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## **Surveillance by any other name? Understanding counter surveillance as critical discourse and practice**

*¿La vigilancia vestida de seda?  
Hacia una comprensión de la contra-vigilancia  
como discurso y práctica crítica*

*Vigilância camuflada?  
Compreendendo a contra-vigilância  
como prática e discurso crítico*

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### **ABSTRACT**

In the last few years several artistic projects have been inspired by surveillance practices and the social processes they capture. In the same way that *Surveillance Studies* have debated the differences between different forms of counter-surveillance, many of these projects offer different understandings of what it means to recreate, co-opt or expose surveillance, and so they relate to surveillance in different ways. By selecting six of these art projects and looking

at what they say about power, technology and agency, this paper uses art as a stepping stone to explore questions that remain open in the academic debate -what does it mean to subvert the surveillance society? What are the differences between recreation, co-option and exposure when raising awareness of the day-to-day aspects of the surveillance society? By looking at different surveillance-related artistic projects and the issues they raise, this paper explores how counter surveillance, sousveillance, privacy and data protection have been presented in artistic practices, and mirrors them against recurring themes and arguments in *Surveillance Studies*. While most academic debates are based on academic contributions, this paper brings new insights into the current state of *Surveillance Studies* using artistic practices and the reflections they bring about as a starting point, to find surprising similarities between these two perspectives –and their current shortcomings.

## **KEYWORDS**

Art, medialabs, politics, power, privacy, sousveillance.

## **RESUMEN**

En los últimos años diferentes proyectos artísticos se han inspirado en prácticas de vigilancia y los procesos sociales capturados por éstas. De la misma forma que en los estudios de vigilancia existe un debate sobre las diferencias entre las diferentes formas de contravigilancia, estos proyectos ofrecen diferentes perspectivas en torno a la posibilidad de recrear, cooptar o denunciar la vigilancia, y se relacionan con el fenómeno de formas diferentes. A partir de una selección de seis proyectos artísticos sobre la vigilancia y el análisis de las cuestiones relacionadas con el poder, la tecnología y la agencia, este artículo utiliza el arte como puerta de entrada para la exploración de cuestiones que permanecen abiertas en el debate académico: ¿en qué consiste la subversión de la sociedad de vigilancia?, ¿cuáles son las diferencias entre recrear, co-optar y denunciar cuando se pretende concienciar sobre los aspectos cotidianos de las sociedades vigiladas? A partir de estos seis ejemplos artísticos, exploramos las formas en que los proyectos artísticos han planteado estas temáticas y las contraponen a la evolución de tratamiento de estos temas por parte de los estudios de vigilancia. Mientras que la mayor parte de los debates académicos se nutren de contribuciones académicas, este artículo propone una mirada al estado de los estudios de vigilancia desde las prácticas artísticas y

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las reflexiones que éstas sugieren como punto de partida, encontrando sorprendentes similitudes entre estas dos perspectivas –y sus debilidades actuales.

## **PALABRAS CLAVE**

*Arte, medialabs, poder, política, privacidad, sousveillance.*

## **RESUMO**

Nos últimos anos, diferentes projetos artísticos se inspiraram nas práticas de vigilância e nos processos sociais capturados por elas. Do mesmo modo que nos estudos de vigilância existe um debate sobre as diferentes formas de contra-vigilância, estes projetos oferecem diferentes perspectivas sobre a consistência de recriar, cooptar ou denunciar a vigilância, além de se relacionar com o fenômeno de maneiras variadas. A partir da seleção de seis projetos artísticos sobre vigilância e a análise de quais seriam suas compreensões sobre as questões relacionadas ao poder, a tecnologia e os agenciamentos, este texto utiliza a arte como porta de entrada para a exploração de assuntos que permanecem indefinidos no debate acadêmico. Em que consiste a subversão na sociedade de vigilância? O que diferencia recriar, cooptar e denunciar quando o que se pretende é conscientizar sobre aspectos cotidianos da sociedade vigiada? A partir destes seis exemplos artísticos, este artigo explora como tais projetos desenvolvem a temática da vigilância, traçando paralelos com as abordagens acadêmicas.

## **PALAVRAS-CHAVE**

*Arte, medialabs, política, poder, privacidade, sousveillance.*

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## Introduction

In 2008, an exhibition center in Northern Spain hosted a project called Situation Room (2009) which tried to recreate an “open” control room drawing, on the one hand, on the experience of previous hacklabs or medialabs set up by social movements, and, on the other, on an operations room designed in the 70s in order to gather and analyze economic data to organize the Chilean economy under Salvador Allende’s government, called Project Cybersyn (de Soto & Hackitectura, 2010).

The main idea behind the project was to use the data-gathering and surveillance capabilities of a typical Control Room, which allow for better and more informed decision-making in the fields of business and institutional politics, and make it available to citizens, who should use the data to better self-organize and resist. *Situation Room*, thus, was about “co-opting” surveillance and putting it at the service of “the people”, and not so much resisting it or sabotaging it directly.

IMAGEN 1: *SITUATION ROOM*, 2008



Source: By Marcos Morilla courtesy of LABoral.

The fact that an artistic/activist project would use a government initiative of surveillance as a reference brings to the fore questions about what it means to subvert the surveillance society, and the limits of current understandings of privacy in the information society. What is identified as the problem in critical discourses, the ability to monitor people's everyday moves and store personal data or the aims of surveillance? Or maybe it is the ideology or political affiliation of the *surveillants* that makes the difference? Are there instances in which the massive storage and analysis of personal data could be justified? Is all surveillance wrong or can control and data-mining be put to the service of dissent or the common good? And, crucially, what does the literature on surveillance have to say about these things? While engaging in a discussion about the positive or negative aspects of surveillance falls outside of the scope of this paper, which concentrates on the connections between the questions picked up by art practices and the academic surveillance debate, some of the difficult questions raised by a careful observation of what art has to say about surveillance and counter surveillance are highlighted with the aim to contribute to ongoing debates about the social and cultural role of surveillance and resistance in modern societies.<sup>1</sup>

TABLE 1. OVERVIEW OF SURVEILLANCE-RELATED ART PROJECTS

<b>Surveillance Camera Players (1998)</b>	The Surveillance Camera Players are a group formed in 1996 that directly confronted video surveillance camera through public performance. The SCP are inspired by the situationist movement which used disruptive spectacle and public performance as a mode of highlighting or criticizing social relations. They have performed adapted versions of various plays in front of video surveillance cameras in New York City, including a public rendition of Re-Elect Big Brother (based on Orwell's 1984) -including costumes- in Manhattan on the US election day in November 1998. In addition to being filmed by the surveillance camera, the performance was also recorded by camera crews to be shown on local independent cable TV. By performing for the cameras, the SCP effectively expose surveillance and contest the idea that the watched should be resigned to their fates.
<b>Quiet: We Live in Public (1999)</b>	Quiet: We Live in Public was a late '90s spycam experiment that placed more than 100 artists in a "human terrarium" under New York City, with webcam capture software and a laser microphone following every move the artists made. The project was the brainchild of Josh Harris, an internet pioneer who became interested in human behavior experiments which tested the impact of media on society and technology, and with Quiet he wanted to prove how, in the future of standard life online, we would "willingly trade our privacy for the connection and peer recognition we all deeply desire". The project was controversial as it had deep consequences for Harris' personal life (his girlfriend left him, unable to be intimate in front of the cameras). In 2009, a documentary film about the experiment received the Grand Jury Prize at the Sundance Film Festival.
<b>Institute for Applied</b>	The iSee project, by the Institute of Applied Autonomy, is a crowd-sourced geographic database that epitomizes the tactic of sousveillance, or surveillance from below. With this tool, users can submit the geographic locations of video surveillance cameras and in turn consult the database for

<sup>1</sup> For more on this, see the work of David Lyon, Steve Mann and Gary T. Marx, for instance, and the dates raised in the journal *Surveillance & Society*.

<b>Autonomy: iSee (2001)</b>	information about where cameras are. Rather than directly contesting cameras themselves, the iSee tool helps users to take a 'path of least surveillance' through the city. The iSee tool for Manhattan, for example, relies partly on data from a 'CCTV census' done in XXXX and allows users to generate an itinerary to avoid as many cameras as possible. While iSee is a surveillance resistance tool, it minimizes rather than totally negates one's exposure to video capture.
<b>Life: A User's Manual (2003-2006)</b>	Michele Teran's project plays with the juxtaposition of virtual and physical worlds by using a wireless receiver to draw on publicly-accessible wireless transmissions from surveillance cameras in proximity. The artifact itself is a wheeled suitcase, pulled by a nomadic female character, featuring a small circular black screen on which captured camera feeds are shown. Based on the eponymous 1978 novel by Georges Perec, featuring cross-cutting stories of people living in an apartment building in Paris, Teran's project similarly weaves together the physical space of the street and the virtual space of the camera feed. The project uses publicly accessible wireless spectrum, illustrating and exposing the extent to which the surveillance is enabled by city dwellers' own broadcasts of their lives.
<b>Situation Room (2008)</b>	Situation Rooms are places used at times of crisis to gather, assess and monitor data to assist decision-making. In 2008, an exhibition at Spain's art centre Laboral recreated a situation room to "democratize" access to data and better decision-making. Using data from a Spanish region, Asturias, the project invited visitors to familiarize themselves with data gathering, processing and visualization processes, while at the same time exposing the possibilities of using this open experiment-simulation to produce common knowledge between artists, geographers, architects, biologists, economists, computer scientists, critics and the public. By trying to replicate state practices, the project not only exposed surveillance practices, but also raised questions about power, legitimacy and agency.
<b>Un Barrio Feliz (2010)</b>	When the Madrid city council introduced video surveillance cameras to the Lavapies neighbourhood in 2010, many residents actively resisted the premises and promises of the system. Part of the critical edge that Un Barrio Feliz ("a happy neighbourhood") brought was an attention to the justification for video surveillance: with crime falling, and the city hall's security coordinator suggesting the presence of 'other people', the system was denounced as a tool of social fragmentation. In response, the activists' parodied the official line on video surveillance through critical posters, some emblazoned with 'Lavapies 1984'. The group's most controversial measure showed the double standard of video surveillance: having installed a camera of its own in the area, mimicking the city's own project, the group was met with a €10,000 penalty from the Data Protection Agency.

Source: Prepared by the author.

## Surveillance and counter surveillance in artistic practices

Cameras and surveillance devices are a fascinating thing. The ability of a technical device to capture and store life, and/or to produce data based on how life is being lived by individuals or groups has captivated the imagination of all modern societies. This fascination has been echoed by many artists, who have explored the length and breadth of the impact of the devices of the information society on everyday life from different perspectives and using a myriad of interfaces, not all of them strictly *artistic* – performances, cartography, exhibitions, video-games, software applications, happenings, etc.

Among early examples of “artistic” work with the possibilities of surveillance and counter surveillance in a context of “distributed surveillance” (Dupont, 2008), there is a recent docu-

mentary by director Ondi Timonier, for instance, which details Josh Harris' art project *Quiet: We Live in Public* (2009). Harris was an internet pioneer who in 1999 gathered around 100 artists in an underground “human terrarium” and subjected them to 24-hour control through spycameras and interrogation. He later turned the experiment on himself, and installed cameras in the New York City apartment he shared with his girlfriend.

As an early example of the Orwellian reality programs that have come to dominate our TV sets, *Quiet* is relevant because while Harris proved to be a despotic director who forbid participants from leaving the premises and subjected them to all kinds of mental experiments, he also allowed them to surveil other participants with their own cameras. The interaction, thus, was not only between the master-surveilor and the participants-surveilled, but also between participants, somewhat blurring the power relations and turning the surveilled into agents of surveillance. Interestingly, this experiment was carried out just two years after Mathiesen (1997) theorized the *synopticon* for the first time, pointing to the need to move beyond Foucauldian understandings of top-down, panopticon-like surveillance to take into account the processes by which it is not the few watching the many, but the many watching the few, in a two-way relationship that he termed “The Viewer Society”. Harris, however, was not a social theorist, and it is unlikely that he had read Mathiesen’s work. His goal was more to find new business fields than to articulate a critique of the surveillance society, by either co-opting it or exposing it.

Others, however, have approached the issue of surveillance with the aim of exposing current social trends, threats and possibilities, thus contributing a more political approach to the issue. *Situation Room*, mentioned above, was a project conceived and led by “hactivists” who wanted to promote and take advantage of the possibilities of “a more open access to data collection and display technologies” by developing “Situation Rooms in civil society” that “empower the action of social networks” and not “central powers” (de Soto & Hackitectura 2010, p. 26).

Other relevant projects would include the well-known *Surveillance Camera Players* (2006), who have been exposing everyday surveillance since the mid-90s by organizing tours and performing play adaptations in front of security cameras with the stated goal of working “directly on the populous to inform them and agitate them” (Schienke & Brown 2003, p. 361). Or the Institute for Applied Autonomy's *iSee* application (2010), which allows users to map paths of unsurveilled or “least surveilled” streets as a way to raise awareness and foster public debate on the ubiquity of surveillance and its purpose: Why am I being filmed here?



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Among the less well-known projects, it is worth mentioning Michelle Teran's *Life: A User Manual* (2009), where she uses a simple video scanner to intercept wireless images transmitted on the 2.4Ghz frequency band to explore private surveillance – what things are people trying to protect, and what “landscapes of perceived insecure areas emerge”. Or the Madrid-based *Un Barrio Feliz* (2010) which in 2009, just after a network of CCTV cameras was installed in the streets and squares of the central neighborhood of Lavapiés, decided to capture the same images (initially through hacking, finally by walking around with a consumer camera on a broomstick) and project them on a giant screen set up for another project some members of *Un Barrio Feliz* were involved in – interestingly, the images were never projected as the Town Hall threatened to sue one of the participants for misuse of personal data and invasion of privacy.

By choosing these five examples, what I want to show is, first, that parallel to the academic debate, surveillance has made its way into art and artistic practices, and that these have developed their own approaches and understandings of surveillance, often with remarkable similarities in perspectives and timing with the academic debates. Second, that artistic practices have often overlooked issues related to power and agency when dealing with surveillance, in a way that makes it difficult to establish whether the artist is trying to use or promote, co-opt or expose surveillance practices. Whenever art deals with contemporary, controversial issues, the goals of the artist/performer are relevant, as they articulate and contribute to making sense of the contribution. In the case of surveillance, those who choose to concentrate on the awe effects of visual tricks made possible by closed-circuit television, or focus on the morbid curiosity promoted by the possibility of the remote gaze, or ignore issues of power, adopt a theoretically neutral standpoint that weakens the possibility of developing explanatory narratives (Schienke y Brown 2003, p. 372; Fundación Rodríguez & Zemos98, p. 18). That is not to say that those who don't take a stand do not contribute to the understanding of the issue at stake: any representation of how society works and operates can be and usually is useful. Concentrating on deeper processes, consequences and contradictions, however, is what brings to the fore the questions that are yet to be answered, the logical gaps that have gone unnoticed, and the things that make an analysis relevant and useful (Marx, 2007).

Leaving aside Harris's *Quiet* project, the five projects mentioned – *Situation Room*, *Surveillance Camera Players*, *Institute for Applied Autonomy*, *Life: A Users Manual* and *Un Barrio*

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*Feliz* – are all projects that attempt to expose the consequences of surveillance, and express, in different degrees, some discomfort at the surveillance society.<sup>2</sup>

Most of them try to raise awareness at the growing ubiquity of surveillance, but while some use the surveillance-capabilities of modern technology against those in power (*Un Barrio Feliz*, *Institute for Applied Autonomy's iSee*), others put them to work for different constituencies (*Situation Room*) and others expose the weakness of the security promise of surveillance (*Life: A User Manual*, *Surveillance Camera Players*). The use those projects make of the technology itself is also very diverse, ranging from the most high-tech use of data-mining and visualization (*Situation Room*) or GPS and visual mapping (*Institute for Applied Autonomy's iSee*) to the non-technical response of *Surveillance Camera Players*, with the use of mundane consumer cameras and scanners of *Un Barrio Feliz* and *Life: A User Manual* being somewhere in between (even if toward the low-tech end of the spectrum).

While all projects highlight the consequences, contradictions and unfulfilled promises of surveillance, they are also “largely centered around the resistance relationship between the surveyor and the surveilled” (Martin, Van Brakel & Bernhard, 2009, p. 214). In *Situation Room*, the surveilled hack and reclaim surveillance technologies to strengthen processes of political autonomy. The *Surveillance Camera Players* actively use their condition of surveilled, emphasizing their subaltern position in front of the camera and acting on it. *Un Barrio Feliz* hijacks images that were meant to circulate “upwards” (from surveilled to surveyor) and creates a horizontal network that distributes them in an open way. In a similar way, the *Institute for Applied Autonomy's iSee* uses technology to surveil the surveillance devices of the surveyors, making that information freely available to the potentially surveilled. *Only Life: A User Manual* (2009) escapes the binary relationship, as the artist is not acting as an angry surveilled or someone in a subaltern position, but as an individual showing what other individuals choose to surveil in their private lives: “I am dealing not with institutional but private use of surveillance. What happens when these technologies are in the hands of the individual.”

Likewise, most of them show a disturbing understanding of privacy. Teran's project might be the most worrying case, hijacking private images and making them public without the consent of the suddenly-surveilled-surveyors. But *Hackitectura's Situation Room* hardly ranks any better, not problematizing the use, analysis and systematization of dataveillance – as long as the information is used by an undefined, broad “us” that is understood to be better than

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<sup>2</sup> For other examples, see Fundación Rodríguez & Zemos98 2007, Koskela, 2004, Monahan, 2006, Luksch, 2010.

“them”. Madrid's activists could maybe be put under a different category, as the public display of CCTV images captured in open public spaces by police-monitored systems and with the tacit consent of the surveilled (articulated through a representative system and the presence of signs alerting of the existence of the cameras) was just a way to enlarge the audience hoping to raise awareness of the presence of surveillance – ironically, the project was never completed due to the threat to throw the (data protection) book at the perpetrators. In the case of the *iSee* application, what is relevant is the fact that the project never makes a distinction between CCTV devices: they all constitute a similar threat to privacy, regardless of their (legitimate?) use and specific purpose. Finally, the *Surveillance Camera Players*, while exposing and subverting surveillance, also highlight the seductiveness of the camera lens, taking exhibitionism to the extreme, but also revealing how one's privacy can be irrelevant, or a non-issue, when trying to expose the growth of the surveillance society. Overall, what is interesting is that most artists addressing surveillance through their work seem to find secrecy way more problematic than privacy.

Without trying to be conclusive about these issues, the underlying surveyor/surveilled dichotomy and the irrelevance of privacy as a concern might be due to 1) the principled starting point most activists/artists working on surveillance take, based on the popular idea that surveillance is a (fascinating) threat to a vague “us” perpetrated by a powerful “them”, on the one hand, and 2) the image of the artist and art as a vanguard, a pioneer and eye-opener of the people, which reinforces the us/them approach, and also prioritizes approaches based on collective awareness, and not so much individual rights.

Here is where Harris's *Quiet* project is relevant again, as it recreates a micro-cosmos of the power relations enabled and reproduced by/in the surveillance society. Harris was not trying to expose or subvert the surveillance society, but to recreate it. In his “human terrarium”, he was the master surveyor, but the surveilled also played an active role in the reproduction of the relationships of power. And, at the end of the day, what all projects tell us is not only that the agency of the surveyor is relevant, but also that the act of being able to surveil gives the surveyor power over others. Hence the drive to “liberate” the images from the privatized channels of power (*Un Barrio Feliz*), to replicate that power (*Situation Room*) or to refuse to abide by the rules of naturalization of those relations of power (*Life: A User Manual, Surveillance Camera Players*). The problem is that by positioning themselves on one side of the barricade, most projects that want to address the issue of surveillance from the point of view of the “us” lose the ability to reflect on the agency and role of the “us” in reproducing dynamics of surveillance and control.

When looking at the way surveillance has been approached by artists, thus, two questions come to the fore: 1) how can our understanding of surveillance take into account issues of power and process, escaping simplistic State = evil / people = good understandings and taking full account of the complexities of power relationships, and 2) what spaces are there in between the surveyor/surveilled, public/private, state/citizen dichotomies where protest and counter surveillance can flourish without contributing to building the scaffolding of the surveillance society (through privacy infringement, for instance, or normalizing the omnipresence of the remote gaze).

### **From the exhibition catalogue to the academic journal**

Interestingly, the questions that one is forced to reflect upon when trying to make sense of how artists are capturing the social impact and future of the *Surveillance Society* are also the issues that can be found on the (scarce) literature on surveillance and resistance. What scholars are saying, however, does not always contribute to a better conceptualization and systematization of the (incipient) academic debates.

In 2009, for instance, the journal *Surveillance and Society* devoted a whole issue to “Surveillance and Resistance”. In the introduction, guest editors Laura Huey and Luis A. Fernández stated that “social discourse on surveillance is shallow and uncritical at best”, but also that “the notion of 'surveillance as a threat' is firmly entrenched in the public imagination” (Fernández & Huey, 2009, p. 198), identifying these as two of the main trends in the popular understanding of surveillance. While both statements may be true, identifying threat and fascination as two parallel trends without problematizing the fact that *Surveillance Studies* are trying to carve out an academic space for themselves ignoring this double and contradictory nature of surveillance, takes one back to the questions raised at the beginning of this piece and while interrogating the artistic projects: what exactly is wrong with surveillance?

In an earlier paper, Gary T. Marx (2007) identified “omission” as one of *Surveillance Studies'* weaknesses:

Most studies deal with contexts of conflict, domination and control involving surveillance *agents* and *organizations*. The extensive use of surveillance in other settings for goals involving *protection, management, documentation, strategic planning, ritual* or *entertainment* is

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ignored. Goals are too often simply assumed. Their frequent lack of clarity and their multiplicity are ignored much of the current work, while often elegantly phrased, exploratory and useful in offering background knowledge, raising issues and sounding alarms, remains conceptually undernourished, non-cumulative and non-explanatory (at least in being conventionally falsifiable) and is either unduly abstract and broad, or too descriptive and narrow.

(Marx, 2007, p. 126).

Similarly, Dupont (2006, p. 259) has addressed the “neglect” of the new spaces between “those who watch and those who are being watched” created by the “democratization of surveillance”, reinforcing Marx's claims about the determinism and narrow focus of most surveillance scholars, who “frequently present what may happen as what will happen, obscuring the mechanisms that so often derail the best plans” (p. 276). This approach could explain the lack of elaboration of the concept of resistance in *Surveillance Studies* – after all, if we're just snowballing towards and unavoidable Orwellian dystopia, why bother?

As these authors highlight, the questions raised by the artistic practices are not answered by the surveillance literature. As Marx and Dupont point out, the gaps and somewhat simplified approaches we can find in surveillance-related artistic practices are also to be found in the current surveillance literature.

There are, however, recent examples that have tried to address the issue of resistance while avoiding clichés. We have already mentioned Marx (2003, 2007) and Dupont (2008), but there is also Haggerty (2006) and Martin, Van Brakel, and Bernhard (2009). In this last piece, the authors take in the multi-disciplinary character of the field of *Surveillance Studies* and attempt to come up with “a working framework for a more sophisticated understanding of multiple resistance relationships pertaining to surveillance” (p. 214). If Marx's diagnosis is true, however, and “a boom in research does not necessarily mean an equivalent boon” (Marx, 2007, p. 125), and much of the work continues to be non-cumulative (i.e. nobody's listening), we could be back to square one.

## **A to-do list for *Surveillance Studies* and surveillance art**

By putting together recent contributions to the field of *Surveillance Studies* aimed at promoting self-reflection and self-criticism and the questions that emerge from the inquiry into the assumptions of the artistic take on surveillance, we can begin to sketch a to-do list of things that need to be clarified or further explored if *Surveillance Studies* is to be relevant as a field, and if counter surveillance or the resistance to surveillance is to be effective in any way. Without trying to be comprehensive, and in light on the recent literature on the shortcomings in *Surveillance Studies*, we suggest that there are two burning issues that stand out.

### **Beyond good and evil**

While, as in all academic fields, some scholars refuse to get their hands dirty with down-to-earth, “now what?” questions, in *Surveillance Studies* there also seems to exist a certain complacency, a belief that studying surveillance is *per se* a contribution to the erosion of surveillance. Notions of resistance are therefore received with generalized sympathy and back-patting. However, in the same way that most artistic takes on surveillance tend to assume too many things, to leave many questions unanswered and to fall into what could be called a “cheerleadish” approach to resistance, current academic approaches to resistance and surveillance show similar weaknesses.

In the above-mentioned article by Fernández & Huey (2009), which was the opening piece for a special issue on Surveillance and resistance, the authors urged scholars to pursue research that concentrates first on “instances of resistance”, as “revolt is generally the innovator, with the state adapting and developing new forms of control to address the innovations” (p. 200). But revolt against what? What is wrong with surveillance? Abstract statements such as this are a reflection of what Marx calls “a sympathy for underdogs and suspicion of overdogs” (Marx, 2007),<sup>3</sup> with the added problem that what makes one an underdog or an overdog is

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<sup>3</sup> This quote from G. Marx appears only in the online version of the paper, available at <http://web.mit.edu/gtmarx/www/seekingstudies.html> (accessed July 22nd, 2014).

hardly ever discussed. In this case, the parallelisms with the assumptions of *Situation Room* are self-evident.

It is increasingly easy to find articles that take on a critical approach to some of the basic pillars of *Surveillance Studies*, such as the image of the Panopticon (Mathiesen, 1997; Haggerty, 2000, 2006; Wood, 2003), in order to better account for social and technological developments – the democratization of surveillance, the agency of technological devices, etc. However, it is still difficult to find pieces that address the underlying issues related to power, escape the surveilled/surveyor dichotomy or take into account issues related to time and process (Martin, Van Brakel, R.E. & Bernhard, 2009).

Going back to the artistic projects: is data mining any better when used by social movements and hacktivists, as *Situation Room* suggests? If the good vs. evil approach is structured along the lines of public/accountable vs. private/unaccountable, the use of personal data by activists is no better than its use by multinationals – or is it?. In the case of *Un Barrio Feliz*, where do activists derive their legitimacy from when hacking personal data? Or would we agree on a marketing company going around intercepting wireless images in order to, as Michelle Teran does, “illustrate a diverse landscape of perceived insecure areas”?

The approach us/good vs. them/bad seems not only to be scientifically problematic, but also to obscure urgent issues that need to be addressed, related to power, agency, representation and legitimacy, on which to build new understandings of how surveillance is cause and consequence of contemporary social, political and technological changes.

## **Surveillance by any other name**

If we take Lyon's definition of surveillance as a starting point (“any collection and processing of personal data, whether identifiable or not, for the purpose of influencing or managing those whose data have been garnered” - Lyon 2001, p. 9), both *Cybersyn* and *Situation Room*, as well as social movement-developed medialabs, are instances of surveillance. The emphasis might be more on the “managing” than the “influencing”, but while State-controlled surveillance is usually accountable to some sort of democratic body (the Judiciary, administrative procedures, etc.), one could argue that most people have very little say or control over the use of personal data when done by non-State bodies – social movements among them. What is, then, counter surveillance, and how does it relate to co-option, recreation and exposure?

For some authors, any action aimed at exposing surveillance practices, even if through co-option or recreation, constitutes counter surveillance:

counter surveillance can include disabling or destroying surveillance cameras, mapping paths of least surveillance and disseminating that information over the internet, employing video cameras to monitor sanctioned surveillance systems and their personnel, or staging public plays to draw attention to the prevalence of surveillance in society

(Monahan 2006, p. 515).

Others, however, establish differences between certain practices, distinguishing between “opposing surveillance” and “organizing counter surveillance”: “avoiding images versus creating images”. “Opposing surveillance includes hiding from it in one way or another, demanding tighter regulation, as well as organizing 'surveillance free zones' (...) Counter surveillance is another type of activism that takes place to criticise surveillance” (Koskela, 2004, p. 205). It is about “turning those same tools against the oppressors” (Mann in Koskela, 2004, p. 157). For others, still, counter surveillance is the act of “turning the tables and surveilling those who are doing the surveillance”, a practice made possible by the “democratization of surveillance”, but different from “refusal”, “masking”, “distorting” and “avoidance”, among others (Marx, 2003).

The boundaries between surveillance and practices of resistance, thus, are not clear. And the blurring gets even more intense if we add to the mix Mann's concept of *sousveillance* (2002), which he defined as “inversed surveillance” or “watchful vigilance from underneath” involving “a peer to peer approach that decentralizes observation to produce transparency in all directions” and “reverse the otherwise one-sided Panoptic gaze” (Mann, Fung & Lo, 2006, p. 177).<sup>4</sup> The same author differentiates between “inband *sousveillance*/subveillance” (“arising from within the organization”) and “out-of-band *sousveillance*” (“often unwelcome by the organization” and/or “necessary when inband *sousveillance* fails”). He is also responsible for coining the terms “*equiveillance*”, which aims to find “equilibrium” between surveillance and *sousveillance* and introduce issues of power and respect in the discussion (Mann 2004, p.

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<sup>4</sup> Many authors equate *sousveillance* with counter-surveillance, or at least fail to note a difference (see, for instance, Koskela, 2004, Bollier, 2008).



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627), and “coveillance”, defined by some as “participatory” or “multicultural” surveillance (Kernerman, 2005).

It is therefore hard to find agreement or consistency in the literature when it comes to explaining what resistance to surveillance is or should be: is *sousveillance* a synonym of counter surveillance or a subset of practices within it? Who is “sur” and who is “sous”? When is surveillance, as enacted by Project Cybersyn and *Situation Room*, counter surveillance? Again, most academic and artistic understandings of surveillance and counter surveillance seem to build an argument that fails to address its own foundations. Just as we found in the artistic practices reviewed.

## Conclusion

*Surveillance Studies* is a fairly recent field. Despite its recent “boom” (Marx, 2007), surveillance scholars have not yet had the chance to construct a common definition of the subjects' main topics, a process that will not be easy if its members want it to continue to be a multidisciplinary field, and as long as the topic is the object of such a broad popular and political fascination. While no field of study should ever develop independently of the world around it, trying to build a scientific approach to an issue that provokes passionate debates in Parliament corridors, living rooms and TV sets is no easy task.

At this stage, thus, the key might not be to provide perfect answers, but to be able to point in the direction of the relevant questions. This paper puts forward the suggestion that starting with resistance is useful, but not because it is the source of innovations that are later picked up by those in power, as Fernandez and Huey (2009) suggest, but because, once one makes the effort to escape *technophilic* approaches, that perspective forces the academic eye to look beyond the obvious and confront pre-assumptions and difficult questions.

In this endeavor, it is also our contention that artistic takes on surveillance provide privileged starting points. This may be because of the ability of artistic expressions to break the boundaries of the possible and explore the absurd, the utopian/dystopian, the caricaturesque. Maybe because most articulated and visible critiques of the surveillance society have adopted an artistic or artivistic form. Maybe because only art has so far managed to put counter-surveillance / *sousveillance* / surveillance “for the people” into practice. Whatever the reason, *Surveillance Studies* as a field has the chance to evolve alongside not only a potentially healthy,

vibrant public debate, but also an artistic-activist scene that has embraced new technologies and the possibilities of the information society.

Seizing the time, however, requires addressing many of the shortcomings mentioned above, as well as deciding and being clear about what standing point is being adopted and why. In a context of distributed surveillance and rhizomatic practices, tackling difficult underlying themes such as power, agency and what it means to “counter” the surveillance society may be a useful starting point.

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