I want to cue readers in on my visual responses and research on a nineteenth-century French ideal called flâneurism and its connections in today’s society. Look up the flâneur and you will be presented with images of this man, along with a simplified definition which states that he is an idler and a lounger. I was drawn to this archetype because I create art in response to interactions I have with other people when I draw. I employ the habits of the flâneur such as strolling, people watching, and collecting and recording urban images.

It wasn't until I had several interactions and built a catalog of drawings that colleagues brought to my attention this ideal. “Check it out,” they said. “Maybe even wear a beret!” Even though I rolled my eyes at the fashion advice, I immersed myself in the archetype’s habits, relying more on a structured code of conduct, one that resonated with my art practice. The flâneur’s actions are revealed in his idleness.

He squints, spontaneously takes notes, and adjusts his attention to the social disruption and entertainment of his surroundings. Although the flâneur of lore was usually a single, if not a lone, and presumably white male bachelor of a very specific upper-class echelon in Paris, I realized that I was performing the same routines as a contemporary artist here in the States.

The cousin of the flâneur is the monocle-wearing dandy, who has satirically appeared on The New Yorker Magazine cover for over eighty years as an upper-class cultural onlooker. Toulouse Lautrec’s “à la Moulin Rouge” is perhaps the most reminiscent painting of this dandy lifestyle. And there have been underpinnings of Black dandies as well, going back to the zoot-suit era of Cab Calloway or into Haitian Creole as a reference to gigolos in sex tourism and trafficking.

During the 2018 Taipei Biennale, a robot named “Flâneur Hanji” even made an appearance. The Taiwanese organization ET@T equipped the robot with a 360 degree camera, whose observations were livestreamed. It could even receive and respond to questions about the Biennale from online or on-site audiences.

This continual reinvention of the flâneur contextualized 21st dandyism for me, while Shantrelle Lewis’s photographic exhibition and subsequent book “Dandy Lion: (Re)Articulating Black
Masculine Identity” reaffirmed my insistence to consciously redefine flânerie for myself, a man of color. For Lewis, dandyism is read as “a sartorial maneuver used by Black men to confront criminalizing stereotypes, widen conceptions about masculinity, and create a new self-identity for the 21st century.” And so I blended my performance, my drawing, and my critique by intersecting flâneurism, dandyism, performance, and race.

In my interpretation of flânerie, and I do consider dress, though with a more unassuming approach, I consider how the act of drawing and idleness in open spaces can be read as a method of subversion. My conceived role as the flâneur is fairly well-defined, but still falls short for resolving how the act of drawing is either accepted or deemed suspicious.

I discovered the most opportune answer by drawing and being approached by curious onlookers in the original setting of the flâneur. I can tell you that with incredible certainty, drawing will activate the space around you, and is a telling sign for our need to be closer to one another, in some way, shape or form. Principally, it is romanticized, and for some, inviting, eliciting varying degrees of inquisitive behavior. In Paris, it became obvious that people wanted to participate in some capacity. They wanted to draw with me or have me draw them.

Because I speak French, the conversations varied from amicable to aggressive, some spanning 15 minutes while others were just brief notifiers to call awareness to the fact that we were, indeed, complete strangers. It summons engagement, between people of different ethnicities, language, age, and gender. One man, who participated in my public drawing workshop didn’t speak but two words of French, but was asked by at least three strangers to engage in conversation as to what he was doing or what he may have found beautiful.

My experience as a black man won’t be the same as say someone with a different form of body language or of another generation or gender. One of my workshop participants was border-line harassed and assumed to be smoking hashish when she interacted with two men over the course of thirty minutes. The ‘Agency for Artists in Exile’ sponsored the workshop and we used our experience to show how drawing in public might make an artist feel more confident in a foreign setting. All the participants came to Paris to rebuild their lives after leaving war-torn countries.

But let me bring you back to what I am when I go out in public —

*a man writing something into a book, who every so often looks up.*

My exchange with the U.S. Capitol Police in this photo was one of the first instances where I was able to get documentation of interaction with authority. Even when I sit down and draw, even when I hold myself at a distance, more often than not, my sketchbook and my “look” (either my gaze or my physical presence) prompt interactions with security personnel, police officers, TSA agents, and pedestrians.
All of these interactions lead me to believe that the right to observe freely is mired in what cultural theorist, Nicholas Mirzoeff, calls “a policing of visuality,” and that the gaze is systematically obfuscated in this era of escalating surveillance and mistrust. The photo with Officer Weatherbee on Capitol Hill suggests that especially in today’s environment, there are characteristics of being an observer of the streets that stir an authoritative response. I had been sketching a man lounging on a bench before the officer came to my side.

I don’t know why Officer Weatherbee approached me, but I am inclined to say that he felt the need to assert a power dynamic over my blackness. I was an easier target than the white male colleague of mine who snapped this photo and had been drawing at equidistance. Our motive was to see when and if anyone would interrupt one of us.

Officer Weatherbee approached me in less than a minute after we started drawing. No officer ever approached my colleague to question him. I asked the guard, “Do I look like a threat?” He shook his head and stated that he just wanted to see what I was drawing. But as a black male, I consider, daily, how extensively all people’s implicit racial biases affect their/our behaviors, so I didn’t find the question to be presumptuous.

I went to the Capitol Building because of its representation of impartiality, where the freedoms and rights of an individual are presumably considered equal, regardless of social qualifiers like race, class, age, gender, or sexuality. Yet, on a subjective level, I know that others will react to my body differently than if I were a white male. What’s more perplexing to me than the social qualifiers just listed, however, is the issue of idleness within the context of the flâneur and its being a possible reason for why this Officer came to my side. Race, for instance, may have been a factor, but within idleness, is there a strong possibility of astute observation that is powerful enough to arouse concern at the level of police interaction?

In the winter of 2018, I went to the Oculus Hub in New York City to once again test my methods. I didn’t even have time to turn on my camera before law enforcement approached me.

Most of the interactions were with black security guards, but the power dynamics still validated how misguided our trust is in each other. Even when it’s between black men, those in authority seek to suppress my observational gaze.

In the span of fifteen minutes, five guards and an unknown pedestrian interrupted my attempt to idly stand and draw.

“Sorry brother, you can’t do that here,” one guard said.
“Excuse me sir, can you tell me what are your activities at the moment?” another questioned only minutes later.
“I’m drawing and recording myself draw,” I replied.
The security guard parroted my response over a walkie-talkie to others who watched me from afar. SWAT, New York Port Authority Police, Army personnel, and mall security patrol the Oculus Hub. A stanchion, a small spherical camera, like Flâneur Hanji’s, and my sketchbook were the three objects that provoked interactions. Some officers thought that the stanchion was an easel that I brought myself. In fact, it was the property of New York’s Port Authority and had been bolted to the ground; they removed it that day.

The performance was a statement about how my experience of seeing stands as an example of “sousveillance.” Sociologist Simone Browne describes sousveillance, a term originally coined by artist-scientist Steve Mann, as “a way of naming an active inversion of the power relations that surveillance entails.” For Mann, the phenomenon involves acts of “observation or recording by an entity not in a position of power or authority over the subject of the veillance.” And “veillance,” as Browne points out, is “often done through the use of handheld or wearable cameras.” It was my intention to observe their actions and I was ready for them to approach me.

The photographs I shot with my Bodycam at the Oculus Hub are not just documentations of my role as a flâneur (and sousveilleur, to some degree), but also a lens into the extremely sensitive idea of what acts of observation and recording activate in the rest of us. I also want to stress that it is not about technology, for if I had not been wearing the camera, the police would have still stopped me, because I was drawing atop the property of the Port Authority of New York, the stanchion. And if the stanchion had not existed, I would’ve still wondered if my sketchbook could’ve activated — as it did with Officer Weatherbee — a reason to interact.

By making marks into a book, I was causing trouble — righteously making the pen mightier than the sword, if you will. I feel vindicated by my performances, even though they are in direct opposition of the “see something, say something” campaign rhetoric.

Specific outlines on the Department of Homeland Security’s website insists that when someone sketches floor plans, observes, or pays “unusual attention to facilities or buildings beyond a casual or professional interest,” then it should be reported. This need to investigate sketching interferes with what I consider drawing. Still, a larger theme looms over who gets to control the surveillance and what actions should be questioned as unusual, unprofessional, or incendiary.

The idea that art can be considered a counter-surveillance tool or even as a disguise for nefarious activity has its merit. In the mid 1950’s Emil Gold-fuss AKA Rudolf Abel covertly operated as an artist painting and sketching in Brooklyn before he was apprehended by the FBI for operating as a KGB Russian spy. The Department of Homeland Security stated before on its website - though it’s no longer on there now - that they’ve made a decision to include sketching in public as a suspicious activity based on their own gathered data and research.

Now I want to go to a photograph of me in a casino and address a couple of issues. My friends tell me, “You look weird” or “You look like a lurker?” “Of course people and police are going to come up to you, they’re doing their job” “Stop being righteous” And on some level I need to agree with
them. If I go to the Freedom Tower, the airport, a bus station, or even a place of business like Starbucks and sit down, appearing to be ‘idle’ and draw, I am doing just that. I am not purchasing a flight ticket or even a cup of coffee and I expect and even sometimes solicit interaction. And really most police couldn’t care less that I draw. I once asked an officer in Penn Station if it’d be okay to sketch and the exchange was almost comical.

But we've had visceral reactions with the real dilemma of being idle while permanently inhabiting a space and what’s more, people have come to assume that being black while just temporarily inhabiting a space is cause for escalated control. We’re all familiar with Starbucks closing its stores for a day to go over company policy about the right to be in its space without purchasing their product, and these two men were arrested, fingerprinted, photographed and spent time at a station for trying to meet a guy for coffee. I myself spent the better part of an hour drawing at Starbucks and even though I wasn’t asked to leave, I knew that I was navigating a very gray area of the right to be in a space vs. the suspicion that comes for feigning idleness within that space. But I’ve come to question, “Why so much manpower to surveille me? And really, what warrants surveillance for such an innocuous act of drawing idly in public?

Surveillance trends and loitering laws in New York City have had a troubled history, and one can note the infringement on pedestrian rights of blacks in urban spaces going back to at least the 18th century. In March of 1713 the Common Council of the City of New York, the pre-cursor to today’s Manhattan City Council, approved “A Law for Regulating Negro & Indian Slaves in the Night Time.” If you were a slave and out at night, you needed to carry a lantern in front of you so you could be easily identified. The lantern law was enacted following a slave rebellion the previous April.

A current-day parallel to lantern laws are the floodlights installed throughout cities as a method to circumvent crime. Today, some see the floodlights as a new form of architectural policing and are wise to recognize that they are primarily in low-income neighborhoods. Of course, nobody wants to live in the dark, and the city’s study showed that crime was reduced by the new lighting. But still, it's a way in which the city's low-income residents are treated differently from their better-off neighbors. Light, although seemingly benign, is a push for more overreaching surveillance in this modern era.

In light of manpower versus machine power, society has deduced that it’s in our best interest to observe the most possible and from all angles. In the coming age, the ACLU postulates that facial recognition software will be used as a powerful tool to scrutinize the entire American public, leaving us at a crossroads in the development of observation methods. A broader reveal will be how the technology can be logical, transparent, and free from unconscious and overt bias. In China, there are areas where the Muslim Uighur population is specifically targeted by face recognition software and here in the U.S., we are beginning to use it to guard the White House gate, for election campaigns, or for self-driving cars.
We already know that AI technology is irreversibly ingrained in our daily habits, and spurs economic and societal growth. As the U.S. government adopts new systems, calls for regulation are coming from many sides like Microsoft, the ACLU, the prison system, or even the airports.

An examination by MIT and Stanford researchers also found that the error rate for light-skinned men was 0.8 percent, yet 34.7 percent for dark-skinned women when employing facial recognition software. This is why our smartphone cameras have had a tougher time noticing faces of color. Even so, distinguishing Chris Pine from Chris Evans from Chris Hemsworth from Chris Pratt is so much more easier for our technology to do than to decipher Aretha Franklin from Patti Labelle.

Although the fieldwork for improving the detection of race and gender diversity is being developed, the accountability of algorithms and implementation of face recognition software within specific industries is largely unregulated.

Because epidermal decision-making is an inherent part of face-recognition software, research shows that when facial characteristics are categorized, “it is possible that these systems can search for faces with a certain feature, if the degree of the feature quantity is designated.” This sets a standard to objectively racialize, gender-assign, and categorize the broader population without deliberate consent of the individual. Just as there is demand for more complex neural networks in face recognition software, the argument holds that with too much regulation, the technology will be stifled.

Because of the complexities of algorithm decision-making, the argument is deeply divided over the transparency and explainability of the technology’s decision-making processes. In New and Castro’s “How Policymakers Can Foster Algorithmic Accountability” these issues are fleshed out in detail.

The ACLU says that the current test seems appropriately narrow, but that it crosses an important line by opening the door to the mass, suspicionless scrutiny of Americans on public sidewalks. “Face recognition is one of the most dangerous biometrics from a privacy standpoint because it can so easily be expanded and abused—including by being deployed on a mass scale without people’s knowledge or permission. So regardless of the countless interactions I’ve had where people feel exposed that I draw them in public or even record public spaces, a passive hypocrisy exists between all of us letting unknown actors surveille the public without our knowledge or consent.

For me, under the label of flaneurism, it’s captivating to show the concern that drawing in public elicits from authority, but there is a point where the decision to intervene might be mandatory, opaque, and unarguable. I know that all of the officers and security officials that I’ve dealt with were performing their job to the best of their abilities, it’s just that the parameters of their observation habits function in a gray area, that gray area is driven by historicity and might continue under a very biased system.