

Exposed: Desire and Disobedience in the Digital Age

by Bernard E. Harcourt.

Cambridge, MA: Harvard University Press, 2015,

364 pp.

\$35.00 Hardcover

Tsung-Ling Lee*

Much has been written about the perils of data-mining that betrays the most intimate details of individual's life. Indeed George Orwell's 1984 provides an eerily reference for Edward Snowden who revealed the extensiveness of National Security Agency's (NSA) surveillance permeating every aspects of digital life. Yet surprisingly, beyond the passage of USA Freedom Act, Snowden's revelation provoked little public outrage nor elicited wide bewilderment. Such display of political apathy over the loss of privacy, legal and political theorist Bernard E. Harcourt puts it succinctly, "we ignore what we suspect or even know about being tracked and exposed. We put it out of our minds." Professor Harcourt's *Exposed: Desire and Disobedience in the Digital Age (Exposed)* is intellectually stimulating, thought-provoking - if not dauntingly bleak - read. What distinct Snowden from Orwell's 1984, and by extension, Jeremy Bentham's Panopticon, and the notion of a "surveillance state", Professor Harcourt persuasively argues, is that today individuals surrender their privacy willingly, and even, enthusiastically. Unlike the subjects under the watchful eyes of big brother, individuals' exhibitionist impulses to share, to like, and be liked, exposes themselves to the praying eyes of mass surveillance. Professor Harcourt muses, "It almost feels as if whoever designed our new surveillance age - as if there were such a person - learned from the error of 1984." Instead, Professor Harcourt argues that individuals live in "the Expository Society", driven by the exhibitionist impulses to share, paradoxically to the detriment of the cultivation of an authentic self.

Perceptively eloquent, *Exposed* waves critical legal and social theories in advancing the central thesis: seduced by small doses of immediate pleasures, individuals willingly surrender their privacy thus making themselves transparent to the amalgam of NSA and FBI agents, social media, Silicon Valley firms,

private consulting groups, hackers, advertisers, politicians and themselves. The colossal of public and private actors involved in the mass web of surveillance challenges the conventional notion of state. As individuals trade in privacy for trifling gratifications of immediate pleasures, it reconfigures relations of power throughout society and redefines the social landscape and political possibilities that produce new circulation of power in society. Professor Harcourt's expository society raises important political, legal and ethical questions.

The book makes an erudite read and will appeal to a wide range of audience. The subject matter is decidedly accessible for general public; professor Harcourt skilfully waves anecdotes making the book a persuasive read. Written evidently with wealth of expertise in penal law and sociology of punishment, the book will appeal equally to scholarly audience, particular with the conception distinction of the Expository Society, useful for further scholarly investigations in the normative implications of science and technology in everyday life. Skilfully synthesized, Professor Harcourt assembles an array of scholarly works by Michel Foucault, Gilles Deleuze, Max Weber, Alexis de Tocqueville, Guy Dubord, and among others, which demonstrate powerfully his central claims. The book is of further interests to public health policy makers who are interested in the use of wearable technology to improve individual's health and wellness. Professor Harcourt's central thesis has hauntingly relevance in the realm of wearable technology. The blurring boundaries between digital and analogue selves rises important, and often difficult, legal and ethical questions.

Divided into four parts, the book progresses effortlessly through four well-organised, coherent themes. The first section, "Clearing the Grounds", disputes the conventional comparisons of Snowden's revelation to that of George Orwell's Big Brother, the "Surveillance State", and Jeremy Bentham's Panopticon. Instead, professor Harcourt argues, individuals now live in an expository state, distinct by its capability to exploit, not suppress, individuals' desires. This conceptual distinction enables the readers to better comprehend the poignant shifts in power architecture underlying the digital age which the book later returns. The second section, "the birth of the Expository Society", proceeds to elaborate the political conditions that give rise to the Expository Society, noting the birth of the Expository Society coincided with

* Postdoctoral fellow with the Asia Research Institute, National Singapore University.

the shift in the legal discourse where rational actor model replaced the earlier humanistic model. Importantly, professor Harcourt argues that it is not the loss, but rather the commodification of privacy, that is alarming. The third section, “the Perils of Digital Exposure”, expounds on the political, legal and ethical implications arising from excessive digital exposure on the self. Here, professor Harcourt illustrates four stages of mortification of the self that occur through digital interactions, yielding submission and obedience. Section four, “Digital Disobedience”, concludes with recommendations where professor Harcourt urges citizens to partake “digital resistance” as a means to combat excessive digital exposure.

Notably, the Expository Society relies heavily on the metaphor of penal system, which is woven throughout the book. Historically, the penal system functions by depriving individuals of their privacy and autonomy, which are considered as necessary for the extraction of information and effective social control. In contrast, in the Expository Society individuals freely and knowingly surrender their privacy such that, professor Harcourt asserts, pleasure and punishment converges and renders physical incarceration obsolete. Professor Harcourt writes, “ordinary life is uncannily converging with practices of punishment: The see-throughness of our digital lives mirrors the all-seeingness of the penal sphere.” Professor Harcourt laments, “Eventually there may be no need for punishment since we will be able to monitor every movement and action.” Even more disturbingly, as a consequence of the convergence of punishment and pleasure, privacy is turned into a consumption good, where it could be bought and sold in a marketplace.

Notably, the notions of privacy and dignity were once fiercely defended and protected in the US legal discourse. In fact, in striking down an ordinance that prohibits loitering on the ground of vagueness, Supreme Court Justice William Douglas remarks in *Papachristou v. Jacksonville* that having a realm of privacy is “historically part of the amenities of life as we have known them. They are not mentioned in the Constitution or the Bill of Rights...These amenities have dignified the right to dissent...and the right to defy submissiveness.” According to Justice Douglas, privacy is an essential human need, critical for nurturing independence and cultivating self-confidence. The humanist discourse on privacy thus recognises the important human need to be left alone by the

government and reaffirms the strong, secular spiritual importance of privacy and autonomy. As a side note, even though the cases referred in the book are exclusively Americans, given the subject matter, the book would be of relevance to audience outside of the US.

Yet in the Expository State, the intrinsic values of privacy and autonomy are notions easily dismissed. Instead, privacy is conceived in a form of private property in the Expository Society. The political shift of the United States Supreme Court, along with the dominance of neoliberal economic thoughts in the US political discourse, professor Harcourt argues, facilitated the shift to commodified conceptions of privacy. However, professor Harcourt does not go so far as to argue that the humanist tradition upheld by Justice Douglas was more protective of privacy than the current neoliberal framework. What is concerning about the shift to a privatized form of privacy, professor Harcourt argues, is that the public becomes complacent even in the face of evisceration of it. Prioritizing economic rationality thus explain, in part, the lack of public concern about privacy and autonomy interests in the wake of the Snowden revelations.

The crux of the debate, then, should we care about the apparent complacent over the loss of concern about privacy? According to professor Harcourt, the answer is a resoundingly yes. In addition to the exploitation of individuals’ desires by an amalgam of private and public actors, professor Harcourt asserts, new digital technologies have begun to shape individuals’ subjectivity and impose restraint on the expression of authentic self. The book takes a critical examination on the adverse effects of excessive digital exposures on individuals in section three, where it elaborates on the mortification process of the self occurring in the digital realm. Professor Harcourt compares the mortification process of the self by reference to the process commonly observed in prison that occurs in four stages: first, the subject adjusts to the environment; second, the subject responds to the reality of being imprisoned; third, the subject transforms in responds to the new information; lastly, the subject creates a new identity in order to survive in the environment. The prison comparison, professor Harcourt argues, is relevant because it demonstrates how power relations within an institution or larger system can produce a moral experience. In the digital age, the rules and norms that govern the digital

sphere may critically deprive individual the opportunity to genuinely express the authentic self, where the individual could lose his own conception of the good life. Thus professor Harcourt argues that insofar as the private and public actors actively exploit individual's exhibitionist impulses in the digital age, the moral agency of the individual is at stake.

In keeping with the incarceration analogue, professor Harcourt then proceeds to explain how the Expository Society has, in essence, "a shell as hard as steel." Professor Harcourt argues that the extensive networks of surveillance by the public and private actors which provide the data necessary to feed into predictive policing, the digital exposure, along with corrective monitoring, work together to form a steel digital prison. While the incarceration imaginary is provocatively powerful, this part of the book is somewhat less convincing. At several instances professor Harcourt compares the Apple Watch to an ankle bracelet worn by parolees as an example of the convergence of pleasure and punishment: "new forms of correctional surveillance begin to converge – as the Apple Watch, the ankle bracelet, and GPS tracking merge into each other – we face a new, generalized carceral condition marked by astounding levels of monitoring." While it is true that Apple Watch collects valuable personal data information the same way an ankle bracelet does, but the wearer of Apple Watch is not subjected to the punitive gaze as that of a parolee. What would have been more persuasive, would be comparing the use of wearable technology

by the private health insurance company to incentive the individual to conform certain type of health behaviour. This would have been a finer-grain of analysis, illustrative of the problematic nature of the uses of technology that merges pleasure and punishment. In other words, willing and forced participation are two different things, and should be distinguished as such, particularly in light of the ethical and legal implications that may arise from the use of the technology.

The book concludes with practical, albeit modest, recommendations. Professor Harcourt urges individuals to partake in "digital resistance" against the tyranny of the Expository Society. Digital resistance exists on a continuum, from relatively minor acts such as changing browser settings, purposely misrepresenting information on the social media, to more major forms of disobedience, such as disrupting the surveillance networks. However, as professor Harcourt asserts that the Expository Society collapses State, economy and society, where commercial interests subsumes the state, then from the perspective of accountability, it is imperative to hold the private actors accountable for any misuses of big data, a traditional regulatory role reserved for the government in a liberal democracy. Merely expecting the individual to make an "ethical choice" in engaging in digital resistance - which would only be fruitful in aggregation – might not be an adequate and proportionate response to the perils of the Expository Society that professor Harcourt has powerfully illustrated.