

Witness

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Published by Nottingham Trent University: CADBE
50 Shakespeare Street,
Nottingham
NG1 4FQ

1st edition of 250.

On the occasion of *All Men by Nature Desire to Know*
13th January - 17th February 2017
Curated by Joshua Lockwood
Stefania Batoeva, Flora Klein, Alan Micheal and Audrey Reynolds
Bonington Gallery,
Bonington building,
Dryden Street,
Nottingham
NG1 4GG

Text: Rachal Bradley, *Witness*, 2017, © the author.

Image: Jan Van Eyck, *The Arnolfini Portrait*, 1434, © The National Gallery, London.

2017

ISBN 978-0-9928878-2-7



The terms and
conditions of
viewing.



I was walking home from work in South East London. Three gangsters, right on cocaine drove a BMW car into another gangster, an elderly one, who was standing outside his terraced house.

For approximately nine minutes the murder raged. Car ramming the gangster against the wall of his house.

'A gang matter, about territory, about drugs, not really a normal event. I do hope you will decide to Getty'.

Gangs must operate in a tribal manner. We're out or be ripped out. There is a profound loyalty to this style of operation.

Although I took the Xanax prescribed to help with sleeping, the trauma was registered, in the bank, real, hyperreal.

I was a non-consenting witness, a witness capitulated through a wide reaching social contract. Implicated by seeing now placed in a moral and legal quagmire, that ended up in the criminal court months later.

This was a sudden, violent type of sight, an aggressive ripping of vision. It couldn't be taken back.



By now I must have made at least several hundred visual contracts. Today I made two. I have never read the terms and conditions pertaining to any of these contracts. Although I have scrolled down and clicked 'Agree' without hesitation. I do not know what happens when I disagree. Looking, clicking, contract.

Prior to 2000, the clicking of the privacy policy of a website was considered to be sufficient consent for the terms and conditions of use therein.

There is vast and complex meditation on the changing properties and operation of digitized images but what of the terms and conditions for viewing, the act of seeing?

The visual contracts corporate ownership is extending beyond the provision of service, platform, archive, into ownership of vision.

The sovereign limits of subjectivity, consent and privacy are the rising cornerstones of agency.

The Chinese model pioneered at the front end by Google, Facebook, Instagram are back ended by companies with silent names like Acxiom or Celebrite, bringing to a zenith the economy of eyeball, knowledge, data and value. Acxiom's strapline 'Blinded by data? See the potential that others don't.'



Contracts are tricky. They are by nature mutual and implicitly negotiable. If you do not agree with the terms and conditions as a equal party you would, nay should, be able to negotiate certain terms and clauses.

Not only are terms and conditions a virtual wall they are normally non-negotiable in the digital realm. Yet they are continually and aggressively enforced in the real world.

The signature functions as a symbol of free and fair consent from both parties. Affirmation contrary to duress. The hand and eye confirm cognition of the relationship created, entered together at that point by and between parties.

Consent is but one small principle along with privacy that privately owned corporations have used to monetize data. The coders built the software and the tech lobbyists worked on redefining the relationship of the law to these fundamental tenets, in order to enhance the economies of personal data. Personal data is not only for sale but is an effective tracking system of civilian/users.

2 birds, one net.



Since the late 90's / early 2000's several test cases have established a legal requirement to obtain 'active' consent in the acceptance of Terms and conditions. Terms and conditions are not a legal requirement and conventionally protect provider and user, sender and buyer with prescribed protection and limits. The logic may proceed that if you don't agree with the Terms and conditions then you don't use the service, for example with a train journey or person who provides a material service.

The very nature of online search engines, social networking platforms has opened out their manipulation of invisible forces.

In 2009 to illustrate this Games Station slipped into its online Terms and conditions for purchase, a clause. "By placing an order via this website, you agree to grant us a non transferable option to claim, now and forever more, your immortal soul."

Over 24 hours, Games Station had legally claim to 7,000 immortal souls from their consenting customers.

In 2009 Facebook changed its privacy policy.

This default setting was altered from private (share with friends) to public (Everyone / the entire world).



In 2012 Facebook owned company Instagram proposed to change its original terms and conditions. The proposal would allow Instagram to sell any uploaded pictures onto advertisers or other businesses. Following a fierce backlash from active users these proposals were dropped and a reversion to the original 2010 T and C's conferred.

This proposed model is still in the pipeline and Instagram executives are resolving how to accommodate such a model to expand advertising revenue. Interestingly, Instagram's traffic was not adversely impacted during this backlash. We just kept using.

And perhaps this goes some way to show how far in we all are together. How far we have allowed our viewing to be colonised by corporations and surveillance agencies. How far we are within the 'default' setting. This level of detachment from our sovereign status creates a two-tier relationship of viewing. We are witnessing our own surveillance and are powerless to address it.

The level of integration into digital systems is fully biological. And even though I possess knowledge of this, the trade off is too sweet, too convenient,



too addictive to revert. As a community, we are all there. All of us that is, including Mark Zuckerberg, including the FBI, including the CIA, the British and German governments except they get more from the deal.

Our Faustian pact are signed, sealed and delivered. The conditions for this have been ~~some~~ several hundred years in the offing.

The relationship between light and knowledge is a fundamental metaphor for human progress. These machines, emitters of light, are knowledge providers.

The early integration of IBM computers into educational institutions is an earnest articulation of their role in the production and dissemination of knowledge. Fold in the sovereign elements of consent and privacy in a 'community' context, algorithms lead vision in learning, directing you not towards the discoverable, unexpected, challenging, but towards the consumption of your experience.

All at the click of a button. Many billion, trillion clicks.

I think the click takes 0.2 seconds. Even with the quickest whip of my stroke, my signature takes 2.97 seconds to execute.



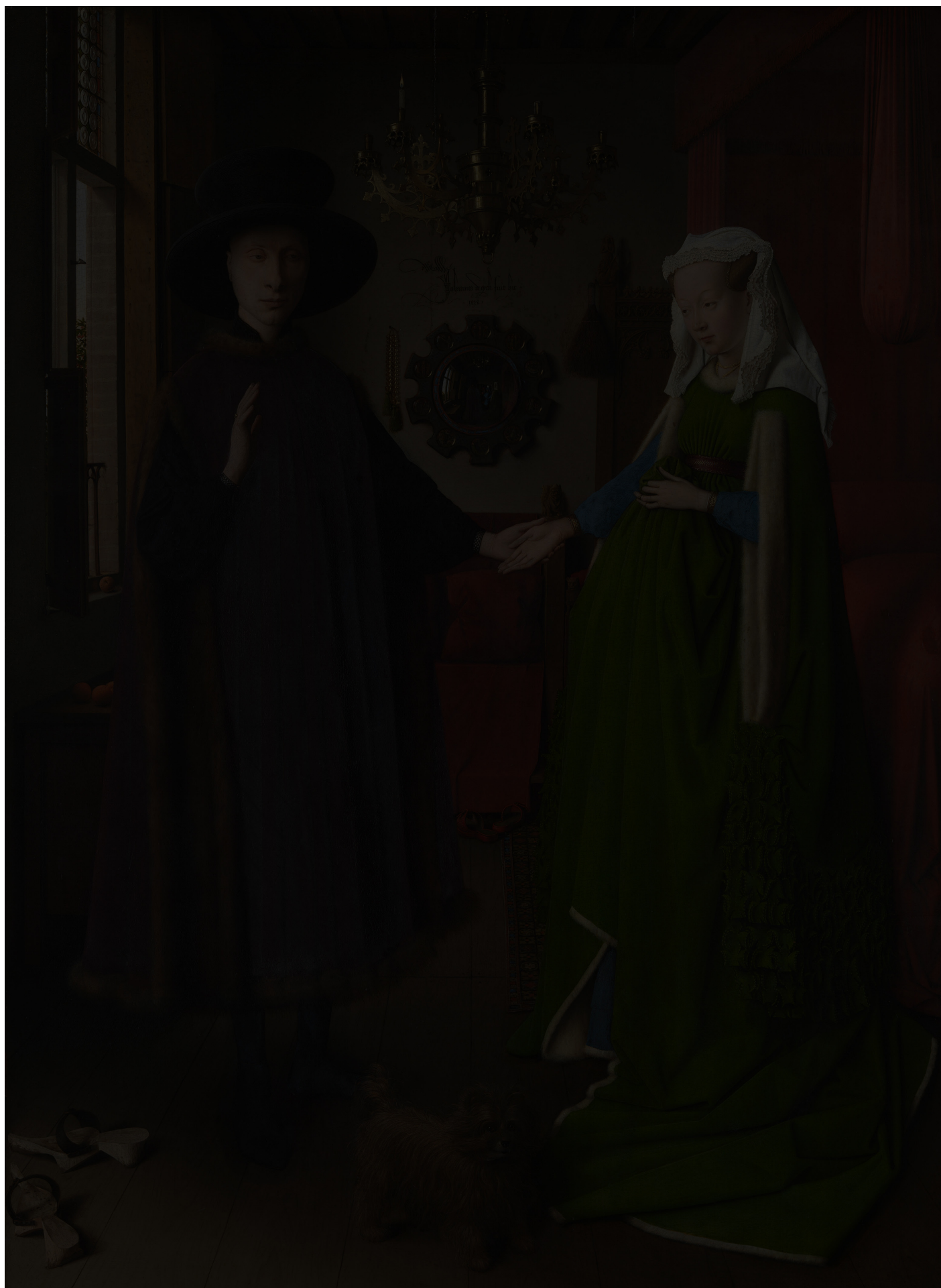
Clearly a long name helps when signing a contract, X is the worst. A little more space for intuition to take hold.

The Arnolfini Portrait is famously considered a unique form of visual contract, a record of a marriage. I wonder how long it took for Jan Van Eyck to paint his full name in this painting? By doing so it is doubly witnessed. First by the virtuosity of the painter in his ability to depict the scene in explicit realism. Secondly as a witness acknowledging their role as witness. If this painting is to be considered a peculiar type of visual contract only, it leads us to its prophetic capability and prescient relevance to our vision obsessed society.

For E. Gombrich this painting proposes 'For the first time in history the artist became the perfect eye-witness in the truest sense of the term.'

Does he mean a legal witness? Or does he refer to Van Eyck's remarkable skill in manipulating light to deliver a profound level of reality of the space and materials; exact knowledge of 'everyday life'?

Of course, we know certain elements of Van Eyck's painting are emphasised, they are not exact.



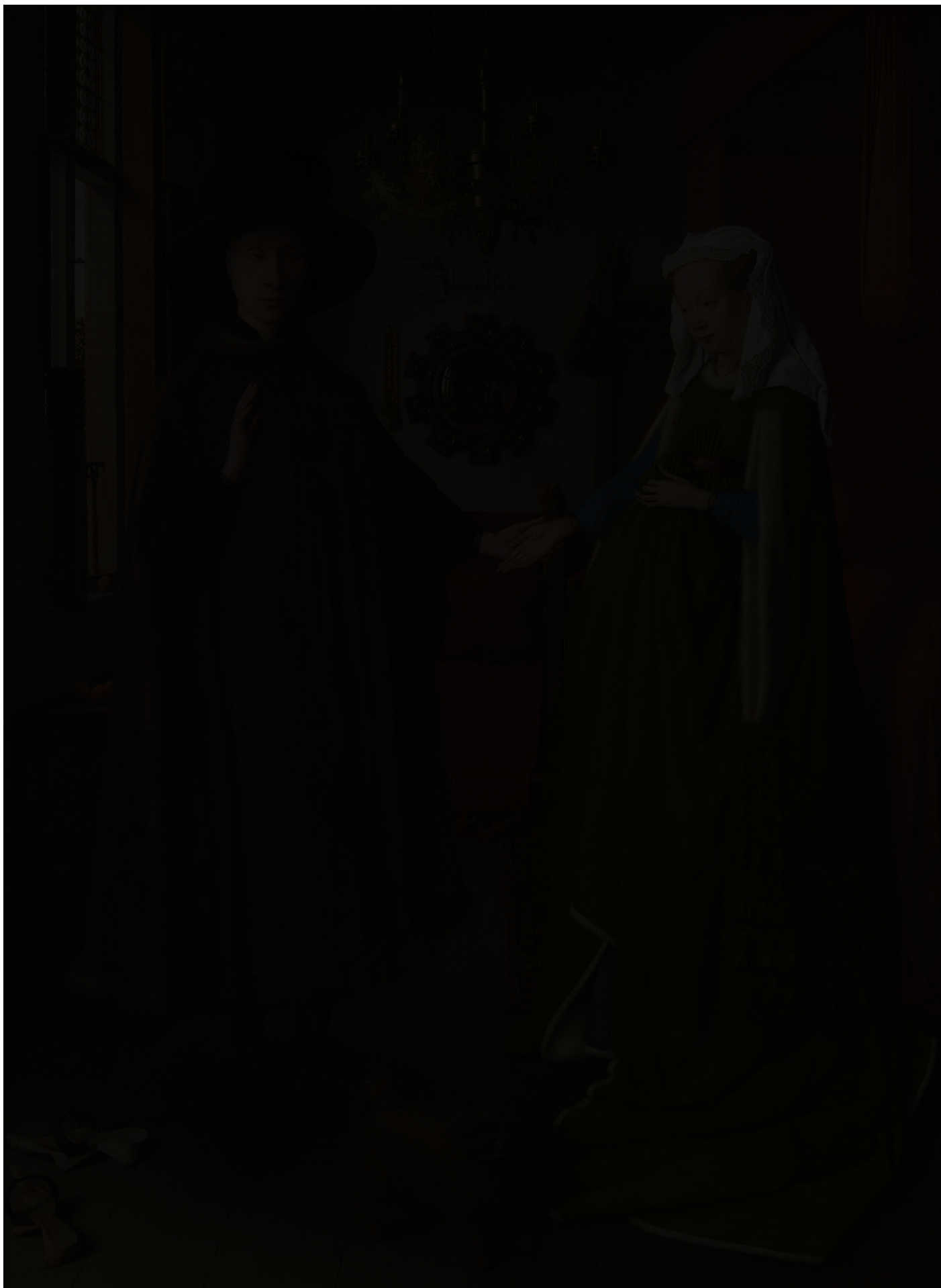
Light and dark are dramatised, the convex mirror is larger than could be made at the time and the subject's limbs are hyperbolised for flattery.

It is the artist's signature that delivers the possibility of 'real' knowledge, of a reference to other types of viewing.

Van Eyck's graffiti into the image and onto the surface of the painting, 'JOHANNES VAN EYCK FUIT HIC, 1434' {Johannes Van Eyck, was here 1434} delivers a declaration not of the painter as seer of event, witness, but the painter as witness of his own surveillance. The hierarchy of viewing.

And for this moment, we as viewer, read and see the signature for that snapshot of time as an announcement of the value of vision and our participation in the transaction.

To this end the 'Arnolfini portrait' still has the efficacy and agility to be viewable with eyes wide open without trading out internalised desires, economic and social habits into a data bank, end use unknown.



Are there the Cyries to Wenderwall? Am I Lip-synching a bastardization of a football song? Is this car crashing, slow-motion in paint? Is that PEACH? Miss Selfridge, is she a person? Miss Frigid, Miss Selfish? Am I in the 90's? Is this the 1890's, all leg of lamb shoulders and daubed, chintz wallpaper. The history is barely there, it being painted off the brush.

Perhaps it's the 70s, the faux warmth of institutional carpet. There's muddy orange foam revealed as highlight out of layers of paint. Van Eyck's heads inverted. Networks entangled; white as veil, a record of time spent on the surface, in its history suffocating beneath. An acknowledgement of presence, of its labour but detached now floating below.

It could be a character made from a set of problems served through tough purple, aggressive strokes of black. There are limbs and scowl, swane and dirty, dirty white, tainted murky light.

This is the viewing to remember.

I want to be the only witness in the Arndt's Portrait, the dog, the observer of human folly, the one looking straight out of the painting, all stout and present.

[The following text is a dense, continuous block of blacked-out content, likely representing redacted information or a placeholder for a full-page image. It spans the majority of the page area below the header and above the footer.]

" I do not know: I have no eyes
To see what provinces do.
Here comes the king himself. "
CHORUS, OEDIPUS TYRANNUS



