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**Insight Into Project Insight:**

**A Textual Analysis of *Captain America: The Winter Soldier***

By

**Samantha Margaret Morneau**

A Major Research Paper  
Submitted to the Faculty of Graduate Studies  
through the Department of Communication, Media and Film  
in Partial Fulfillment of the Requirements for  
the Degree of Master of Arts  
at the University of Windsor

Windsor, Ontario, Canada

2022

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**Insight Into Project Insight:**

**A Textual Analysis of *Captain America: The Winter Soldier***

by

**Samantha Margaret Morneau**

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April 25, 2022

## DECLARATION OF ORIGINALITY

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## ABSTRACT

This paper employs textual analysis to critically examine how the film *Captain America: The Winter Soldier* (2014) represents post-9/11 surveillance technologies and techniques in light of the Edward Snowden revelations regarding data collection and analytics, the role of digital technologies in surveillance, and the sacrifice of democratic rights. It does this by employing David Lyon's book *Surveillance After Snowden* (2015) to highlight core narrative points and scenic elements of the film that depict how surveillance is framed exclusively in terms of governmental surveillance practices, specifically drawing connections between the NSA and S.H.I.E.L.D. Focusing on narrative aspects of the film such as character motivations, and technical aspects such as pre-emptive analytics, data doubles and digital technologies, this project examines how *Captain America: The Winter Soldier* frames surveillance in terms such as freedom versus fear, the suspension of the presumption of innocence, set against the development of a ubiquitous and ambient digital surveillance infrastructure. This paper examines how the film misrepresents the accuracy of pre-emptive analytics, excludes the role of corporate social media, and glosses over the dangers of digital surveillance to a democratic society by framing the central concern of digital surveillance as who is controlling "the switch."

*Keywords:* Textual Analysis, Marvel Cinematic Universe, Surveillance, Post-9/11, Snowden Revelations

## DEDICATIONS

To Mum and Dad,

For listening to my ranting, raving, theorizing and critiquing after seeing every film.

For always having my back.

Love you.

Ms. C.D.,

You told me I wouldn't make it through university and I did. A few times now.

So... To Me.

Lastly, to Chris Evans.

He's awesome.

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## Chapter 1: Introduction

### Prelude

On April 3<sup>rd</sup>, 2014, I was an eighteen-year-old in my first year of teachers' college who had never read a privacy policy, yet accepted all terms and conditions, had an 'I've got nothing to hide' mentality when it came to online privacy, and had no idea of Edward Snowden's importance. However, on April 4<sup>th</sup>, 2014 at 4:20 pm, when I should have been studying for my 'Intro to Psychology' final, I walked into Silver City Windsor to watch *Captain America: The Winter Soldier* (Russo & Russo, 2014) (hereafter CATWS) in IMAX 3D. A few hours and a couple of tears later, I remember leaving the theatre flabbergasted. I had never considered the possibility of predictive analytics or targeted killings, let alone did I realize that this was not a depiction of a potential future, but a narrative created based on aspects of our present reality. How did I not consider that Black Widow releasing all of S.H.I.E.L.D.'s files online could be interpreted as "echo[ing] the action of Edward Snowden" (Eddy, 2014, para. 7), or how plot points were based on existing "civil liberties issues, drone strikes, the president's kill list, [and] pre-emptive technology" (Suebsaeng, 2014, para. 3)?

Chris Evans stars as the film's main character, Steve Rogers (aka Captain America), first introduced to the Marvel Cinematic Universe (MCU) in *Captain America: The First Avenger* (Johnston, 2011a). Steve Rogers was an underweight asthmatic who wanted to join the United States army during World War II. In the film, Rogers won the chance to become Captain America as he demonstrated "qualities beyond the physical" (2011, 0:23:19) that indicated he was a good man who would not abuse power. Rogers was then subjected to an experimental treatment which made him the first and only Super Soldier. He went on to fight against a Nazi organization known as HYDRA and won, only to wind up crashing a plane and freezing himself

in ice for seventy years. Rogers was eventually found and awoken to help defend New York City from an alien invasion in *The Avengers* (Whedon, 2012).

When we see him again in CATWS, Rogers is working for the secret government organization S.H.I.E.L.D., desperately trying to find his place in a new world that seems to no longer share his values. Since the devastation of New York in *The Avengers*, S.H.I.E.L.D. has been developing new defense technology under the title Project Insight that will stop the next attack before it has the chance to happen. However, this technology makes Rogers uncomfortable as he deems it an erosion of freedom. Though Fury, the head of S.H.I.E.L.D., disagrees with Rogers, the two, along with characters Natasha Romanoff (aka Black Widow) and Sam Wilson (aka The Falcon), work together to take down the technology, as well as the agency, when it is revealed that HYDRA has hijacked the Project Insight with the plans of using S.H.I.E.L.D.'s technology and a specialized algorithm reliant on mass collections of data to identify citizens who disagree with their worldviews and kill them.

### **Into the Marvel-verse**

The Marvel Cinematic Universe (MCU) is an ever-expanding saga, which accounts for dozens of films, numerous television shows, and a few accompanying comic books, with a global box office total of \$25.56 billion, across twenty-seven films as of February 2022, making it the highest grossing film franchise in history (Betakova, 2022). The film analyzed in this MRP, *Captain America: The Winter Soldier* was the ninth film released as a part of the MCU and the second released in the *Captain America* series, raking in over \$700 million from the global box office (Josie, 2021). Though blockbusters, and superhero films in particular, are sometimes

dismissed by critics as pure entertainment that merely offer an escape from reality and nothing more, CATWS was rightfully flagged as something different upon its release.

At the time of its premiere, numerous film reviews lauded CATWS as a political thriller wrapped in superhero clothing. The film's directors, Joe and Anthony Russo, had set out to create a film that echoed prevalent fears about the state of America and the post-9/11 war on terror, stating that "all the great political thrillers have very current issues in them that reflect the anxiety of the audience..." (Suebsaeng, 2014, para. 3). The Russo brothers incorporated drone strikes, data mining and kill lists, enabling audiences to consider these concepts in a fictional space. One review noted that the film "manages to echo all sorts of contemporary fears about surveillance, secrecy, and the fundamental untrustworthiness of large institutions" (Willmore, 2014, para. 2), while another suggested the film "waded right into the middle of this debate about the mass surveillance of ordinary citizens' communications and internet activities" (Lambie, 2014, para. 10). Some reviews even contextualized the film as part of a broader debate about the pursuit of "security at the expense of liberty" (Bell, 2014, para. 15).

Considering how the first of the Snowden revelations were released in June 2013 (Lyon, 2015, p. 1), while the film was being shot (Suebsaeng, 2014) – filming began in April 2013 (Ng, 2013) while reshoots ran from December 2013 to January 2014 (Ge, 2013) – it is difficult to say if Snowden's actions impacted the film's narrative. As "motion pictures are increasingly becoming the primary modes of spreading information and educating audiences" (Drucker, 2012, para. 1), a narrative that reflects reality can be of import, as it may be the only way for similar information or complex ideas to reach certain audiences. For example, even as these authors were able to make the connections between fiction and reality, in my personal experience, when

I ask a friend if they know who Edward Snowden is or if they have seen *Captain America: The Winter Soldier*, I am met with confusion about the former and excitement for the latter.

Through the use of textual analysis which will be elaborated on in the following chapter, the aim of this project is to answer the following question: How does *Captain America: The Winter Soldier* represent post-9/11 surveillance technologies and techniques in light of the Snowden revelations? In this paper I will demonstrate how CATWS frames surveillance, as well as highlight what it foregrounds and omits. In 2013, Edward Snowden removed the veil of secrecy and showed the world how the United States' National Security Agency (NSA) was covertly conducting mass surveillance on its own citizens, in addition to its allies and enemies. He demonstrated that, though not a new concept or practice, surveillance had become more efficient, and thus more powerful, with the use of digital technologies enabling capabilities beyond what they were initially authorized to accomplish: namely, the promise of winning the war on terror by finding 'hidden' terrorists. Privacy and surveillance are major social justice issues as surveillance is an encroachment on citizens' rights. By invading the privacy of citizens, democratic practices are hindered as the ability of citizens to speak freely and critically about those in charge may be impacted by the fear that those in charge may retaliate. These issues are especially crucial when one is unaware that they are even in jeopardy. CATWS draws upon these themes in its narrative, as we watch Steve Rogers comment on the effect that Project Insight has on the rights of citizens, stating that mass surveillance enforces fear rather than freedom (Russo & Russo, 2014, 0:17:21).

In what follows I first examine the extant literature, drawing from film studies, popular cultural analysis and surveillance studies. In terms of the latter, I specifically focus on David Lyon's *Surveillance After Snowden* (2015). I then explain the method of textual analysis which I

have utilized to illustrate the connections between CATWS and Lyon's examination of the post-Snowden context. My subsequent analysis is divided into three sections: (i) "post-New York" where I demonstrate how *The Avengers* explores the anxieties stemming from the Battle of New York to justify changes to national security, and in the process I make connections to the real-world context; (ii) "Zola's algorithm" which focuses on surveillance techniques and technologies represented in CATWS as explained by Lyon, and (iii) "the fundamental question" wherein the representation of surveillance practices and consequences are analyzed in terms of contradictions and omissions. Upon completion, it will demonstrate that the film represents some themes of real-world government surveillance practices, while misconstruing the main issue as who is in control matters more than how digital technologies directly impact freedom and democracy themselves.

The MCU is a wildly popular franchise, and CATWS had, and continues to have, an expansive reach in terms of its viewership considering it is available for streaming to 129.8 million Disney+ subscribers worldwide (Stoll, 2022). Although Snowden's importance may now go unnoticed by some, it is difficult to avoid the cultural prominence of blockbuster films, especially when those films are products of Disney. In this paper, by using Snowden's revelations as explained by Lyon in *Surveillance After Snowden*, I draw connections between CATWS and Lyon in regards to surveillance technologies and techniques to form an understanding of what it represents, what it offers in terms of framing concepts of digital surveillance, and what is omitted. If, as Lambie argues, the film placed itself in the middle of a grand debate about mass surveillance and targeted killings, what exactly is it saying?

## Literature Review

By conducting a review of the literature most relevant to this MRP, I contextualize the significance of this analysis. I begin by briefly discussing the importance of film studies, highlighting the reciprocal relationship between film texts and culture. I examine Stuart Hall's theories on encoding texts and the circuit of cultural production before focusing on the genre of science fiction. From there, I sort through the existing research on *Captain America*. Steve Rogers and his alter-ego, Captain America, were introduced in March of 1941, first seen sucker-punching Adolf Hitler on the cover of his first comic book (Simon & Kirby, 1941). Although Captain America wears the American flag on his chest, what the character represents is not the country's politics per se, but rather, an aspirational version of what America wants itself to be. I then provide a map of surveillance theories beginning with Jeremy Bentham and Michel Foucault's differing perspectives of panopticism, and subsequently explore other theorists such as Gilles Deleuze, Thomas Mathiesen, Greg Elmer, Mark Andrejevic and David Lyon whose work was influenced by both Bentham and Foucault. Surveillance and its techniques are not new areas of scholarly inquiry and research, however the practices and techniques have become more ubiquitous and efficient with new digital technologies. In order to understand how surveillance theories, techniques and practices have reached the breadth and depth that they maintain in Western culture today, it is important to understand how the concepts and the application of them have evolved. Furthermore, this is a theoretical lineage, and it is important to this study, as these theories provide a way of understanding how surveillance operates in reality, and therefore, provide a way to interrogate the representations in the film. The literature review concludes by looking at David Lyon's *Surveillance After Snowden*, an expert scholar in surveillance theory and history. The Snowden revelations were first released in June 2013 revealing how the search

for national security after 9/11 had jeopardized democracy. A review of these areas of study provide the proper context for my subsequent analysis of CATWS.

### *More Than Entertainment*

Beginning with a selective review of film studies literature, I first look to Stuart Hall, whose theories on the circuit of cultural production and the meaning of texts will prove helpful to conducting the analysis of CATWS. Following Hall, I illustrate the relevance of science fiction films in culture. Though the classification of superhero films is sometimes debated, I demonstrate how CATWS fits the criteria for the science fiction genre, and what role these films play within our culture. This section concludes by demonstrating the importance of popular films in shaping our understanding of complex issues – in this case, the creation of an invisible, omnipresent surveillance architecture.

Hall argues that media content emerge from the circuit of cultural production, encoded with specific meanings and ideologies by their creators, however, audiences may decode them to uncover unintended messages (1973). He makes the argument that “there can never be only one, single, univocal, and determined meaning for such a lexical item, but, depending on how its integration within the code has been accomplished, its possible meanings will be organized within a scale which runs from dominant to subordinate” (p. 9). What this means is that lexical items, such as characters, quotes, and narratives, are coded with meaning, and though a writer or director may code the item to mean one thing, the audience may interpret its meaning in one of three ways. The first is a dominant reading, wherein the audience interprets the codes as the writer or director intended. The second is an oppositional reading, in which the audience rejects the dominant perspective as put forth by the writers and directors. In the third instance, a

negotiated reading, audience members do not fully support nor oppose the intended meaning, but rather find themselves somewhere in between. For example, in the MCU's *Spider-Man* trilogy (Watts, 2017, 2019, 2021), the audience is verbally told that Peter Parker is of the lower or working class, as seen in the comics and other film iterations. However, what is represented on-screen differs, as Parker appears to be living comfortably in an apartment, without stress from the loss of five backpacks in a single school year (Watts, 2017, 0:25:21), while attending an academically competitive high school. This causes some audiences to have trouble reading the character as working class. This has produced a negotiated reading of the MCU's Peter Parker, as the audience acknowledges that Parker is not rich, like Tony Stark, however, they do not believe Parker and his aunt are struggling financially (White, 2021), like Scott Lang in *Ant-Man* (Reed, 2015). The negotiated reading in this instance means that audiences may recognize that Parker is meant to belong to the working class, however, unintended interpretations of viewing Peter as privileged make the audience unable to wholly accept the representation.

Some schools of thought, such as the Frankfurt School, tend to dismiss blockbuster films as simply escapist entertainment meant to appease the masses and create profits for media companies creating a homogeneous culture that "impresses the same stamp on everything" (Adorno, 2001, p. 9). However, Hall argues that media are a part of a circuit of cultural production, where media are influenced by culture and culture is in turn influenced by media. For Hall, media are created based on existing knowledge and encoded with meaning. The media is then consumed by an audience who decode its meaning; whether dominant, oppositional or negotiated, it does not really matter. What does matter, Hall argues, is that "it is this set of decoded meanings which 'have an effect', influence, entertain, instruct or persuade, with very complex perceptual, cognitive, emotional, ideological or behavioural consequences" (Hall, 1973,

p. 3). Media content, such as film, according to Hall, do more than appease masses or work to generate a profit, they also reflect and influence.

When we try to look for examples of texts that represent Hall's circuit of cultural production, the science fiction genre has much to offer. Science fiction as a genre relies on issues present in everyday life and exaggerates them or draws on futuristic elements to grapple with the issues, thus reflecting and being a reflection of the culture into which science fiction films are released. Johnston (2011b) argues that the genre is an accumulation of iconographic elements, special effects and thematic elements. The thematic elements are centered "around technology, science, futurism or the figure of 'the Other'" (p. 7), and its boundaries may blur, as the genre can account for many different elements. What defines a film as science fiction may not be easy to ascertain, as often we may envision "popular identification of iconographic elements such as flying saucers, robots, ray guns and aliens" or we may "focus on special effects or spectacle" (p. 7). However, science fiction may also account for issues that are relevant to the culture into which the film is being released. For example, one of the most important elements of science fiction, at least in terms of this paper, is that it is a space for audiences to experiment and play with scenarios of change in regards to science and technology (Blackford, 2017), as well as cultural, social and political implications. Blackford states:

As the twenty-first century rolls out, offering promises and surprises, scientific understanding and technological innovation continue to transform our world and even ways in which we understand ourselves. As long as that is so, the implications of technoscience will fascinate writers from many artistic and other traditions. Many will choose [science fiction] as a means of self-expression, and many will employ its tropes and icons to engage with persistent questions that trouble the human mind. (p. 44)

As with Hall's circuit, science fiction films may be influenced by the issues that culture is facing at the time of their creation, such as increased technological surveillance performed by governments. They are encoded by their creators and released to an audience that will then decode them, and they may leave the film with an understanding of the issue that will in turn influence the evolution of the culture.

This is significant because, though CATWS may not seem like a traditional science fiction film, it provides audiences with a fictional version of reality to contemplate technological, as well as the accompanying political, changes present in reality with some exaggeration as to their current capabilities and potential unintended consequences. The film's narrative tackles concepts of surveillance, privacy and freedom. What makes this film worthy of scholarly analysis is that these concepts are tackled in relation to surveillance technologies that have been given new life due to a tragedy that took place in New York City, which mirrors our post-9/11 reality.

CATWS was released a year after the Snowden Revelations, and though the audience may not be aware of them, as the Russo brothers state: themes present in the film were already prominent in American culture and causing the brothers anxiety themselves (Suebsaeng, 2014). Science fiction films are notorious for discussing prevalent cultural, political and technological issues, so in this paper, my task was to make connections where possible between CATWS and the culture of high-technological surveillance and the war on terror, whilst also highlighting its shortcomings.

### *Star Spangled Man*

The character of Captain America was created by Joe Simon and Jack Kirby in March 1941 prior to the United States sending troops to fight in World War II after the Pearl Harbor attack on December 7 of that year (Simon & Kirby, 1941) for Timely Comics, which later became Marvel Comics. Many of the comics in the early issues featured Captain America fighting Nazis, whether they were in disguise as psychics, such as Sando and Omar, or the Red Skull (Simon & Kirby, 1941). As time went on and America's enemies changed, so did Captain America's. Captain America was depicted fighting Nazis and Communists, however, when he was not fighting fictional versions of America's real-world enemies, his popularity faded (Roach, Sanderson & Mangels, 2021).

Much of the research on Captain America has been focused on the hero from the pages of comic books, as they were released prior to the start of Disney's acquisition of Marvel Studios in 2009. For example, Dubose (2007) highlights the Reagan-era portrayal of Captain America by pointing out that when Reagan ran for president in 1980, he ran a campaign suggesting that America had lost its faith, and Americans needed "a hero to make them believe in themselves again" (p. 915). However, as Reagan led the country, Americans started to see through the hero façade and began to lose faith in him, due in part to the Iran-Contra affair – which revealed that "Reagan Administration officials supported the militant contra rebels in Nicaragua and sold arms to a hostile Iranian government" (Brown University, n.d., para. 1). This led to a questioning of the true nature of an American hero and if heroes could even exist anymore (Dubose, 2007, p. 916).

As Reagan played up his cowboy-hero image, Dubose claims his actions were that of the opposite. The 'cowboy' contains a long list of connotations as it typically signifies a rebel who

separates themselves from the law. Though Reagan painted himself as an outlaw, he was a “law and order” politician. However, as Dubose highlights, “it was the popular culture of the era that pointed out how Reaganism emphasized a system of law and order based on politics as opposed to a system of justice based on morality” (p. 917). Dubose highlights characters, such as Batman, who mirrored Reagan’s actions of hiding his relationship with authority behind a vigilante persona, however, Captain America worked to uncover how heroes could still exist.

Steve Rogers began as a guinea pig for government experiments to create a super soldier during World War II. However, after freezing himself in ice and becoming “a man out of time” (p. 927) when he was awoken, Rogers was depicted struggling to adjust to the new world. In the 1980s, Marvel identified that right and wrong had become convoluted, as “*Captain America’s* editors and writers still struggled with ways of making the hero side of Steve Rogers relevant to the 1980s, a drastically more morally complex era than that of his origin” (p. 927). Yet, as Dubose argues, just because it is blurry, does not mean that Rogers does not know what is right and wrong. His opinions are not immutable and he is “more prone to contemplation over the nature of America” (p. 928), meaning he had been adapted to account for grey areas as the world was not as cut and dry as it perhaps once was. Dubose goes on to highlight that the Captain America of the 1980s differed from the Captain America of the 1940s as he did not force American ideals upon his opponents, but rather, seemed to recognize that opinions and morality were relative (p. 928). For example, Dubose draws attention to the comic book’s anti-nationalist villain Flag-Smasher and his interactions with Rogers. The Flag-Smasher was fighting for a world with no countries, so that they could be one world where people did not fight against one another. Dubose notes that Rogers did not argue against Flag-Smasher’s beliefs, as he saw the

Flag-Smasher as fighting for a better world, but rather argued against his use of violence to achieve this goal.

Another character that Dubose draws upon is John Walker. In the comics, Walker replaces Rogers as Captain America after the government determines Rogers is “no longer a suitable symbol for America” (p. 930). By contrasting Walker and Rogers, Dubose demonstrates the difference between the ideals America preaches and the actual state of America. Walker claims that being patriotic in America is equivalent to unquestioning loyalty, whereas Rogers of the 1980’s recognizes that the American government does not value the same ideals that he believes in and fights for. Dubose concludes by suggesting that these Reagan-era heroes followed their own morals whilst transcending the system that they were fighting within. These characters are assets to help audiences cope with the struggles of morality, and right and wrong present in reality.

Apart from comic books, morality has also been debated in CATWS through representations and parallels to real world issues. McSweeney contends the film can be read in a variety of ways, such as “being about the excesses of the Bush administration in the aftermath of 9/11 and Captain America as standing up for what *their* vision of America should be” (2018, p. 164), as well as supporting the political opposition to the Obama administration, as “both Trump’s campaign and CATWS articulate a concerted desire for a return to ‘the good old days’” (p. 163). As demonstrated by Dubose, Captain America tends to deal with America’s issues of the time, from Nazis to more complex issues, such as what America is and what it claims to be (Dubose, 2007). McSweeney mirrors this argument as he draws connections between CATWS and the revelations of Edward Snowden in 2013. He notes that, though the film was already in production when the revelations were released, it is difficult to separate the film from the culture

that produced and consumed it, which echoes what the Russo brothers have stated themselves. As Joe Russo stated, drone strikes and pre-emptive technologies were already issues worrying regular American citizens prior to Snowden providing the exact details regarding pre-emptive technology (Suebsaeng, 2014), and prior to the second whistleblower leaking “The Drone Papers” to *the Intercept* (Scahill, 2015). Whether or not Snowden directly impacted the production of the film, McSweeney is still able to recognize that the film focuses on a range of post-9/11 issues that American citizens were attempting to come to terms with – and arguably, still facing – such as:

...the pervasiveness of contemporary surveillance culture, data mining, governmental duplicity and the need for more transparency from the intelligence community, to targeted killing, the ethics of pre-emptive strikes, the USA PATRIOT Act and the balance between collective security and individual rights. (2018, p. 152)

McSweeney’s work also highlights connections between the real 9/11 and the fictional version in the MCU, with frequent mentions of events that took place in New York in *The Avengers*, and how the events were responsible for the increase in security and invasion of individuals’ privacy in the fictional world. Echoing the actions of post-9/11 U.S. national security agencies, government officials in the MCU became desperate to prevent a second or third attack, placing national security before the rights of citizens. As the narrative of CATWS progresses to a climax, McSweeney argues that we see Rogers struggle with the world he has become a part of and also long for the good old days, where perhaps the enemy was defined more clearly, long before the war on terror, which mirrors what was seen in Dubose’s analysis of the comics: a man out of time, adjusting to the world that seems unsure who the bad guys actually are.

## *Surveillance*

Surveillance is not a new concept, and it is not dependent on new technologies. However, surveillance has become more efficient in part due to technological advancements, as well as societal and cultural adaptation. To understand the significance of the contemporary surveillance state, an understanding of the evolution of surveillance theories is crucial, as the surveillance state is a summation of various theories, such as panopticism, synopticism, and dataveillance. In this overview, I narrow the scope of surveillance to focus on the concept of panopticism, highlighting its physical structure and original implications, and draw on theorists who expanded upon the concept of the panopticon to include different intentions, perspectives and technologies. The importance of panopticism in terms of this analysis is that, though the word surveillance is not uttered once in CATWS, surveillance practices and techniques are mentioned, insinuated and central to the film's narrative. In the film, some elements of the surveillance state are overtly obvious, while others are subtly present, as narrative points – Project Insight and Zola's algorithm, for example – allude to ubiquitous mass technological surveillance, panopticism, and pre-emptive data analytics. Panopticism has its tentacles stretched out and influencing how surveillance is conducted today, so though the physical structure of the panopticon may not be present, its influence still lingers.

Panopticism was conceptualized as a physical structure by philosopher Jeremy Bentham's brother Samuel in the eighteenth century (Bentham, 2009, p. 31). Samuel's vision was titled the Inspection House, which was a circular building of sorts (Bentham, 2017). The building had rooms or cells that lined the perimeter of the structure, while a watch tower stood in the center. The set up made it easy for people in the watch tower to monitor those in the rooms,

who Bentham imagined to be students, patients or prisoners – anyone that could be subjected to an institutionalized disciplinary power. The rooms were meant to be backlit so that those in the rooms would never be out of sight. The tower was to have blinds and small lamps with reflectors to throw light back to the rooms lining the perimeter, so that the students, patients or prisoners would not be able to see into the central tower and determine if they were being watched at any given moment. In addition to not being able to see who was in the central tower, each room also had extended partitions, so that those in the rooms would be unable to see each other.

Jeremy Bentham imagined that the panopticon would be revolutionary, for a variety of reasons, but the most crucial was the panopticon's ability to track and log behaviours of those in the cells surrounding the central tower (Elmer, 2012, p. 24). The guards in the central tower would never leave, therefore, they would be constantly watching and recording the unmediated actions of the prisoners. Bentham's end goal was essentially that watching would be automated (p. 23), making the central tower the centre of his concept. He argued that "without any change of situation, a man may survey, in the same perfection, the whole number ... at the same time" (Bentham, 2009, pp. 32-33). Due to this ability to monitor and record, Bentham believed that the most important outcome was that those in the watch tower would "have the satisfaction of knowing, that the discipline actually has the effect which it is designed to have..." (p. 33).

Michel Foucault developed the concept of panopticism as a way of theorizing the invisible and reflexive operation of power throughout society. He saw the panopticon more as a mechanism of social control resembling a type of reverse-dungeon for prisoners. A dungeon is typically secluded and dark, whereas the panopticon is open and full of light, leading Foucault to conclude that visibility itself is a trap, as "full lighting and the eye of a supervisor capture better than darkness..." (Foucault, 1977, p. 36).

As the central tower, proposed by Bentham, did not allow for prisoners to see the guards, Foucault believed there was no need for a person to be present in the watch tower, as he saw the panopticon as a way of internalizing the power of being watched from within the prisoner; a new form of disciplinary power, rather than a method of surveillance and recording. For Foucault, the prisoners were the focus of the panopticon's power (Elmer, 2012, p. 23). As long as the prisoners believed that they were being watched, "that perfection of power should tend to render its actual exercise unnecessary..." (Foucault, 1977, p. 37), and the prisoners would monitor their own behaviour and control themselves to avoid punishment. The physical layout of the structure made it impossible for the prisoners to know whether they were being watched; they simply assumed that they were at all times. Foucault was less interested in the structure itself, rather his theory was that the specific organization of people acted as a beacon of constant organized power and, in turn, potential surveillance, stripping the prisoners of any power at all (Foucault, 1977, p. 39).

Both Bentham and Foucault acknowledged that panopticism is not tied strictly to the physical structure of the panopticon, but that its essence can be extracted and used in other areas as well, meaning that confinement is unnecessary. According to Bogard, "confinement best facilitated these ends during the nineteenth century, when technologies for tracking individuals and population movements were limited by today's standards" (2012, p. 32). In recent history, technology has advanced in ways that make tracking individuals far easier, such as through a smart phone. Deleuze (1990) deemed panopticism to be a "mold," whose rigidities do not fully capture the fluid and flexible operations of power. He believed that the essence of the panopticon is how the power is exercised within a particular institutional setting. Deleuze realized that this power did not need to be constant, but rather, could be always in flux: "controls are a modulation, like a self-deforming cast that will continuously change from one moment to the

other” (p. 4). Rather than cells or rooms, Deleuze grants his theoretical prisoners certain freedoms, such as the freedom to move around without specific boundaries, whilst also knowing that his ‘prisoners’ cannot escape from the watchful eye of the ‘guard’. Going a step further, Deleuze incorporated positive reinforcement. In his example, he uses a workplace, where the employees monitor their own behaviour because they are aware their bosses are watching, and their gaze then encourages competition as the employees work harder to potentially receive a reward, raise or bonus (p. 4).

Along with the concept of modulation, Deleuze argues that individuals have been deconstructed. According to Deleuze, “Individuals have become ‘dividuals,’ and masses, samples, data, markets, or ‘banks’” (p. 4). Bogard echoes this as he notes that due to technological innovations, techniques such as data mining, “allow for certain production processes to be regulated without concentrating them behind walls or allocating them to specific institutional spaces” (2012, p. 32). Dividuals are sources of information on the individual who produced the data, however, Deleuze also recognized that, rather than providing information only of themselves, dividuals also produce information of the whole, the group that they are a part of (1990, p. 4). Utilizing the example of the workplace, Deleuze sees the employees as both producers of information of themselves, as in their work ethic and abilities, as well as producers of information of the overall workforce and job. As I will further explore, dividuals are not limited to workforces attempting to speed up production or consumer reports looking to understand the market but can be utilized by governments to ‘understand’ varying groups of people, including races, classes and potential threats.

Mathiesen provides a valuable critique of Bentham’s conceptualization of the panopticon and provides insight to a neglected area of surveillance – synopticism. Rather than analyzing the

ability of the few seeing the many as a form of control as is the case in panopticism, synopticism – the ability for the many to watch the few – is an important element of shaping behaviour, as well as how one might view the world. Mathiesen argues that monitoring people is simply a method of regulation, whereas synopticism accounts for the actual ability to reshape behaviours and attitudes (Mathiesen, 1997). The example used is that, with the rise of mass media and the development of the “viewer society” (p. 52), individuals closely watch celebrities, newscasters, athletes and so on. By taking advantage of both panopticism, seeing masses, and synopticism, being viewed by the masses, Mathiesen believes that those who are attempting to control the behaviour others, will have a greater chance at maintaining that control long term.

Lyon provides extensive research and analysis to update the study of surveillance in order to redefine it in contemporary contexts, including applying it to the deployment of digital technologies. Lyon re-evaluates panopticism by arguing that “digital devices only increase the capacities of surveillance” (2007, p. 19). Since surveillance relies on the ability to ‘see’ actions, technologies such as the cell phone, GPS and infra-red technologies have made surveillance more efficient and discrete. Lyon argues that we have surpassed simply existing in a world in which surveillance practices exist, but rather we have entered a “surveillance society” (p. 20). Lyon contends that though the physicality of the panopticon is gone, the practice of panopticism has become more inescapable. He states: “what once was experienced only in specific contexts such as voter registration, tax files or medical records, in each of which personal records are held by an impersonal organization, has spilled over into every dimension of daily life” (p. 20). Furthermore, the capacities Lyon refers to are ubiquitous monitoring and collection of information. Through the use of digital technologies, the capacities of surveillance have become more exact, efficient and discrete. Though for most of history, surveillance was conducted by

human beings, Lyon states that surveillance is now achieved through the use of digital technologies. Although the collection and sorting of information is done by digital technologies, the classifications that individuals are sorted into are nonetheless created by the people and groups behind the technologies. Lyon refers to this as social sorting (Lyon, 2003).

Social sorting is the practice of grouping individuals based on a mutual characteristic, such as class, race or political affiliation, in order to distinguish. This practice does not rely on digital technologies, as sorting is done every day without a second thought, such as when the doctor's office gets you to fill out paperwork with questions, such as sex, postal code, race, and occupation. However, Lyon argues that there is something different about the way in which the sorting of individuals is done today:

For surveillance today sorts people into categories, assigning worth or risk, in ways that have real effects on their life-chance. Deep discrimination occurs, thus making surveillance a matter of personal privacy but of social justice. (p. 1)

He uses the example of the September 11<sup>th</sup> attacks, after which those who were identified as "Arab" or "Muslim" were placed under surveillance due to the coding of the term "terrorist." Lyon concludes that "information itself can be the means of creating divisions" (p. 2).

As noted with Foucault, the collection of information is a crucial and constant element of surveillance practices. Between Foucault and Lyon, it is the method of collecting that Elmer (2007) highlights as he draws connections between panopticism and technical surveillance. Clarke explores "dataveillance" which is defined as "the systemic use of personal data systems in the investigation or monitoring of the actions or communications of one or more persons" (Clarke, 1988, p. 243). Elmer draws upon Clarke's dataveillance as a concept that carries panoptic tendencies through the capability of connecting various datasets on the same individual

through the use of digital networks and databases (Elmer, 2007, p. 236). Therefore, dataveillance collects information from a variety of computing technologies in order to develop a “data double” based on each individual’s information. However, Elmer claims that Clarke’s theory does not account for or question where the information is collected from (p. 236).

Elmer does recognize that there is increasing automation associated with digital surveillance, however, he also suggests there is often too much focus on this aspect at the expense of considering the participatory role of the individual (p. 232). Elmer believes that individuals are subjecting themselves to routine surveillance, such as through the use of credit cards and social media platforms, which is similar to Lyon’s observations of ubiquitous monitoring and collection of information (p. 236). However, though the individual may have ‘chosen’ to be surveilled by opting to use credit cards or Facebook the choice is not simple.

As Andrejevic notes, due to the “tyranny of convenience” (2002, p. 311), surveillance technologies will eventually ween the alternatives out of existence. The tyranny of convenience refers to the idea that individuals have become very reliant upon technologies that monitor and track their actions, so much so that technologies that may accomplish the same tasks without recording information on the user cease to exist. For example, if people were to become too reliant on credit cards, cash may no longer be accepted, which was seen briefly during the COVID-19 pandemic.

The reliance on digital technologies has altered, improved or evolved various theories and structures as seen thus far in this section, and the theory of surveillance capitalism simply adds to the list. Shoshana Zuboff developed a theory called “surveillance capitalism,” which is defined in part as: “a new economic order that claims human experience as free raw material for hidden commercial practices of extraction, prediction, and sales” (Zuboff, 2019, p. v). In this

“new order,” corporations such as Google collect user data in order to predict consumer behaviour and manipulate it in order to produce desired outcomes, which in turn, will generate revenue for the company. Essentially, Zuboff presents the notion that digital surveillance practices can be used to assist corporations in generating profit. However, Zuboff does not discuss how surveillance performed by corporations’ is connected to government operations, as she focuses on the involvement of and effects on consumers. This is an area of concern considering “[relationships with governments] often reap much higher profit margins than the advertising arms of the tech giants do” (Morozov, 2019, section X, para. 7). Though, Morozov makes the argument that “surveillance capitalism is, unsurprisingly, more “surveillance” than “capitalism,”” and that surveillance capitalism must be theorized as “capitalism” first and foremost, Zuboff does draw attention to how capitalism has incorporated digital surveillance practices in order to extend its ever-expanding reach.

Lyon highlights how some of the previously discussed concepts were implemented after the events of 9/11 in order to increase “the chances of preventing future attacks” (Lyon, 2005, p. 39). On September 11<sup>th</sup>, 2001, the attack of the World Trade Center in New York City became a spectacle seen around the world. The images of the destruction were not simply viewed live, but were also replayed throughout the day, present in newspapers, and redistributed as documentaries (p. 38), and these images are still revisited, even twenty years later. Lyon uses this as an example of synopticism in which “the media spectacle of 9/11 stimulated crucial public opinion effects of sympathy, anger, fear, and the quest for retribution, effects which turn out to play a valuable role in justifying political and military responses” (p. 37). This justification is important, as following the attacks, there was an increase in technological surveillance practices, such as the tracking and recording of American citizens’ online activity (p. 35).

National security and military sectors, such as the Pentagon with the implementation of the ‘Total Information Awareness scheme’ (p. 39), were given permission to screen for potential threats and terrorists, though what defined a threat or terrorist was unclear. However, Lyon points out that when searching for ‘terrorists,’ law enforcement sectors would search categories such as Middle-Eastern and Arab-Muslim (p. 38), which relates back to the sorting of individuals and the risks of social sorting, as everyone who was identified as Middle-Eastern and Arab-Muslim were also labelled potential terrorists. Furthermore, Lyon argues that law enforcement sectors were assisted by the development of technology. After the attack in New York, surveillance systems were updated to better identify, classify, profile, assess, and track the population (p. 39), entailing a significant potential for the expansion of panopticism.

Though the surveillance theories explored herein may span centuries, the concepts themselves have evolved and are still very relevant in the contemporary context. From Bentham to Andrejevic, these theorists provide an understanding for the larger discussion of how surveillance is present in the twenty-first century; drawing our attention to themes of panopticism, synopticism, dataveillance, data doubles and social sorting present in our everyday digital technologies.

### ***Surveillance After Snowden***

In his work, *Surveillance After Snowden*, Lyon takes on the task of deciphering the information that Edward Snowden leaked to the public in 2013, and breaking down its significance to surveillance studies. Edward Snowden is an American, who used to be an intelligence officer for the CIA and NSA before working for Booz Allen Hamilton at the NSA center in Hawaii in 2013 (NBC News Group, 2014, para. 7). While working as an analyst,

Snowden collected information about the NSA's covert surveillance practices on American citizens. Snowden later fled America believing that if he were to release the information he collected, he would not be as well-protected as other whistleblowers (Lyon, 2015, p. 5). After he fled, Snowden contacted *The Guardian* journalist Glenn Greenwald and filmmaker Laura Poitras since he believed they could help bring the appropriate attention to the information he had collected. The information demonstrated how the NSA was not only monitoring potential threats, but also innocent and unaware American citizens and allies, as well as how the scope of NSA information collection practices. In the documentary, *Citizenfour* (Poitras, 2014), Snowden states in an email to Poitras:

For now, know that every border you cross, every purchase you make, every call you dial, every cellphone tower you pass, friend you keep, site you visit and subject line you type is in the hands of a system whose reach is unlimited but whose safeguards are not.  
(0:04:38)

In *Surveillance After Snowden*, Lyon organizes the leaked information, also known as the “Snowden revelations,” into a variety of key themes and elaborates upon them to demonstrate the seemingly unlimited reach of the “system.”

First, it is important to highlight the importance of this text. In the previous section, I reviewed Lyon's piece “9/11, Synopticon, and Scopophilia: Watching and Being Watched,” which discussed how surveillance theories, such as synopticism, can help conceptualize the ways in which 9/11 was – and is still – presented to audiences as a tool to maintain the “national security over personal privacy” rhetoric, while also discussing the impact 9/11 had on the expansion of government-run surveillance programs, techniques and reach. This text, *Surveillance After Snowden*, differs as it was released in 2015 after leaked documents proved

how surveillance was being targeted at citizens and allies. Whereas the previous text connected the dots between theory and the spectacle of 9/11, *Surveillance After Snowden* deals with unpacking the Snowden revelations, which focus on what has been happening behind the scenes during this time within the American government, with special focus on the NSA.

As previously mentioned, on September 11<sup>th</sup>, 2001, there was a terrorist attack by Al Qaeda on New York City's World Trade Center, as well as on the Pentagon, with a plane that was brought down by passengers before reaching its destination (Finnis, 2021). Since that day, the U.S. government has used that tragedy to persuade its citizens to potentially sacrifice their privacy for national security as the NSA expanded its surveillance scope to include American citizens after the implementation of the Patriot Act. In *Citizenfour*, Greenwald explains the Patriot Act was a law that “allowed the government very broad powers to get records about people with a lower level of suspicion than probable cause” (Poitras, 2015, 0:44:57), so this argument worked. One of the most notable themes in Snowden's revelations is the significance of September 11<sup>th</sup> as a turning point for the development of the surveillance state. The motivation for and development of more invasive surveillance technologies and practices was followed shortly after by the birth of Facebook (2015, p. 29), which saw an explosion of volunteered information. The American government, according to Lyon “engage[s] in mass surveillance on their own citizens” (2015, p. 9) by gathering data collected by digital technologies through three significant actors: government agencies, private corporations and ordinary users (p. 71).

The role of government agencies, such as the National Security Agency (NSA) – founded in 1952 under the Truman administration (Ray, 2017) – *should* be clear. According to the “Civil Liberties and Privacy Protections” section of the NSA website, the NSA protects “the freedoms,

civil liberties, and privacy rights of Americans while accomplishing important security missions,” while it also states: “NSA strives to build public trust in our ability to uphold civil liberties and privacy values through transparency” (“Civil Liberties and Privacy”, n.d.). However, their role remains cloudy. As we will see later in the analysis, this mandate is up for debate in terms of protecting privacy rights of Americans and transparency. As for the role of corporations, they assist by sharing their data they have on their customers with governments in return for government contracts, according to Lyon and Snowden. For ordinary users, participation is not necessarily intentional. Lyon notes that “surveillance is not just practised *on* us, we participate *in* it” (2015, p. 3). How individuals participate in their own surveillance is through the use of varying technologies, such as credit card purchases, smart phones, banking, and most notably social media, otherwise known as volunteered information (p. 79). For example, the invention of Facebook sparked a new – and acceptable – way for citizens to share personal information on the internet without giving much thought to who could access this data. Lyon states: “... the Snowden revelations show clearly that government surveillance carried out by the NSA and its equivalent agencies around the world depends heavily on data gleaned from Facebook posts, Twitter feeds, cloud services such as Google Docs and smartphones that record where we are by GPS” (p. 4). Much of the data collected and used by the NSA to surveil the citizens it claims to protect is volunteered by the citizens themselves: in 2020, the U.S. Court of Appeals found that a NSA phone records program with gathered millions of Americans’ records was illegal (Barrett, 2020). However, what is concerning, is that “‘surveillance’ is simply not the word that users would use to describe the situation” (Lyon, 2015, p. 39).

The NSA is tasked with collecting data regarding potential threats with the hopes of preventing future attacks. However, Snowden identified that ‘potential threats’ is an incredibly

loose term. Though, ‘potential threat’ in the post-9/11 era often means a foreign terrorist, Snowden made it clear that ‘threat’ can, and does, also account for journalists and activists (p. 21). Lyon also emphasizes that this data, for the most part, is not anonymous, and can identify specific individuals (p. 22). For example, Lyon highlights an IP address as a piece of data that may not seem overtly personal, however, he states it “can reliably be connected with an identifiable individual and therefore with their browsing habits, blog posts or social media interactions” (p. 41). This is possible as the NSA maintains a “‘collect is all’” mentality (p. 68), which provides the necessary mass amounts of data required to create data doubles. However, it is not just the individuals that are being monitored by governments according to Lyon and Snowden. Rather, as Deleuze theorized through the concept of ‘dividuals,’ governments are sorting individuals into groups in order to understand and monitor particular populations, such as specific classes, races and nationalities, which means ‘potential threat’ could be the working class, journalists, activists, Muslims, feminists, or anyone who might disrupt the status quo (p. 25).

When Snowden fled the United States and brought the information regarding surveillance practices to the public, there was an outcry and “he was branded both a traitor and a hero” (p. 5). Lyon notes that the ‘traitor’ label came from security agency spokespeople, claiming that he had put America in jeopardy by revealing how America was watching for terrorists, while in *Citizenfour* (Poitras, 2014), U.S. President Barack Obama can be seen stating that he does not view Snowden as a patriot for his actions (1:34:21). However, as Lyon notes Snowden did not alert potential threats to America’s surveillance, but rather attempted to make the public more aware that “all citizens are being reclassified as potential threats to state security” (2015, p. 113).

Throughout the text, Lyon highlights and explains the information that Snowden released to the public, such as who is under surveillance, and how personal data is collected, analyzed and used by the NSA. However, Lyon also works to unpack some broader issues that accompany this new, heightened surveillance, such as how surveillance is framed. Mass surveillance in the post-9/11 war on terror climate is advertised as a weapon against further terrorist attacks, which makes it difficult for citizens to argue against. However, Lyon argues that mass surveillance can also be framed as a weapon against democracy: “surveillance can curb freedoms, inhibit democracy and at worst, lead to totalitarianism...” (p. 107). Lyon concludes by presenting the idea that the revelations were not a hinderance to national security, but rather a call to action that rights and freedoms are being stripped away. As such, *Surveillance After Snowden* is the perfect text to use to highlight the representations present and absent in CATWS.

In conclusion, *Captain America* has been known to deal with contemporary political issues and provides audiences the opportunity to explore them. As McSweeney highlights, there are connections present between CATWS and the state of post-9/11 surveillance. By analyzing CATWS alongside Lyon’s work, this project will work to contribute to the existing literature through an in-depth look at what *Captain America* represents in the age of mass technological surveillance.

## Chapter 2: Methodology

### **Textual Analysis**

According to Hawkins (2017), “(t)extual analysis is a methodology that involves understanding language, symbols, and/or pictures present in texts to gain information regarding how people make sense of and communicate life and life experiences” (p. 1753). It is chosen by researchers to answer questions regarding how a particular text connects to the society and culture from which it emerges. I employ textual analysis to assess how CATWS “makes sense” of the post-9/11 world and the accompanying surveillance technologies and techniques.

I chose to employ textual analysis for three reasons. The first is due to the timely release of CATWS, which was released less than a year after the initiation of the Snowden revelations. The second relates to the Russo brothers’ stated goal that the film was an exploration of their fears, as well as their audiences’, regarding surveillance technologies. Joe Russo even went on to state: “all the great political thrillers have very current issues in them that reflect the anxiety of the audience... That gives it an immediacy, it makes it relevant” (Suebsaeng, 2014, para. 3). The film explores contemporaneous American fears and anxieties, and represents them on the big screen. The final reason is that CATWS is a Marvel Studios film, which is an extension of Disney, so considering the studio’s reach as well as the timing of the film’s release, how the film “makes sense” of post-9/11 surveillance technologies and techniques has the ability to heavily influence its audience, therefore, heavily impacting the circuit of cultural production as well. Thus, analyzing how this film in particular makes sense of surveillance in the light of the Snowden revelations is important.

My research paper draws on Hawkins’ approach to textual analysis. In my analysis, I have a primary text – “main focus” (2017, p. 1754) – as well as a secondary text – which

“serve[s] to support the primary text or text information” (p. 1754) –*Surveillance After Snowden*, which I use to verify the representations found in CATWS. Considering “a text within the context the text was created is key” (p. 1755), *Surveillance After Snowden* was the most appropriate choice for a text to assist in my research process. As noted in the literature review, Lyon is an expert in the field of surveillance, and though there are critiques about his work being “conceptualized historically within the discursive tropes of Christianity” (Harding, 2018, p. 55), this particular text translates the Snowden revelations in terms of surveillance theories developed in post-9/11 scholarship.

Echoing Hall’s concerns, I must acknowledge that textual analysis does not reveal one universal truth about a text; it is possible that multiple interpretations can be uncovered. Alan McKee states: “no approach tells us the ‘truth’ about a culture. It’s important to realize that different methodologies will produce different kinds of information – even if they are used for analysing similar questions” (2011, p. 2). When conducting research, there may be bias as I may be influenced by my worldview as I “[attempt] to understand what the author or creator of the text intended at the time the text was written/created” (Morey Hawkins, 2017, p. 1754). Furthermore, due to the nature of film and the use of *Surveillance After Snowden*, I must also acknowledge that in my analysis there is a particular focus on narrative points, scenes and quotes, while the textual analysis of the film’s visuals is limited, as the visuals are considered alongside other points of interest. However, after acknowledging these limitations, I still chose to employ textual analysis as films are by nature highly interpretive, the goal of this project is to draw connections between CATWS and the society and culture that produced it, and textual analysis was the best method to achieve my goal.

For the purpose of this project, I viewed CATWS fifteen times from May 2021 through October 2021, taking notes regarding narrative points, scenes, quotes and visuals that contributed to the construction of the narrative surrounding surveillance technologies and techniques. These viewings were punctuated by additional engagements with *Surveillance After Snowden*, with further notes made in order to highlight connections or areas of disconnect between representations in the primary text (CATWS) and the information in the secondary (*Surveillance After Snowden*) text. Furthermore, “the investigator needs to view other texts that exist within the series of texts, when applicable” (p. 1756), so as CATWS is a part of a large fictional universe, I contextualized CATWS within the MCU in order to add depth to my analysis. My research had to also account for the film *The Avengers* as the film set up the narrative for CATWS.

As Hawkins states: “Most often the research question is not focused on making sure the text under investigation is analyzed in its entirety. Rather, the researcher looks for the most interesting items located in the texts that will assist in analyzing the data to provide insight into the research question” (pp. 1755-1756), so I highlighted three key moments of CATWS, and divided my analysis as follows: “post-New York,” “Zola’s algorithm,” and “the fundamental question.” The analysis begins with a brief review of the film, *The Avengers*, before addressing CATWS’s narrative in loose chronological order, with particular emphasis on three specific scenes from CATWS: the introduction to Project Insight, the explanation of Zola’s algorithm and the revelation of HYDRA to the World Security Council. In each section, I highlight key representations of the post-9/11 world, surveillance practices, digital technologies or a combination thereof, whilst referring to Lyon’s text in order to assess the highlighted and omitted representations.

Though Marvel films are often dismissed as ‘just a movie’ by critics, or “not cinema” by other filmmakers, such as Martin Scorsese (Scorsese, 2019), they have the ability to reach wide audiences. This means they have the potential to help audiences “make sense” of the world around them – or even potentially confuse audiences’ perception of reality – and with CATWS in particular, the specific post-9/11 surveillance state of which they are a part.

### Chapter 3: Analysis

The Marvel Cinematic Universe is a massive franchise consisting of twenty-seven films as of December 2021. The majority of these films belong to their own sagas, such as *Captain America* (2011 – 2016), *Guardians of the Galaxy* (2014 – present) and *Thor* (2011 – present), but their stories are intertwined and occasionally the characters come together for brilliant or simply funny crossovers. CATWS is the ninth film to be released as a part of this franchise, and the second from the *Captain America* trilogy. In order to answer the question of what CATWS represents in light of the Snowden revelations, I have divided the analysis into three sections: post-New York, Zola’s algorithm, and “the fundamental question.”

In post-New York, I draw on the film *The Avengers* in order to establish the post-9/11 context the film provides. In that film, the MCU creates its own Battle of New York, and I make connections between the aftermath of this fictional war and the fallout of 9/11 in terms of increased national security and the sacrifices made in order to achieve it. I employ textual analysis to establish connections between CATWS and Lyon’s claims regarding justification for increased surveillance practices, and how they relate to issues of privacy and democracy. In the following section, Zola’s algorithm, I explore the fictional Project Insight in CATWS for representations of key issues highlighted by Lyon, with emphasis on dataveillance, data doubles and the accuracy of predictive analytics and profiling technologies. The final section, “the fundamental question,” examines the third act of the film and the conclusions that Lyon highlights in his book in order to solidify connections, or areas of disconnect, which will illustrate the totality of the representation of surveillance present in CATWS.

## Post-New York

Lyon argues that “during the 2000s, two decisive events occurred that would shape surveillance decisively. One was 9/11 in 2001 ... The other event was the invention of Facebook” (2015, p. 29). Here, I focus on the first event, and I return to the second in the subsequent section.

In *The Avengers* (Whedon, 2012), Earth is invaded by Loki, the God of Mischief from the *Thor* saga, and an army known as the Chitauri as Loki attempts to steal the Tesseract, one of six infinity stones, which are elemental crystals that each control an aspect of existence (Russo & Russo, 2018, 0:13:26). Long before reaching the third act, Loki is said to have killed eighty people in two days whilst collecting materials for his grand scheme (Whedon, 2012, 0:53:45), and when the final battle finally takes place, it is fought in New York City above Stark Tower, where a giant portal allows the Chitauri to enter earth’s atmosphere. As the fight rages, buildings are destroyed, and rubble scatters down onto the streets as civilians are seen running scared. As the Avengers work to stop Loki and the Chitauri army, the scene includes images of the New York police looking lost and helpless. When the battle finally reaches its conclusion, Loki is captured, and the portal above Stark Tower is nuked. Meanwhile, civilians are heard, via television interviews, thanking the Avengers for saving New York and the world, while others are heard questioning the attack, stating “It just seems that there’s a lot they’re not telling us” (2:10:07).

*The Avengers* establishes a climate within the MCU that mirrors the events and aftermath of 9/11. As mentioned, Lyon highlights September 11<sup>th</sup>, 2001 as a turning point in the history of surveillance as the events of that day became a rationale for expanding the scope of surveillance practices, including the use of data analytics for intensified surveillance on threats and citizens

(2015, p. 29). The events of 9/11 were used as justification for changes to the treatment of democracy and diplomacy as well as changes to practices of national security, including the expansion of mass surveillance through the implementation of legislation, such as the Patriot Act. These changes to security are practised by various divisions such as the Department of Homeland Security, FBI and specifically the NSA which increasingly focused on monitoring American citizens as well as potential terrorists (p. 16). These changes did not simply result in a change in the way national security was practiced, but rather the NSA monitoring American citizens raised a concern for democracy: “privacy is also connected with living in a democratic society, where there are statutory limits to what governments may do secretly, and where we should be able to disagree with the government without fearing consequences” (p. 94).

With reference to the events of *The Avengers*, CATWS expands upon the changes in the practices of national security as the Director of S.H.I.E.L.D., Nick Fury, along with the World Security Council are frightened of repeating the tragedy of *The Avengers*, otherwise known as the Battle of New York. In the pilot of the television show, *Agents of S.H.I.E.L.D.*, Maria Hill goes as far to say: “The Battle of New York was the end of the world. This, now, is the new world. People are different. They have access to tech, to formulas, secrets they’re not ready for” (Whedon, 2013, 0:06:35). These are just some of the fears that the council and S.H.I.E.L.D. used as justification in CATWS for the increase in military measures, such as the implementation of Project Insight. A reoccurring theme in the film is how right and wrong are harder to differentiate in the 2000s. As seen in Dubose’s analysis of the switch in villains from the 1940s to the 1980s, in the MCU, Rogers goes from World War II, where the identity of the ‘bad guys’ was obvious as they were Nazis, to the 2010s, where the ‘good’ guys use methods that may not seem very ‘good.’ As for characters, the World Security Council members are not well-known

by the audience, however, Director Fury is, as he has appeared in six of the nine MCU films released up to this point. Fury is a government man, and described as “*the spy*” by Tony Stark in *The Avengers* (Whedon, 2012, 0:57:15). In *CATWS*, Fury at various points defends, describes or proposes strategies in which national security is placed above the rights of the average citizen. While telling a story about his grandfather carrying a gun as a security measure on his walks home, Fury tells Rogers “Granddad loved people, but he didn’t trust them very much” (Russo & Russo, 2014, 0:15:40). In this anecdote, preceding the introduction to Project Insight, Fury is essentially telling Rogers that people cannot be trusted and its best to be prepared for when they prove why they should not be.

Project Insight is a security measure built, established and controlled by S.H.I.E.L.D.. The term ‘insight’ is defined as “the power or act of seeing into a situation” and “the act or result of apprehending the inner nature of things or of seeing intuitively” (Merriam-Webster, n.d.), and that is exactly what S.H.I.E.L.D. is trying to accomplish. The project is made up of a set of three helicarriers, which are essentially flying military bases, that are linked to targeting satellites and armed with extremely long-range guns. Fury describes Project Insight and its capabilities as follows:

These new long-range precision guns can eliminate a thousand hostiles a minute. The satellites can read a terrorist’s DNA before he steps outside his spider hole. We’re gonna neutralize a lot of threats before they even happen. (0:16:54)

As with Fury’s grandfather, S.H.I.E.L.D. is employing a ‘we protect the people, but we don’t trust them very much’ mentality. Project Insight monitors all people in order to find those that S.H.I.E.L.D. classifies as terrorists. Fury introduces Project Insight to Rogers, stating that S.H.I.E.L.D. will be able to prevent attacks before they happen. However, Rogers rebuts by

stating that he thought the punishment was supposed to come after the crime was committed, but Fury argues: “We can’t afford to wait that long” (0:17:06).

CATWS’s desire to use technology to solve its problems stems from reality. In *Surveillance After Snowden*, Lyon contends that after 9/11 “there [was] a marked shift from trying to understand *causes*, to managing *effects*” (2015, p. 112). Lyon argues that there is a crucial difference in causes and effect, meaning that rather than trying to understand what caused an attack to happen by looking into the history or social issues that prompted it, there is a focus on results with no attention given to its initiation. In this moment between Fury and Rogers, Fury is mirroring reality as he, along with the World Security Council, are employing a ‘technological fix’ through pre-emptive strategies to stop attacks, as opposed to trying to understand what led to the attacks themselves. Technological fixes are “strictly technological and therefore relatively simple solutions to complex social problems...” (Oelschlaeger, 1979). Essentially, a technological fix is an attempt at solving a complex social issue through the use of a technological bandage, therefore, avoiding actually dealing with the root of the issue. In *The Avengers*, when Loki first comes to earth, Thor tells Fury that S.H.I.E.L.D.’s experimentations with the Tesseract have signalled to other planets that earth is ready for “a higher form of war” (Whedon, 2012, 1:08:46), hence Loki and the Chitauri’s invasion. Rather than addressing what Thor told Fury, S.H.I.E.L.D. ignores him and continues to attempt to ‘manage the effects’ by creating more weapons.

Furthermore, the discussion between Fury and Rogers works to represent the tension between democracy and surveillance in American popular culture after 9/11. Lyon states: “Democracy encourages dissent and diversity and fosters trust, not suspicion and fear” (2015, p. 127). Rogers describes Project Insight as “holding a gun to everyone on Earth and calling it

protection. ... This isn't freedom. This is fear" (Russo & Russo, 2014, 0:17:21). Rogers is arguing that Project Insight is incompatible with democracy as S.H.I.E.L.D. is monitoring the people of the world – including American citizens and allies – and deciding who is a terrorist and who is not in secret, thus fostering suspicion and fear. In the film, S.H.I.E.L.D. is treating all citizens as potential criminals, basically, guilty until proven innocent. This is something Lyon draws attention to as the NSA expanded its surveillance scope to include American citizens and allies post-9/11. Lyon contends the practice of mass surveillance jeopardizes democracy:

Some things, such as treating innocent citizens as if they were guilty of some crime, are incompatible with treating them with dignity and thus contravene their rights. As we have seen, this is exactly what can happen when surveillance is used to try to pre-empt some activity; the presumption of innocence fades. (2015, p. 128)

Essentially, Lyon is arguing that the NSA, and, in my analysis, S.H.I.E.L.D., are undermining the privacy of their citizens under the pretext that if they are innocent they have nothing to hide. However, this line of thought goes against what is prescribed in America's Bill of Rights, as privacy is a right, and its removal is also the removal of 'innocent until proven guilty'.

Apart from general issues with privacy and democracy, another issue with Fury's stance is that terms such as 'threat' and 'terrorist' are never defined in the film. Lyon notes that Snowden's revelations demonstrated that the American government was not just conducting mass surveillance in order to identify the stereotypical terrorists, such as Al Qaeda, but also threats to America's status quo, such as investigative journalists (p. 102). Lyon argues that mass surveillance has been used for "finding 'bad needles' such as environmentalists, Aboriginal protestors, advocates against poverty, peace marchers or investigative journalists in the data haystack – as well as external security" (p. 21). Lyon also suggests that "the term 'terrorism'

itself is politicized, it is nearly impossible to distinguish between a violent and non-violent activist, and with so few facts, correcting for false positives and negatives is both rickety and risky” (pp. 85-86). Though S.H.I.E.L.D.’s intentions were not thoroughly explored in the film, as Fury was ‘killed’ shortly after the introduction to Project Insight, it is revealed that HYDRA (a rogue Nazi organization) was operating secretly within S.H.I.E.L.D., pursuing their own goals for Project Insight. Through Project Insight, HYDRA is able to identify ‘threats’ and ‘terrorists,’ which turned out to be American citizens that would disagree with their politics and eliminate them. By having both Fury and HYDRA use similar language, such as “terrorist,” “threat,” and “enemies,” the film works to demonstrate that these terms can be used loosely in order to define any group.

In summation, *The Avengers*, as well as the introduction of CATWS, represents 9/11 through the Battle of New York, and the film establishes early on how the events of *The Avengers* have shaped national security practices. Director Fury and the World Security Council represent the NSA as they value security more than they value citizens’ rights, and through the use of Project Insight, S.H.I.E.L.D. “takes the world as it is, not as [they’d] like it to be” (Russo & Russo, 2014, 0:17:41) as stated by Fury. The core representations in the beginning of the film are the desperation of government agencies to pre-emptively stop the next attack, including their utilization of technology to do so, through the use of S.H.I.E.L.D. playing the role of the NSA, and the valuing of national security above the rights of citizens to privacy and democratic practices. It is established that Project Insight will be able to identify ‘terrorists’ before they have a chance to act, and how the project identifies threats will be covered in the following section.

## Zola's Algorithm

Zola's algorithm is a program developed by Arnim Zola, a HYDRA scientist from the first *Captain America* film, that identifies targets for Project Insight to eliminate. The program is described by Jasper Sitwell, a HYDRA official, to be able to identify anyone who is threat to HYDRA "now or in the future" (1:15:26). When he says this, he is met with confusion from Rogers as to how a program can accomplish this, so he explains:

The 21<sup>st</sup> century is a digital book. Zola taught HYDRA how to read it. Your bank records, medical histories, voting patterns, e-mails, phone calls, your damn SAT scores!

Zola's algorithm evaluates people's past to predict their future. (1:15:34)

Lyon echoes Sitwell as he states: "In the twenty-first century the internet and surveillance are deeply intertwined" (2015, p. 46), however, Zola's algorithm solidifies the connection to anticipatory analytics. As defined by Lyon, anticipatory analytics are the "frequently advertised notion of 'connecting the dots'" (2015, p. 84). Anticipatory analytics aim to guess what might happen in the future by creating a data double that aims to suggest "what [a person] might *become*" (p. 85). Zola's algorithm relies on data to determine who should be classified as a threat. It can be deduced that these conclusions are based on a collection of digitized information, even though the terms 'data analytics' and 'surveillance' are never used in the film.

As to how the data is gathered, Lyon outlines three methods: directed, automated and volunteered (p. 79). Directed is when a person collects information on another, such as with medical history surveys. Automated is when information is automatically collected. Lyon uses "transactions with banks or consumer outlets and communications" (p. 79) as well as cellphone use as examples. The third, volunteered, is when user provides information on themselves through social media use, as sites such as Facebook and Instagram quite simply ask users to

'like' what they like. In the film, there is an emphasis on data collected that is directed (medical histories) or automated (bank and email records), as stated by Sitwell, however, volunteered is nearly omitted completely.

As previously mentioned, Lyon identifies a second event that shaped surveillance practices in the twenty-first century and that was the invention of Facebook (p. 29). According to Lyon, "Facebook facilitated new levels of consumer surveillance and social surveillance, now based on self-expressed preferences and tastes" (p. 29). The importance and relevance of Facebook is evident as the Department of Homeland Security has a Social Networking Monitoring Center in order to "check for 'items of interest' on its citizens and abroad" (p. 29). CATWS, however, largely excludes the role of social media from its conversation. Apart from monitoring Twitter whilst searching for Rogers when he goes on the run from S.H.I.E.L.D., there is no mention of it, nor any other form of volunteered data, in regards to Project Insight or Zola's algorithm, though arguably, its involvement could be inferred if the audience has an existing knowledge of surveillance practices and data collection.

Directed data collection is represented in the film, as Sitwell lists bank and medical records as some of the data used by Zola's algorithm. Automated collection, however, is subtly represented. For example, in CATWS, the elevators in S.H.I.E.L.D. can identify individuals as they enter and are aware of their clearance levels. In another scene, while Director Fury is getting attacked by people in police uniforms, his SUV is able to access the DC police dispatch, which tracks the location of on-duty officers, to identify that there are actually no units in his area. Finally, when Rogers goes on the run, S.H.I.E.L.D. gains access to all security cameras in New York City, while also scanning all open sources, including "phones, computers, PDAs" and Twitter (Russo & Russo, 2014, 0:51:00). The subtle technologies are worth noting as, in reality,

digital technologies are ambient and ubiquitous siphons of information. As Andrejevic's notion of the tyranny of convenience suggests, the technologies are placed throughout the film, without any true impact on the narrative. This means that the technology could be removed and the same task could have been completed, but the technology makes the task easier, such as gaining access to certain floors, but also enabling surveillance and data gathering.

Though data analytics play a key role in CATWS's narrative, the film distorts the accuracy of data analytics. Lyon describes as a "big mistake" the assumption that data can act as the sole piece of evidence in an analysis of a person, rather than "*supplement*[ing] conventional modes of analysis" (2015, p. 85), as the outcome may result in errors made, such as identifying the wrong person or an algorithm coming to the wrong conclusion regarding an individual's behaviour or future. However, what the film omits is any hint about errors in analysis, and rather treats the conclusions reached by the data and algorithms as perfectly accurate.

The first example of this is when Natasha Romanoff tells Rogers that "the truth is a matter of circumstance. It's not all things to all people all the time, and neither am I" (Russo & Russo, 2014, 0:57:47). In this moment, Romanoff is commenting on how she lives her life as herself and a spy; who she is depends on the situation she is placed in. Sociologist Erving Goffman believes that there is no one true self of any person, arguing: "the part one individual plays is tailored to the parts played by the others present" (Goffman, 1959, p. xi). Based on the audience that an individual is presenting to, they may behave in any variety of ways to present a specific mask. Romanoff is a spy, so her performances are perhaps more literal, but by Goffman's theory, no one is "all things to all people all the time." However, later in the film, when she leaks all of S.H.I.E.L.D.'s files onto the internet, Pierce asks if she is ready for the world to see her as she really is (1:43:02). This moment and quote from Pierce counters

Romanoff's quote, and by extension, Goffman's theory. Pierce is essentially arguing that no matter how hard Romanoff may try, the data collected would not lie, and could show the world who she really is. Thus this moment works to convey that data presents the most accurate and whole picture of a person, and that data and information are equivalent to a "true identity" of a person, which opposes what Lyon revealed about data doubles.

Furthermore, when explaining Zola's algorithm, Sitwell lists names of HYDRA's targets, which include a TV anchor in Cairo, a high school valedictorian, Rogers, Bruce Banner and Stephen Strange (1:15:15). When Sitwell names Rogers and Banner, the audience should not be surprised, as we already know them to be heroes, however, by naming Strange, Sitwell is demonstrating the algorithm's ability to predict potential threats. At this point in the MCU, as seen in *Doctor Strange* (Derrickson, 2016), Strange is not a hero, but a self-obsessed surgeon. However, after a car accident, Strange does evolve into a hero. This character-development plotline in *Doctor Strange*, works to reinforce the notion that Zola's algorithm was able to predict the future of Strange, better than he himself or the Avengers could have. Along with the notion that Romanoff's data would reveal her true self, the prediction of Doctor Strange as a threat to HYDRA reinforces the notion that data analytics are error-free and that the technology and techniques are fool proof. These examples promote the idea that pre-emptive data analytics, given the appropriate breadth and depth of information, can accurately predict the actions of an individual.

When HYDRA uses Project Insight in the third act of the film, Zola's algorithm produces conclusions that are not questioned. HYDRA uses the data to reach a verdict; there is no trial, as the data is treated as the whole picture, seemingly as though a testimony would provide no new insight into the person's life, actions or thoughts. Lyon challenges this in his book. Though there

is a common misconception that data is able to tell the whole story, as represented in CATWS, according to Lyon, data doubles are “personal data without the person” (2015, p. 96). What Lyon argues is that ‘facts’ about the individuals are reconstructed with biases. He explains that to reach conclusions on individuals, “you start with large datasets and then search through them, cluster them according to what you are looking for, and cross-reference them to find fresh patterns” (p. 69). The data on an individual can be adapted to assist in the search for patterns. Lyon asserts that “what might matter little in the original context could well be consequential in the new one” (p. 88). He uses the example of Amazon’s personalized book recommendations, however, in reality the user has no interest in them. This is a “fairly inconsequential” (p. 88) error; however, the same miscalculations can be made in the search for terrorists and threats. Therefore, CATWS is presenting a dangerous misconception regarding the accuracy of data analytics as it conveys the notion that conclusions drawn from data analytics would be error-free, which is not accurate, and is harmful to individuals caught on the wrong side of the equation.

Another key misrepresentation is that CATWS treats mass surveillance as universal in its scope and implications, which omits any reference to the practice of social sorting and its risks, such as assigning risk to specific groups of people who are placed under heavy surveillance whereas other groups are surveilled less as they are not considered a risk. Lyon highlights groups such as people in poverty, Muslim Germans and North Africans in France (2015, p. 25) as groups that are subjected to surveillance more so than other groups. Furthermore, Lyon also notes that there are other risks, such as labelling groups as terrorists based on one characteristic (2003, p. 2). In the film, HYDRA is shown to generally monitor everyone on Earth equally, and it is alluded that Zola’s algorithm analyzes all of the information on an individual to reach its verdict of whether they are a threat. This differs from Lyon’s explanation, as he argues that the

reality of surveillance is that specific groups of people are placed under scrutinizing surveillance and certain characteristics are coded automatically as threats. This is a crucial misrepresentation.

In terms of data analytics, CATWS establishes connections to reality by alluding to and touching on different types of data collection and the creation of data doubles. However, the film is limited in regards to how it represents the social implications of data analytics, particularly with respect to its predictive powers, and the omission of social sorting and biased coding. Furthermore, given that volunteered data – particularly on social media platforms – has become quite prominent, this omission can be viewed as a crucial oversight, considering social media is a key element in post-9/11 mass surveillance, even though it is marketed as a meaningless distraction. In the following section, I will draw on the conclusion of CATWS’s narrative, as well as the conclusions of *Surveillance After Snowden* to determine connections, or lack thereof, between the take-aways of each text.

### **“The Fundamental Question”**

In *Surveillance After Snowden*, Lyon highlights a quote from Edward Snowden that asks: “Do we want to live in a controlled society or do we want to live in a free society? That’s the fundamental question we’re being faced with” (2015, p. 115). Up to this point in his book, Lyon has illustrated how surveillance technologies and their accompanying practices work in ways that limit the freedoms promised in a democratic society, such as how the NSA marks individuals that protest and advocate as threats (p. 21), while the American Bill of Rights guarantees the right to freedom of speech, the press and for the people to petition the government (“The Bill of Rights: A Transcription”, n.d.). To live in a free society, according to Lyon, would mean to establish laws and legislation to protect against the encroachment of rights, to share intelligence,

such as Snowden did, regarding how surveillance operates in the post-9/11 world, and to actively fight for our rights and not passively accept the notion that this is simply the new normal.

CATWS, however, does not wrap up its narrative with the same conclusion to its climax.

In the third act of the film, Rogers and his allies alert S.H.I.E.L.D. and the World Security Council to the fact that HYDRA has been operating within S.H.I.E.L.D. and that Alexander Pierce, the World Security Council's secretary, is in control. When this revelation is made, Peirce detects the Council's disapproval, and proposes a hypothetical question:

What if Pakistan marched into Mumbai tomorrow and you knew that they were going to drag your daughters into a soccer stadium for execution, and you could just stop it with a flick of the switch? Wouldn't you? (Russo & Russo, 2014, 1:40:33)

The question is then answered by Councilman Singh: "Not if it was your switch" (1:40:55). This question is a fundamental moment in the film's portrayal of surveillance technologies and techniques. By simply answering "Not if it was your switch" the film reframes the issue with surveillance technologies and techniques as *who* is in control, rather than the tools and practices themselves changing society. This is a crucial moment as it is the final moment of discussion regarding the project, and it is conclusive. Once Singh states his opinion, Pierce makes a move to kill him. Though, the murder is suspended as Black Widow intervenes, the emphasis of "your switch" refocuses the audience's attention to HYDRA and frames the issue in a way that excludes the larger discussion of freedom versus fear that Steve Rogers began within the first thirty minutes of the film with Director Fury and instead foregrounds the issue of whether it is good guys versus bad guys controlling Project Insight.

To conclude CATWS, Rogers and his allies work to infiltrate the helicarriers that operate Project Insight in order to insert targeting blades, so that Maria Hill, an ally, can repurpose the

helicarriers to take themselves out. Black Widow, on the other hand, infiltrated the World Security Council's meeting with Pierce and leaked all of S.H.I.E.L.D.'s files onto the internet to reveal that HYDRA still existed. After Black Widow leaks the information, Pierce kills every member of the World Security Council in an attempt to escape, but not long after, his plan is foiled. These two events are worth noting because, by killing the World Security Council and destroying the helicarriers, the film – and MCU – shut the door on any further discussion of Project Insight. After CATWS, Project Insight is not mentioned in the following eighteen films or six Disney+ shows to date, nor is the World Security Council – apart from the *Black Widow Prelude* (David, 2020) – and S.H.I.E.L.D. is all but forgotten. However, as mentioned, at the beginning of the film Rogers disagrees with Fury's defense of Project Insight, which means there could have been a greater discussion of national security versus individual rights, in this film or in future projects. Rather, the MCU treats the issues of Project Insight and the methods of the World Security Council and S.H.I.E.L.D. as resolved. By destroying Project Insight, the council and S.H.I.E.L.D., any discussion regarding the 'good' guy's role and their defense of such an invasive program is halted. What this means is that CATWS is framed in such a way that the implications of the 'good' guys' use of questionable practices are backgrounded, and nearly forgotten.

The portrayal of the solution needed to properly handle surveillance technologies and techniques in the film does not coincide with what Lyon suggests, but rather portrays the opposite:

In a world that still tries to insist that technologies are 'neutral', potential problems will still suggest to some that what is needed is better technology. But the ethical and political issues do not go away so easily. Surveillance and privacy have a strong bearing on rights

and democracy and vice versa. Democracy and surveillance are always in tension. (Lyon, 2015, p. 125)

His argument is that even if ‘good’ guys were in control of surveillance technologies, that the same issues with mass surveillance – invasion of privacy, erosion of democracy – would remain. This is supported by Winner who argues that technologies have inherent politics: “specific features in the design or arrangement of a device or system could provide a convenient means of establishing patterns of power and authority in a given setting” and “intractable properties of certain kinds of technology are strongly, perhaps unavoidably, linked to particular institutionalized patterns of power and authority” (1980, p. 134). However, CATWS treated the inherent politics of technology as though they did not exist. Furthermore, when Zola’s algorithm was first explained to Rogers, Sitwell emphasized that it is reliant on the data collected from everyday devices and routines, however, the film treated the issues of mass surveillance as solved by taking down Project Insight and its creator. CATWS utilized a technological fix rather than digging into the social issues that allowed for Project Insight to be accepted and created in the first place, whilst simplifying the role of technology.

In summation, CATWS’s narrative is guilty of imploring another technological fix in order to ‘neatly’ wrap up its story without regard for the accuracy of the representation of mass surveillance. The film misrepresented the importance of surveillance technologies simply existing within a democratic society, and completely omitted any true discussion regarding how to remain a free society. As the third act begins and Rogers alerts S.H.I.E.L.D. to the existence of HYDRA, he states: “...the price of freedom is high. It always has been. And it’s a price I’m willing to pay” (Russo & Russo, 2014, 1:36:42). However, Rogers nor the film, go on to explain how to fight for freedom, apart from taking down HYDRA and Project Insight. I believe that the

film fell short on its potential to provide an in-depth commentary on the state of surveillance in the post-9/11 world, however, as this is a Marvel Studios, and by extension, a Disney film, solving the surveillance crisis is not as important as producing a profit and setting up for the next blockbuster.

## Conclusions

At the beginning of CATWS, when Rogers first meets Wilson, it is clear that Rogers is struggling to understand the present-day and Wilson tells him: “Marvin Gaye, 1972, *Trouble Man* soundtrack. Everything you missed jammed into one album” (0:02:30). Media is a way of communicating, and as Stuart Hall argues, films are products of the culture from which they are released; films are influenced by the culture, and in turn, the culture is influenced by films, meaning films are methods of communication. The MCU is a collection of superhero texts that have not only supplied audiences with CGI spectacles, but also social and political commentary. Films such as *Black Panther* (Coogler, 2018), *Captain Marvel* (Boden & Fleck, 2019), *Thor: Ragnarok* (Waititi, 2017) and *Black Widow* (Shortland, 2021) are just a few examples from the MCU which commented on colonialism, propaganda, refugees and human trafficking. The film CATWS, adds to the list for its ability to communicate themes of surveillance practices and techniques, but it also stands out due to the timing of its release which landed it directly into the middle of the Snowden Revelations discussion.

The question that prompted this project was: How does CATWS represent post-9/11 surveillance techniques and technologies in light of the Snowden revelations? After analyzing the film through the lens of Lyon’s text, *Surveillance After Snowden*, I have concluded that CATWS does indeed represent our post-9/11 surveillance society, as S.H.I.E.L.D. and the World

Security Council's desperation to prevent future attacks through the use of advanced, pre-emptive technologies stems from a devastating attack in New York City. By drawing from the Battle of New York, CATWS connects itself to real-life agencies, such as the NSA, through its fictional organization of S.H.I.E.L.D., and connects to the prioritization of national security over democratic practices. However, apart from the origins of the drive for enhanced mass technological surveillance, the film departs from reality. CATWS has several limitations pertaining to how surveillance technologies are represented, such as the significant omission of the role of social media, the role of corporations, as well as the misconceptions about the accuracy of anticipatory analytics.

The omission of social media and corporate involvement not only fails to simply draw attention to two of the three of the significant actors in data collection, but also works to frame the film in a particular way that excludes drawing attention to surveillance capitalism, particularly the role corporations have in the collection of data and how said data is used, and arguably performs ideological work. This framing shifts the focus to government surveillance which means the scope is more narrow than we know it to be in reality. As illustrated with the discussion of Zuboff's text, it is known that corporations conduct surveillance in order to predict and manipulate consumer behaviour. It is also known that corporations also accept government contracts where they share their data on consumers with the government for a profit. Considering that CATWS is a Marvel Studios/Disney film, this framing could be intentional to draw attention away from the Disney corporation itself, especially since it has been involved in lawsuits regarding the privacy rights of child users on its mobile applications (Humphries, 2017). Furthermore, it reinforces the notion the government overreach is a problem that needs addressing, while omitting reference to branches of capitalism.

However, this could simply be an oversight or simply a narrative choice, as the Russo brothers are not surveillance experts and they have stated that the film was inspired by their own fears regarding civil liberties issues, drone strikes, the president's kill list, [and] pre-emptive technology" (Suebsaeng, 2014). Furthermore, Lyon frames his discussion in a way that centres government surveillance as he followed the trajectory of the Snowden revelations, which focused on bodies such as the NSA, and all but omits corporate surveillance. In terms narrative choice, as CATWS is responsible for showing the fallout of the Battle of New York, the introduction of the Winter Soldier, the re-introduction of HYDRA and the set-up for the future of the MCU, there simply may not have been time to include a broader discussion of surveillance practices, or its inclusion may not have been valued as HYDRA, the Winter Soldier program, and the Battle of New York have been important to consecutive projects such as *Avengers: Age of Ultron*, *Captain America: Civil War*, *The Falcon and the Winter Soldier*, and *Black Widow*. Whereas all discussion of surveillance overreach has concluded with the end credits of CATWS. The goal of this project was to investigate what the film represents in regards to post-9/11 surveillance technologies and techniques, so to appropriately investigate the ideological intentions and implications of CATWS's narrow framing of surveillance to the exclusion of corporate involvement, would have to be a separate and broader project altogether.

What I consider to be the most crucial finding and misconception in the film is how CATWS reframes the issue of surveillance technologies and techniques to focus on *who* is in control. This diminishes the conversation of the implications for democracy that began with Rogers and Fury at the start of the film. The future of the MCU relied heavily on the re-introduction of HYDRA in this film, as the fallout of the reveal trickled into other media, as previously mentioned. However, the twist of HYDRA still existing within S.H.I.E.L.D. distracts

from the narrative of surveillance for the sake of national security. Rather than emphasizing and expanding upon the debate of democracy versus security, the film focuses on who is controlling the technologies, which strips away the significance of surveillance as a practice. Instead, the film boils its conflict down to good versus evil.

CATWS is effective in drawing attention to surveillance issues that exist in reality, however, after analyzing the film, I have to conclude that the Russo brothers created a limited representation of surveillance issues. CATWS presents the idea of government controlled, pre-emptive surveillance technologies, while briefly touching on how they operate, but does misrepresent much, such as how accurate pre-emptive analytics are, how significant the role of social media is, and how the existence and reliance on such technologies is dangerous to a democratic society, regardless of who controls the switch. Furthermore, the omission of social sorting is important. By treating pre-emptive analytics as essentially accurate and omitting biased coding, audiences could leave a viewing of this film with the thought that pre-emptive analytics are unquestionably accurate and are impervious to being manipulated to stereotype specific groups of people. What I conclude as the takeaway from the representations within the film is that post-9/11 surveillance technologies and techniques can be useful, however, dangerous if they are being used by the wrong people, which unfortunately, misleads the audience as the existence of surveillance technologies effect democracy and rights.

Furthermore, Marvel Studios' goal is not necessarily to solve the surveillance crisis, but rather to generate a profit and set up the next big blockbuster – hence, the post credit scenes – and, even though my conclusion is that the film is limited in its representation, I do not believe that CATWS should be disregarded. This film reached a very wide audience, bringing attention to an important and relevant issue. So, though representation is not as accurate, insightful or

instructional as the information found in *Surveillance After Snowden*, the circuit of cultural production would suggest that some of the film's audience may be influenced to explore the topic of surveillance further, and I would argue that I am a prime example of this.

In terms of moving forward, I would love to explore the impact of CATWS further to analyze its influence on audiences regarding ideology and understanding. As superhero films continue to include social and political commentary in their narratives, I would be interested to investigate how influential these films have become. As the majority of movie-goers are not film critics, and as mentioned, there is no definite decoding of any text, do fans digest the commentary or leave the film maintaining an 'it's-just-a-movie' perspective? This project came to be because after watching *Captain America: The Winter Soldier* I became interested in technological surveillance. Was my experience individualistic or do superhero films push audiences to explore their own realities further?

In *Surveillance After Snowden*, one of Lyon's steps to facing issues of surveillance was to share knowledge: "Those with some expertise, whether technical, political or educational, need to share their ideas with others" (2015, p. 138). This quote speaks to what Snowden did: he was an analyst for the NSA, who released information to the public about what was happening behind the scenes. However, I believe that CATWS qualifies, however loosely, under this step. Though the film fell short in its representation of surveillance technologies in some areas, reached a wide audience with a message that involved highlighting at least some of the dangers of contemporary and future surveillance practices. Furthermore, as Edward Snowden states in *Citizenfour*: "It's not science fiction. This stuff is happening right now" (Poitras, 2014, 0:43:40), so a science fiction film centred around 'the stuff' happening right now, may not be a bad place to start.

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