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Movement Undercommons: White Paper {working}

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Introduction

What does it mean to be *seen*?

Sometimes, the act of sight is an act of recognition. Through recognizing the unique experiences of marginalized individuals, society can adapt to better address the distinct concerns facing these communities. Through the collection and preservation of data, cultures and individual human narratives can be shared and celebrated. Through sharing statistics of oppression, meaningful change can be sparked through tailored legislation.

However, to be seen can also constitute exposure — and exposure can be dangerous. Exposure can be surveillance. Exposure can lead to the creation of systems of classification used to justify hierarchies of oppression. Exposure can exploit privately held information for financial gain. As Michel Foucault "has long alerted us, individuals become legible as meaningful liberal subjects through their capacity for enumeration and statistical tabulation." [Womack, A. "Matter of Black Living"]. Even well-meaning acts of exposure can endanger communities when the underlying processes are under examined.

To collect data is a way of *seeing*. The process of data collection is reductive by nature, isolating and highlighting certain aspects in order to see more clearly emergent patterns, to derive meaning in order to generate knowledge. In this process of deduction and reduction, other facets of the individual are disappeared and recreated. So how do we collect data in a manner that resembles recognition, and not exposure?

This paper expounds on the work of *The Movement Undercommons: Technology as Resistance | Future Archives* project in exploring the complexities inherent in any data collection project, but particularly

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prevalent when data collection centers communities of people at the margins of a society. For the purposes of this analysis, the term "data" applies to digital data. Data about underseen, at-risk, or non-dominant groups can form the basis of society's assumptions about them. It is vital that data is accurately and ethically created.

In Part I, this paper will discuss *The Movement Undercommons*, a project envisioned by artist Grisha Coleman that explores human movement *vernaculars* – everyday movement – through the gathering and use of motion capture data to build images or *movement portraits*. This activity of translation explores the materiality of digital media and allows the term data to mean more than just numbers and statistics by explicitly encompassing narratives, songs, and bodies. This project is an art work, but the endeavor can also serve a model of ethical data collection that seeks to celebrate and not harm the communities that it documents.

Next, the paper will break data collection projects into three distinct stages, using media, race and legal studies to explore the harms and possibilities inherent in each phase. In Part II, this paper will examine the unique risks that arise from the act of collection by describing the work of Alan Lomax. In Part III, this paper explores the dangers that arise from the preservation of data by examining how systems of information categorization have contributed to inequality. In Part IV, this paper will discuss the unique harms that arise when data is voluntarily (or involuntarily) shared with the general public.

1. THE MOVEMENT UNDERCOMMONS

What is conveyed through our movements? Can we speak of a movement identity, some combination of biological, environmental and embodied cultural experience that distinguishes an individual, or a people? And would such an identity be transplanted as we travel from one place to another?

The Movement Undercommons is a sculptural/digital media art project that aims to "discover how movement relates to and reflects one's identity." Artist/scholar Grisha Coleman was awarded a 2020 Media Arts grant from the National Endowment for the Arts and a Fellowship from the Radcliffe Institute for Advanced Study to support this project. Coleman states that in conceiving the project, she "was working with these various motion capture technologies and wanted to see the technology used among people and situations that wouldn't typically have access; to explore what movement patterns emerge from a people that are migratory, who have been displaced, who are often rendered invisible — but not through photo or video or even audio media representation, but in movement data." This project centers questions of *movement vernaculars*; and asks which ways of life are 'carried

along' through expressions of the body? Which vernaculars persist? Which are vanishing?

The Movement Undercommons (MU) explores possibilities latent in mobile motion capture (mocap) technologies through gathering movement data *in situ*; incorporating the environmental, cultural, socio-economic, and historical contexts in which human movement is inextricably embedded. The project envisions two distinct but interconnected streams of work: 1) a *future* archive – a repository/lexicon of vernacular movement data gathered outside of a lab or studio, and 2) a series of movement *portraits* – time-based vignettes created from movement data that is generative, animated, sonified, and choreographed. The project team joins with local individuals and communities to create portraiture of often overlooked action and narratives. As advocacy, MU seeks to add to a discourse of data governance responsive to issues of ethics, privacy, and property through advancing a model of practice in this project.

The nature of this work is expressive, qualitative, and quantitative; Coleman looks to create a 'kinetic haiku' from movement data. The database currently contains eleven portrait prototypes; each 'movement portrait' is built as a type of collage, made from the individuals' motion data animated with a generative algorithmic process and an audio collage – a 'musique concrete' – that together creates the portraiture. The MU envisions a series of portraits to be installed and exhibited. The project explores the notion of movement as a marker of identity and hypothesizes that the narratives *carried* in movement can be clearly and immediately recognized from surprisingly small and sparse sets of digital information

2. THE ACT OF COLLECTION

> *My team of three and I left early in the morning to meet Participant Y at her home in northern Phoenix, AZ. Mid-summer in Phoenix, down long avenues and indistinct streets, this area is especially barren while being overrun with car part depots and sketchy housing complexes. To our eyes, all the complexes looked alike, and that similarity kept us driving round and round through each unit, a maze of cookie-cutter housing development. The first address was wrong. We set out to find a different but similar address; door number? It was early, but the temperatures already edging into the high 90's. When we finally found the correct address, we parked in the shaded parking structure and gathered in front of the door to knock. Participant Y greeted us at the door, smiling, welcomed us in. Immediately I saw the folly of our assumptions. We had prepared – as we did for each data gathering event, by testing the sensor [mocap] technology and determining the number of sensors needed in advance, so as to be as efficient,*

> *respecting her time once we reached the person/the site. We had been invited to record Participant Y's movement, who is a refugee from Syria, in the process of her baking Baklava. When we arrived, she was dressed in full burqa. A full body [mobile] mocap system of the nature we were using consists of a sixteen-marker set. A third of which are attached to upper and lower legs. On the fly, I let my team know we were adjusting our plan, and would be capturing upper body only for our gathering session, knowing full well that asking her to connect anything to her body anywhere that wasn't above her burqa would be absurdly insensitive and potentially ruin the initial relationship we are always hoping to build. We soon realized that Participant Y spoke very little English, and it would be her eleven-year-old daughter that did all of the translation for us. Nonetheless, we had a wonderfully successful data capture session, and had lunch and (of course) baklava graciously prepared for us for when we were done with the session.*

When describing the work of *The Movement Undercommons* to a non-technologically oriented listener, Coleman raises analogies to ethnomusicologist Alan Lomax, who was working with the "new technology" of that time, mobile audio recording equipment. The book, *The Southern Journey of Alan Lomax: Words, Photographs, and Music* chronicles his travels to record American 'folk' music, describing Lomax, who "changed the way Americans and much of the world listen to music." (8). In a series of ethnographic projects, Alan and his father, John A. Lomax, "undertook a vast documentation of African American and Afro-Caribbean music encompassing the southern United States, the Bahamas, Haiti, and the eastern Caribbean." (8). The journey took the Lomaxes "to prisons, lumber camps, and black communities throughout the South." (11). The Lomaxes recognized that music was a form of cultural data — rhythms, myths, and harmonies passed down the generations. By collecting, preserving, and distributing this data, the Lomaxes believed that they could be a tool for social change.

However, the effect of the Lomaxes' work on the world is perhaps much more complicated than books like *The Southern Journey of Alan Lomax* suggest. Critics of the Lomaxes have flagged several issues with their endeavors such as:

> "taking composer credits for other musicians' performances (which [Alan Lomax] somewhat awkwardly defended in a 1990 Fresh Air interview with Terry Gross). Then there's the instructions he gave other AAFS fieldworkers to actively deceive their informants: 'the recording interview can be as significant as the song itself and is valuable as a fresh field document, especially, if the informant does

> not know that the interview is being recorded, and if he never learns it.'"[4]

These facts portray a harmful disconnect at the personal level between the Lomaxes and their subjects. The Lomaxes utilized, and perhaps, depended upon the power differential between them in their subjects to extract more value from these communities than the individuals participating in the project knew that they were forfeiting. In this manner, the act of song collection was an act akin to colonization — the deprivation of resources, both natural and of labor, to the benefit of the better advantaged party.

Additionally, while the Lomax recordings did share the authentic music of Black subjects, the act of curation subjected the work to their own biases possessed by the Lomaxes. For example, Karl Hagstrom Miller, the author of *Segregating Sound: Inventing Folk and Pop Music in the Age of Jim Crow*, says:

> "when Lomax arrived in a black community, he didn't ask for 'the songs that you enjoy singing.' He asked for them to find songs that fit into his idea of old time folk songs.' 'It would take 14 years before Lomax ever recorded in a black church and he never recorded at a black college. Consequently, in this body of recordings, 'you have no opportunity to hear what middle class African Americans are into ... or upper-class African Americans or urban African Americans.'"[5]

These editorial decisions reinforced dominant social narratives at the expense of other perspectives, contributing to a filtered understanding of Blackness through the lens of whiteness. By collecting and focusing in on certain narratives, the Lomaxes amplified a certain form of Blackness that they themselves defined. The act of collection was harmful in as much as it manipulated objectivity to present what was essentially subjective judgments informed by racial bias.

The complexities of the Lomax legacy parallel the complexities of any data collection project. When one embarks to provide a "voice to the voiceless," one invites a series of unique risks that have repeatedly been forgotten or disregarded throughout history. First, data collection projects of marginalized groups might undervalue the time and information gathered

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[4] https://soundstudiesblog.com/2015/04/09/the-problem-of-alan-lomax-or-the-necessity-of-talking-politics-during-the-lomax-year/

[5] https://theworld.org/stories/2015-02-10/field-folk-music-alan-lomax-giant-if-flawed-and-controversial-one

from their subjects. Data from minorities is uniquely valuable in most fields as "to commission surveys with minority audiences, such as LGBTQ+ people and people from black and minority ethnic backgrounds, panels tend to charge a premium."[6] This personal harm is compounded when subjects are manipulated, or have not fully consented to the scope of the project. Second, data collection can further harm against oppressed groups if the act of collection prioritizes certain voices over others, thereby skewing a data set towards the bias of the collector. This harm might be particularly relevant in situations affecting carceral or health decisions. The methods through which we collect data can generate personal and economic harms to individuals, even when the goal of the project is ultimately remedial.

At the stage of collection, researchers should consider:

- Does the method of collection engender physical or emotional harm to subjects?
- Are subjects being properly compensated for the value of the data that they are disclosing?
- Are the processes of data collection being warped by personal biases?

2.1 Creative Contracting

As the story of Alan Lomax demonstrates, oftentimes, there is a power dynamic between the subjects of a project and data collecting researchers. To overcome this dynamic, it is important to ensure that subjects have meaningfully consented to the scope of the project. Recent trends in "creative contracting" provide methods to achieve this goal.

Creative contracts subvert our traditional notions of what contracts look like, represent, and ought to be, and explore alternative ways of contract drafting. There are pitfalls in the current contracting landscape that necessitate change. These pitfalls can include contracts lacking clear scope, goals, flexibility, and governance, as well as being too difficult to understand and implement. Often, instead of being business enablers and communication tools, contracts can be the source of problems.

In light of these pitfalls, researchers and academics have highlighted four ways of visualization that can help reduce the barriers to effective communications between contracting parties. These four ways include: 1) visualization in contracts (using images in contracts to clarify or explain the content); 2) visualization about contracts (using images to provide guidance on how to read and use a contract); 3) visualization as contracts (where visualization of the agreement is the sole artifact of the agreement and there

[6] https://www.research-live.com/article/opinion/measuring-minorities-is-expensive-sample-preventing-inclusive-research/id/5060672

is no other text which overrides the visual representation); and 4) visualization for contracts (using visualizations like visual negotiation tools, i.e. visual templates, visual negotiations maps and more, to support parties in designing deals, negotiating, and making contracts).

Ultimately, creating a more legible and equitable contract begins before lawyers even sit down to draft the legal document. Communication, mutual respect, and understanding are crucial to producing good contracts, and these forms of visualization may aid in the process.

3. THE ACT OF PRESERVATION

> *Initially, the project centered on the creation of an archive; building a repository, building a lexicon of vernacular movement data. I wanted to call it a 'Future Archive' – almost as if to indicate an archive of something so endemic to yourself that you don't know you 'have' it, or want it, or need it – an archive of hieroglyphs or runes... to propose a platform in which one might be able to see emergent patterns, nuances of human movement from a different perspective.*
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> *We did an initial exploration of different models used to categorize things; with a hyper-awareness of how the underlying structures form systems and hierarchies, how we represent and make decisions. [Sorting Things Out, Bowker & Starr]. That research brought us from museum archives to Reddit, from the dictionary to Spider Charts, from Wikipedia to Creative Commons. We were examining a diversity of these 'repository platforms' along the lines of these basic questions: What is interesting about this? How does it inform our project? What characteristics are we inspired by and potentially want to hold onto, which to critique and let go?*
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> *We examined current open-source repositories for human movement [4,5,6].* [7]The Ohio State University, Advanced Center for Computation and Design [ACCAD] - Motion Capture Lab - Data and Downloads. "Open Motion Data Project" [8]Motion Bank. http://motionlab.deakin.edu.au/dr-scott- delahunta/, Centre for Dance Research, Coventry University (UK) [9]Carnegie Mellon University, Motion Capture Database, http://mocap.cs.cmu.edu/
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> *At the same time, we were analyzing these movement data repositories and asking; who are they made for? Most typically, the answer was somewhere in the online gaming community. So the very movements that were solicited for the repo were... specific: run, jump, shoot. SHOOT. In other words, the use cases for these movement repos were already cooked in. What this meant was at least two things: the*

> *movement vocabulary was lamentably curtailed – reduced before the technology even got to it! And second, the notion of a 'neutral' body – a cartesian-derived 'everyman' is supported in such repositories – precisely because the act of datafiying, categorizing is an act of standardization, a pretense of universalizing which works for some applications but, of course can be seriously dangerous, and has been.*
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> *The 'Future Archive' of the Movement Undercommons chooses different categories with which to organize the movement data: Functional, Poetic, Mundane, Labor, Virtuosic, Erotic. We don't categorize in terms of gender, for example. We've found that this runs perpendicular to the tendencies of these other open-source repos, and keeps our archive open to other ways of understanding movement as an identity marker, without squeezing the identity, or the possibilities of what movement can and does convey.*

Even the methods in which we store and categorize data can generate future harms. As discussed in the following part, improperly storing private information can expose participants in a project to harm from hackers or other ill-intentioned parties. However, beyond cybersecurity risks, the methods of classifying data can leave lasting impacts of society for years to come. As Safiya Uomja Noble writes in *Algorithms of Oppression*, "[t]hose who have the power to design systems—classification or technical—hold the ability to prioritize hierarchical schemes that privilege certain types of information over others."

In a chapter of Noble's book, the author looks to a struggle over the use of the offensive term "illegal immigrants" at the Library of Congress. Advocates like the American Library Association recommended the terms "Noncitizens" and "Illegal Immigration" to replace what many interpret as a "outdated and dehumanizing" terminology.[10] This issue paralleled similar debates over offensive terms used to refer to Jewish and Asian Americans within the Library of Congress. When advocates convinced the Library of Congress to change the terminology, "House Republicans introduced HR 4926 on April 13, 2016, also known as the 'Stopping Partisan Policy at the Library of Congress Act,' sponsored by Rep. Diane Black (R-TN)." The piece of legislation "threatened the Library's budget" all over the language used to refer to a marginalized group.

This modern debate over classification recognizes the power of classification — how we sort information determines how we plan to use it. In *Sorting Things Out: Classification and its Consequences*, Geoffrey Bowker and Susan

[10] https://www.ala.org/news/member-news/2021/11/ala-welcomes-removal-offensive-illegal-aliens-subject-headings

Star observe that "classification systems are often sites of political and social struggles … that are difficult to approach." (196).

Over the course of several decades, the Library of Congress has eliminated labels such as "Yellow Peril," "Jewish Question," "Race Question," and "Women as Accountants." These changes are more than about respect — as Noble writes, "the most mainstream (e.g., White, heterosexual, Christian, middle-class) controlling regimes in society will privilege themselves and diminish or subdue all others in the organization of what constitutes legitimate knowledge." (140). The way that knowledge is categorized determines how knowledge is discoverable, and under what circumstances. When data from marginalized groups is stored in a manner which preserves hierarchical systems of oppression, the knowledge included in that information will be tainted by the same bias.

As technologies like artificial intelligence and machine learning continue to advance, the way that we categorize data will be increasingly important. AI learning systems analyze large amounts of this data to become "trained" to solve certain problems. When these AI are trained on data sets that were either collected in a manner which incorporated bias, or that were labeled in a manner that incorporates bias, these AIs will then incorporate those judgements into their decision-making processes. As the American Civil Liberties Union states, AI tools have already "perpetuated housing discrimination, such as in tenant selection and mortgage qualifications, as well as hiring and financial lending discrimination."[11]

In sum, the act of data preservation generates unique harms in and of itself. When one categorizes data, the system of classification might preserve social hierarchies. These hierarchies then inform how and when information is accessed. If data regarding marginalized groups is attached to harmful terms or ideas, researchers and AI who later access that data might use it to further those very purposes.

At the stage of preservation, researchers should consider:

- Is data being classified in a way that might lead to harmful societal effects?
- Has the data been attached to any harmful proxies that might generate bias in training data?
- Has data been stored in a way that is resistant to cyberattacks?

[11] https://www.aclu.org/news/privacy-technology/how-artificial-intelligence-can-deepen-racial-and-economic-inequities

- **3.1. Data Termination**

One method to increase equitability within the "preservation" stage is to allow individuals the capacity to "terminate" their data in accordance with contractual provisions agreed to by both parties. Data termination provisions could occur at both the individual and statutory levels. Copyright law provides an example of a successful termination solution at the statutory level.

The Copyright Act of 1976 provides to creators a "right of termination" that allows an individual to revoke an assignment of rights to a different party after a certain period of time has passed. The termination right has some categorical exceptions, but it was created with the equitable understanding that "authors were in a disadvantaged bargaining position when compared to large corporations." Termination provisions allow authors to reclaim rights to works when "the value of a creative work rise[s] far beyond that it possessed when the initial agreement was made."[12]

Like an artistic worth whose value was underappreciated when initial rights were forfeited, the value of human data has rapidly increased beyond its previously understood value. As the Brookings Institution writes, as "artificial intelligence evolves, it magnifies the ability to use personal information in ways that can intrude on privacy interests by raising analysis of personal information to new levels of power and speed." A data termination scheme would require that companies preserve the capacity to delete data, even when it has been collected consensually.

Even in the absence of a statutory regime, individual researchers can build termination protocols into their projects. The data contained within a product might delete itself after a period of time, or, purposefully become increasingly anonymized at the request of the subject.

- **3.2. Anonymization**

Some of the harms of data sharing are often corrected through the process of anonymization. Through this approach, harms to individuals are minimized because collected data can no longer be used to directly harm one distinct person. However, as numerous studies have shown, publicly available data "often contains enough personal information to allow casual acquaintances to locate specific people in medical records, even though the data is considered to be 'de-identified.'" Deanonymized data can be used to harass

[12] https://www.natlawreview.com/article/terminate-copyright-grants-correctly-or-risk-losing-your-rights

members of marginalized groups, to surveil them, or bring financial harm through identity fraud.

Even when data of marginalized groups is properly anonymized or secured, it might still generate risks for these communities if government actors are able to access this information. The documentary film *Blowin' Up* tells the story of "a Queens courtroom [that] pioneer[ed] a compassionate method of handling prostitution cases."[13] The courtroom promised the defendants — most of them "African-American and Asian …[and many] in the U.S. illegally" — avenues of rehabilitation and support that were safe from prosecution and deportation. However, the documentary captures the results of the 2016 Trump election, and concludes with "ICE agents storming the court to apprehend undocumented immigrants."

Although this was an unwilling betrayal of trust, it was a betrayal nonetheless. For privileged groups, it can be hard to recognize the extent to which government involvement can pose a threat to marginalized communities. Hostile administrations can utilize judicial orders to force the divulging of government information — even over the objections of all those involved. This is another risk that must be considered in any data collection project.

Before reliance on anonymization, researchers should consider:

- Has the data been anonymized in accordance with scientific and mathematical standards?
- Is the data subject to easy de-anonymization if it is combined with publicly available data?
- Does the data *need* to be permanently preserved? If not, deletion may help minimize unanticipated access to the data.

1. THE ACT OF DISTRIBUTION

I was startled into the realization early on that this repository, this 'Future Archive' could not be Open Source[7], the data we recorded would remain private, not accessible via the internet. Amongst my colleagues in engineering and tech techno-utopic ideologies are still very potent. The dream of an open-source society that democratizes still persists, albeit beaten down in the past years with such obvious evidence to the contrary. I realized there will be a public facing aspect to this project, but also a private one. The 'movement portraits' will be shown as artworks, an abstraction, a musing on what can be made and reflect

[13] https://variety.com/2019/film/reviews/blowin-up-review-1203178679/
https://en.wikipedia.org/wiki/Open_source

> *back about movement, but instead of paint, the portrait is created from the material of the data. This means there is no traceable marker of the original data. Its better then crypto, art is.*

Distinct risks arise from the very act of disclosing data — whether voluntarily or not — that need to be considered before one publishes data into the world. As discussed throughout this piece, marginalized communities have a special relationship with data. As Professor Ruha Benjamin writes, "a key feature of Black life in racist societies is the constant threat of exposure and of being misread; and that being exposed is also a process of enclosure, a form of suffocating social construction." Disclosure of data can result in: invasions of privacy; economic harm; and increased surveillance. Before one releases information about oppressed groups, it is important to consider these harms and seek to either minimize or eliminate them.

Data can be shared in a manner that is exploitive, sensationalistic, or voyeuristic. Consider the tragic life of Sarah Baartman, who was brought "to Europe seemingly on false pretenses by a British doctor, stage-named the 'Hottentot Venus'" and "paraded around 'freak shows' in London and Paris" where crowds gawked at her unique (to Europeans) figure — which contributed to notions of racial science and eugenics. Even after Ms. Baartman's death, her "brain, skeleton and sexual organs remained on display in a Paris museum until 1974." Ms. Baartman's life can readily be understood as an example of a violent betrayal of trust, the colonization of Black bodies, and the misogynistic objectification of women. She was exposed constantly — and violently — with what can only be regarded as the most ill of intent. When the exposure of marginalized groups is done with the explicit goal of dehumanization, any incidental gains in knowledge are outweighed by the traumatic harm to these individuals and communities.

However, harmful exposure to marginalized groups can occur even when the party sharing data possesses remedial intentions. Consider the phenomenon of trauma porn: when "people share graphic videos, usually of police brutality, on social media. These videos exploit a traumatic experience solely for the purpose of shock value. These videos can be triggering to see, and the constant, easy-access sharing can be taxing on the wellness of Black people."[14] Trauma porn retraumatizes the very communities that its exposure seeks to protect. Additionally, many examples of trauma porn exploit personal tragedies for the sake of social movements. For the family and friends of victims, their pain is often amplified to advocate for social change which is frequently ignored.

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[14] https://thebutlercollegian.com/2020/09/trauma-porn-misguided-activism-on-social-media-harms-more-than-it-helps/

The line between trauma porn and mobilizing messages might often be blurry. For example, Mamie Till-Mobley, "mother of slain teenager, Emmett Till [chose] to expose the mutilated body of her son because '[she thought] everybody needs to know what happened." Mrs. Till-Mobley:

> "...rejected a mortician's offer to 'touch up' Till's body. Instead, she chose to have an open casket funeral exposing her son's grotesquely mangled form to illuminate the horrors of Jim Crow segregation and anti-Black racism in America. An estimated 50,000 people saw Till's body during his funeral in Chicago. The national magazine Jet subsequently published photos of his corpse."[15]

Mrs. Till-Mobley's decision was a radical act of exposure which mobilized supporters to advocate for racial justice. Despite this mobilization of support, "it took nearly a decade of concerted, direct political organizing to pass the Civil Rights Act of 1964." [The Appeal]. The violence of Emmett Till's murder is still remembered to this day — by sharing her pain, Mrs. Till-Mobley's son was immortalized.

On the other side of the spectrum are spectators like Nneka Ewulony, who recognize that "the fact that police officers disproportionately target, harass and kill Black people is known to all except those who chose not to see it." Under this view, "[a]bsent structural organizing and actual political change, societal consumption of anti-Black violence instead reinforces the dehumanization of Black people that is central to White supremacy."[16] In this manner, trauma porn sensationalizes violence against Black bodies without contributing to its end.

In 2017, the exposure of Emmett Till grew renewed attention when a white artist, Dana Schutz, made paintings based on photographs of Emmett Till's murdered body. Many African-American artists, such as Hannah Black, protested the Whitney's decision to display the piece, stating that "The subject matter is not Schutz's ... White free speech and white creative freedom have been founded on the constraint of others, and are not natural rights."

This line of logic might also apply to other systems of oppression that contribute to the marginalization of minority groups — such as transphobia, sexism, and capitalism. Does data showcasing government-sponsored violence against transgender individuals, women, and the impoverished

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16 https://theappeal.org/tyre-nichols-emmett-till-police-brutality-trauma-porn/

actually trigger change? Or, do these projects distract from more effective methods of change which are not as focused on empirics and instead focused on empathy? These inquiries do not provide clean-cut answers. However, by considering these questions, the presentation of data can be conducted more precisely, and perhaps, less frequently when that data has the capacity to generate social harm.

At the stage of distribution, researchers should consider:

- Will sharing this data generate more harm than good for marginalized communities?
- Have the personal communities that might be impacted by the distribution of this data been consulted?
- Is the form of distribution within the scope of consent obtained from the subjects?

○ 4.1. Ethical End User License Agreements

In order to ensure that their programs are not misused or stolen, software developers use "end-user licensing agreements" (EULAs) which dictate the terms under which a party can use their services. Most EULAs are primarily concerned with protecting intellectual property rights, and minimizing legal liability. However, license agreements can also be used to impose ethical limitations on the end-use of a product.

An end-use license restriction on distributed data could limit: how data is stored if it is downloaded; how the data is used; how data can reproduced; and provide categorical prohibitions on some end uses — such as uses which contribute to incarceration. However, because the terms of such a licensing agreement require private enforcement, and potentially, judicial oversight, this solution would not be foolproof.

2. CONCLUSION

As Ruha Benjamin writes, "[w]ho is seen and under what terms holds a mirror onto more far-reaching forms of power and inequality." The act of bringing visibility to the unseen can bring about meaningful social change, but it can also expose communities to unnecessary risks.

This piece does not seek to suggest that projects which collect data from marginalized groups should never be pursued, as we envision *The Movement Undercommons* as taking on some of the mounting questions and concerns around data and its uses. Instead, this paper invites data collectors to consider all of the risks inherent in data collection before assembling and distributing information about marginalized groups. After those risks have been identified, a researcher can more effectively target and combat these

issues. In the most dangerous, and exploitative, of situations, it might be best to cease the entire project — some information should only be shared through the complete volition of its owner. However, in more nuanced scenarios, risks to marginalized communities can be minimized through thoughtful data collection. When risk cannot be eliminated, subjects can be informed regarding the full scope of the risks of involvement in the project, and properly compensated for the value of the data provided to the team.

New technology invites the potential for social change. However, many of the issues plaguing our society are not caused by a dearth of data, but rather, by a dearth of empathy. By reevaluating the scale and scope of data collection projects, we can advocate for those at the fringes of society while still protecting them from further harm.