











**VOL 19 NO 4** VOLUME EDITORS **LANFRANCO ACETI & DONNA LEISHMAN**EDITORIAL MANAGERS **SHEENA CALVERT & ÖZDEN ŞAHİN** 

What is the relationship between contemporary digital media and contemporary society? Is it possible to affirm that digital media are without sin and exist purely in a complex socio-political and economic context within which the users bring with them their ethical and cultural complexities? This issue, through a range of scholarly writings, analyzes the problems of ethics and sin within contemporary digital media frameworks.













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LEONARDO ELECTRONIC ALMANAC, VOLUME 19 ISSUE 4

# Without Sin: Freedom and Taboo in Digital Media

VOLUME EDITORS

LANFRANCO ACETI & DONNA LEISHMAN

**EDITORIAL MANAGERS** 

SHEENA CALVERT & ÖZDEN ŞAHİN

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## **Post-Society: Data Capture and Erasure** One Click at a Time

"Oh, in the name of God! Now I know what it feels like to be God!"

Frankenstein (1931)

They must have felt like gods at the NSA when they discovered that they were able to spy on anyone. What feels ridiculous to someone that works with digital media is the level of ignorance that people continue to have about how much everyone else knows or can know about 'you.' If only people were willing to pay someone, or to spend a bit of time searching through digital data services themselves, they would discover a range of services that have started to commercialize collective data: bought and sold through a range of semi-public businesses and almost privatized governmental agencies. Public records of infractions and crimes are available for 'you' to know what 'your' neighbor has been up to. These deals, if not outright illegal, are characterized by unsolved ethical issues since they are a 'selling' of state documents that were never supposed to be so easily accessible to a global audience.

Concurrently as I write this introduction, I read that the maddened Angela Merkel is profoundly shocked that her mobile phone has been tapped into – this is naive at best but also deeply concerning: since to not understand what has happened politically and technologically in the 21st century one must have been living on the moon. Perhaps it is an act or a pantomimestagedfor the benefit of those 'common' people that need to continue living with the strong

belief or faith that their lives are in good hands, that of

Nevertheless it speaks of a 'madness' of the politician as a category. A madness characterized by an alienation from the rest of society that takes the form of isolation. This isolation is, in Foucauldian terms, none other than the enforcement of a voluntary seclusion in the prison and the mad house.

The prisons within which the military, corporate, financial and political worlds have shut themselves in speak increasingly of paranoia and fear. As such the voluntary prison within which they have sought refuge speaks more and more the confused language that one may have imagined to hear from the Stultifera Navis.

Paranoia, narcissism and omnipotence, all belong to the delirium of the sociopaths, <sup>1</sup> who push towards the horizon, following the trajectory set by the 'deranged minds.'

It is for the other world that the madman sets sail in his fools' boat; it is from the other world that he comes when he disembarks. 2

This otherworldliness - this being an alien from another world – has increasingly become the characteristic of contemporary political discourse, which, detached from the reality of the 'majority' of people, feeds into the godlike complex. Foolishness and lunacy reinforce this perspective, creating a rationale that drives the

Stultifera Navis towards its destiny inexorably, bringing all others with them.

Having segregated themselves in a prison of their own doing, the politicians look at all others as being part of a large mad house. It is from the upper deck of a gilded prison that politicians stir the masses in the lower decks into a frenzy of fear and obedience.

Why should it be in this discourse, whose forms we have seen to be so faithful to the rules of reason, that we find all those signs which will most manifestly declare the very absence of reason?

Discourses, and in particular political discourses, no longer mask the reality of madness and with it the feeling of having become omnipotent talks of human madness in its attempt to acquire the impossible: that of being not just godlike, but God.

As omnipotent and omniscient gods the NSA should allow the state to 'see.' The reality is that the 'hands' of the state are no longer functional and have been substituted with prostheses wirelessly controlled by the sociopaths of globalized corporations. The amputation of the hands happenedwhile the state itself was merrily looking somewhere else, tooblissfullybusy counting the money that was flowing through neo-capitalistic financial dreams of renewed prosperity and Napoleonic grandeur.

The madness is also in the discourse about data, deprived of ethical concerns and rootedwithinperceptions of both post-democracy and post-state. So much so that we could speak of a post-data society, within which the current post-societal existence is the consequence of profound changes and alterations to an ideal way of living that technology - as its greatest sin still presents as participatory and horizontal but not as plutocratic and hierarchical.

In order to discuss the present post-societal condition, one would need first to analyze the cultural disregard that people have, or perhaps have acquired, for their personal data and the increasing lack of participation in the alteration of the frameworks set for post-data.

This disregard for personal data is part of cultural forms of concession and contracting that are determined and shaped not by rights but through the mass loss of a few rights in exchange for a) participation in a product as early adopters (Google), b) for design status and appearance (Apple), c) social conventions and entertainment (Facebook) and (Twitter).

Big data offers an insight into the problem of big losses if a catastrophe, accidental or intentional, should ever strike big databases. The right of ownership of the 'real object' that existed in the data-cloudwill become the new arena of post-data conflict. In this context of loss, if the crisis of the big banks has demonstrated anything, citizens will bear the brunt of the losses that will be spread iniquitously through 'every-

The problem is therefore characterized by multiple levels of complexity that can overall be referred to as a general problem of ethics of data, interpreted as he ethical collection and usage of massive amounts of data. Also the ethical issues of post-data and their technologies has to be linked to a psychological understanding of the role that individuals play within society, both singularly and collectively through the use of media that engender new behavioral social systems through the access and usage of big data as sources of information.

Both Prof. Johnny Golding and Prof. Richard Gere present in this collection of essays two perspectives that, by looking at taboos and the sinful nature of technology, demand from the reader a reflection on

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the role that ethics plays or no longer plays within contemporary mediated societies.

Concepts of technological neutrality as well as economic neutrality have become enforced taboos when the experiential understanding is that tools that possess a degree of danger should be handled with a modicum of self-control and restraint.

The merging of economic and technological neutrality has generated corporate giants that have acquired a global stronghold on people's digital data. In the construction of arguments in favor or against a modicum of control for these economic and technological giants, the state and its political representatives have thus far considered it convenient not to side with the libertarian argument, since the control was being exercised on the citizen; a category to which politicians and corporate tycoons and other plutocrats and higher managers believe they do not belong to or want to be reduced to.

The problem is then not so much that the German citizens, or the rest of the world, were spied on. The taboo that has been infringed is that Angela Merkel, a head of state, was spied on. This implies an unwillingly democratic reduction from the NSA of all heads of state to 'normal citizens.' The disruption and the violated taboo is that all people are data in a horizontal structure that does not admit hierarchical distinctions and discriminations. In this sense perhaps digital data are violating the last taboo: anyone can be spied upon, creating a truly democratic society of surveillance.

The construction of digital data is such that there is not a normal, a superior, a better or a worse, but everything and everyone is reduced to data. That includes Angela Merkel and any other head of state. Suddenly the process of spying represents a welcome reduction to a basic common denominator: there is no difference between a German head of state or a blue collar worker; the NSA can spy on both and digital data are collected on both.

If anything was achieved by the NSA it was an egalitarian treatment of all of those who can be spied upon: a horizontal democratic system of spying that does not fear class, political status or money. This is perhaps the best enactment of American egalitarianism: we spy upon all equally and fully with no discrimination based on race, religion, social status, political affiliation or sexual orientation.

But the term spying does not quite manifest the profound level of Panopticon within which we happen to have chosen to live, by giving up and squandering inherited democratic liberties one right at a time, through one agreement at a time, with one click at a

These are some of the contemporary issues that this new LEA volume addresses, presenting a series of writings and perspectives from a variety of scholarly fields.

This LEA volume is the result of a collaboration with Dr. Donna Leishman and presents a varied number of perspectives on the infringement of taboos within contemporary digital media.

This issue features a new logo on its cover, that of New York University, Steinhardt School of Culture, Education, and Human Development.

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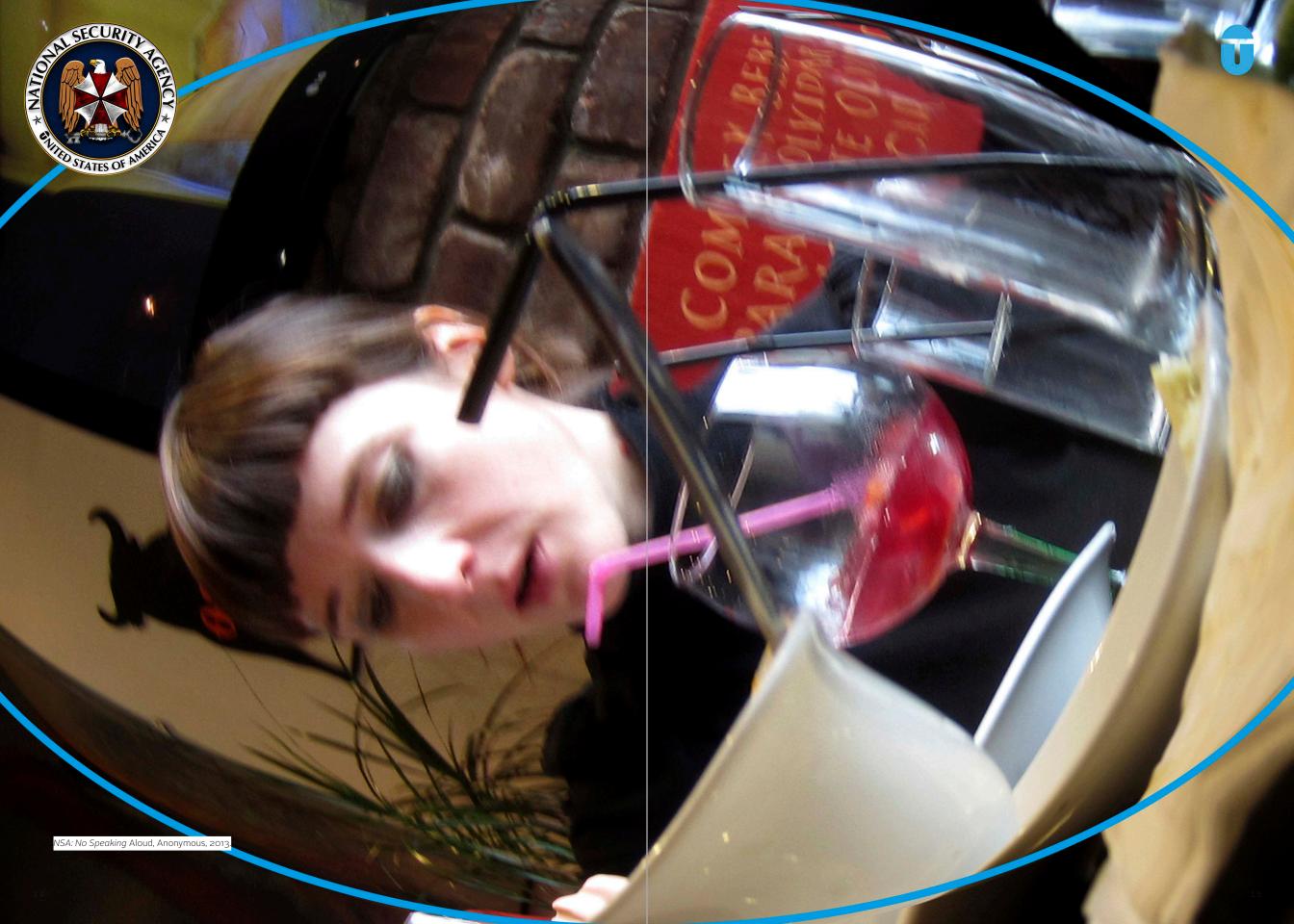
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### Lanfranco Aceti

Editor in Chief, Leonard Director, Kasa Gallery

- 1. Clive R. Boddy, "The Corporate Psychopaths Theory of the Global Financial Crisis," Journal of Business Ethics 102, no. 2 (2011): 255.
- 2. Michel Foucault, Madness and Civilization: A History of Insanity in the Age of Reason, trans. Richard Howard (London: Routledge, 2001), 11.
- 3. Ibid., 101.



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# Without Sin: Freedom and Taboo in **Digital Media**

### INTRODUCTION

"Without Sin: Freedom and Taboo in Digital Media" is both the title of this special edition and the title of a panel that was held at ISEA 2011. The goal of the panel was to explore the disinhibited mind's ability to exercise freedom, act on desires and explore the taboo whilst also surveying the boarder question of the moral economy of human activity and how this is translates (or not) within digital media. The original panelists (some of whom have contributed to the this edition) helped to further delineate additional issues surrounding identity, ethics, human socialization and the need to better capture/understand/perceive how we are being affected by our technologies (for good or bad).

In the call for participation, I offered the view that contemporary social technologies are continuously changing our practical reality, a reality where human experience and technical artifacts have become beyond intertwined, but for many interwoven, inseparable – if this were to be true then type of cognizance (legal and personal) do we need to develop? Implied in this call is the need for both a better awareness and jurisdiction of these emergent issues. Whilst this edition is not (and could not be) a unified survey of human activity and digital media; the final edition contains 17 multidisciplinary papers spanning Law, Curation, Pedagogy, Choreography, Art History, Political Science, Creative Practice and Critical Theory – the volume attempts to illustrate the complexity of the situation and if possible the kinship between pertinent disciplines.

Human relationships are rich and they're messy and they're demanding. And we clean them up with technology. Texting, email, posting, all of these things let us present the self, as we want to be. We get to edit, and that means we get to delete, and that means we get to retouch, the face, the voice, the flesh, the body – not too little, not too much,

Sherry Turkle's current hypothesis is that technology has introduced mechanisms that bypass traditional concepts of both community and identity indeed that we are facing (and some of us are struggling with) an array of reconceptualizations. Zygmunt Bauman in his essay "From Pilgrim to Tourist - or a Short History of Identity" suggests that:

One thinks of identity whenever one is not sure if where one belongs; that is, one is not sure how to place oneself among the evident variety if behavioral styles and patterns, and how to make sure that people would accept this placement as right and proper, so that both sides would know how to go on in each other's presence. 'Identity' is the name given to the escape sought from that uncertainty. 🖺

Our 'post-social' context where increased communication, travel and migration bought about by technological advances has only multiplied Bauman's conditions of uncertainty. Whilst there may be aesthetic tropes within social media, there is no universally accepted

authority within contemporary culture nor is there an easy mutual acceptance of what is 'right and proper' after all we could be engaging in different iterations of "backward presence" or "forward presence" whilst interacting with human and non-human alike (see Simone O'Callaghan's contribution: "Seductive Technologies and Inadvertent Voyeurs" for a further exploration of presence and intimacy).

Editing such a broad set of responses required an editorial approach that both allowed full expansion of each paper's discourse whilst looking for interconnections (and oppositions) in attempt to distil some commonalties. This was achieved by mentally placing citation, speculation and proposition between one another. Spilling the 'meaning' of the individual contributions into proximate conceptual spaces inhabited by other papers and looking for issues that overlapped or resonated allowed me formulate a sense of what might become future pertinent themes, and what now follows below are the notes from this process.

### What Social Contract?

Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man. (Thomas Hobbes in chapter XIII of the Leviathan 4)

Deborah Swack's "FEELTRACE and the Emotions (after Charles Darwin)," Johnny Golding's "Ana-Materialism & The Pineal Eye: Becoming Mouth-Breast" and Kriss Ravetto's "Anonymous Social As Political" argue that our perception of political authority is somewhere between shaky towards becoming erased altogether. Whilst the original 17th century rational for sublimating to a political authority – i.e. we'd default back to a war like state in the absence of a binding social contract - seems like a overwrought fear, the capacity for repugnant anti-social behavior as a consequence of no longer being in awe of any common power is real and increasingly impactful. 5 Problematically the notion of a government that has been created by individuals to protect themselves from one

another sadly seems hopelessly incongruent in today's increasingly skeptical context. Co-joined to the dissipation of perceptible political entities - the power dynamics of being 'good' rather than 'bad' and or 'sinful' appears to be one of most flimsy of our prior social borders. The new reality that allows us to transgress and explore our tastes and predictions from a remote and often depersonalized position feels safer (i.e. with less personal accountability) a scenario that is a further exacerbated space vacated by the historic role of the church as a civic authority. Mikhail Pushkin in his paper "Do we need morality anymore?" explores the online moral value system and how this ties into the deleterious effect of the sensationalism in traditional mass media. He suggests that the absence of restrictive online social structure means the very consciousness of sin and guilt has now changed and potentially so has our capability of experiencing the emotions tied to guilt. Sandra Wilson and Lila Gomez in their paper "The Premediation of Identity Management in Art & Design - New Model Cyborgs - Organic & Digital" concur stating that "the line dividing taboos from desires is often blurred, and a taboo can quickly flip into a desire, if the conditions under which that interaction take place change."

### The Free?

The issue of freedom seems to be where much of the debate continues – between what constitutes false liberty and real freedoms. Unique in their own approach Golding's and Pushkin's papers challenge the premise that is implied in this edition's title – that 'Freedom and Taboo' even have a place at all in our contemporary existence as our established codes of morality (and ethics) have been radically reconfigured. This stance made me recall Hobbes's first treaty where he argued that "commodious living" (i.e. morality, politics, society), are purely conventional and that moral terms are not objective states of affairs but are reflections of tastes and preferences – indeed within another of his key concepts (i.e. the "State of Nature") 'anything goes' as nothing is immoral and or unjust. 6 It would 'appear' that we are freer from traditional institutional controls whilst at the same time one could argue that the borders of contiguous social forms (i.e.

procedures, networks, our relationship to objects and things) seem to have dissipated alongside our capacity to perceive them. The problematic lack of an established conventional commodious living such as Bauman's idea that something is 'right and proper' is under challenge by the individualized complexity thrown up from our disinhibited minds, which can result in benign or toxic or 'other' behaviors depending on our personality's variables. Ravetto describes how Anonymous consciously inhabits such an 'other' space:

Anonymous demonstrates how the common cannot take on an ethical or coherent political message. It can only produce a heterogeneity of spontaneous actions, contradictory messages, and embrace its contradictions, its act of vigilante justice as much as its dark, racist, sexist, homophobic and predatory qualities.

### Perception

Traditionally good cognition of identity/society/relationships (networks and procedures) was achieved through a mix of social conditioning and astute mindfulness. On the other hand at present the dissipation of contiguous social forms has problematized the whole process creating multiple social situations (new and prior) and rather than a semi-stable situation (to reflect upon) we are faced with a digital deluge of unverifiable information. Perception and memory comes up in David R. Burns's paper "Media, Memory, and Representation in the Digital Age: Rebirth" where he looks at the problematic role of digital mediation in his personal experience of the 9/11. He recalls the discombobulating feeling of being: "part of the digital media being internationally broadcast across the world." Burns seeks to highlight the media's influence over an individual's constructed memories. From a different perspective Charlie Gere reminds us of the prominence (and shortcomings) of our ocular-centric perspective in his discussion of "Alterity, Pornography,

and the Divine" and cites Martin Jay's essay "Scopic Regimes of Modernity" <sup>8</sup> which in turn explores a variety of significant core concepts of modernity where vision and knowledge meet and influence one another. Gere/Jay's line of references resurrect for the reader Michel Foucault's notion of the "Panopticon" (where surveillance is diffused as a principle of social organization), <sup>9</sup> Guy DeDord's The Society of the Spectacle i.e. "All that once was directly lived has become mere representation") 10 and Richard Rorty's *Philosophy* and the Mirror of Nature (published in 1979). 11 The latter gave form to an enduringly relevant question: are we overly reliant on a representational theory of perception? And how does this intersect with the risks associated with solipsistic introjection within non face-to-face online interactions? The ethics of 'looking' and data collection is also a feature of Deborah Burns's paper "Differential Surveillance of Students: Surveillance/Sousveillance Art as Opportunities for Reform" in which Burns asks questions of the higher education system and its complicity in the further erosion of student privacy. Burn's interest in accountability bridges us back to Foucault's idea of panoptic diffusion:

He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; he makes them play spontaneously upon himself; he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection 12

In panoptic diffusion the knowingness of the subject is key - as we move towards naturalization of surveillance and data capture through mass digitization such power relationships change. This is a concern mirrored by Eric Schmidt Google's Executive Chairman when considering the reach of our digital footprints: "I don't believe society understands what happens when everything is available, knowable and recorded

by everyone all the time." 13 Smita Kheria's "Copyright and Digital Art practice: The 'Schizophrenic' Position of the Digital Artist" and Alana Kushnir's "When Curating Meets Piracy: Rehashing the History of Unauthorised Exhibition-Making" explore accountability and power relationships in different loci whilst looking at the mitigation of creative appropriation and reuse. It is clear that in this area serious reconfigurations have occurred and that new paradigms of acceptability (often counter to the legal reality) are at play.

Bauman's belief that "One thinks of identity whenever one is not sure if where one belongs" 14 maybe a clue into why social media have become such an integral part of modern society. It is after all an activity that privileges 'looking' and objectifying without the recipient's direct engagement – a new power relationship quite displaced from traditional (identity affirming) social interactions. In this context of social media over dependency it may be timely to reconsider Guy-Ernest Debord's 'thesis 30':

The externality of the spectacle in relation to the active man appears in the fact that his own gestures are no longer his but those of another who represents them to him. This is why the spectator feels at home nowhere, because the spectacle is everywhere. 15

Underneath these issues of perception / presence / identity / is a change or at least a blurring in our political (and personal) agency. Don Ritter's paper "Content Osmosis and the Political Economy of Social Media" functions as a reminder of the historical precedents and continued subterfuges that occur in mediated feelings of empowerment. Whilst Brigit Bachler in her paper "Like Reality" presents to the reader that "besides reality television formats, social networking sites such as Facebook have successfully delivered a new form of watching each other, in a seemingly safe

setting, on a screen at home" and that "the appeal of the real becomes the promise of access to the reality of manipulation." 16 The notion of better access to the 'untruth' of things also appears in Ravetto's paper "Anonymous: Social as Political" where she argues that "secrecy and openness are in fact aporias." What is unclear is that, as society maintains its voyeuristic bent and the spectacle is being conflated into the banality of social media, are we becoming occluded from meaningful developmental human interactions? If so, we are to re-create a sense of agency in a process challenged (or already transformed) by clever implicit back-end data gathering 17 and an unknown/undeclared use our data's mined 'self.' Then, and only then, dissociative anonymity may become one strategy that allows us to be more independent; to be willed enough to see the world from our own distinctive needs whilst devising our own extensions to the long genealogy of moral concepts.

### Somewhere / Someplace

Perpetual evolution and sustained emergence is one of the other interconnecting threads found within the edition. Many of the authors recognize a requirement for fluidity as a reaction to the pace of change. Geographer David Harvey uses the term "space-time compression" to refer to "processes that . . . revolutionize the objective qualities of space and time." 18 Indeed there seems to be consensus in the edition that we are 'in' an accelerated existence and a concomitant dissolution of traditional spatial co-ordinates – Swack cites Joanna Zylinska's 'human being' to a perpetual "human becoming" 19 whilst Golding in her paper reminds us that Hobbes also asserted that "[f]or seeing life is but a motion of Limbs" 20 and that motion, comes from motion and is inextricably linked to the development and right of the individual. But Golding expands this changing of state further and argues where repetition (and loop) exist so does a different experience:

The usual culprits of time and space (or time as distinct from space and vice versa), along with identity, meaning, Existenz, Being, reconfigure via a relational morphogenesis of velocity, mass, and intensity. This is an immanent surface cohesion, the compelling into a 'this' or a 'here' or a 'now,' a space-time terrain, a collapse and rearticulation of the tick-tick-ticking of distance, movement, speed, born through the repetitive but relative enfolding of otherness, symmetry and diversion.

Golding's is a bewildering proposition requiring a frame of mind traditionally fostered by theoretical physicists but one that may aptly summarize the nature of the quandary. The authors contributing to this edition all exist in their own ways in a post-digital environment, anthropologist Lucy Suchman describes this environment as being "the view from nowhere, detached intimacy, and located accountability." 21 Wilson and Gomez further offer a possible coping strategy by exploring the usefulness of Jay Bolter and Richard Grusin's "pre-mediation" as a means to externalize a host of fears and reduce negative emotions in the face of uncertainty. The imperative to create some strategies to make sense of some of these pressing issues is something that I explore in my own contribution in which I offer the new term *Precarious Design* – as a category of contemporary practice that is emerging from the design community. Precarious Design encompasses a set of practices that by expressing current and near future scenarios are well positioned to probe deeper and tease out important underlying societal assumptions to attain understanding or control in our context of sustained cultural and technological change.

### **Embodiment**

In theory our deterritorialized and changed relationship with our materiality provides a new context in which a disinhibited mind could better act on desires and explore the taboo. Ken Hollings's paper "THERE MUST BE SOMETHING WRONG WITH THIS, SALLY... Faults, lapses and imperfections in the sex life of machines" – presents a compelling survey of the early origin of when humans began to objectify and try live through our machines starting with disembodiment of voice as self that arose from the recording of sound via the Edison phonograph in 1876. Golding and Swack mull over the implications of the digital on embodiment and what it means now to be 'human' as we veer away from biological truth and associated moral values towards something else. Sue Hawksley's "Dancing on the Head of a Sin: touch, dance and taboo" reminds us of our sensorial basis in which:

Touch is generally the least shared, or acknowledged, and the most taboo of the senses. Haptic and touch-screen technologies are becoming ubiquitous, but although this makes touch more commonly experienced or shared, it is often reframed through the virtual, while inter-personal touch still tends to remain sexualized, militarized or medicalized (in most Western cultures at least).

Within her paper Hawksley provides an argument (and example) on how the mediation of one taboo - dance - through another - touch - could mitigate the perceived moral dangers and usual frames of social responsibility. Swack raises bioethical questions about the future nature of life for humans and "the embodiment and containment of the self and its symbiotic integration and enhancement with technology and machines." Whilst Wilson and Gomez's go on to discuss *Bioprescence* by Shiho Fukuhara and Georg Tremmel – a project that provocatively "creates Human DNA trees by transcoding the essence of a human being within the DNA of a tree in order to create 'Living Memorials' or 'Transgenic Tombstones'" 22 – as an example of a manifest situation that still yields a (rare) feeling of transgression into the taboo.

### CONCLUSION

In the interstices of this edition there are some questions/observations that remain somewhat unanswered and others that are nascent in their formation. They are listed below as a last comment and as a gateway to further considerations.

Does freedom from traditional hierarchy equate to empowerment when structures and social boundaries are also massively variable and dispersed and are pervasive to the point of incomprehension/invalidation? Or is there some salve to be found in Foucault's line that "Power is everywhere' and 'comes from everywhere' so in this sense is neither an agency nor a structure," 23 thus nothing is actually being 'lost' in our current context? And is it possible that power has always resided within the individual and we only need to readjust to this autonomy?

Conventional political power (and their panoptic strategies) seem to be stalling, as efforts to resist and subvert deep-seated and long-held governmental secrecy over military/intelligence activities have gained increased momentum while their once privileged data joins in the leaky soft membrane that is the ethics of sharing digitally stored information.

Through dissociative strategies like online anonymity comes power re-balance, potentially giving the individual better recourse to contest unjust actions/laws but what happens when we have no meaningful social contract to direct our civility? Its seems pertinent to explore if we may be in need of a new social contract that reconnects or reconfigures the idea of accountability – indeed it was interesting to see the contrast between Suchman's observed 'lack of accountability' and the Anonymous collective agenda of holding (often political or corporate) hypocrites 'accountable' through punitive measures such as Denial-of-Service attacks.

Regarding de-contextualization of the image / identity – there seems to be something worth bracing oneself against in the free-fall of taxonomies, how we see, how we relate, how we perceive, how we understand that even the surface of things has changed and could still be changing. There is no longer a floating signifier but potentially an abandoned sign in a cloud of dissipating (or endlessly shifting) signification. Where

The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the educator-judge, the 'social-worker'-judge; it is on them that the universal reign of the normative is based; and each individual, wherever he may find himself, subjects to it his body, his gestures, his behaviour, his aptitudes, his achievements.

There now is no culturally specific normal in the diffuse digital-physical continuum, which makes the materiality and durability of truth very tenuous indeed; a scenario that judges-teaches-social workers are having some difficulty in addressing and responding to in a timely manner, an activity that the theoretically speculative and methodologically informed research as contained within this edition can hopefully help them with.

### Donna Leishman

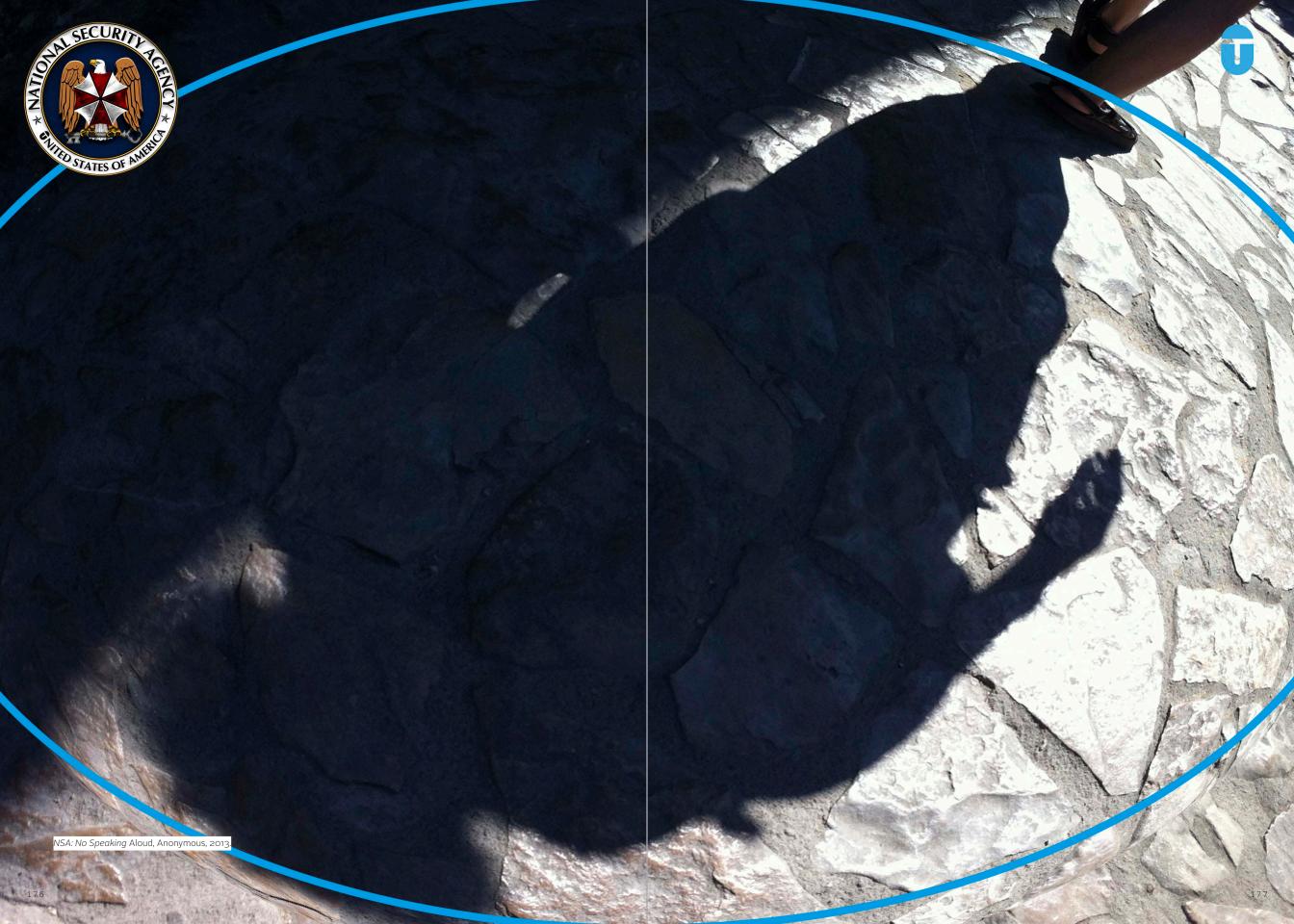
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### INTRODUCTION

"We will stop at nothing until we've achieved our goal. Permanent destruction of the identification role." — Anonymous

Social media is routinely tied to utopian appeals to reinvigorate democracy opening up spaces for free **speech** and providing instant access to information,

ideas, and events. 1 Western media, for instance, has attributed the success of dissident movements in Iran, Tunisia, Egypt and Libya to Twitter, Facebook, and Wikileaks. Social media produce radical spontaneity in the form of flashmobs and swarms, but also globally distribute evidence exposing the brutality and corruption of various regimes (e.g., China's 'human flesh

The revolution of social media has been heralded in by utopian appeals to reinvigorate social networks and democratic politics. While many social media sites are designed for users to post images, messages, comments or preferences, these same sites are used to profile their users. With massive corporate datamining and government information gathering anonymity and privacy are quickly disappearing. This paper explores how the web gathering that calls itself Anonymous has made anonymity a political issue. I aim to show that Anonymous upsets dichotomies that are fundamental to traditional political thought and practice, like identification and anonymity, liberation and control, dissent and accountability, privacy and piracy. As a result the discourse of ethics and accountability becomes more and more entangled with politics.

search engine' group). <sup>2</sup> These same technologies, however, can be co-opted equally effectively by governments, secret service organizations and their nemesis (global terrorist organizations and rogue states) to gather and control information while monitoring, censoring, and tracking users, whistleblowers, and political activists (as the Iranian and Egyptian governments did following the protests of 2009 and 2010). Contrary to the hype, there is no inherent connection between social media and ideals of democracy and freedom, thus making the ethics of their use more and more entangled with political contingencies. What interests me here is a subset of these entanglements, namely, the ethics and politics of identification and the resistance to practices of persistent identity - e.g., archiving, tracing and tagging of one's activities online like posts, purchases, downloads, and searches.

### PRACTICING ANONYMITY IN THE AGE OF **SECURITIZATION**

Web 2.0 has enabled social networking services to connect users with similar interests (including political ones), allowing them to broadcast and disseminate

their messages. The terms of use, however, require accounts with names, addresses, and methods of payment. Identity has become a performance, but a performance that is not exclusively enacted by the person who identifies herself as the user. Identity performance is not individual but collective, constructed from feedback, tagging, linking, time-stamping, and tracing the movements, comments, friends, contacts and purchases of the user. That is, identity performance is always folded within an act of profiling, which is euphemistically called 'life streaming.' Social media may facilitate user-generated acts that are networked and distributed, but they also persistently identify their actors.

Traditional forms of anonymity, however, are no longer the answer. Web anonymity, networks of anonymity like The Onion Router (Tors), or a darknet (private distributed file sharing) would seem to provide protection to dissidents and dissident groups seeking refuge from the overreach of the state. But those who subscribe to a security-first stance (advocating legalizing Internet control, surveillance and censorship of possible terrorists or pornographers) have argued that networks of anonymity that unlink a user's actions from her IP address have only helped to un-

dermine not only security but social values and public discourse. <sup>4</sup> Anonymity erodes responsibility and thus the liability for posting or disseminating unlawful materials like terrorist threats, child pornography, libel, spamming, hate speech, or pirated works. But as understandable as these fears may be, they also miss the fact that anonymity is no longer, and cannot return to, what it used to be. In an age where most of our personal information is accessible online, anonymity is more apparent than real. Most websites already use Google Analytics code, Feedburner, Site Search, or Absence to track each user's navigation of the Internet, and simple tools like eWhois make it easy for anyone to unmask anonymous bloggers.

Anonymity has thus become the ethical choice of people who run or own a server (or at least have access to the exit-node) - their choice is to require the disclosure of personal or allow for user's privacy. As argued by Daniel Howe and Helen Nissenbaum, political and moral choices are already embodied in the design parameters of Internet service providers, search engines, remailers, proxies, and Internet Relay Chat rooms themselves. 5 Whether we see anonymity as either desirable or irresponsible, social media have rendered individual privacy and government and corporate secrecy almost impossible to sustain.

In this new regime of exposure, being identified has become another form of vulnerability, both for individuals and governments. The US government does not appreciate publicity of its support of Stuxnet and Flame cyberattacks against Iran's nuclear program, nor does it welcome public knowledge of its illiberal mechanisms of surveillance and control they have deployed in the name of security (like the National Counterterrorism Center's combing of massive amounts of stored datasets of American citizens, and the Prism surveillance project conducted by the National Security Agency in collaboration with Microsoft, Yahoo,

Google, Facebook, AOL, Paltalk, Skype, Youtube, and Apple). 6 At the other end of surveillance, the desire or need to evade government and corporate monitoring has lead political activists and dissenters to develop alternative uses of social media, and to rethink their relation to political agency. In doing so, they have triggered a crucial development: the emergence of a brand new notion of anonymity.

The web gathering that calls itself Anonymous simultaneously embodies and reveals the entangled politics and ethics of persistent identity, privacy and security on the Internet. Anonymous is doing something much more interesting and politically important than practicing and celebrating anonymity: it upsets dichotomies that are fundamental to traditional political thought and practice, like identification and anonymity, performing identity and persistent identity, liberation and control, dissent and accountability, privacy and piracy. The use of the moniker 'anonymous' has been common practice throughout history to obscure the legal name of an individual author. 7 However, once we move from traditional individual uses of the moniker to the new collective ones exemplified by Anonymous, the term 'anonymous' comes to signify a new and much expanded kind of anonymity that can potentially include everyone and anyone. This change of scale changes the very meaning of anonymity and its possible political uses.

Both an adjective and a noun and one that has the same spelling in the singular and plural – Anonymous is a perfect floating signifier or, rather, a signifier of something that is defined as existing and yet unidentifiable. By claiming membership in Anonymous, an individual makes her possible identification much more difficult because Anonymous is a collective of anonymous individuals, each of whom can use that moniker. It also reduces the chances of one member of Anonymous informing on others under duress because she

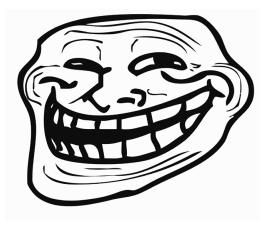


Figure 2. Trollface by Whynne, 2008. Open clipart, used with permission via the Creative Commons Attribution-Share Alike 3.0 Unported license.

may not know who else is in Anonymous. The hackers that make up Anonymous have turned their pseudonym into a brand name of a unique kind. It is, so to speak, a free-standing one - a brand in and of itself - because the relation between brand and branded is posited as unknown and potentially unknowable.



Figure 3. Anonymous Anarchist Flag by Kizar, 2011. Used with permission via the Creative Commons Attribution-Share Alike 3.0 Unported license.

It has become a conspicuous and well-recognizable sign attached to actions, videos, code, posts, and manifestos, and yet one that hides rather than identify the 'corporate author' of such products. Anonymous can only be identified (locally and at certain times) through its networked acts or exchanges, but these events do not involve everyone (or perhaps anyone) who uses the name Anonymous. Rather, Anonymous seems to function both as a hive and a meme that modulates and modifies its messages, changes threads, and reconfigures the hive with every act or thread. Far from achieving a form of consensus and traditional collectivity, these acts produce what Jacques Rancière calls

"dissensus" – a form of political action that interrupts identity and reveals a series of gaps between the subject and the citizen, ethics and the social, politics, the police or the Party Wagon.

Anonymous forces us to rethink privacy away from both individual and collective identities, but it also draws attention to the relations between the user's personal autonomy, political surveillance, and the role of third parties like Comcast, AOL, Google, Yahoo, Apple, etc. That is, it makes us aware of the fact that there is a network of anonymous amorphous agencies behind the screen, whether in the form of client-server relations (services and contracts), programing-networked communications relations (protocols) or information-databases-systems mapping (mediation and representation). These configurations show themselves in the form of interfaces, which is a way of not showing themselves at all. Anonymous may give a face to or at least point to the masking of maneuvers between visibility and secrecy, but it cannot be divorced from this amorphous power behind the screen.

In a TED talk, Gabriella Coleman argues that, "Anonymous is by nature and intent difficult to define," but anonymous has also become a "formidable PR machine that dramatizes the importance of anonymity and privacy in an era when both are rapidly eroding." 2 Irreducible to traditional political or ethical categories - libertarian, anarchist or leftist activism, ethical or unethical – Anonymous simultaneously enacts liberation and control, dissent and a lack of accountability, privacy and piracy. It is anonymous itself but practices identification of others, exposing the names of over 1,500 users of a child pornography site in Operation Darknet; the shady dealings of Aaron Barr the CEO of HB Gary (a technological security company); or millions of Sony PlayStation Network user accounts. 10 And while exposing individual users' names, Operation Darknet also conducted Directed Denial of Service (DDos) attacks

on Lolita City – a child pornography sharing website that is accessible in anonymity via the Tor Project's encrypted service – thus making Anonymous appear more as a vigilante than a black hat hacker group. Another iteration of Anonymous has supported free speech and radical democracy in Iran, Tunisia, Egypt, Syria, Palestine, and Libya on twitter by conducting DDoS – attacks in the Middle East, hacking government and military websites, providing secure servers and mobile devices to activists, and posting government emails (as in the case of the Iranian government). Most recently, Anonymous has claimed to have thwarted Karl Rove attempt to steal the 2012 US presidential election by blocking him from hacking voting machines in so-called battleground states. Western media, academics and political activists have all applauded Anonymous for such acts. At the same time it has also been labeled a cyberterrorist organization by the media, the US government, and law enforcement agencies when it threatens Scientologists (Project Chanology); when it supports Wikileaks; when it performs DDoS attacks against the FBI, the CIA, the UN, and NATO; or when it hacks Sony's PlayStation site, Google, Lockheed-Martin, and NASA. 11

Crucially, Anonymous demonstrates that while secrecy and openness are taken to stand for two unambiguously opposite positions, they are, in fact, aporias. Government and law enforcement demand that the agency of certain military and political actions remain unknown to protect national security, while citizens demand the right to hold governments and corporations accountable by exposing their secret workings through anonymous communication. 'Secrecy' and 'openness,' therefore, have different definitions when applied to governments as opposed to its citizens. Companies and government agencies that trace and monitor individuals under the rubric of the Patriot Act or the Civil Contingencies Act are not subject to the same level of oversight as individuals. 12 Governments, however, often use the term 'secret' as a means to avoid ac-

countability even when the alleged 'secrets' are publically known. 13 On the other hand, protecting private information (secrecy), like the openness required by accountability, obliges individuals to expose high quality personalized information – like passwords, places of residence, dates of birth, types of transactions, accounts, holdings, places of work, credit reports, political affiliations, donations, etc. – and at the same time most of this information is easily accessible online (most personal information is already open). 'Secrecy' and 'openness' have become so co-implicated that they can no longer be considered diametrically opposed as much as they can be used to define each other.

Both stances are aporetic in that they rest on the same obsolete notion of ethics that demands the rights of the individual. Deeply embedded within our legal systems, democratic ideology, and social relations is a problematic but enduring Durkheimian divide between the individual and society. Émile Durkheim's model of social relations understands society is an overarching, organic entity that determines the structure of social and conceptual relations, limiting individual desires and providing ethical guidelines. Yet, the law is not designed to protect society or ethics as such, but to insure individual interests - those same interests that are allegedly curtailed by society itself. This assumption continues to put ethics at odds with the law or the law at odds with itself, pitting rights to privacy against excessive privatization. Anonymous challenges our concepts of classification of the individual and the social and judgments of right and wrong, making it very difficult to talk about them. But more importantly, it makes it imperative that we rethink the terminology we are using to discuss rights, authorship, authority, freedom, and individuality in an age that has been increasingly subject to regulation of individuals and deregulation of corporate interests, copyright protection, and financial volatility.

### THE ANONYMOUS BRAND

"We are Anonymous. We are Legion. We do not forgive. We do not forget. Expect us." — Anonymous

If in the last eight years Anonymous has moved from an obscure collective of pranksters, trollers, geeks, hackers, and creators of memes to a serious political force and/or a cyber security threat. It has also become the topic of much cultural discourse and a growing body of academic literature, such as Brian Knappenberger's documentary *We Are Legion: The Story of the Hacktivists* (2012); more short documentaries on *Al Jazeera*; near-weekly columns in *The Guardian*, *Ars Technica*, *Wired*; TED talks (Gabriella Coleman and Christopher Poole); nightly news commentary; as well as anthropological and legal literature (Coleman, Yokai Benkler, etc.). 14 As a result, we begin to understand the genealogy of Anonymous and its logic, not just the chronicle of its various and changing iterations.

Anonymous emerged in October 2003 from the message board 4chan that Christopher Poole developed when he was fifteen. It had over 12 million users last year making it a significant site of online activity. 15 4chan was modeled on, and modified the source code of, the Japanese image board Futaba Channel that allowed all participants to post anonymously. It started with only two categories: /a/ for anime and /b/ for everything else. It is this /b/ site that became the breeding ground for that configuration that is now known as Anonymous or b/tards, as they call themselves. As Julian Dibbell explains:

/b/ is where 4chan makes good on what its anonymity promises: the freedom to say anything without the obligation to suffer consequences. Anarchy sets the tone for the site in general.. It's out of /b/ that swarms of online troublemakers – trolls, in Internet parlance – occasionally issue forth to prank, hack, harass, and otherwise digitally provoke other online communities and users. 16

According to Michael Bernstein and his collaborators, roughly 90% of all messages on 4chan are posted under the site's default identity, 'Anonymous.' 17 Those messages are not only anonymous but also ephemeral. Because 4chan has no long-term archives, old message threads are automatically deleted when new ones come in and make space for themselves. What remains are threads that are trending. Originally meant to save storage costs, this mechanism has become, as Poole points out, 'both practical and philosophical.' It disrupts the idea that digital identity should follow you across time (as it does on Facebook), linking what you say when you are young to whatever you might become, or subjecting every human transaction to monitoring and the possibility of identity authentication. 18 Instead, because of 4chan's heavy traffic, a message can vanish within hours or even seconds of its posting.

This is not to say that there is no archive of 4chan's messages. Users have created 4chanarchive.org to document what they call 'epic threads.' According to Poole, the mere fact that 4chan does not archive all of its posts and threads, enables users to be wrong. Being wrong or posting something offensive does not mean that one has to publicly deal with it in perpetuity because of data permanence. Anonymity affords each user a certain amount of freedom to post anything she wants without being held permanently accountable, which, of course, also allows for trolling, flaming, cyber-bullying, stalking, posting misogynist, homophobic, or racist posts and plenty of pornography. Partially meant to repel lurkers, the "intentional offensiveness" of "these rude boys of the internet" may be "radically democratic" in their practice of free speech and collective ways in which they determine which threads will survive, or what operations they will deploy. 19 Coleman, Benkler and even some Anons, have attempted to distinguish the political activism (AnonOps) from the more free form posts that, more often than not, include pornographic images, racist

and sexist statements, however, calls for political action are also embedded in the deluge of intentionally offensive posts. Such anonymity, therefore, is not intrinsically democratic or radical, since it can create toxic environments that silence voices – particularly those of the traditionally disenfranchised, i.e., women, people of color, and the LBGT communities that Anonymous ridicules often and explicitly. 20 If /b/ believes in a law, it is that "nothing is sacred," that everything is corruptible, dismissible, subject to ridicule, and that "anything you say will be held against you." The refusal to accept any idea shows that Anonymous is neither the "radical democratic structure" and "irreverent democratic culture" seen by Coleman and Benkler, but rather the embodiment of a truly radical practice of criticism – though one that might favor the male-dominated gamer and hacker culture. 21

Most posts on /b/ are decoupled from any identity, and 4chan does not allow any user to claim a name or an idea. Everyone can choose to speak in any name, or enact any idea whether it is a prank, a hack or a reaction to government or corporate oppression. While there is an agreement against self-aggrandizement (even through the use of pseudonyms) amongst the Anons, but various iterations have taken up specific political cause. /b/ has, therefore, transformed from a message board to a site where political operations are devised and hatched. As a consequence Anonymous has split into different factions with their own private channels of communications: those who are in it for 'lutz,' the 'lolcats' who consider trolling to be their 'motherfucking art'; and those 'moralfags' whose collectives have created Anonymous Operations (AnonOps), which, as Coleman points out, is not random but 'ultra-coordinated motherfuckery.' AnonOps are the iterations of Anonymous that have organized high profile hacks, giving it its international reputation as hackers and pranksters. It is the combination of the two factions that gives Anonymous its complex, but distinct character.

The hack of cyber-security company HB Gary is a good example of this mixture between politics and parody. Aaron Barr, one of the company's top executives, was planning to offer digital-espionage services to clients (including the US government, Disney and Sony) before it was hacked by Anonymous. In an attempt to garner media attention (and promote his company) Aaron Barr claimed that he infiltrated AnonOps groups, and that he was going to bring the 'leaders' of the group down by exposing its members. Barr's plan backfired when his boasts attracted the attention of a few Anons who hacked into his Twitter and email accounts, iPad (wiping it clean), HB Gary's emails, financial and tax documents. They also hacked their software products and their malware data, wiping both of them together and their backups.

What started as a paranoid defensive hack ended up unearthing Barr's own plans against Anonymous, Wikileaks and other hackers. Barr had proposed Counter Intelligence Program tactics to infiltrate dissident groups, to create division amongst supporters of Wikileaks, and to promote disinformation to discredit those who would end up using it – one target was Glen Greenwald of Slate and The Guardian, who supports Wikileaks. Ironically, Barr advocated the same 'illegal' and 'unethical' tactics (black hat hacking and information leaks) that he denounced in Anonymous and Wikileaks. Barr's emails also revealed the complicity of private security companies with governments and corporations against dissident groups, exposing the extraordinary mobilization of power and resources to squash grassroots political movements critical of traditional political authority. It also demonstrated that anonymity is key to such movements. It was only when Barr boasted of infiltrating Anonymous that he exposed himself as a mole and a threat to the group, enabling their counter-offence. 22

### PRACTICING ANONYMOUS POLITICS

"All your carefully picked arguments can be easily ignored." — Anonymous

Anonymous occupies an uncomfortable space between a variety of Internet cultures. It shares values and practices with the open source movement (open access to information, free software, crowdsourced projects), radical democratic principles (civil disobedience instantiated in DDoS attacks and graffiting websites), and the opposition to the "security first" approach to Internet governance and the surveillance of communications networks inherent in that stance. 23 At the same time, it also partakes in the so-called dark side of Internet freedom (lutz, pornography, flaming, defacing and blocking websites). 24 The multiple and contradictory relations that constitute Anonymous and make it so difficult to define it also destabilize the grounds for critiquing its actions. Anonymous questions traditional notions of criticism as it undoes traditional notions of identity and anonymity.

While the 'security first model' exaggerates the threat of hacktivism to expose protected information and interfere with command and control operations, Evgeny Morozov's 'net delusion model' (that takes hacks and leaks to be ineffective) underestimates the potential of Internet activism, even if it is only driven by 'irreverence, playfulness, and spectacle.' For Morozov, AnonOps is only a form of 'slackevism,' another net delusion of grandeur. He argues that these attacks might even be counterproductive to the goals of protecting Internet freedom from corporate and government control since they are spectacular but not sustainable as a political strategy:

Without greater bureaucratization, formal mechanisms for decision-making, and, more importantly, the capacity to accept responsibility when those decisions bring unfortunate consequences, Anonymous may end up posing as great of a threat to Internet freedom as its main nemesis, the U.S. government.

Morozov assumes that in order to wield political power dissident groups must move away from the decentralization typical of the Internet and return to

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the normative dialectic of opposition, that is, to some form of centralization. Dissenters need to have a set political agenda, and leaders accountable for the consequences of their actions. Morozov, however, seems to forget that such identification practices return us to politics based on individual rights and fixed ideology. But, as individuals, dissidents are targeted by governments (in the form of surveillance and security), infiltrated, and discredited (as Barr's case clearly shows). Individuals have also have become targets of corporations (in the form of insidious, covert marketing), driving the new information economy. As Alexander Galloway and Eugene Thacker point out: "individuated subjects are the very producers and facilitators of networked control. Express yourself! Output some data! It is how distributed control functions best." 27 What Morozov's model overlooks is that anonymous criticism of authority and the exposure of government and corporate networks are already political. As Anupam Chander points out, Deibert, Rohozinski, and Morozov are too quick to dismiss the influence of social media on liberation movements since information technology has "long proven a key vector for change." He adds: "Even if that change is not uniformly in the direction of human liberty, access to information has undeniable power." 28



**Figure 4.** Operation Payback by Kolanich, 2011. Used with permission via the Creative Commons Attribution-Share Alike 3.0 Unported license.



Figure 5. Still from V from "V for Vendetta," by Nicholas Ramey, 2010.

I have no interest in either demonizing or romanticizing Anonymous or the operations attributed to it because to do so would construe them as an entity with an identity, and thus ignore precisely what makes them politically interesting – their pursuit – as an Anonymous put it – of the "destruction of the identification role." Unlike the Occupy Wall Street movement that makes appeals to ethics and democratic values, Anonymous is neither ethical nor democratic. There is only the influence of the meme and its potential to go viral. Influence is measured by the repetition of an image (the 'lolcat,' the Guy Fawkes mask, or the 'pedobear' they use to brand pedophiles), of an idea or of a call to action (Operation Sony, Operation Payback, Bradical, Occupy, etc.). It is only the memes that go viral that end up enacted on. Men and women can be seen wearing Anonymous masks at Occupy events they have contributed to organize, but those masks do not signify consensus or (anonymous) identity; they rather instantiate disidentification, disapprorpriation, indifferentiation and dissensus.

For Anonymous, identity is a meme that has typically taken the form of a commercially bought or copied mask – the imagined effigy of the 17th century Gunpowder Plot conspirator, Guy Fawkes, who was tortured and executed for his attempt to blow up the English Parliament on November 5, 1605.

Not only does the Guy Fawkes effigy disidentify those who wear it, but it has also been decontextualized and modified so many times between 1605 and the time it became commercially available that it can only represent the most general features of the "epic fail guy." The Guy Fawkes mask has been part of British popular culture since the 17th century to commemorate the foiling of the Catholic conspirators' plot to kill King James I and the members of parliament. Every 5th of November, effigies of Fawkes are still burned, but the mask has also been rebranded in more positive terms by Alan Moore and David Lloyd in their graphic novel, V for Vendetta (1981), and by Jaimes McTeigue and the Wachowskis in the filmic adaptation of the novel (2006). The mask is now worn by the hero-avenger V to give a face to anonymous dissent of government sponsored violence, atrocities, surveillance and control of information. V for Vendetta also suggests that some of those who use the mask during the 5th of November celebrations may be in fact commemorating Guy Fawkes' plot rather than its undoing. While Anonymous does not seem to be interested in Jacobean politics, it appropriated the mask as a sign of the spirit of resistance to state and corporate oppression, the epic failure of Fawkes, the carnivalesque subversion of state and corporate control of information, and the representation of collective anonymity as a political force of dissensus, that is, of politics as an interruption (rather than establishment) of consensus.

Although the image of the Fawkes' mask had been used in many posts, it was not until the Anons took to the streets in 2008 (when they protested against Scientology) that the mask became the most recognizable meme of Anonymous.

Its acts of disappropriation – like the hacking of personal accounts of Sony or BART customers, making copies of their credit card numbers, and posting them on the Internet – are not aimed at stealing private information but rather at exposing how little those companies (and the corporate world in general) are concerned with protecting our personal information. By calling attention to the unavoidable vulnerability of passwords, emails and personal information, Anonymous demonstrates how secrecy, privacy and data protection is altogether unsustainable. Operations Sony and BART proved how easy it was and still is to expose personal information, thus intimating that identity (and much of the property that is now accessible through 'proof' of identity) are inherently insecure, fluid, and appropriable by anyone who wishes and has the skills to hack them. Bank robberies (now typically infrequent and limited to small branches) are perceived only as 'local glitches' that cause financial losses but do not question the notion of private property. Instead, the frequency and the ease of exposures of even the most powerful agencies and the safest of corporate databases make a general point about the very notion of identity and of the new identity-based property and transactions. It is far easier to break into a database and copy the information than it is to break into a bank and walk out with bags of cash, and the reality is that most financial transactions rely on databases instead of cash. 30 While Anonymous may present their actions as motivated by an ethics or transparency and disclosure, the end result of their hacks is to show that, no matter whether one thinks of identity, secrecy, and privacy as ethical or not, they are simply and factually unsustainable.

And yet this type of dissensus does not give a collective voice to the anonymous – it does not give them a 'new' or 'different' identity. It makes the criticism of control and surveillance systems and, therefore, politics only possible if it remains anonymous. While the web-gathering that calls itself Anonymous claims to be legion, terms like, the "multitude" (Antonio Negri, Michael Hardt, Paolo Virno), <sup>31</sup> the "common" (Virno) <sup>32</sup> or "commonwealth" (Negri, Hardt), <sup>33</sup> or the "spectral" do not apply here. Anonymous demonstrates how the common cannot take on an ethical or coherent political message. It can only produce a heterogeneity of spontaneous actions, contradictory messages, and embrace its contradictions, its act of vigilante justice as much as its dark, racist, sexist, homophobic and predatory qualities. There is no possible call for purity, whether in the form of common good, normalcy, equality, or justice. Anonymous embraces every aspect of 'humanity' - the criminal, the nefarious, sadistic, hacker, activist, or lolcat who is only in it for the lutz.

Although Anonymous is more readily connected to actions than to criticism of ideas, each operation involves a form of targeted criticism. The relentless trolling and flaming of anyone and everyone (including even oneself) or of any idea serve the purpose of indifferentiation. That is, all individuals and ideas are subject to criticism – and for Anonymous "nothing is sacred." Radical criticism and ridicule alike operate as a Nietzschean form of transvaluation of values that force us to rethink concepts that stand at the core of our legal structures and ideological discourses – concepts like the social, public space, the unique individual, and rights belonging to that individual.

### CITIZENS OF THE CORPORATE CONTRACT

"Anonymous is ideas without origin."— Anonymous

Anonymous does not challenge as much as it exposes the impact of the information age on the 'social contract' between the citizen and the state. It reveals that the 'social contract' – even as a convenient fiction as Immanuel Kant and Thomas Hobbes envisioned – is no longer tenable either as a symbol of consent (John Locke, Jean-Jacques Rousseau) or of the protection of citizens from each other's baser desires (Hobbes). 34 While contracts mediate many 'social' activities (especially, in our context, those involving telecommunications) this proliferation of contracts obviously marks a shift away from the centralized power of the state toward decentralized marketdriven relations. Our contemporary contract society may stress agency and autonomy over the role of government, but this is only to conceal that such contractual relations "undercut rather than reinforce the autonomy" or liberty of its client-citizens. 35

With all of its private contracts, social media has further eroded this notion of the social. It was Margaret Thatcher who clearly articulated the divestment of government in 'the social' when she stated:

I think we've been through a period where too many people have been given to understand that if they have a problem, it's the government's job to cope with it. 'I-have a problem, I'll get a grant.' 'I'm homeless, the government must house me.' They're casting their problem on society. And, you know, there is no such thing as society. There are individual men and women, and there are families. 36

The individual has been recast as the nexus between consumer and producer. As Marylyn Strathern puts it, "We live under a regime that would like to render invisible any social relationship that cannot be modeled on interactions between individuals that the market place can serve as a metaphor." <sup>37</sup> The remarkable criminalization of Anonymous and the mobilization of law enforcement resources to eradicate it may also signify a recognition that it opposes the logic of the market (they have not yet hacked for private gain) and resists the commercialization of public space. Yet, one can argue that the profanity, misogyny, hate speech, trolling, stupidity of 4chan's /b/ site looks a lot more like public discourse than other more controlled blogs and message boards. It gives space to all discourse and tactics, including those used by governments to hack, swarm and spam its perceived enemies.

The hype about social media's ability to connect individuals, to open up a space for creativity, to disseminate information, and to allow for free speech seems to be increasingly limited to those contractual arrangements. This of course means that rights to free speech to public protest and acts of civil disobedience on the Internet are less clear than in traditional public space. Our legal doctrine needs to catch up to the consequences of technological advancements that undermine individual privacy:

People are increasingly connecting their personal computers to the Internet and peer-to-peer file-sharing networks and leaving their private information vulnerable. Constitutional precedent and statutory protections for electronic communications and storage did not anticipate law enforcement's collaboration with private parties or individuals' powerful surveillance capabilities in cyberspace. 38

The sharing of information between government and commercial entities exceeds the social contract. For Instance, the IRS contracts out its collection of debts to private companies, the Domestic Security Alliance Council has brought together Homeland Security with

the various private banks to target and arrest Occupy Wall Street protesters, and the sharing of information between the government and telecommunications under the PATRIOT and Civil Contingencies acts. 39 In many cases these control mechanisms are not known to the citizens, which means that control and surveillance trump, privacy and freedom of speech. Ironically, at the same time the US government extends warrantless wiretapping, the Supreme Court allows for campaign donors to anonymously donate unspecified sums of money under the Citizen's United ruling.

These policies have heighted public awareness about the relationship of anonymity to free speech, but as Michael Froomkin points out, there is no explicit legal right to anonymity, as recently evidenced by Doe v. Reed. 40 Brandeis famously associated privacy with the right to be 'left alone.' 41 Today, however, nobody is out of the reach of technologies of imaging and identification, thus reducing privacy to the ability to remain anonymous, that is, to be unidentifiable when being reached or not left alone. It is, therefore, unclear why anonymity should only apply to an individual author or donor, and not to activists. The law requires a public /private distinction, but in this distinction it only uses the social as a means of undermining it. 42 What I mean by this is that the individual that appears in the law and in theories of democracy is presented as both part of and opposed to society. Take for example the construction of property, privacy and the right to free speech: it is the individual alone that appears in law, not the social. The social remains as an abstraction - the general will for Rousseau, the Leviathan of Hobbes, and 'the people' in whose name most modern democratic constitutions invoke.

Notions of the social and the individual are obsolete, and the triumph of identification (including individual self-expression) has made it appear as if human relations are secondary to human existence. 43 Once these categories have collapsed so has our notion of ethics (as predicated on the common good). Anonymous demonstrates how ethics is rhetorical. Excessive privatization endangers private rights by feeding a system where the egoism of those individuals who make laws and govern states has been eating away at the notion of individual rights themselves. Since the individual cannot be neutral, we must find new terms for thinking about ethics (rather than personal responsibility), that are no longer predicated on the logic of either/or, ethical or unethical. Anonymous claims to be a-ethical, which is in fact shown by the nature of its attack on BART following the company's attempt to block Internet service in its stations to avoid potential public demonstrations against the acts of its police department. BART's action did amount to censorship but how do we justify Anonymous publishing individual names and addresses of their customers. At the same time, how can we justify the fact that BART (but also Sony) failed to encrypt customer's personal information? Anonymous has also pointed out how deeply embedded hacking is in media culture: the fact that private companies like HB Gary and Strafor will contract with governments and other private companies to target groups and individuals; or the relationship of The UK's Prime Minister David Cameron to News of the World's hackers Andy Coulson and Rebecca Brookes.

### **APPROPRIATING THE FACE OF FAILURE**

"If you fail in epic proportions, it may just become a winning failure." — Anonymous

Some alleged members of Anonymous have come out of secrecy and others have been outed, but this has not destabilized Anonymous' goals, which are not to disguise individual identities but to destroy the very

function of identity and identification. Anonymous is not an identity but only a name – a name that marks the absence of a name. If anonymous is anyone and everyone, or any idea and every idea, then anything can be claimed by Anonymous, thus voiding any control over who does or says what in its name. Oddly, this helps us to rethink the role of Julian Assange, who, happy to have become the globally-known celebrity face of Wikileaks, would seem to be diametrically opposed to Anonymous' commitment to untraceability and anonymity. 44

In fact I suggest that at this point Assange functions more as a face than a person – a quasi-mask that has some interesting similarities to and differences from the effigy of Guy Fawkes as appropriated by Anonymous. While Assange – both his face and name – is obviously highly specific and individual, it does function at some level as the 'brand' of Wikileaks not unlike the ways the term 'anonymous' and the 'generic' Guy Fawkes function for Anonymous. Assange's real face functions like a mask not because it hides his identity (which it certainly does not) but in the sense that it ends up masking the operations of Wikileaks. There is nothing about the specificity of Assange's face that makes this possible - only its hyper-visibility and recognizability which is the joint result of Assange's desire for celebrity and the surveillance system's relentless attempt to trace certain actions to a name and a face. It is precisely because Assange has become a global icon that his face has developed a 'blinding' effect over Wikileaks. It is by becoming an icon of identity and identifiability (for Assange) that it functions as a mask (for other individuals). The Guy Fawkes effigy, instead, functions as a generic mask of generic (not tradition, individual) anonymity. This mask has lost the ability to identify long-gone Guy Fawkes, or anyone else. Unlike the mask used by the protagonist V in V for Vendetta, Anonymous does not represent the 'vox populi.' It presents, instead, random

indefinite, open-end, and unknown collectives that create different and increasingly generic significations every time the mask is deployed. This is a neverending process and the image of anonymity is always subject to numerous modifications. What distinguishes the mask from individuals actors or even gestures of identification with such figures – as evidenced by the signs that some Anons carry like 'I am Julian,' 'I am Bradley Manning,' or 'don't worry we are from the internet' - is that the mask does not represent any individual, a cause or even a medium but rather infinite modulation or the power of a meme to go viral. Anonymous demonstrates that the meme like the process of going viral (that marketers have tried so hard to harness) is also a practice of dissensus that operates by the means of disappropriation (handing images and ideas over to an unorganized public) and indifferentiation (allowing for multiple competing or even contradictory ideas to use the same image). Depending on what happens people like Assange (at the Ecuadorian



**Figure 6.** Anonymous supporters of Bradley Manning at an SF rally for Bradley Manning's article 32 hearing and birthday, by the Bradley Manning Support Network, 2011. Used with permission via the Creative Commons Attribution-Share Alike 3.0 Unported license.

Embassy in London and beyond) or Edward Snowden (whose political asylum in Russia or South America remains uncertain), it could be that, years from now, stylized masks of 'Assange' or 'Snowden' will be sold and used for the same purpose that we now buy the masks of 'Guy Fawkes.' In both cases, 'epic fail' may be

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generative of somebody else's success.

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- 19. I am quoting Gabriella Coleman from the documentary film We Are Legion: The Story of the Hacktivists, directed by Brian Knappenberger (2012: Ro\*Co Films International).
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- 28. Always question a person's gender just in case it is really a man.

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- 34. See chapter 13 of Thomas Hobbes's Leviathan (1642-51, can be found at: http://www.gutenberg.org/ files/3207/3207-h/3207-h.htm) where he argues that the human condition is a war of all against all. Hence the individual is positioned in opposition to the social. The social contract that insures the rule of the state is represented by a monarch who maintains order leaves little to no recourse to the civilians in case of government overreach. Hobbes (as Kant will do after him) argues man is naturally 'anti-social,' and therefore the social contract is a legal document. While in *The Two Treatises of Government* (1689, online at: http://oll.libertyfund.org/?option=com\_ staticxt&staticfile=show.php%3Ftitle=222). John Locke argues instead that humans are social by nature but, like

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- (1784), 4. See: http://philosophyproject.org/wp-content/ uploads/2013/02/IDEA-OF-A-UNIVERSAL-HISTORY-ON-A-COSMPOLITAN-PLAN.pdf (accessed October 11, 2013)
- 35. Pekka Sulkunen, "Re-Inventing the Social Contract," Acta Sociologica 50, no. 3 (2007): 325-333.
- 36. Prime Minister Margaret Thatcher, talking to Women's Own Magazine, October 31, 1987. The full quote reads: "I think we've been through a period where too many people have been given to understand that if they have a problem, it's the government's job to cope with it. 'I have a problem, I'll get a grant.' 'I'm homeless, the government must house me.' They're casting their problem on society. And, you know, there is no such thing as society. There are individual men and women, and there are families. And no government can do anything except through people, and people must look to themselves first. It's our duty to look after ourselves and then, also to look after our neighbour. People have got the entitlements too much in mind, without the obligations. There's no such thing as entitlement, unless someone has first met an obligation."

- 37. Marylin Strathern, "The Concept of Society is Theoretically Obsolete," in Key Debates in Anthropology, ed. Tim Ingold (London: Routledge, 1996), 65.
- 38. Monica R. Shah, "The Case For a Statutory Suppression Remedy to Regulate Illegal Private Party Searches in Cyberspace," Columbia Law Review 105, no. 250 (2005):
- 39. See the FBI documents on: http://www.justiceonline.org/ commentary/fbi-files-ows.html (accessed March 17, 2013).
- 40. Doe v. Reed addressed whether signing a petition for a ballot measure is a private, political act or whether the names of those signers can be made public. See the case brief at: http://www.supremecourt.gov/ opinions/o9pdf/o9-559.pdf.
- 41. See Samuel Warren and Louis Brandeis on "The right to Privacy," The Harvard Law Review IV, no. 5 (1890), http:// groups.csail.mit.edu/mac/classes/6.8o5/articles/privacy/ Privacy\_brand\_warr2.html (accessed March 17, 2013).
- 42. See Paul De Hert, "The Case of Anonymity in Western Political Philosophy: Benjamin Constant's Refutation of Republican and Utilitarian Arguments Against Anonymity," Digital Anonymity and the Law, eds. C. Nicoll, J. E. J. Prins, and M. Jm. van Dellen (The Hague: Asser Press, 2003).
- 43. Strathern, "The Concept of Society is Theoretically Obso-
- 44. Wikileaks can be found at: http://wikileaks.org/



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