deleuze's essay contradicts in spirit the local efforts of the New York City Civil Liberties Union to document the presence of video surveillance cameras that are readily visible from the streets of Manhattan. The Union's project "sought out every camera" in Manhattan, "public or private, which records people in public space."<sup>18</sup> The inclusion of this project in the *CTRL [Space]* volume and exhibition reflected the most important proposal of this entire project: that by watching the watchers, listening to the listeners, or surveilling the surveillants, we engage in a struggle over what constitutes public spaces and private fears in the contemporary world. The inclusion of the New York City Civil Liberties Union project on video surveillance, as well as the presence of a number of essays focused on the constitution and reconstitution of civil liberties and civil responsibilities in the public spheres of our highly mediated democracies, reflects concerns about a notion of the public sphere that seems to have withered to the point of derision in the Deleuzian metanarrative of capital's latest mutations.

If read closely, the Deleuze essay seems to neglect in the name of an apocalyptic libertarianism that is as compelling as anything he has ever written, the most political and controversial themes touched upon by the contributors to the *CTRL [Space]* collection. Authority is no longer centralized or even localized in prisons and guard towers:

We're in the midst of a general breakdown of all sites of confinement—prisons, hospitals, factories, schools, the family. The family is an "interior" that's breaking down like all other interiors—educational, professional, and so on. The appropriate ministers have constantly been announcing the supposedly appropriate reforms. Educational reforms, industrial reforms, hospital, army, prison reforms; but everyone knows these institutions are in more or less terminal decline. It's simply a matter of nursing them through their death throes and keeping people busy until the new forces knocking at the door take over.<sup>19</sup>

When Deleuze tolls the death knell for interiority and liberal institutions, he invites his readers to find in the snake a new image of capitalism's power and to engage in a search for new weapons. Are these weapons to be used for purely destructive purposes, or can there be something to be redeemed from our failed and failing institutions? Is a defense of educational institutions, the public sphere, and its embattled autonomy a miserably liberal position? If, as Deleuze writes, the marketing department has become our Master, and consumer debt our virtual confinement, is it possible to speak of the public sphere without falling into nostalgia and reaction?

Despite his dismissal of dissent and contestation, Deleuze reminds us of important historical developments to which we must add at least one other dimension. In disciplinary soci-

eties, according to both Deleuze and Foucault, the individual stands in a polar but dependent relation to the mass. Not only does the transformation of all institutions into businesses appear to be a frictionless process, the theoretical account of the emergence of the individual leaves little room for the laborious struggle that brought him or her into being. The rise of the individual is a difficult process, one that takes place as a struggle over representations and discourses: literary critics, from Mikhail Bakhtin to Ian Watt, shows that the novel was a battleground of ecclesiastical and folkloric forces that struggled for supremacy in the European conception of life. The emergence of the disciplined bourgeois individual could not have taken place without the inscription of his or her secrets in the medium of the private letter. And Deleuze does cite Foucault's description of individuality as being dependent on the authentic signature. As Phillipe Ariès and his collaborators have shown in the collection *Histoire de la vie privée*, privacy gained ground with the establishment of the nuclear family as a center of bourgeois sentimentality in reaction against the sumptuary lives of the aristocracy and the communal lives of the European peasantry.<sup>20</sup> What Ariès and the historians of privacy pay less attention to is the relationship between the emerging space of literature and the decline of royal spectacle and folk festivities that had marked the rhythms of European life with images both lavish and grotesque before the *raison d'état* promised a new divide between private and public. In order to rationalize public space, public discourse, and public opinion, Kant had to imagine the public sphere as a space in which the spectacle of royal and folk festivities would be marginalized in the name of *ratio*. From the public exercise of reason, the truth would emerge from a contest of ideas.

In the past 250 years the notion of the public sphere has been attacked from every angle. But for Marx the unhappy consciousness of the public sphere does not arise from a sense of loss; it arises from the obfuscated relationship between the possibilities of dissent and private property. To be admitted to the public sphere, one had to be a property-owning male ("he must be his own master, and must have some property"<sup>21</sup>), whose autonomy was rooted in the market and who would share a common interest in preserving mercantilist principles governing private property. For Marx, private freedom or autonomy could only be realized when directed toward public activities, the most important of which would be the shaping of the state that would eventually be "absorbed into society." In so doing, the "autonomous public" would be able to secure for itself a "sphere of personal freedom, leisure, and freedom of movement. In this sphere, the informal and personal interaction of human beings with one another would have been emancipated from the constraints of social labor (ever a 'realm of necessity') and become really 'private.'"<sup>22</sup> Deprived of such possibilities of collective, purposeful activities, citizens of the liberal republics became increasingly well-adapted to the acceptance of private



life as leisure time. In antiquity the family or *oikos* was a site that produced both food and materials necessary for its members' survival; in modernity, domesticity increasingly became the site of consumption. In the eighteenth and nineteenth centuries in France, Great Britain, and Germany, however, the bourgeois family was extraordinarily productive of discourses of intimacy and sentimentality. Families might have taken their cues from literary models, but this in itself confirmed the family's role as the disseminator of techniques of reading and writing. Increasingly, however, private life has become the privileged space of exercising consumer choice in the fantastic cornucopia of the department store and the shop window. The fantasmagoria of the shop window becomes the place of urban reveries, fed by fantasies of redemption and liberation through objects that eventually, through their full assimilation into our most private realms, become fully realized as gadget. As private life has become narrowly circumscribed as the site of intense consumerism and of measures of surveillance and control, gadget-love teaches us how to live with both forms of power at once. In short, new developments in the construction of public and private spheres have outpaced our critical ability to account for the beginning of desire and the end of ideology.

In Athens the very principle of the democracy was haunted by slave labor and the sequestration of women. Its present destiny could perhaps be understood as the never-ending and deferred confrontation with the exclusion of labor and sexual difference in the public sphere. The highly contradictory and circumscribed notion of bourgeois privacy makes its transformation into an endoscopic limit (to be transgressed by police, media, and perverts), a political and libidinal inevitability. The unthought-through debt that the right to privacy owes to the right to property is repaid when privacy is transformed into property. The cold hard cash that even B-grade celebrity can earn seems to be the newest, shiniest brass ring to which ordinary people can aspire when reality television asks us to trade in the privacy of our bedroom or toilet for a few weeks of television fame. There is a seemingly inexhaustible reservoir of middle-class, bourgeois hotties trapped by credit-card debt and proud of their flat abdomens who submit to screen tests in order to expose every aspect of their lives to the television camera. In this segment of the overdeveloped world, individuals feel that privacy is the last thing they have left to exchange for the "safety" provided by a "fortune" in an increasingly dangerous and competitive world.

The culture industry's enthusiastic mobilization of surveillance technologies proves that Adorno and Horkheimer got it right when they suggested that mass-produced entertainment teaches us to submit and adapt to logics and technologies of domination.<sup>23</sup> Ursula Frohne and Thomas Levin suggest that we are being taught to adapt to technologies of surveillance through, first, their deployment in reality television and, second, their instrumentalization as narrative devices in film.<sup>24</sup>

Frohne and Levin argue that the technologies of surveillance are incorporated into forms of entertainment as a disciplinary introduction to new technologies. According to Deleuze, “If the stupidest TV game shows are so successful, it’s because they’re a perfect reflection of the way businesses are run.” In the new reality-TV shows, however, confinement and the illusion of interactivity create a complicitous relationship between viewers and contestants.

Jean Baudrillard not only calls reality television stupid, he accuses it of having implicated us all in the second Heideggerian crime of the twentieth century: “the second fall of man, the fall into banality,” which is worse or at least more perfect, he believes, in its criminality than “Auschwitz, Hiroshima, genocides.”<sup>25</sup> *Loft Story* has sent Baudrillard searching to seal our collective guilt for having murdered “real life.” Like Deleuze, Baudrillard



does not refrain from calling television “stupid”—a loaded gesture if there ever was one, as Avital Ronell has amply demonstrated.<sup>26</sup> As stupidity makes greater demands on our attention, intelligence is no longer what it used to be.

Reality television is the pedagogical mass-mediatization of the imperative whose origins lie in Max Weber’s understanding of the Protestant ethos of capitalism—to be relentless in wresting profit from the most unlikely places; that is, for example the televisualization of the everyday lives of unextraordinary but not unattractive people. Daniel Defoe’s *Robinson Crusoe* is the first *Survivor*, anticipating in the allegorical space of the desert island the attitudes of ruthless and rugged individualism that entertained and instructed readers of the early novel in how to adapt to industrialization and urbanization. For Ian Watt it is a measure of how alienated Defoe’s readers were from any kind of subsistence farming or guild craftsmanship that they could be so fascinated by the endless details of Crusoe’s do-it-yourself projects. Crusoe, like his televisual progeny, also finds

Josh Harris/  
Panopticon Inc., New  
York. *We live in Public*,  
2000/2001. Webcam  
videostills from the  
120-day experiment  
of a live and constant  
webcam observation.  
Courtesy: [www.welive-  
inpublic.com](http://www.welive-<br/>inpublic.com).

himself almost alone on a desert island. His bottom line is survival, and the record of his travails on his desert island is evidence of divinity itself:

once the highest spiritual value had been attached to the performance of the daily task, the next step was for the autonomous individual to regard his achievements as a quasi-divine mastering of the environment. It is likely that this secularization of the Calvinist conception of stewardship was of considerable importance for the rise of the novel. *Robinson Crusoe* is certainly the first novel in the sense that it is the first fictional narrative in which an ordinary person's daily activities are the center of continuous literary attention.<sup>27</sup>

It is the ordinariness of reality television's subjects and activities that is crucial in disseminating a radical and Puritanical democratization of grace that accompanies the continuous efforts exerted on behalf of Protestantization and the ethos of capitalism to flatten out hierarchies and eliminate distinction in the pursuit of both survival and profit.

As we confront the intense aestheticization and commodification of private life, we are offered miniaturized freedoms and miniaturized pleasures powered by the seductive twins, consumer "choice" and gadget "love." Voting itself can now be understood by a television-watching public as merely one form of "interactivity" involving our impunity in exacting a petty revenge on some character on *Survivor* or *Big Brother* whom we find particularly annoying. Hipster shopping appears to be more potentially transgressive, more "empowering," and more liberating than any public use of one's reason.<sup>28</sup> It is better than sex, and postgadget sex hardly exists without the possibility of surveillance. If we are to understand the television in terms of the gadget as theorized by Laurence Rickels and Theodor Adorno, we have to direct our attention to the gadget's pedagogical functions—it teaches us both to save and to kill time by adapting to technology. In "The Stars Down to Earth," Adorno's essay on the *Los Angeles Times* astrology column, he noted with some consternation that advice was often given about purchasing time- and labor-saving gadgets. He knew that this was a prime directive to relax and regress through a process of "compulsive libidization": gadget cathexis treats the "means" as though "they were things themselves"<sup>29</sup> and promotes a fetishistic attitude toward the conditions that block consumers from any form of self-determination. What television as an exemplary gadget saves us from is the labor of participating in the public sphere in order to imagine different futures. In *The Case of California*, Rickels points out that gadgeteering, like Mouseketeering, initiated Cold War citizens into group identity by individuating and massing them together as "fun-loving" consumers.<sup>30</sup> Gadgets require both discipline and control. Televisual variety and unleashed consumerism were the featured differences between what we imagined to be the infinite pleasures

of consumer capitalism and the circumscribed drabness of Communist totalitarianism. What is striking about post–World War II developments in the television and the gadget is their compatibility and similarity with forms of technology used by state-sponsored organs of surveillance. Gadgets are miniaturized prostheses—and fit into the available orifices of the consumer body: they resist decorporealization insofar as they provide an imago for the ideal organ. Palm Pilots, Blackberries, refrigerators that send e-mail, robot vacuum cleaners, iPods, and customized cell phones require psychic docking ports that allow data to be attached to bodies in motion. The “dividual” that Deleuze describes as being the subject of the new control societies may in some way be understood as the gadgeteer—a cyborg, if not a citizen whose attachment to new technologies trumps his or her attachment to sex or other strenuous activities. In addition, the drive to miniaturize technologies of surveillance brings with it the threat of their potential abuse: the gadget (for example, cell phone cameras recently prohibited in locker rooms) is a bite-size piece of surveillance that can be unleashed for purposes well outside the purview of state sanction.

Gadget-love was Warhol’s main passion. Branden Joseph suggests two things about Warhol’s misappropriation of tape-recording technologies and other surveillance devices: he did indeed pervert the use of technologies that the Cold War state wanted to control—as instruments of espionage—to be used against the enemy and as consumer electronics to be used in the family. But Warhol also seems to have prepared us for the 24/7 surveillance of reality both televised and not. Joseph has unearthed a wealth of resources regarding the appropriate use of surveillance technologies for policing deviants. If surveillance technologies were made accessible to individuals—that is, diverted from their proper use by the state—they could be used for the satisfaction of voyeuristic tendencies, which in turn feed off a potentially contagious exhibitionism that, according to Alan F. Westin, could unleash the total destruction of a proper sense of privacy:

The analysis of invasion of privacy properly begins with “self-invasion,” the lack of reserve through which an individual fails to observe his own minimum boundaries of privacy. . . . Obviously, if enough individuals lose their reserve, the sense of discretion in others would be affected; those who tell all prompt others to ask all. A particular aspect of many of the new drugs, such as LSD-25, is that they may greatly affect the individual’s daily personal balance between what he keeps private about himself and what he discloses to those around him. Widespread use of such drugs could profoundly alter our traditional interpersonal sense of privacy.<sup>31</sup>

Westin’s Cold War anxieties are technocratic revisions of Erasmus’s humanist pedagogy: in his treatise on the education of princes he, too, is concerned about instilling in young people a proper sense of shame around bodily functions that,

according to Norbert Elias, was not yet firmly grounded in the European psyche.<sup>32</sup> For Elias, Erasmus's advice about what is proper when one sees an acquaintance urinating in the street (don't greet him is the sage counsel) reveals the shakiness of public/private divides in Renaissance Europe.

Warhol, it seems, was able to mine a craving for media attention in his entourage in order "to record" and "to replay" what the bourgeoisie had in its ascendancy been so careful to keep hidden under the shame-inducing veil of hard-won modesty—bedroom and bathroom activities of various kinds. But by making the private public, we transform the very notion of the public sphere itself. Private pleasures and secrets exposed by Puritanism's inexorable will to transparency make of Kant's reading public a mass of potential voyeurs ready to consume the latest piece of prurience. Rational discussion gives way to the power of perverse desublimation. Public indifference seems to be the unforeseen by-product of overexposure both to celebrities and to politics. In "Publicity and Indifference: Media, Surveillance, 'Humanitarian Intervention,'"<sup>33</sup> Thomas Keenan directly takes on television, genocide, and public indifference. Keenan focuses on the question of the public sphere and the question of Kosovo as he tries to understand what failed when it seemed an atrocity was happening before our very eyes and no public outrage, no effective action on the part of the international community ensued. These reflections testify to the difficulty of constituting a politics of outrage through the sole "broadcast" of outrageous images. We can no longer rely on activating a viewing public by merely "showing" and "telling" the story on television.

Paul Edwards also deals with war and the fantasy of total transparency, but in his case as it has been imagined by the U.S. military. His "Military Command-Control Systems and Closed World Politics" is an examination of the complex and never quite fully functional computer-controlled response system SAGE (Semi-Automated Ground Environment), an air-defense system meant to identify and intercept enemy aircraft in U.S. airspace.<sup>34</sup> SAGE, much like Ronald Reagan's Star Wars, was never fully functional, but it performed labor of a different sort: it accomplished something on the level of imagination that has persisted in the American ideal and idea of air defense and air wars: complete protection from the enemy through the coordinated use of computers and radars. Behind an impermeable curtain of computer-controlled interceptors and surveillance systems, the U.S. military wants to be able to launch a massive air-strike, a relentless hammering of the enemy's military capabilities that would bring them/it to their/its knees without fear of reprisal. Edwards predicted the strategy used against both the Taliban in Afghanistan and Saddam Hussein's forces in Iraq. Total surveillance of U.S. airspace implies total control of the prosecution of offensive air wars and promotes another kind of indifference on the level of global politics: U.S. indifference to multilateralism or internationalism. Guaranteeing

the safety of U.S. airspace from derisory enemies such as North Korea justifies our latest efforts on behalf of rocket science. Surveillance and its drive for totalization and control is finally a strategy of total war that has become the stuff and substance of everyday life. Just as an OxyContin-addled Rush Limbaugh declared war every day over the airwaves against the exercise of reason in the public sphere, so does total air surveillance declare war on international consensus building by promulgating the politics of a closed world under total air surveillance.

The aestheticization of surveillance is a dangerous and perhaps necessary strategy for artists (as the exhibition makes clear), but it is not necessarily an irresponsible celebration of the surplus pleasure produced by watching and being watched. An ethical, historical, and political dimension of this work, the making visible or accounting for surveillance technologies, also alerts us to the diffusion of Bentham's panopticon principle. Although we can no longer share Kant's optimism about the public exercise of reason—nor sign on the dotted line of his contract with a sovereign—we can refuse to abandon the public sphere to the pyrotechnics of spectacle and voyeurism on the one hand and surveillance and control on the other. Aesthetic interventions compensate for polemical weakness with conceptual or theoretical strength: autonomy of the work depends upon an ascetic attitude with regard to denunciation or condemnation. The artwork is severely limited in its capacity as a transmitter of a political message; it is most powerful when it is able to reflect upon its own medium and materials. The emancipation of contemporary art, however, goes hand in hand with the destruction of old regimes.

Since September 2001, many voices have been raised in defense of civil liberties, and there has been serious public discussion about surveillance and its constitutionality, especially in relationship to the USA PATRIOT Act. Nancy Chang and Christian Parenti have made important contributions in this area.<sup>35</sup> Chang's work emphasizes the anticonstitutionality of many provisions of the USA PATRIOT Act. She reminds us that while the courts historically have never been particularly courageous about defending the Constitution or the Bill of Rights during wartime, since September 11, 2001, four trial court judges have ruled that antiterrorism measures are illegal.<sup>36</sup> However, thousands of pieces of legislation are being proposed in local and state legislatures that would have a restrictive and chilling effect upon an already weakened culture of dissent in this country. For Chang, protecting the privacy of citizens is guaranteed by the Fourth Amendment. Even from this essentially liberal and reform-minded approach to the politics of surveillance, we can see that participation in the public sphere is precisely what is being discouraged by an authoritarian and intrusive government. As such, the increasingly grim look of the public sphere has created an explosion of interest—at least among the educated, privileged, and liberal classes—in interior décor: it is under the collapse of the public sphere that we

allow ourselves to believe that improvements can be made only on the home or self.

Christian Parenti's *The Soft Cage* offers a sweeping and fascinating look at the history of surveillance in the United States.<sup>37</sup> Parenti's study of slave passes and the Chinese Exclusion Act (which brought with it the first attempts to register an entire ethnic population in the United States) aptly brings to bear the history of race and labor relations, criminalization, taxonomy, and the drive to control minority populations on the debate about surveillance. Documenting minorities and immigrants, as well as pacifying labor, were always primal objectives of surveillance and control in the history of the United States. Parenti, along with Chang, reminds us that J. Edgar Hoover's FBI invaded the privacy of citizens in continual violation of the Constitution. There are no good old days of democracy. It is evolving, a contested and collective work in progress.

If we are to return to the question of contemporary art and its role in allowing us to think about civil liberties, privacy, and the politics of dissent, we should consider the art world itself as a tiny microcosm in our culture where conflicts between marketplace and public discourse are played out. Here we find that the interests of artists as producers are very poorly represented by the current state of art criticism or public discourse and that the needs of collectors and dealers are uncannily affirmed by the anti-intellectual libertarianism of the dominant critics. In his obituary for Kirk Varnedoe, Michael Kimmelman did not fail to bash theoretical or "ideas-driven" art history and art criticism as if Kimmelman's enemies in the culture wars had been able to muster up a serious challenge to the middlebrow connoisseurship of the *New York Times* since the 1980s.<sup>38</sup> No establishment art critic loves anything more than dismissing identity politics and championing the star of the moment. While it is certainly true that Clinton-era multiculturalism should be thoroughly critiqued, so should it be exposed that the laughable firewall between critics and dealers would make for more blood-curdling conflict-of-interest stories than would a bevy of vice presidents from Credit Suisse First Boston. It should go without saying that contemporary museum and gallery practices are dominated by the star system and spectacle, but we can and should imagine different worlds, different regimes of judgment, different ideas of aesthetic and political participation. In his *Aesthetic Theory*, Adorno wrote that every authentic work of art evoked in its listeners/viewers a deep experience of its process of creation, thereby making every act of reception an act of production.<sup>39</sup> If contemporary art can be the means by which gadgeteering's inexorable discipline is displaced by lo-tech love, it can also be a means by which we imagine ourselves as active subjects of modernity *and* citizens of a democratic work in progress. In creating alternative spheres of public dissent and critical reflection, contemporary art has the potential to remind us of what we are struggling for in a time of crisis.

## Notes

1. Jürgen Habermas, "Taking Aim at the Heart of the Present," in *Foucault: A Critical Reader*, ed. David Couzens Hoy (London: Blackwell, 1986), 105.
2. Michel Foucault, "What is Enlightenment?" in *The Foucault Reader*, ed. Paul Rabinow (New York: Pantheon Books, 1984), 50.
3. Immanuel Kant, "What is Enlightenment?" See [http://ethics.sandiego.edu/Books/Enlightenment/Kant\\_Enlightenment\\_IE&NS.htm](http://ethics.sandiego.edu/Books/Enlightenment/Kant_Enlightenment_IE&NS.htm).
4. Michel Foucault, "The Eye of Power: A Conversation with Jean-Pierre Barou and Michelle Pierrot," in *CNTRL [Space]: Rhetorics of Surveillance from Bentham to Big Brother*, ed. Thomas Levin, Ursula Frohne, and Peter Weibel (Karlsruhe and Cambridge, MA: ZKM, Center for Art and Media, 2002), 87.
5. Jürgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*, trans. Thomas Burger and Frederick Lawrence (Cambridge: MIT Press, 1998), 107–08.
6. Jean Hippolyte, *Introduction to Hegel's Philosophy of History*, trans. Bond Harris and Jacqueline Bouchard Spurlock (Gainesville: University of Florida Press, 1996), 17.
7. Bernhard Siegert, *Relays: Literature as an Epoch of the Postal System*, trans. Kevin Repp (Stanford: Stanford University Press), 40–41.
8. Erasmus of Rotterdam, Desiderius. "On the Writing of Letters/De conscribendis epistolis," trans. Charles Fantazzi, in *Collected Works of Erasmus*, vol. 25, ed. J. K. Sowards (Buffalo: SUNY Press, 1985).
9. Siegert, 32.
10. Siegert, 32.
11. Athanasius Kircher, "Spionage-Ohr: Entwurf einer Abhöranlage" [Spy Ear: Draft of a Listening System Drawing], in *Musurgia Universalis* (Rome, 1650); cited in *CTRL [Space]*, ed. Levin, Frohne, and Weibel, 39.
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14. Ian Watt, *The Rise of the Novel* (Berkeley and Los Angeles: University of California Press, 1957).
15. Michel Foucault, *History of Sexuality*, trans. Robert Hurley (New York: Vintage, 1990).
16. Jean-Jacques Rousseau, *The Confessions* (London: Wordsworth Editions, 1996), 84.
17. Gilles Deleuze. "Postscript on Control Societies," in *CTRL [Space]: Rhetorics of Surveillance from Bentham to Big Brother*, ed. Thomas Levin, Ursula Frohne, and Peter Weibel (Cambridge: MIT Press, 2002), 316–21.
18. *CTRL [Space]*, 368.
19. Gilles Deleuze, "Postscript on Control Societies," in *CTRL [Space]*, ed. Levin, Frohne, and Weibel, 318.
20. Phillipe Ariés and Georges Duby, ed., *Histoire de la vie privée* (Paris: Editions du Seuil, 1985).
21. Immanuel Kant, "Common Saying," 78; quoted in Habermas, 110.
22. Habermas, 129.
23. Theodor Adorno and Max Horkheimer, *Dialectic of Enlightenment* (New York: Continuum Publishing, 1998).
24. Ursula Frohne, "Screen Tests: Media Narcissism, Theatricality and the Internalized Observer," in *CTRL [Space]*, ed. Levin, Frohne, and Weibel; and Thomas Levin, "Rhetoric of Temporal Index: Surveillant Narration and the Cinema of 'Real Time,'" in *CTRL [Space]*, ed. Levin, Frohne, and Weibel.
25. Jean Baudrillard, "Telemorphosis," in *CTRL [Space]*, ed. Levin, Frohne, and Weibel, 484.
26. Avital Ronell, *Stupidity* (Urbana and Chicago: University of Illinois Press, 2002).
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28. For a sustained account of the marketing of “cool” in the history of the protest movements of the sixties, see Thomas Frank, *The Conquest of Cool: Business Culture, Counterculture and the Rise of Hip Consumerism* (Chicago: University of Chicago Press, 1998).
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31. Alan F. Westin, *Privacy and Freedom* (New York: Atheneum, 1967), 52–53; cited in Branden Joseph, “Nothing Special,” in *CTRL [Space]*, ed. Levin, Frohne, and Weibel, 251.
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33. Thomas Keenan, “Publicity and Indifference: Media Surveillance, ‘Humanitarian Intervention,’” in *CTRL [Space]*, ed. Levin, Frohne, and Weibel, 544–61.
34. Paul N. Edwards. “Military Command-Control Systems and Closed World Politics,” in *CTRL [Space]*, ed. Levin, Frohne, and Weibel, 328–45.
35. Nancy Chang, *Dissent: How Post–September 11 Anti-Terrorism Measures Threatens Our Civil Liberties* (New York: Seven Stories Press, 2002); and Christian Parenti, *The Soft Cage: Surveillance in America: From Slave Passes to the War on Terror* (New York: Basic Books, 2003).
36. Chang, 136.
37. Christian Parenti, *The Soft Cage: Surveillance in America, from Slave Passes to the War on Terror* (New York: Basic Books, 2003).
38. Kimmelman quotes Adam Gopnik’s characterization of Kirk Varnedoe’s conception of art as “art first,” that is, free from a “thorny crown of ideas.” He then describes Varnedoe’s work as anti-Marxist and anti-Hegelian. *New York Times*, C:10, August 15, 2003.
39. Theodor Adorno, *Aesthetic Theory*, trans. Robert Hullot-Kentor (Minneapolis: University of Minnesota Press, 1997).