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Democratic curiosity in times of surveillance

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Abstract

Taking my cue from feminist curiosity and literature on the everyday in surveillance studies, I am proposing 'democratic curiosity' as a tool for revisiting the question of democracy in times of extitutional surveillance. Democratic curiosity seeks to bring into analytical play the social and political power of little nothings – the power of subjects, things, practices, and relations that are rendered trivial – and the uncoordinated disputes they enact. Revisiting democracy from this angle is particularly pertinent in extitutional situations in which the organisation and practices of surveillance are spilling beyond their panoptic configurations. Extitutional surveillance is strongly embedded in diffusing arrangements of power and ever more extensively enveloped in everyday life and banal devices. To a considerable degree these modes of surveillance escape democratic institutional repertoires that seek to bring broader societal concerns to bear upon surveillance. Extitutional enactments of democracy then become an important question for both security and surveillance studies.

Keywords

A 2013 study on mass surveillance requested by the European Parliament's Committee on Civil Liberties, Justice, and Home Affairs states that the key question following the Snowden revelations on US mass surveillance is: 'What nature, scale and depth of surveillance can be tolerated in and between democracies?'[1] This is clearly an important political question. Not too many will contest that the implications of surveillance for democracy are one of the important political challenges of our times. Asking how much surveillance democracy can tolerate is not the only question we need to ask today, however. Implicitly running through the question is the assumption that if there is sufficient political will democratic institutions can both define what level of surveillance is compatible with democracy and constrain surveillance to this effect. Yet, what if institutional democratic repertoires cannot or can only to a limited extent bear upon surveillance because the latter is organised and practiced in ways that to a large degree escape control and authorisation practices of key democratic institutions? If the latter is the case then we need to ask another set of questions. What can democracy mean in relation to surveillance situations upon which institutional

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democratic repertoires have only limited grip? What mode of enquiry can be developed that researches the interstices between democracy and surveillance without limiting democratic practice to familiar institutional repertoires?

Surveillance refers here to 'assorted forms of monitoring, typically for the ultimate purpose of intervening in the world'.[2] Although surveillance cannot be reduced to security practice, the Snowden revelations place the concern with surveillance squarely at the interstices between the extraction and circulation of data and security and intelligence practices. The tense relation between security, surveillance, and democracy is not new. The enhanced focus on counter-terrorism since 2001 has led to various debates about the nature, scale, and depth of surveillance that can be tolerated in democracies. The relation between surveillance and security practice is not always straightforward and depends to a considerable extent on what one calls security and the wider political and social processes in relation to which one researches surveillance. For example, surveillance studies that are largely drawn on in security studies are mostly embedded in criminology and police studies. Yet, studies of surveillance cover a wider range of interests. Feminist surveillance studies, for example, focus on how surveillance genders and racially renders bodies across a wide range of surveillance practices, including foetus scanning, genetic technology, tweeting, and domestic violence.[3] Analyses of the nature and effects of governing by means of big data and extracting transactional data for economic purposes are another example of how surveillance issues arise beyond the security and policing realm.[4] In this article I will remain close to the criminological and policing literature on surveillance that is most directly linked to security issues. I will not explicitly qualify what is particular about the security rationale of surveillance, however.[5] The aim here is to draw out a set of issues about democracy and surveillance from the surveillance literature. Given that security practice is taking place in and shaping a wider societal intensification of surveillance,[6] the challenges for democracy, and the conceptualisation of democratic practice in times of surveillance that I develop bear upon specific security contexts.

Security and surveillance studies usually do not make democracy a driving category of their analyses.[7] Instead they tend to focus on the nature of surveillance, its novel developments, reasons for it, and its implications. What is specific about mass surveillance?[8] Do the Snowden revelations reveal a novel form of surveillance? The emphasis is very much on understanding surveillance.

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[2] Kevin D. Haggerty and Minas Samatas, 'Surveillance and democracy: an unsettled relation', in Kevin D. Haggerty and Minas Samatas (eds), *Surveillance and Democracy* (Abingdon: Routledge, 2010), p. 2.

[3] Rachel Dubrofsky and Shoshana Amielle Magnet (eds), *Feminist Surveillance Studies* (London: Duke University Press, 2015).

[4] Evelyn Ruppert and Mike Savage, 'Transactional politics', *Sociological Review*, 59:2 (2011), pp. 73–92; Anders Koed Madsen, *Web-visions: Repurposing Digital Traces to Organize Social Attention* (Phd thesis, Copenhagen: Copenhagen Business School, 2013).

[5] In *Security Unbound* I define the securitising technique of surveillance as 'assembling suspicion' and draw out its difference with a technique of security that works by means of intensifying relations between enemies and sudden 'life-threatening' disruptions. See Jef Huysmans, *Security Unbound: Enacting Democratic Limits* (Abingdon: Routledge, 2014).

[6] Mark Andrejevic, 'Foreword', in Rachel Dubrofsky and Shoshana Amielle Magnet (eds), *Feminist Surveillance Studies* (Durham: Duke University Press, 2015).

[7] One of the few exceptions is the volume *Surveillance and Democracy*; see Kevin D. Haggerty and Minas Samatas (eds), *Surveillance and Democracy* (Abingdon: Routledge, 2010).

[8] Mass surveillance refers to large increases in the scale of data extraction and analysis; it risks blurring the line between targeted surveillance – justified for the purpose of fighting crime – and data mining. Didier Bigo, Sergio Carrera, Nicholas Hernanz, Julien Jeandesboz, Joanna Parkin, Francesco Ragazzi, and Amandine Scherrer, *National Programmes for Mass Surveillance of Personal Data in EU Member States and Their*

Democracy enters mostly as something that is negatively impacted upon by surveillance but not in itself a driving analytical category. Alternatively, it enters towards the end of the analysis when one asks 'What can be politically done?' as a repertoire of practices that can be mobilised to politically limit surveillance. Democracy here tends to be primarily understood in terms of familiar institutionalised repertoires of action such as the protection of fundamental rights in court procedures, parliamentary overview, mobilisation of protest in the public sphere, and demands for legal, administrative, and political organisation of transparency and accountability.

In this article I want to make an argument for lingering a little longer with democracy and in particular with the question of how to bring the relation between democracy and surveillance into analyses of the politics of surveillance. I propose 'democratic curiosity' as a tool for avoiding that analyses of surveillance slip too comfortably into studying the details of surveillance and questioning them from the standpoint of institutionalised repertoires of democratic practice. The main reason for this is not that the analyses of how the tensions between security, surveillance, and democracy play out specifically today are wrong or poor in the insights they generate. Yet, the impact of state organised democratic institutions cannot be taken for granted when surveillance is diffusing in the sense of being both non-intense or banal and dispersed with no clear centralising decision-making and controlling centres. In these cases, the challenge for democracy is not simply that surveillance is challenging democratic institutions and rights but that there seems to be a mismatch between the organisation of the power of surveillance and the arrangement of democratic power that seeks to limit and shape surveillance in line with legal and wider normative frameworks, popular power, and democratic notions of accountability, equality, and fairness.[9]

Against this background it is important to ask if there is more to democracy than the institutional eyes see and what a 'democratic analytics' can be that takes us beyond institutional repertoires of democratic action. The article develops in two main parts. Drawing on surveillance studies, the first two sections introduce how surveillance practices are today extitutionally rather than panoptically organised and why this requires us to linger a little longer and more explicitly with the democratic question in surveillance studies. The next sections introduce 'democratic curiosity' as a method of extitutional enquiry that seeks to take political sociologies of surveillance beyond the limits of institutional repertoires of democratic action. I develop a reading of the democratic political significance of little nothings as uncoordinated disputes. It provides the conceptual basis for an extitutional understanding of democracy in times of surveillance that differs from the often-used idea of politics as resistance.

Extitutional surveillance

The notion of big brother and the panoptic organisation of surveillance continue to structure political debates on surveillance. Yet many analyses of surveillance have highlighted that surveillance works quite differently in many instances. Since we started with a quotation referring to the Snowden revelations, let's continue with that example. Recently, a group of surveillance and security analysts emphasised that the revelations demonstrate developments in surveillance that are so pervasive and

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Compatibility with EU Law (Brussels: European Parliament's Committee on Civil Liberties, Justice and Home Affairs, 2013), p. 15.

[9] Ulrich Beck posed a similar question in light of the Snowden revelations, emphasising in particular the limits of nation-state democracy, law, and citizens protests. See Ulrich Beck, 'The digital freedom risk: Too fragile an acknowledgment', *openDemocracy* (30 August 2013) available at: {https://opendemocracy.net/can-europe-make-it/ulrich-beck/digital-freedom-risk-too-fragile-acknowledgment} accessed 22 July 2015.

complex that they are not fully understood and challenge the conceptual canons of surveillance and security studies.

> We seem to be engaging with phenomena that are organized neither horizontally, in the manner of an internationalized array of more or less self-determining and territorialized states, nor vertically in the manner of a hierarchy of higher and lower authorities. Relations, lines of flight, networks, integrations and disintegrations, spatiotemporal contractions and accelerations, simultaneities, reversals of internality and externality, increasingly elusive boundaries between inclusion and exclusion or legitimacy and illegitimacy: the increasing familiarity of these, and other similar notions, suggests a powerful need for new conceptual and analytical resources.[10]

It is an important observation, especially when drawing on the case of the Snowden revelations. The latter does invite analyses to fall back on familiar categories, tropes, and repertoires. Despite the dispersed network of agencies, data flows, and private-public partnerships the focus is firmly on a surveillance programme controlled by state security institutions and linked to deploying disciplinary and coercive force. The revelations also deployed familiar actions of politicising surveillance. A whistle-blower leaked voluminous materials evidencing mass surveillance by the state; newspapers published the information gradually over a longer time period so as to sustain public debate; parliamentary and extra-parliamentary queries demanded accountability for what was happening and questioned or defended the legitimacy of the practice on legal, normative, and security grounds. It is thus a classic case of centralised, state organised security practices being politically contested through familiar democratic processes. The article quoted above, however, warns implicitly that one should not settle too easily and comfortably in these familiar modes of understanding and engaging surveillance practice and its politicisation. Mass surveillance is part of wider developments that have unsettled the familiar categories through which we understand surveillance and the possibilities for democratic politics.[11]

These developments in surveillance are not as new and obscure as the quote may suggest, however. They have been extensively written about in surveillance studies. Of particular interest are the analyses that question the panoptic model of control and power.[12] In its panoptic model surveillance is a relation between the watched and the watcher within a bounded, territorialised institution, like a prison, factory, or asylum. There is a central and centralising power that credibly claims and exercises a capacity to see what those living within the bounded place are up to. Power works by those subjected to surveillance internalising prescribed patterns of practice because those with the power to coerce can be monitoring transgressions and subsequently punish them by taking away certain rights and opportunities, exercise violence, humiliate, and so on. Significant practices of surveillance do however currently not work in such bounded institutional spaces and their hierarchical organisation of visibility; or, at least, they cannot be fully understood as institutionally bound. One of the early dents into the panoptic framework was the observation that new technologies and social media distributed the possibility for using surveillance across a wider population. The watched started also watching the watchers thereby inverting the panoptic structure. Under conditions of what

[10] Zygmunt Bauman, Didier Bigo, Paulo Esteves, Elspeth Guild, Vivienne Jabri, David Lyon, and R. B. J. Walker, 'After Snowden: Rethinking the impact of surveillance', *International Political Sociology*, 8:2 (2014), p. 124.

[11] See also David Lyon, 'Surveillance, Snowden, and big data: Capacities, consequences, critique', *Big Data & Society*, 1:2 (2014), pp. 1–13.

[12] Kevin D. Haggerty and Richard V. Ericson, 'The surveillant assemblage', *British Journal of Sociology*, 51:4 (2000), pp. 605–22; Kevin D. Haggerty, 'Tear down the walls: On demolishing the panopticon', in David Lyon (ed.), *Theorizing Surveillance: the Panopticon and Beyond* (Cullompton, Devon: Willan, 2006), pp. 23–45; Zygmunt Bauman and David Lyon, *Liquid Surveillance* (Cambridge: Polity, 2013).

Thomas Mathiesen[13] coined 'synoptic surveillance', surveillance did no longer simply work top down — state upon citizens, employers upon workers, the police upon suspected groups and individuals – but experienced a democratic levelling of the hierarchies implied in the panoptic model and a fracturing of the organisation of control. Getting hold of abusive practices of those in authority and spreading them through social media and traditional news channels are a classic example.

In synoptic surveillance the emphasis is very much on a reversal; on rendering the relation of control between watched and watcher more complex by looking at cases in which the hierarchy of power is inverted or in which surveillance is at least less unidirectional. Yet, its implications go further. When surveillance becomes decentralised and more distributed it breaks out of its institutional bounds allowing multidirectional connections. These understandings of surveillance are not limited to post-Snowden. For example, Benoît Dupont analyses the internet in a similar way.

> In this model of information management, it is much harder for a central authority to control the flow of data than in a panoptic environment, while at the same time, it becomes much easier for a myriad of actors to observe and monitor their peers, since the distribution of ties also creates a hyper-connectivity conducive to the multilateralization of surveillance.[14]

The issue here is not a mere reversal of panoptic into synoptic surveillance but an understanding that variations of the analytical categories based on the panoptic model do not provide adequate leverage for understanding contemporary surveillance. Like Zygmunt Bauman et al., Dupont's argument is not that surveillance is simply horizontal and democratic; it remains stratified and central institutional authorities continue to play a significant role. Yet, for him the panoptic model 'can only be of limited assistance to analyze the distributed structure of supervision, and its disconnect from any disciplinary and social sorting project'.[15] Kevin D. Haggerty and Richard V. Ericson introduced the notion of 'surveillant assemblage' to express a similar concern. Picking up on the diffuse nature of much of contemporary surveillance they argue for studying surveillant assemblages arranging a multiplicity of heterogeneous elements, agencies, and relations that come together as a functional entity with no clear boundaries.[16]

The political challenge here is that these modes of surveillance cannot be steered or contested simply by focusing on an institutional entity.[17] As William Bogard in his formulation of post-panoptic control states:

> This [post-panoptic] form of control does not depend on interiors, yet nonetheless operates as a form of enclosure. New techniques of statistical tracking (e.g. data mining), combined with remote control technologies, allow certain production processes to be regulated without concentrating them behind walls or allocating them to specific institutional spaces.[18]

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[13] Thomas Mathiesen, 'The viewer society: Michel Foucault's "Panopticon" revisited', *Theoretical Criminology*, 1:2 (1997), pp. 215–34.

[14] Benoît Dupont, 'Hacking the Panopticon: Distributed online surveillance and resistance', *Sociology of Crime, Law and Deviance*, 10 (2008), p. 262.

[15] Ibid., p. 268.

[16] Haggerty and Ericson, 'The surveillant assemblage', p. 608.

[17] Ibid., p. 609; Michalis Lianos, 'Periopticon: Control beyond freedom and coercion – and two possible advancements in the social sciences', in Kevin D. Haggerty and Minas Samatas (eds), *Surveillance and Democracy* (Abingdon: Routledge, 2010), pp. 69–88.

[18] William Bogard, 'Simulation and post-panopticon', in Kirstie Ball, Kevin D. Haggerty, and David Lyon (eds), *Routledge Handbook of Surveillance Studies* (London: Routledge, 2012), pp. 30–7.

The issue for these analyses is that significant practices of surveillance are no longer simply where panoptically speaking they are supposed to be. Although the term 'post-panoptic'[19] nicely captures this idea, I am going to introduce another term.

I prefer to speak of extitutional surveillance, borrowing terminology from Michel Serres.[20] The reason is to draw attention specifically to the process of deinstitutionalisation that Bogard's quote refers to. 'Extitution' refers to relations and practices of governance in various areas of life, including education, medical practice, mental health, and security that are dispersing beyond the physical and spatial confines of the institutions that exercise them. It includes practices like distance teaching in which the university campus is no longer in the first instance a physical place, the control of prisoners within society by means of tags, spreading intelligence work through increasing involvement of private contractors, and so on. Such extitutional worlds separate institutions and the organisation of power in the sense that the exercise of power is not primarily taking place within the physical boundaries of the traditional institutions like schools, asylum, intelligence agencies, and so on but is significantly more fractured and dispersed.[21] The concept 'extitutional' retains a more explicit link to the 'institutional world' than 'post-panoptic', which is important. Spatially bounded institutions are transforming but remain important for understanding the nature of and transitions into extitutional sites and moments. Moreover, it is not the case that surveillance is simply creating a non-institutional world of free flowing data, knowledge, and intervention; bounded institutions continue to be significant. Yet, in extitutional developments the question is what is happening to these institutions when the physically bounded space is becoming less important for their operation.

In situations of extitutional surveillance, the power of monitoring, registering, constructing, and circulating data and rendering subjects as data is highly distributed and mobile. Data and the use made of it are detached from the original thick context and subjectivities and circulated across agencies with different functions (for example, train companies seeking to optimise provisions and counter-terrorist units tracking suspicious mobility). The generation and collection of data is heavily embedded in ordinary activities, ranging from shopping and making a phone call over house valuation and buying a travel ticket to insuring a car and selecting employees. As Francisco Tirado and Miquel Domènech emphasise, movement and connections established through circulations are the structuring forces of extitutional social formations rather than institutional confinement. For example, the Snowden revelations may easily suggest a mode of highly institutionalised surveillance, organised within and through the NSA and a set of core intelligence institutions. Yet, if one starts looking at the movement of data and information and how they render and connect subjects, institutions, procedures, and things the picture shifts from simply relations between institutions to surveillance spilling out of the key institutions and their statutory and operational procedures into a vast array of private and public organisations, cables, legal instruments, and so on.[22] Intelligence institutions seem to try to confine these circulations institutionally but with mixed results, among others given the many private organisations involved.

Surveillance spilling out of the institutional walls and operating by means of encodings rendered in movements and transactions goes hand in hand with it permeating everyday life. The extraction of personal data for governing conduct is part of labour relations, consumption, traffic regulation,

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[19] Haggerty, 'Tear down the walls'; Bogard, 'Simulation and post-panopticon'.

[20] Michel Serres, *Atlas* (Paris: Flammarion, 1996 [orig. pub. 1994]), pp. 195–6.

[21] Francisco Tirado and Miquel Domènech, 'Extitutions and security: Movement as code', *Informática na educação: teoria e prática*, 16:1 (2013), pp. 123–38.

[22] Lyon, 'Surveillance, Snowden, and big data'; Bauman et al., 'After Snowden'; Beck, 'The digital freedom risk'.

counter-terrorism, house pricing, entertainment, and so on. It has become difficult if not impossible to go about one's life without being subjected to surveillance and participating in data generating practices. This has consequences for how to interpret surveillance for security purposes. Following Snowden, much of the justification for mass surveillance – but also its contestations – refer to exceptional security practice, that is, counter-terrorism policies. Yet, one of the most disrupting aspects of the revelations was not just the scale of the surveillance but how intelligence operations worked by means of data, technologies and modes of surveillance that are deeply embedded in a myriad of everyday activities, including emailing, online shopping, phone calls, and so on. Many of these are not encoded and circulated for national security purposes at all. Although national security operations are distinct, they exercise surveillance that is 'deeply' embedded in people's everyday life. Surveillance takes on the characteristics of a social formation that is paradoxically very near but also quasi unavoidable and untouchable. The exceptionality of certain surveillance practices, like counter-terrorism, are so thoroughly enveloped in the everyday that it is difficult to maintain the boundary between the two. The worlds of security practice can then not simply be studied within their own 'walls'. Instead they are to be read in terms of their circulation in, drawing upon, and being embedded in the spread of surveillance practice for multiple purposes – or, in other words, in their enactment of what David Lyon referred to as surveillance societies.[23]

Subject positions in extitutional surveillance are not just produced by means of the institutional organisation of time, space, and movement of already existing subjects and their hierarchical observation but 'by codes intended to reproduce the subject in advance'.[24] Extitutional subjects are performed rather than simply watched. For example, Louise Amoore when discussing pre-emptive data-mining highlights how 'the subject' is created from the unknown in the practice of pre-emptive surveillance rather than surveillance being a practice working upon an already known subject:

> … contemporary security practice works on and through the emptiness and the void of that which is missing: inferring across elements, embracing uncertain futures, seeking out the excess. It is precisely across the gaps of what can be known that new subjects and things are called into being.[25]

Such a performance of subjectivity disrupts the panoptic model in which the watchers and the watched are given subject positions in an architectural structure. Identities and profiles are creating subjects proactively. Surveillance creates an unknown subject through anonymous algorithmic work on transaction data. For example, in counter-terrorism some practices render suspected subjects through gathering and patterning transactional data that are then inscribed upon an individual. Yet, we should be careful to avoid reading these as completely disembodied subjects that are 'created' *ex nihilo*. As among others Rachel Dubrofsky and Shoshana Amielle Magnet have shown in their collection of feminist surveillance studies, existing racial, gender and wealth differences, and discriminations are inscribed upon subjects in a wide range of surveillance practices.[26]

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[23] David Lyon, *Surveillance Society: Monitoring Everyday Life* (Maidenhead: Open University Press, 2001). For example, Ball et al. show in great detail how the market logics enacted in private firms shape counter-terrorism surveillance: Kirstie Ball, Ana Canhoto, Elizabeth Daniel, Sally Dibb, Maureen Meadows, and Keith Spiller, *The Private Security State? Surveillance, Consumer Data and the War on Terror* (Copenhagen: Copenhagen Business School Press, 2015).

[24] Bogard, 'Simulation and post-panopticon', p. 35. On questions of subjectivity in relation to new surveillance technologies, see also Katherine N. Hayles, 'RFID: Human agency and meaning in information-intensive environments', *Theory, Culture & Society*, 26:2–3 (2009), pp. 47–92.

[25] Louise Amoore, *The Politics of Possibility: Risk and Security Beyond Probability* (Durham: Duke University Press, 2013), p. 7.

[26] Dubrofsky and Magnet (eds), *Feminist Surveillance Studies*.

These developments challenge familiar categorical distinctions that have been central to the social sciences. The sometimes intense debate on the relevance of the public/private distinction in surveillance studies is one example.[27] The difficulty of separating internal from external governance in the policing of mobility at a distance which dislocates state borders from their geographical place to data banks, consulates, random identity checks across the territory, and dispersed detention centres is another one.[28] Interferences between market logics and security logics[29] and the limits of right holding subjects when surveillance works through transaction data[30] are again other examples. One of the questions that is much less explicitly dealt with in surveillance studies, however, is the implications of extitutional surveillance for conceptions of democracy.

The question of democracy

Although there is work done on the relation between democracy and surveillance, the question of democracy is not as present in surveillance studies as one might expect. Democracy largely remains a backdrop rather than a key analytical category when it comes to studying surveillance.[31] Alternatively, democracy is present as a selection of institutional components, such as rights to privacy and free association, concepts of accountability and transparency, and legitimate modes of protest, but not as an analytical category in itself.[32] This relative absence of the category of 'democracy' as a question rather than a given set of political repertoires raises a problem in cases of extitutional surveillance. While surveillance has gone extitutional, democratic politics seems to have largely remained institutional in both the study of surveillance and many of the practices that seek to bring democratic values, rights, and processes to bear upon instances of surveillance. There thus is a mismatch between the organisation and sedimenting of the power of surveillance and the understanding of democratic power that seeks to limit and shape it in line with legal and wider normative frameworks, democratic notions of accountability, equality and fairness, and input from popular power and civil society in decisions.[33] In some sense one can argue that surveillance power is split from political power. The former working transversally across political, institutional and disciplinary boundaries with the

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[27] Colin J. Bennett, 'In defence of privacy: the concept and the regime', *Surveillance & Society*, 8:4 (2011), pp. 485–96; Priscilla M. Regan, 'Response to Bennett: Also in defence of privacy', *Surveillance & Society*, 8:4 (2011), pp. 497–9; Felix Stalder, 'Autonomy beyond privacy: a rejoinder to Bennett', *Surveillance & Society*, 8:4 (2011), pp. 508–12.

[28] Didier Bigo, 'Globalized (in)security: the field and the ban-opticon', in Didier Bigo and Anastassia Tsoukala (eds), *Terror, Insecurity and Liberty* (Abingdon: Routledge, 2008), pp. 10–48; Julien Jeandesboz, *Les usages du voisin: Genèse, enjeux et modalité de voisinage de l'Union européenne* (Phd thesis, Ecole Doctoral de Sciences Po, Institut d'Etudes Politiques de Paris, 2011); Amoore, *The Politics of Possibility*.

[29] Ball et al., *The Private Security State?*; Marieke de Goede, *Speculative Security: The Politics of Pursuing Terrorist Monies* (Minneapolis: University of Minnesota Press, 2012); David Murakami Wood, 'What is global surveillance? Towards a relational political economy of the global surveillant assemblage', *Geoforum*, 49 (2013), pp. 317–26.

[30] Evelyn Ruppert, 'Population objects: Interpassive subjects', *Sociology*, 45:2 (2011), pp. 218–33.

[31] See, for example, Didier Bigo, 'Security, surveillance and democracy', in Kirstie Ball, Kevin D. Haggerty, and David Lyon (eds), *Routledge Handbook of Surveillance Studies* (Abingdon: Routledge, 2012), pp. 277–84.

[32] See, for example, de Goede, *Speculative Security*.

[33] This 'mismatch' is not limited to surveillance. Analyses of transnationalising and globalising societal and economic relations have raised similar issues about the structuring of societal and economic power not fitting the territorialised institutional repertoires of democracy in states. See, for example, Karl Kaiser, 'Transnational relations as a threat to the democratic process', in Robert O. Keohane and Joseph S. Nye (eds), *Transnational Relations and World Politics* (Cambridge: Harvard University Press, 1971), pp. 356–70; R. B. J. Walker, *Inside/Outside: International Relations as Political Theory* (Cambridge: Cambridge University Press, 1993), p. 143.

latter remaining strongly linked to territorially bounded political and judicial institutions.[34] This 'mismatch' raises questions about the limits of institutionalised democratic repertoires of action for effectively exercising political power in situations of extitutional surveillance.[35] It also raises questions about how to introduce the question of democracy into the study of extitutional surveillance.

Taking extitutional arrangements of surveillance serious makes one ask whether many political debates on surveillance only give a semblance of democratic control and limitation while surveillance practices simply continue to escape democratic limits. Surveillance practices seem always already somewhere else or arranged differently, or seem to incorporate the democratic limits to further enhance and develop ever more sophisticated surveillance. Criticism of prioritising the protection of the right to privacy in the study and politicisation of surveillance is a good example. These criticisms highlight two issues in particular. First, too much focus on the right to privacy distracts from understanding the wider arrangements of power in society and everyday practices within which surveillance is embedded. For example, people seem to freely reveal private information through social media, loyalty cards, internet consumption, and so on. Yet, what does 'freedom' mean here when the demand for personal data by corporate and public services is often a requirement for receiving services, buying goods, and so on. Secondly, focusing on the right to privacy overlooks that calls for privacy protection have led to an expansion and further sophistication of surveillance. The surveillance industry have embraced it as a technical issue that can be dealt with by more discriminatory and more sophisticated surveillance soft and hard ware. Not everyone agrees with this criticism of the right to privacy as a key politicising tool, however. Although there are certainly many instances and specific developments where this criticism holds, making this the default interpretation is considered too one-sided. It overlooks the presence of political processes and controversies that affect the development of surveillance tools and practices. In these privacy can continue to play a significant role, as Colin Bennett, among others, has extensively argued.[36]

Overstating the criticism can also slip into an argument that established institutions have no significant presence in extitutional situations at all. The fact that situations are extitutional does mean indeed that bounded institutions do not succeed in containing surveillance developments and are not the central decision-making and implementing power. Yet, that is not the same as saying they have become irrelevant or intentionally or unintentionally collusive with surveillance.[37] Democratic institutional repertoires such as judicial claims to privacy rights and public accountability procedures remain important, among others, to keep the question of the legitimacy of certain surveillance tools

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[34] Bauman and Lyon, *Liquid Surveillance*, pp. 5–8.

[35] Amoore, *The Politics of Possibility*, de Goede, *Speculative Security*; Lianos, 'Periopticon'.
Similar concerns have been expressed in relation to contemporary policing practice and financial surveillance: Ian Loader, 'Plural policing and democratic governance', *Social & Legal Studies*, 9:3 (2000), pp. 323–45; Jennifer Wood and Benoît Dupont (eds), *Democracy, Society and the Governance of Security* (New York: Cambridge University Press, 2006); Anthony Amicelle, 'Towards a "new" political anatomy of financial surveillance', *Security Dialogue*, 42:2 (2011), pp. 161–78.

[36] Bennett, 'In defence of privacy'.

[37] For an excellent analysis of this ambiguous nature of democratic repertoires of action, that is, them simultaneously being a repertoire for limiting and enhancing surveillance tools, see Rocco Bellanova, *The Politics of Data Protection: What Does Data Protection Do? A Study of the Interaction Between Data Protection and Passenger Name Records Dispositifs* (Phd thesis, Political and Social Sciences, Université Saint-Louis, Brussels, 2014).

and practices in political play. It may well be that the protection of privacy is a problematic category given that people widely participate in making private data available but that does not necessarily imply that they would also willingly give up private information if they knew it was extracted through mass surveillance by intelligence services.[38]

The issue I want to raise is therefore not that institutional democratic repertoires are necessarily defunct in extitutional environments, despite rhetorical temptations to draw nice dyads, oppositions, and clear breaks between old and new. I am making a more modest claim. The mismatch between extitutional surveillance and institutional democratic repertoires means that the question of democratic politics cannot by default or uncritically fall back on reiterating familiar institutional repertoires of democratic action. It invites discussion about their effectiveness in limiting the reach and scale of surveillance. It also invites revisiting what diffuse exercise of democratic power can be and how to embed such a conception of democracy into analyses of surveillance. In the next sections, I focus on the latter of these two questions and in particular on how to move from institutional to extitutional analytics of democracy in surveillance studies? I will do this by introducing a mode of enquiry that I will call 'democratic curiosity'.

Towards an extitutional democratic analytics

If democratic power is not simply where it is supposed to be, that is, in institutional centres and processes, then where is it? This question resonates with the interest, in the various branches of security and policing studies, in adapting democratic repertoires to diffuse modes of governance.[39] Existing democratic institutional repertoires, such as the rights to association, privacy, and data protection require adapting and changing to situations in which centres of security and policing power are dispersed into modes of nodal governance, hybrid organisations, and assemblages. This literature explores in particular how repertoires of accountability, transparency and the participation of social groups and citizens can be organised and how they (can) confer – or, contest – legitimacy of surveillance, and more broadly, security and policing institutions, techniques, and technologies.

Although these approaches contribute to formulating a democratic analytics of extitutional situations, I want to concentrate on something that they leave out: how the diffusion of surveillance in and through 'the everyday' makes 'the everyday' a site of political practice in its own right. Here, another democratic question – other than accountability and transparency – arises: how do practices that are considered infra-political or non-political contest and, more generally, bear upon the enactment of surveillance? In this section I introduce three key moves that define 'democratic curiosity' as an extitutional mode of enquiry that addresses this issue in particular. The first move takes understanding curiosity as a disposition towards the significance of little nothings and the power of trivialising rather than the uncovering of secrets. The second and third moves define the democratic modalities of this curiosity as a mode of enquiry. I propose first that a democratic analytics approaches little nothings as constituting a situation of multiplicity and immanent relations

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[38] Bauman et al., 'After Snowden'.

[39] Rita Abrahamsen and Michael C. Williams, 'Security beyond the state: Global security assemblages in international politics', *International Political Sociology*, 3:1 (2009), pp. 1–17; de Goede, *Speculative Security*; Marieke de Goede, Valsamis Mitsilegas, Louise Amoore, Rocco Bellanova, and Quirine Eijkman, 'IPS Forum: The politics of privacy in the age of preemptive security', *International Political Sociology*, 8:1 (2014), pp. 100–18; Lianos, 'Periopticon'; Loader, 'Plural policing and democratic governance'; Jennifer Wood and Clifford Shearing, *Imagining Security* (Cullompton, Devon: Willan Publishing, 2000).

rather than a confrontation between a surveillance system and diffuse forces resisting it. The democratic modality of curiosity, secondly, implies a particular conceptualisation of the political qualities of this social situation; in other words, it works the boundary between the social and the political in a particular way. Democratic curiosity defines this boundary as one where and when the immanent relations between little nothings that define the social situation of surveillance turn into uncoordinated disputes. As I will explain below, this implies a distinct conception of democratic practice that differs from the more commonly used notion of politics in surveillance studies that is based on a dialectic of domination and resistance.

Curiosity and the everyday

Calls for taking the political significance of 'the everyday' serious in relation to surveillance are not new. In 1980, Michel de Certeau argued for taking the quotidian serious against too dystopian readings of surveillance:

> If it is true that the grid of 'surveillance' is everywhere becoming more extensive and precise, it is all the more urgent to discover how an entire society is not reduced to it, what popular procedures (also 'miniscule' and quotidian) play with the mechanisms of discipline and conform to them only in order to 'turn' them, and finally, what 'ways of doing' form the counterpart, on the consumer's (or *dominés*) side, of the mute processes that organise the establishment of socioeconomic order.[40]

This is a call for being more curious about how popular practices engage surveillance in disruptive ways. It asks for an analysis of everyday practices and situations that do not simply reproduce a matrix of surveillance or an existing socioeconomic order. In line with a wider literature on the everyday in the 1970s and 1980s, it questions an overly reproductive or deterministic reading of relations of domination in which the dominated are either reduced to objects of domination or functionalised as reproductive of a given order. Henri Lefebvre's classic 'trilogy', *Critique of Everyday Life*[41] deals with this in the context of Marxist reductions of consumption, entertainment and other mundane practices as mainly reproductive of capitalism.[42] The quote from de Certeau makes a similar move in relation to structural readings of surveillance as an expanding dystopian system of coercion and domination and Foucaultian approaches that read surveillance in terms of a panoptic relation and total institutions in which the watched internalise patterns of practice that keep challenges in check.

Such a curiosity resonates well with the interest in surveillance studies in ordinary practices and possibilities of resistance when surveillance is intimately embedded in everyday life and works largely at a distance. Much of extitutional surveillance is extremely entangled into everyday activities but at

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[40] Translation largely taken from the English translation but slightly changed by me based on French original. Michel de Certeau, *The Practice of Everyday Life*, trans. Steven F. Rendall (Berkeley, CA: University of California Press, 1984 [orig. pub. 1980]), p. xiv; Michel de Certeau, *L'invention du quotidien: 1. arts de faire* (Paris: Gallimard, 1990 [orig. pub. 1980]), pp. xxxix–xl.

[41] Henri Lefebvre, *Critique of Everyday Life, Volume 1* (London: Verso, 2008); Henri Lefebvre, *Critique of Everyday Life, Volume 2: Foundations for a Sociology of the Everyday* (London: Verso, 2008); Henri Lefebvre, *Critique of Everyday Life, Volume 3: From Modernity to Modernism* (London: Verso, 2008).

[42] This was a widespread area of debate in the 1970 and 1980s in Europe. It included among others the move towards *Alltagsgeschichte* in Germany, and (post-)Marxist cultural studies in the UK.
Geoff Eley, 'Labor history, social history, Alltagsgeschichte: Experience, culture, and the politics of the everyday – a new direction for German social history', *The Journal of Modern History*, 61:2 (1989), pp. 297–343; Raymond Williams, *Marxism and Literature* (Oxford: Oxford University Press, 1977).

the same time very much an intangible presence. For example, email and chats are difficult to avoid but the data extractions and knowledge assembling remain a rather abstract something that takes place somewhere else and through 'mysterious' calculations. It is quite different from being watched by a border or security guard with whom one can – and on occasion must – interact. The political question of 'the everyday' is here not simply one of how surveillance operates through and in mundane sites and practice but mainly if and how disrupting power is and can be exercised by subjects who are so embedded in surveillance that they cannot really own the situation. How can autonomy and political relevance be understood and exercised by those who can only act from a position of weakness, from a position of being owned by 'the system'?[43]

This curiosity in 'the everyday' and 'the power of the weak' is similar to feminist arguments for lingering with sites, practices, and subjects outside of the familiar institutions of power. They have done considerable work showing the power of women's practices, which from the perspective of institutionalised power and its corresponding analyses, are politically considered what one could call 'little nothings'. Little nothings are practices and things that are treated as fractured, singular, or routine and enacted as if they do not weigh on wider social and political concerns. In feminist analysis, diplomats' wives hosting dinners and receptions, migrating female domestic workers, beauty parlours in a war zone and so on are relevant for both understanding and shaping distributions and techniques of power. It renders visible the patriarchal nature of political institutions and the limits of understanding power in the terms reproduced by these institutions.[44]

Garry T. Marx, John Gilliom and Torin Monahan, Katja Franko Aas and colleagues, Kirstie Ball and others do something similar in surveillance studies.[45] They move away from treating surveillance as a system, structure, or institution that enacts its own logic of governance to a social situation. Surveillance professionals, companies, institutions and technologies do not simply impose what surveillance practice is, can do, and can be. They do not operate in a passive social environment. Surveillance is enacted – in the sense of acted out, acted into being and transformed – in a complex situation full of little practices and things which make surveillance situations into what they are but which are institutionally either ignored or represented as annoying frictions or deviancies that need to be neutralised. For example, Marx introduced the concept of neutralising techniques to invite analyses of resistance to surveillance technology that move beyond strategic responses such as challenging a law or organising a boycott. Neutralising practices are a wide variety of practices through which those subjected to a surveillance technology seek to counter its effective working in the specific situations where they are subjected to the technology. Among the examples are switching urine samples, encrypting communication, advance warnings of upcoming drug test from supervisors, destroying skin from finger tops, and using another person's ID or a false passport.[46]

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[43] James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1992 [orig. pub. 1987]); de Certeau, *L'invention du quotidien*, pp. 59–60.

[44] Cynthia Enloe, *Bananas, Beaches and Bases: Making Feminist Sense of International Relations* (London: Pandora, 1989); Annick T. R. Wibben, *Feminist Security Studies: A Narrative Approach* (Abingdon: Routledge, 2011).

[45] Garry T. Marx, 'A tack in the shoe and taking off the shoe: Neutralization and counter-neutralization dynamics', *Surveillance & Society*, 6:3 (2009), pp. 294–306; John Gilliom and Torin Monahan, 'Everyday resistance', in Kirstie Ball et al., *Routledge Handbook of Surveillance Studies*, pp. 405–11; Katja Franko Aas, H. Oppen Gundhus, and Heidi Mork Lomell (eds), *Technologies of (In)security: The Surveillance of Everyday Life* (London: Routledge, 2008); Kirstie Ball, 'Organization, surveillance and the body: Towards a politics of resistance', in David Lyon (ed.), *Theorizing Surveillance* (Cullompton, Devon: Willan Publishing, 2006), pp. 296–317.

[46] Garry T. Marx, 'A tack in the shoe: Neutralizing and resisting the new surveillance', p. 298.

Paying attention to these practices questions that surveillance technologies, however inescapable they are, exist in a 'passive environment of total inequality'. They operate in 'complex, pre-existing situations' which include not only strategic challenges by social movements, for example, but also individual, largely uncoordinated disruptions and appropriations.[47]

Being curious about these 'little nothings' does not aim at uncovering secrets but is a mode of enquiry that focuses on the power of that what is kept trivial and practices of trivialising, banalising, ignoring, and forgetting. This is similar to how Cynthia Enloe deploys curiosity in her feminist work.[48] At issue is not that women's practices and lives are secret and deserve unmasking but rather that they are taken for granted and thus kept off the analytical and political agendas. Feminist curiosity is for her a method of undoing the work of trivialising women's lives and their contributions to world politics. Trivialising is a powerful practice, which is highly institutionalised – for example, in textbooks, in modes of valuing work, and in methods of academic work. For Enloe, 'uncuriosity' is a practice and attitude that is reproductive of existing power relations. For feminism, this is the patriarchal system that marginalises the feminine; for surveillance studies it is the continuing expansion of surveillance society and its social sorting. If contentious issues arise, like has been happening in the wake of the Snowden revelations, the possible political consequences and implications are indeed partly held in check by trivialising statements, implying that there is really nothing special or controversial about surveillance. I am thinking of statements that point out that people are involved in creating data about themselves every day without seeming to mind or that imply that people are naïve if they really belief that the private data they generate online or by using mobile phones is theirs to control. The implication of such statements is that surveillance is a banality, a fact of daily life and so why bother questioning it. As Enloe underlines, absence of curiosity is 'dangerously comfortable', and in extension institutionally reproductive. It reiterates variations within acceptable boundaries and understandings of how the world works – in academia this is often accompanied by what she refers to as 'the sophisticated attire of reasonableness and intellectual efficiency': "We can't be investigating everything!"'[49]

As a mode of enquiry curiosity implies hanging out in the casual, private, informal, routine; in little spaces and moments. Although such enquiry can be conducted within bounded institutions, I want to highlight that such a method is particularly prone to taking us to places and relations that are (kept) outside of the familiar institutional repertoires and seeks to understand their political significance. When Enloe brings us an analysis of the intervention of Iraq and its consequences she moves our gaze from the battlefield, diplomatic negotiations, and the reconstruction of political institutions to beauty parlours, changing house occupancy in a Baghdad neighbourhood, statements by a teenage girl surviving a house raid, and so on.[50] Each of these is not completely detached from institutions and what in international politics are considered the sites and processes of political power but neither are they bound or contained by them. They are extitutional moments, claims, places that enact the situation of war and they matter for the shaping of social relations as well as political subjectivity and legitimacy. This mode of curiosity is therefore more than including an analysis of the informal, private, trivial, banal, everyday; its direction is extitutional, drawing attention to diffuse relations that enact situations beyond bounded institutions.

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[47] Ibid., pp. 295–6.
[48] Cynthia Enloe, *The Curious Feminist* (Berkeley, CA: University of California Press, 2004).
[49] Ibid., p. 3
[50] Cynthia Enloe, *Nimo's War, Emma's War: Making Feminist Sense of the Iraq War* (Berkeley, CA: University of California Press, 2010).

So far, I have proposed 'curiosity' as a specific mode of researching and knowing the everyday by taking the power of little nothings and the extitutional work they do seriously. It is a method of disrupting the power of trivialising and making insignificant. It introduces sensitivity to how surveillance practices are not simply subjecting but also how they are subjected to the work of many little nothings, which seems to become even more pertinent when surveillance leaves its operational mode derived from panoptic institutions and becomes thoroughly embedded in a myriad of diffuse everyday practices. Drawing attention to the power of 'little nothings' thus captures a wider sociological, political, and normative interest in diffuse agency in contexts of extitutional surveillance and derives from dissatisfaction with too dystopian sociological readings of surveillance as an imposing system. In line with the aim of this article to foreground the question of democracy more outspokenly in surveillance studies, I want to add a more particular take on curiosity, however. To that purpose, the next two sections develop 'democracy' as an analytical modality that defines the political nature of little nothings in a quite specific way. In other words, the remaining question is: what does it mean for curiosity to be a *democratic* mode of enquiry?

From resistance to situations of multiplicity

The curiosity set out in the previous section is in itself a democratising move. It draws attention to how practices treated as passively undergoing and/or being merely reproductive play an active role in shaping and contesting surveillance practices, techniques, and institutions and their legitimacy. Such a move is an analytical expression of the democratic idea that power and conferring legitimacy are not limited to those in governing or dominant positions but is more widely distributed across people – rulers and ruled, elite and ordinary people, experts and non-experts, and so on.

Yet, the democratic qualification of curiosity I want to develop goes further than this democratising analytics that is inherent in curiosity. 'Democratic curiosity' gives a particular inflection on this more horizontal, distributive conception of power that differentiates it from resistance. Conceptions of resistance commonly organise how surveillance studies understand the political significance of little nothings. In these works, resistance refers in the first instance to dispersed practices and arrangements that disrupt the imposition of surveillance rather than instances of collective mobilisation for the purpose of disrupting or changing a situation. They can take the form of individualised or dispersed neutralising actions[51] like destroying identity documents, disrupting CCTV cameras, and trolling[52] or issue specific dispersed protests like the No Google Glass campaign in which people challenged those wearing Google Glasses. Appropriations of surveillance technology and practice are another mode of resistance, such as 'sousveillance', in which elites and security professionals are put under surveillance by ordinary people who are present in surveillance situations or by those subjected to surveillance.[53] Resistance to surveillance has also been conceptualised as friction which foregrounds dispersed bodily becoming and situational unpredictability when the possibility for reflective moments from which to draw intentional resistance are limited.[54]

Using the concept of 'resistance' has an important limitation for understanding diffusing power, even when conceptualised as above, however. It tends to account for diffuse relations in terms of a main

[51] Marx, 'A tack in the shoe'.
[52] 'Trolling' refers here to hacktivist actions disrupting or destroying data sites.
[53] Steve Mann, Jason Nollman, and Barry Wellman, 'Sousveillance: Inventing and using wearable computing devices for data collection in surveillance environments', *Surveillance & Society*, 1:3 (2003), pp. 331–55.
[54] Ball, 'Organization, surveillance and the body'; Huysmans, *Security Unbound*, pp. 158–72.

dyadic relation that opposes one group against another, one mode of living against another. Even when practices are taken as distributed, resistance analyses tend to arrange the multiplicity as expressions of an aggregate antagonism. In the case of surveillance this usually opposes surveiller and surveilled or the imposition of surveillance system and the challenging practices by those subjected to it.

An extitutional understanding of democracy for me demands retaining a greater multiplicity of relations, however. The main reason is that extitutional relations are highly diffuse and multiple; reducing these relations to a general opposition between a system and resistance by those subjected to it considerably limits our understanding of what politics can be in these situations. I therefore want to propose democratic curiosity as a mode of enquiry that seeks to retain a greater diversity in the conflicts that are at play and a more ambiguous understanding of the relation between surveillers and surveilled. It draws attention to non-dialectically organised multiplicity. It is similar to Alina Sajed's proposal to reinterpret the politics of dissent under Communist regimes in Europe during the Cold War. For her domination did not simply engender dissent. It engendered instead 'a plethora of practices of coping, survival, negotiation, contestation, accommodation and complicity, all of which can overlap and coexist in tension with one another within the lived experience of the same actor'.[55] If we take this serious then the analytical – and political – challenge is to account for the democratic political quality of such 'a plethora of practices'.

The immediate implication is that surveillance becomes a social situation rather than a technique, technology, or system. It is shaped by the relations between multiple practices of surveilling, appropriating, working around, resisting, and so on. Analytically one can start from instances of institutional exercise of power or as is often the case in post-panoptic analyses of surveillance, the technological and networked practices of extracting information from populations or societies. Yet, they can at best be a methodological entry point into understanding a situation that is created by immanent constellations of practices and things within which technologies, data, and surveillance institutions are embedded. For example, Gavin Smith's work on CCTV monitoring interprets CCTV operations through multiple banal interactions between security staff, the monitored, and the camera.[56] Although he retains a largely dyadic set-up between watchers and the watched, their relation is not one of control versus resistance. The security staffs do not simply enact the logic of social control that is inscribed into the surveillance technology, the culture of operation and the reason for their instalment. They find themselves in various social situations involving relations to those they watch, relations between themselves, and relations with their employers. The relations involve resistances, compassion, implicit agreements, complicity, negotiating, and so on. This multiplicity of relations is what makes the surveillance situation into what it is – and is not. Surveillance can therefore not be reduced to a confrontation between a surveillance system and resisting practices by those surveilled. Of course, it makes a difference for the understanding of surveillance whether one takes as analytical entry point CCTV in an urban environment or Bullrun, a classified decryption programme run by the NSA as revealed by Snowden. Yet, the reason is not the

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[55] Alina Sajed, 'Everyday encounters with the global behind the Iron Curtain: Imagining freedom, desiring liberalism in socialist Romania', *Cambridge Review of International Affairs*, 24:4 (2011), p. 560.

[56] Gavin J. D. Smith, 'Exploring relations between watchers and watched in control(led) systems: Strategies and tactics', *Surveillance & Society*, 4:4 (2007), pp. 280–313; Gavin J. D. Smith, 'Empowered watchers or disempowered workers? The ambiguities of power within technologies of security', in Katja Franco Aas, Helene Oppen Gundhus, and Heidi Mork Lomell (eds), *Technologies of Insecurity: The Surveillance of Everyday Life* (London: Routledge, 2009), pp. 125–46.

difference between the operational rationale of either CCTV or Bullrun but the difference in the relations between people and things within which the technical devices exist.

Similarly, Kirstie Ball et al. research how surveillance practices are shaped by and impact on people's working conditions, travel arrangements, and so on in contemporary counter-terrorism policies by looking at changing working conditions in travel agencies.[57] Surveillance and counter-terrorism at first sight seem to be a matter of state and international security institutions imposing intelligence practices onto travel agencies. Yet, when looking in more detail at the everyday working, expressions of concerns, and modes of dealing with security demands, it is clear that the practice and arrangement of surveillance and counter-terrorism is heavily shaped by how travel agencies integrate the demands imposed on them in their everyday practices and negotiate them in light of their commercial interests and their implications for labour relations. Surveillance is enacted within a 'texture of everyday living'; it is shaped by the ephemeral emergence of a variety of practices engaging surveillance, its technology, and its cultures and modes of operation.[58] The travel agencies are not simply implementing the demand for surveillance from security institutions; they are actively reworking this demand by reworking their daily practices and procedures which involves various conflicts, frictions, disagreements, compromises, appropriations, etc. Analytically the travel agencies appear less as 'actors' implementing or resisting and more as sites in which multiple relations, emotions, and concerns enact surveillance.

Although Gavin Smith seems to imply in his work that the main gain from such an approach that introduces 'many diverse and conflicting forms and strategies' is a more diversified understanding of everyday enactment of surveillance, the more radical implication of these two examples is that surveillance moves from a dyadic relation of control into a complex social situation.[59] In doing so, the analytics of power changes from a dialectic between domination and resistance to immanent relations between little nothings and institutional practices that enact between them what surveillance and its limits are.

Uncoordinated disputes

Such a reading of the political significance of little nothings differs from introducing politics into sociologies of surveillance by means of looking for resisting practices. However, it also seems to reduce the enactment of surveillance to a social rather than political situation. To an extent, that is what the category of 'democracy' does: it seeks to value the political significance of what takes place socially. Yet, democracy does more. Democratic practice explicitly works the boundary between the social and political; it is a practice of naming the social as politically significant but as also distinct from the political.[60] In other words, democracy is also about the passage to politics – of the social becoming political – and the organisation of both the boundary between the social and the political and the devices of passage from one to the other.[61] The discussion of the democratic modality of

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[57] Ball et al., *The Private Security State?*, ch. 7.

[58] Sajed, 'Everyday encounters', p. 563.

[59] Smith, 'Exploring relations between watchers', p. 292. A similar case for breaking down dyadic renditions of surveillance but more narrowly focused on multiplying the actors included in surveillance studies is made by Martin, van Brakel, and Bernhard. See Aaron K. Martin, Rosamunde E. van Brakel, and Daniel J. Bernhard, 'Understanding resistance to digital surveillance: Towards a multi-disciplinary, multi-actor framework', *Surveillance & Society*, 6:3 (2009), p. 217.

[60] Jacques Rancière, *La haine de la démocratie* (Paris: La fabrique éditions, 2005), p. 70.

[61] Jean-François Bayart, Achille Mbembe, and Comi Toulabor, *Le politique par le bas en Afrique noire* (Paris: Karthala, 2008), p. 26.

curiosity can therefore not be concluded at this point. Although moving from dialectic readings to immanent conceptions of power is a key element of this modality, it does not in itself provide us with a conception of what defines the democratic *political* modality of extitutional practice if not an aggregating dialectic between domination and resistance?

I propose that extitutional politics takes the form of uncoordinated practices in which modes of autonomy, rights, and dispositions of acceptability are put into dispute. Disputes are non-dialectic conflicting enactments of rights, autonomy and dispositions of acceptability.[62] To explain what this means, I will start from John Gilliom's study of surveillance of the welfare poor in Appalachia.[63] His study looks at how women depending on welfare benefits cope in situations of increased and intensified surveillance that makes access to welfare benefits more difficult. They practice non-compliance, masking, and misrepresentation. Despite the analysis drawing heavily on conceptions of resistance – and in particular James Scott's work[64] – I want to draw on it for its conception of the politicality of uncoordinated actions of the women in intensified surveillance situations.

The women Gilliom interviewed mainly try to make ends meet by taking on small paid jobs without declaring them, not volunteering information, and so on. Despite most of these practices being unorganised, lacking any explicit ideological justification, being organised in response to immediate daily concerns, such as assuring sufficient food and the possibility to buy clothes for their children, and being largely hidden, they have political significance. The women create autonomous spaces and moments of live that have value in their own right with distinct and disputed conceptions of what is legitimate practice and what not. Gilliom interprets their practices as uncoordinated modes of resisting that create collective consciousness and strategic opposition, but without collective mobilisation.[65]

Instead of focusing on 'resistance', an alternative reading of these practices is possible that sees them as bringing in circulation multiple, uncoordinated disputes. In that case one looks not for how their actions resist the practices of surveillance institutions but what kind of disputes over conceptions of right, autonomy and acceptability are present in the actions they take. Disputes link little practices to broader political questions of conflicts between and transformations of frameworks of rights, autonomy, and dispositions of acceptability. Gilliom organises the ethical positions and frameworks, for example, as expressed in statements like: 'I think as long as someone is using what they are doing for their home, or they are buying something that their kids need, I don't see anything wrong with it'

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[62] Although the concept of 'dispute' as used here draws on Boltanski and Thévenot's studies, I am not following the precise meaning they give to the concept, which in their use is explicitly focused on practices of justification. For the purpose of this article, I am more interested in developing the uncoordinated quality of disputes. See Luc Boltanski and Laurent Thèvenot, 'The sociology of critical capacity', *European Journal of Social Theory*, 2:3 (1999), pp. 359–77; Luc Boltanski and Laurent Thèvenot, *De la justification. Les èconomies de la grandeur* (Paris, Gallimard, 1991).

[63] John Gilliom, *Overseers of the Poor: Surveillance, Resistance, and the Limits of Privacy* (Chicago, Chicago University Press, 2001).

[64] James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT: Yale University Press, 1992).

[65] 'In the end, the everyday resistance seen among the Appalachian welfare poor formed a pattern of widespread behavior that produced or supported an array of important material and symbolic results, including cash and other necessities of survival, a status of autonomy, a potentially powerful collective consciousness of the struggle of welfare mothering, and a strategic opposition to and undermining of surveillance mechanisms.' John Gilliom, 'Resisting surveillance', *Social Text*, 23:2 (2005), p. 77.

into an uncoordinated framework actioned by the women against the frameworks of surveillance institutions. The proposal here, however, is to keep them distributed as multiple disputes, enacting various frameworks, that are not necessarily consciously or strategically created but that simply take shape in how the women, and also the welfare services, their neighbours, and others go about their daily life. In certain situations it may indeed be the case that the various little disputes become strategically codified and enacted as an opposition between the welfare poor and the welfare institutions. Yet, that will require coordination actions and strategic mobilisation. In other situations these disputes can remain fractured and uncoordinated within the many daily activities in which the welfare poor engage, exchange, act in compliance, appropriate situations, create opportunities, and so on. Taking these practices as defining the situation rather than as a principle antagonism between two groups – those who have the right to be here and those without this right, citizens versus undocumented migrants, the well-off versus the poor, the rulers and the ruled – introduces a more relational and complex situation in which multiple conceptions of right and wrong and autonomy circulate and are in dispute. It avoids reifying a particular group as by definition 'problematic'[66] – such as treating poor women or undocumented migrants as profiteers or frauds that need disciplining. At issue is not 'a group' but the multiple disputes that are enacted in particular situations and the multiple frameworks of rights, autonomy, and dispositions of acceptability that are enacted as disagreements about what counts as legitimate practice.

The extitutional approach to uncoordinated arrangement I am proposing here interprets connections by means of the trajectories and movements through which the disputes take shape, rather than in terms of a set of 'rules of the game' or intentions of a group. Tirado and Domènech explain this methodological shift by means of Michel Serres' reading of a football game.[67] One option is to read the game from the agreed rules that define how the game is to be played and what is permissible and not. Another is to understand a particular game from the intentions of the team and collective mobilisation against another team. Serres proposes however a third way that interprets the game in terms of the relations that are created through the flow of the ball. These flows connect people, shape patterns of relations, and so on.[68] The relations created through movement and their trajectories have priority over the instituted rules or group identity and mobilisation. For example, in relation to the Snowden revelations one would not set up the analysis as a confrontation between a security apparatus imposing surveillance upon a society and the opposition mobilised by those subjected to the surveillance. Instead one could take a set of data flows that Snowden revealed and follow which agencies are brought in relation through their circulation, what conflicts between them arise and how these conflicts bring various conceptions of rights, autonomy, and acceptability in play. One of the consequences of such an analysis would certainly be that politics becomes more fractured, involving more sites of dispute and agents bearing upon the formation and limits of surveillance. It would most certainly also bring into play a much more diffuse set of conceptions of legitimate and illegitimate practices than one opposing security to privacy, or state to society. This will be particularly the case because disputes are not in the first instance spectacular conflicts between major agencies. The disputes 'democratic curiosity' seeks to bring into the analysis are mostly what appear as little nothings, nuisances, banalities. They would include things like controversies between programmers, differences in uses of the internet, meetings in the corridors between NSA representatives and

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[66] Nicholas de Genova makes a similar point in relation to undocumented migrants. Nicholas de Genova, 'The queer politics of migration: Reflections on "illegality" and incorrigibility', *Studies in Social Justice*, 4:2 (2010), pp. 101–26.

[67] Tirado and Domènech, 'Extitutions and security', p. 135.

[68] Michel Serres, *The Parasite* (Baltimore: John Hopkins University Press, 1982 [orig. pub. 1980]), pp. 224–30.

representatives of internet companies, 'confrontations' between encryption programmes, and so on. As disputes these little nothings are distinctly political, however, because they bring in an uncoordinated way conflicting conceptions of rights, autonomy and dispostions of acceptability to bear upon the social situation. The latter is how the social is being read as political by 'democratic curiosity'; how this mode of enquiry brings into focus an uncoordinated passage from the social to the political.

Being democratically curious

The lead question of this article was: what can a 'democratic analytics of surveillance' be that takes us beyond institutional repertoires of democratic action? There are two related reasons for raising this question. First, although the impact of surveillance on democracy is a key political question, even more so after the Snowden revelations, democracy remains mostly an unquestioned category in security and surveillance studies. The second reason is that democratic repertoires remain strongly linked to institutionally circumscribed entities and practices while surveillance is increasingly extititual. Such situations call for revisiting what democratic power can be in extititual situations. Combined these observations ask for lingering longer and in more detail with the question of democracy in security and surveillance studies, and in particular with developing a democratic analytics of surveillance that draws on an extititual understanding of democratic power.

I proposed the notion of 'democratic curiosity' as a tool for capturing this challenge and starting to respond to it. Curiosity is a mode of analysis that brings into analytical play the power and significance for (re)shaping situations of surveillance of that what is considered to be powerless. In doing so it disrupts institutional self-representations of surveillance structures and practices and creates space for that what is mostly kept of the political surveillance agendas. In that sense, curiosity is in itself a democratising mode of enquiry. However, there is more to the democratic qualification of curiosity that I introduced than this; otherwise, I could have just limited myself to speaking of 'curiosity'. The democratic qualifier adds two elements. First, it conceptualises surveillance as a social situation shaped and transformed by a multiplicity of practices that are held in immanent relations. This may seem common sense but it is not. It implies something quite specific; it challenges dialectic modes of analysis that take surveillance as a confrontation between a surveillance system that seeks to impose a particular governmental logic and the mobilisation of those trying to resist or escape it. Democratic curiosity retains power as being multiple, immanent, and diffuse as long as possible; that is, until there is clear evidence that in a particular situation coordination work has transformed a multiplicity of relations indeed into a dialectic antagonism between two groups – the surveillers and the surveilled. Secondly, the democratic modality implies that non-dialectic social situations can become political without having to transform into dialectics of domination and resistance. Little nothings are political in so far they enact uncoordinated disputes in which multiple disagreements about conceptions of rights, autonomy, and dispositions of acceptability are brought to bear upon and shape what surveillance is and can be.

Being democratically curious is a mode of knowing that seeks to respond to Torin Monahan's concern that in surveillance studies and debates 'a focus on institutional-level power dynamics has been a gravitational force, pulling other scholarly approaches into its orbit and sometimes eclipsing promising alternative modes of inquiry'.[69] Democratic curiosity seeks to address in particular the issue that democracy is taken too readily in its institutional terms even in situations where

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[69] Torin Monahan, 'Surveillance as cultural practice', *The Sociological Quarterly*, 52:4 (2011), p. 495.

surveillance is considered to have gone largely extitutional. It adds a question mark to taking resistance as the default category for bringing in extra-institutional practices in security and surveillance studies. It also explicitly shares a political concern with Cynthia Enloe and curious feminists that '[s]o many power structures – inside households, within institutions, in societies, in international affairs – are dependent on our continuing lack of curiosity.'[70] The democratic approach I propose is specifically attentive to practices and movements that shape and reshape situations through scattered and uncoordinated disputes. I do not present this as a claim of a new political ontology replacing a politics of resistance in the current situation but rather as a particular methodological move that aims at bringing out the political significance of scattered little insignificant practices, things, and relations so as to extitutionalise democratic power. In other words, it is not a claim that resistance or institutional democratic politics has had its time – has become a zombie politics.[71] I have no ground to argue that. I do think however that it is important in situations and times of extitutional surveillance to think democratic politics in more fractured ways and to be curious about the political power of diffuse little practices and things in their own right.

Let me conclude, however, by cautioning against taking 'democratic curiosity' and 'democracy' more generally as an unproblematic category, in particular in the study of surveillance. Surveillance is to a considerable extent a practice of finding out hidden information or assembling isolated bits of information into new knowledge about individuals, groups, and relations that could not be gathered from the individual bits of information as such. Curiosity is thus a modus operandi of surveillance. Moreover, curiosity has a problematic relation to democracy, in particular with the latter's calls for transparency, and more broadly, publicity. As Jodie Dean has extensively argued the democratic call for ever more transparency and publicity as a condition for democratic power can institute suspicion as the organising principle of politics, implying an increasing legitimacy of surveillance.[72] The imperative to make things available for public debate, can lead to situations in which wanting to retain things for oneself, keeping things out of the public eye, is by definition rendered as suspicious: 'Not wanting to make things public! You must have something important to hide. We definitely need to uncover this secret in the public interest.' Surveillance is thus not anathema to democratic politics but can become an integrated and fundamental part of its mode of operating. In that case, being democratically curios becomes a mode of enquiry that does not problematise surveillance through mobilising democratic categories but sustains a close connection between the two and foregrounds a politics of suspicion. Treading carefully with 'curiosity' by keeping it firmly linked with the question of the power of little nothings and trivialising – rather than uncovering secrets – as well as delinking democracy from unchecked calls for transparency by defining democracy as the recognition of the political significance of uncoordinated disputes is therefore particularly important for security and surveillance studies.

Acknowledgments

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[70] Enloe, *The Curious Feminist*, p. 3.
[71] Ulrich Beck, 'The cosmopolitan society and its enemies', *Theory, Culture & Society*, 19:1–2 (2002), pp. 17–44.
[72] Jodi Dean, *Publicity's Secret: How Technoculture Capitalizes on Democracy* (Ithaca, NY: Cornell University Press, 2002).

Biographical information

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