

## SECTION 13

# RESISTANCE AND OPPOSITION

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Perhaps with the exceptions of national security or parents monitoring their children, the dominant public discourse surrounding surveillance is invariably negative. Surveillance is painted as an unwelcome intrusion, an inappropriate exercise of control, a tool of despotic or totalitarian regimes (i.e., “Orwellian”) and therefore worth fighting. Because surveillance creates social orders, resistance is always a politically meaningful act, even if many of the actors involved do not see their practices as part of broader struggles. It is safe to say that when it comes to issues of surveillance, and especially state surveillance, strong affinities exist between academic and activist communities working to contest what are perceived to be abuses of power. When one adds to this the fact that many forms of resistance are incredibly creative and colorful, it is no surprise that scholars have been drawn to resistance as an area of study.

Given the myriad ways that people might challenge surveillance, it is analytically useful to differentiate between organized forms of *opposition* and improvised or ad-hoc techniques of *resistance*. John Gilliom explains, “By opposition, I refer to public efforts to block or significantly change policy. By resistance, I refer to quieter practices that seek to avoid, stymie, game, or otherwise manage a system” (Gilliom

2010: 201). Thus, when civil society groups such as the American Civil Liberties Union or the Electronic Frontier Foundation initiate public campaigns or file lawsuits on behalf of aggrieved parties, they are engaged in opposition. But when welfare recipients evade systems of surveillance by failing to report income, or people install ad-blocker programs on their web browsers, or drivers use radar detectors, they are engaged in forms of everyday resistance (Gilliom and Monahan 2012).

While the distinction between opposition and resistance is helpful, it may be more accurate to think of it as a continuum. For instance, Colin Bennett (excerpted in Chapter 64) writes of “privacy advocates” who may be engaged in formal opposition but who also often improvise and seem uncertain about how to build coalitions or create a broader social movement. Similarly, while “Cop Watch” groups may be loosely organized around shared practices and goals, as Laura Huey, Kevin Walby, and Aaron Doyle (excerpted in Chapter 65) explain, their politics are necessarily shaped by the often-unpredictable actions of police and activists, and the ubiquity of mobile phones has now moved most cop-watch practices from intentional opposition to unplanned moments of resistance when police abuse is witnessed (Simon 2012; Wall and Linnemann 2014; Wilson and Serisier

2010). In the artistic realm, a classic form of resistance by the Surveillance Camera Players (2006) involved the staging of public plays for video camera operators and effectively cast curious members of the public as unwitting actors in the spectacle of public surveillance contestation; yet even this form of resistance incorporated elements of opposition through careful planning, coordination, and media dissemination.

Ultimately, resistance and opposition hinge on power relations. As Michel Foucault (1978) observed, resistance and power exist symbiotically and co-constitute each other, implying that analyses of power must take into account forms of resistance that also contribute to the larger *dispositif*. In surveillance studies, countersurveillance serves as a zone of inquiry into these power dynamics, which manifest in symbolically expressive acts. Countersurveillance is defined as “intentional, tactical uses or disruptions of surveillance technologies to challenge

institutional power asymmetries” (Monahan 2006). For instance, Finn Brunton and Helen Nissenbaum (excerpted in Chapter 66) describe techniques of obfuscation that interperse false data amid accurate data, making identification and fine-grained classification much more difficult by dataveillance systems.

In a different vein, Steve Mann and colleagues (excerpted in Chapter 67) engage in performances that put institutional actors, such as convenience store employees, under surveillance by activist outsiders. Their goal is to spark critical self-reflection on the part of these employees and contest institutional surveillance more broadly. The technique deployed by Mann is that of *sousveillance*, or monitoring from below—turning the gaze back upon those in positions of authority. Such performance-based interventions raise a number of important questions, though. First, does not the very concept of *sousveillance* erroneously conflate one’s status position with power? It



*One Nation under CCTV*, 2008, Banksy.

seems that the concept privileges the *direction* of the gaze over its *effect*. If surveillance is about the exercise of influence or control, then *sousveillance* (a view from below) would necessarily become surveillance at the moment that such influence or control were achieved, regardless of one's status position. Second, in such interventions, what are the ethics of relatively privileged, white scholars subjecting marginalized populations (e.g., African-American women working in low-wage service sector jobs) to intensified scrutiny and harassment? Is it fair, or even efficacious as a critical performance, to call such workers "totalitarianist officials," as Mann does, and treat them that way (Mann 2002)? Does this challenge or reinforce power asymmetries?

In Gary Marx's (2003) reflections on resistance to surveillance, he refers to surveillance neutralization as "an endless chess game" where each move invites another move by the adversary. Although it may seem that making any move is better than making none, there is the possibility that the adversary may simply learn to neutralize opposition more effectively. There are also lingering questions of privilege and social inequality, where activists and scholars might not accurately represent the interests or needs of the most vulnerable members of society. The excerpt by Torin Monahan challenges anti-surveillance camouflage on these grounds

and questions what political opportunities might be lost when one celebrates a "right to hide" instead of seeking to challenge surveillance-facilitated discrimination and violence.

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