

God 2.5: Challenging Original Sin

How 21st century hierarchies of surveillance and theologies of presumed guilt can be challenged through a culture of observation, information sharing and self-definition, in order that Criminal Justice systems may become both efficient *and* inclusive

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Abstract

This dissertation discusses surveillance by public and private sectors, presenting the concept of a God 2.0 which undermines Criminal Justice's "innocent until proven guilty". An understanding of surveillance devices used in Criminal Justice is provided. Citizens often understand surveillance as physical, the literally watched. In digital environments the physical is not everything. The research methods chosen to examine this reality, and why, in the light of thinking on the nature of creativity and thought, are explored. The three-part structure used for the data itself, the background to the participants and their inclusion, and the data-analysis and coding processes employed, are examined. As a necessarily auto-ethnographic work, researcher bias is fully explained. Through the data-analysis and coding processes used, six themes are presented. The three most salient are focussed on. Two suggested future strategies are provided, aimed at leading to a societal partnership in surveillance and tracking via open-source, open-data and citizen-located philosophies. The dissertation concludes with an appeal to Western democratic citizenry to exert its power, by challenging the theology of God 2.0's 21st century Original Sin, and negotiating a God 2.5.

Keywords: surveillance, tracking, observation, sousveillance, Criminal Justice, democracy, ideology, theology, God

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Introduction

This Introduction is concerned with explaining the historical background to surveillance and tracking as it stands, presenting the concept of a God 2.0 which has substituted more secular notions of authority. It will also provide an overview and explanation of the structure of this dissertation.

The second decade of the 21st century is a time of *post-truth* (Coughlan, 2017). Digital environments make facts as malleable as clay on the potter's wheel, a tool from far more primitive – innocent – moments. Facts are supported, denied, questioned *and* undermined, using the software of Photoshop and the intervention of what might be termed the sound-bite aesthetic: not only, either, the recorded voice these days. Significantly and more impactfully, at the time of the writing of this dissertation what truly captures headlines are the tweets – pithy, online, 140-character ripostes fired off in Wild West gun-slinger mode – of the most powerful individual in the world, President of the USA, Donald Trump (Macwhirter, 2017). But such post-truth is not the only surface which holds modern Western democracy's attention, even as – in its very *b(l)inding* superficiality – all desire to burrow down into deeper debate is skilfully delimited and shrugged off (*ibid.*; Coughlan, 2017). For the aesthetic of *surveillance* – its look as well as its gaze; how it is sensed; how it is revealed; how it now serves to inform different versions of societal and individual truth; and how Criminal Justice rapidly becomes an injustice as it loses its capacity to even know where the truth might lie (in both senses of the verb) – has taken just as many forms over the years as more artfully constructed hypotheses of reality's realness (Sjöholm, 2015: p12).

In most cultures, then, an all-seeing entity has shaped how people think about, feel in relation to, and act in the presence of what this author would argue are early examples of a pervasively felt surveillance (Zurcher, 2013) (Lee, 2015). This entity, these gods, serve to embed themselves in sociocultural contexts, and therefore by extension the related Criminal Justice systems. Criminal Justice is but a manifestation of the mores and moralities which underpin a wider society: reflections of the preoccupations of very national character and the specificity of the media construct and mirror of that nation.

From the village gossip and the grapevine to conversation over the garden fence, surveillance – that is to say, horizontal surveillance (Muller, 2014) – has always existed. A god's reach happens and their power is exerted whenever the faithful do what they do – or even only consider and plan what to do. However, whilst in previous Western centuries it was the autocracy and infallible theology of religion which consistently invaded people's privacy and consistently warned against secrecy, these days it falls to the Western democratic security states, in particular the UK and US (Macaskill and Dance, 2013), to corporate organisations of both a transnational and local nature, and to everyone with an interest in protecting their territories, turfs and spaces – as well as their property, minds and ideas – to watch, follow, surveil and track others: perceived – as they often are – to be potential threats to such actors' collective and individual safety and security.

Just as privacy and secrecy are deliberately, frequently, and inaccurately conflated (Doctorow, 2013), so equally the aforementioned concepts of safety and security are usually assigned a mutual – that is to say, assumed, unquestioned, *and more worryingly unquestionable* – interdependence. Without security, safety cannot be seen to exist. Consequently, without a total commitment to an absolutist interpretation of safety's importance over every other matter, security as the prime fulcrum and mover of debate could not achieve the reach, currency and influence it currently has on Western democratic assumptions.

Thus, as with religion before, so with the security states and others now: it is assumed citizens are guilty and thus must be surveilled, *whatever* their condition might objectively be. Criminal Justice, a complex interplay between the light of theoretical integrity and the shadow of (un)professional practice, finds its natural home in the corresponding practice of surveillance culture.

At the very least, such citizens are to believe they are being remorselessly watched, all the time and in every channel of communication. In the post-Edward Snowden paradigm of total surveillance (Macaskill and Dance, 2013), no longer present is Jeremy Bentham's panoptical, self-regulatory, uncertainty principle (Bentham, 1843) (Appendix 1). In the 21st century state of security necessity, citizens are assured that everything they say or do is recorded somewhere: if not by the state, then by the corporation (Muller, 2014). Whether true or not, this is of little importance. God 1.0 required a leap of faith and its

corresponding fervour – a blindness to otherwise very human doubt. God 2.0 meanwhile, in the ontology of this author and others (Lee, 2015), has proceeded to encourage its adepts – democratic citizens – to act in precisely the same ways.

But it is equally easy – via the (paradoxically) corporate- and freemium-provided social networks,¹ recording devices, software apps, and other processes various – to argue that citizens have begun to look back (Mann, 2012; 2013). Turning the dotcom meme of *be careful who you choose as your competition, for you will surely become like them* on its head, it is now the ordinary citizens themselves who have become the truly obsessive surveillers. Yet choice, even informed choice, may be exhibited. The theory, where not ideology, of *sousveillance* (Mann, 2002) (Hoffman, 2006) has never been perfectly realised, but a generally unorganised practice – it is unfair to go so far as to say *disorganised* – does exist, and if *sousveillance* is understood in as broad a sense as this author would prefer to understand surveillance, the practice exists more and more – whatever it is finally called.

This author wonders if there still exist limited security watchlists, or if most citizens now are to be found on one by default. It may even be the case that such lists only exist in the context of limited and privileged *exclusion* from surveillance (though, ironically, remaining watchlists of a sort!), for those lucky enough to escape close surveillance and tracking. For the majority, in the meantime, inclusion is that given default. The hierarchy of the watchers controlling the watched – without themselves being watched – re-establishes itself with heavy frequency (Macaskill and Dance, 2013) (Muller, 2014).

This hypothesis would lead this author to argue that the *theology* of Original Sin – in this case, its Digital *couSin* – is becoming rampant. Human beings are being evermore defined through others' expectations around their inevitable culpability: any attempt by a subject to define themselves – to understand and establish their own truth in innocence – is becoming more and more limited as all-things-digital expand. And this is surely to have a profound impact on how Criminal Justice systems will interact with citizens in the future.

¹ “A business model, especially on the Internet, whereby basic services are provided free of charge while more advanced features must be paid for.”
<https://en.oxforddictionaries.com/definition/freemium>

In both a digital *and* therefore post-truth era, then, a citizen's relationship with reality is more malleable, and more open to intervention. The question, finally, is if a citizen is inevitably at the mercy of such malleability or, alternatively, achieves a degree of empowerment both *through and despite the forces ranged against*. Similarly, it remains to be seen if Criminal Justice systems, amongst other democratic institutions, can also survive such an assault on the core principles and battles of fact versus fiction (Coughlan, 2017) – the basis of the bringing of any kind of legal action since time immemorial.

These ideas will initially be framed via Chapter 1, The Literature of Surveillance. In this analysis of existing literature, several different approaches and contexts will be examined and pursued:

- a) the more physical nature and scope of the term surveillance, often in institutional and capital asset-heavy contexts such as corporations, public-sector buildings, private spaces for public use such as supermarkets, car parks, etc.;
- b) the more digital and cyber-oriented nature and scope of the term, often in contexts where the lines have become far more blurred;
- c) the concept of *sousveillance*, as both an organised practice verging on ideology in its definition by Mann (2002), and *a posteriori* by other exponents (Bustillos, 2013), only to then be picked up in a less overtly theorised way by ordinary citizens;
- d) and finally, surveillance will be examined as this dissertation and the ontology of this researcher has ultimately preferred to understand it – i.e. the much wider context of how modern citizenry, business, politics and governments track each other in various ways – and in particular with reference to where the third, and briefer, stage of was research carried out, where the word *observation* is the frame *and* specific terminology used to more broadly define society's appreciation of what otherwise has previously had to be couched in discourses relating to the idea of top-down, overreaching and democratically unaccountable *surveillance*.

How this may feel and how this may define Western democratic society's component parts – individuals, corporate bodies, and security complexes of various natures – is not

clear cut, nor particularly well explored.² A democratic Criminal Justice system should, in the ontology of this researcher, mimic Levine's Good Democracy (2011): inclusive, of course, but efficient at the same time. As shall emerge from this discussion, however, the generally unidirectional surveillance, tracking and data collection of a 21st century God 2.0 – the security state on the one hand and private-sector organisations and corporations on the other – is primarily excluding to the wider citizenry when it comes to design and implementation, and is inefficient through a corrupting lack of citizen oversight. The Criminal Justice system that arises out of this – reflecting society's lack of democratic integration – can only be described as broken in the spirit and the letter of the law it claims to support (Public Accounts Committee, 2016).

It is the goal of this dissertation to examine precisely this set of what Hall (1997) after Foucault (1972) would understand as discourses. These discourses will be approached initially via the literature on the subject, and then through the interviews and observations carried out during the research phases of the dissertation.

The discourses being examined are around what it feels like to be surveilled and watched, defining, as already described, these concepts in their broadest sense possible – in terms, that is, of how people and organisations track and follow each other's activities; each other's events; each other's deleted; and even each other's expletives. Specifically, the dissertation will focus on discourses revealed in three different pieces of auto-ethnographic research during the first half of 2017.

The three pieces of auto-ethnography are explained further in the section on Chapter 2, Methods. This author defines them as auto-ethnography because of the experience acquired over the past decade and a half, much of this time pre-Snowden's revelations, where he was aware of being followed and tracked by different organisations and individuals, and was contained in a mental-health facility for a month as a result of expressing his concerns (Appendix 1). Consequently, whilst it is impossible for him to completely detach himself from the experience of being tracked, at the same time he is

² At the time of completing this dissertation, a crude search for the term CCTV, via Google on the open web, produces over 220 million results. Sousveillance, meanwhile, generates only around 63,000. The imbalance between the societal understanding around, exposure to and awareness of top-down tools of surveillance on the one hand and citizen-oriented equivalents on the other is notable.

able – as with all effective auto-ethnography – to allow a useful complicity with the subject matter to inform his understanding of environment (Bridgens, 2007), even as the dangers of such methods remain (Delamont, 2007).

The intention of the original research proposal was to study activity around sousveillance – surveillance carried out by ordinary citizens looking up at power and, potentially, serving to provide otherwise absent citizen oversight (Mann, 2004) – on the streets of the northern English city of Liverpool. An opportunity arose, however, in conjunction with an existing partnership between Liverpool John Moores University (LJMU) and the art gallery and creative institution Foundation for Art and Creative Technology (FACT Liverpool), to study how surveillance understood in its broadest sense, alongside the impact of its location and frame, informs and defines the aesthetics, behaviours, feel, and therefore perhaps notions of some of the kinds of historically experienced truths with respect to participating security states, corporate organisations, individuals and other entities.

It was initially suggested that visitors, artists, FACT Liverpool staff and external curators would all be interviewed during interviews of up to one hour each, structured around subject areas of possible discussion but never entirely limited to these areas. The amount of data the first stage produced – around 50,000 words between observations and transcriptions – led to a decision being taken halfway through the dissertation’s data-gathering period to limit most of the research to the first exhibition: an exhibition whose content was largely focussed on the post-truth world of tactical media – both its current practice and curated history. However, a significant interview was also obtained from the second exhibition from one of the external co-curators involved. Meanwhile, two blogposts were written for and published on FACT Liverpool’s website by the author of this dissertation (Appendix 3): the first served to close the earlier exhibition; the second to relate impressions from the launch day of what is – at the time of this dissertation’s writing – the current one.

After Chapter 2, on Methods, Chapter 3, the Research section of the dissertation, is divided into four parts: 1) Researcher bias; 2) Presentation of research; 3) Discourses; and 4) Analysis and discussion. Chapter 3 will introduce, analyse and expand on the around 60,000 words of data which have resulted from around five hours of interviews and seven days of observations. This huge amount of content has limited the early

ambitions of the dissertation, where the original intention was to cover both exhibitions in equal measure. However, in the event this has not been practicable. Neither has it been possible, within the 20,000 word-limit of the dissertation, to properly present and analyse everything of interest. Salient points, in the ontology of the author, have therefore been selected to paint what is hoped to be a useful and accurate – if necessarily limited – picture of the research carried out. Both the original transcripts and the coded content are available for further analysis in Appendices 4 and 5 respectively.

Finally, the Conclusion will summarise the journey travelled by this researcher from long-term sceptic of the value and utility of surveillance to a rather more nuanced position. As already quoted in one of the two blogposts in Appendix 3, Foucault's attitude to the bad versus the dangerous (1983) provides a useful vector into the first section, Chapter 1 – The Literature of Surveillance:

My point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to a hyper- and pessimistic activism. I think that the ethico-political choice we have to make every day is to determine which is the main danger.

Chapter 1 – The Literature of Surveillance

Chapter 1 aims to provide a brief understanding of devices and concepts used in Criminal Justice systems. It will show how many citizens understand surveillance in the context of the physical, the literally watched. In digital environments, however, the physical is no longer everything. Finally, it will provide an initial overview of the two suggested future strategies of this dissertation, which aim at leading to a partnership in surveillance and tracking via open-source, open-data and citizen-located philosophies.

As already explained in the Introduction, this next chapter, Chapter 1, on the literature of surveillance, is divided into four strands. As surveillance may be understood in different ways by different authorities, and as precisely the ontology informing and goals of this dissertation are to use the term deliberately, provocatively, as a catch-all for underlining the extent to which British society and its citizens towards the end of the second decade of the 21st century have absorbed, without too much apparent consideration, the behaviours relating to surveillance of others, four different overviews of the subject will be outlined below.

The first overview will bring together authorities who have researched on the physical devices and objects used to observe, literally, what people do in public spaces, as well as private spaces of public use.

The second overview will move the concept of surveillance into that of the much broader space of digital tracking (Cager, 2006; Best, 2010; Miller, 2010; McChesney and Larmore, 2013; Zevenbergen, 2013; Garrido, 2015; Herrera, 2015; Lowe, 2015, 2015; Muir, 2015; Scott-Hayward, 2015; Bohyun, 2016; Hope, 2016; Mitsilegas, 2016; Hintz et al, 2017; Lupton, 2017; Romeo, 2017; Singh, 2017).

The third overview will investigate the literature around the concept of *sousveillance* (Hoffman, 2006; Mann, 2002, 2004, 2012, 2013; Mann, Stephanie: 2013). The aim of such an investigation is to illuminate what this researcher believes to be the existence of a poorly understood and unconsciously broad surveillance society (Garrido, 2015) – and if not poorly understood by those academics and other thinkers whose professional role is

the pursuit of knowledge, poorly *appreciated* – at least – by those less expert citizens whose access to concepts and information may have been proactively restricted. Appendix 2 gives an example of apparent absences (the evidence is circumstantial – but no less worthy of observation for that) with respect to the concept of *sousveillance* itself: this will also be touched on.

The fourth part of Chapter 1 will introduce and develop the idea of using the term *observation* instead of *surveillance* to describe how a multitude of legitimate entities, corporations, companies both small and large, and individuals, may better and more constructively carry out the act of watching others: of registering, challenging and going so far as to combat their being watched-back (Mckay, 2013; Cardullo, 2017; Saulnier, 2017). Particularly relevant to the research carried out in this dissertation is background reading uncovered which is drawn from contexts of artistic, quasi-artistic and pedagogical practice (Turow, 2005; Sewell, 2006; Nielson, 2010; Durris, 2011; Morrison, 2011, 2015; Barnard-Wills, 2012; Pussetti, 2013; Trondle, 2014; Watkins, 2015; Whybrow, 2015; Hall, 2016; Kafer, 2016; Mcaskill, 2016; Gallagher, 2017; Ilter, 2017; Mitschke et al, 2017;).

The last part of this section will lay the ground for the proposal of two productive strategies aimed at re-engineering citizen, society and democracy's perceptions of terminology and discourse with respect to surveillance, a fundamental tool of Criminal Justice systems wherever and whenever they are to be found, via the employment of the discourses surrounding a portmanteau term, *glocalism* (globus et locus, n.d.): a combining of global actors and dynamics with local behaviours and institutions. This concept will be a template for the strategies suggested, and it will be argued that such a frame would, if adopted in the contexts specifically of surveillance and tracking and therefore by extension Criminal Justice, benefit many different sectors, institutions and Western democratic citizens in the future.

1.1 Physical devices and objects of surveillance

These devices and objects include: CCTV (Roberts and Goulette, 1996; Fay, 1998; Welsh, 2004, 2009; Scott-Brown, 2007; Menichelli, 2013 and Purhouse, 2014 on von Silva-Tarouca, 2011): here, specifically public and privately operated CCTV overlooking public and private spaces, and both fixed to buildings as well as on moving platforms such as police cars and dashboard cameras in privately owned vehicles; body cameras (Joh, 2016;

Lippert, 2016; Mateescu, 2016; Ariel et al, 2017) attached to state and private workforces, again in public spaces and private spaces of public use; and devices used at airports and other sensitive locations (Dubbeld, 2003; Klitou, 2008; Klauser, 2009; Magnet, 2012; Webster, 2012; Bolton, 2015; Wang et al, 2015) to photograph, x-ray and register citizens' most intimate sides, in the interests of public protection and safety.

Indeed, much of the argument around surveillance has focussed – and has been encouraged to focus – on CCTV, and other camera-based systems. In Britain in the 1990s, first the Conservative governments of the time, and then equally enthusiastically Tony Blair's New Labour government, apparently found CCTV to be a solution simple for both public and politicians alike to understand:

The exponential rate at which such schemes have been introduced is as astonishing as the virtual absence of public debate concerning the desirability and consequences of such growth. It would appear that central government, local authorities, the police service, and commercial organizations have all embraced CCTV surveillance with little or no concern for its impact upon civil liberties. (Fay, 1998: 315-316).

Surveillance seems to attract simplistic reactions in the public sphere. As recently as this year, the media coverage given to Ariel et al (2017), and in particular the headline narrative supported by commentators from interest groups, institutions and authors all (Body Worn Video Steering Group, 2016; cam.ac.uk, 2016), in relation to the advantages of widely adopting body cameras for the police, was substantially more one-sided than the authors' own academic discussion contained in the corresponding section of the study (Ariel et al, 2017), even when the public narrative was being driven by the authors themselves. Mainstream media coverage was similarly unquestioning (BBC, 2016; The Telegraph, 2016).

Two reviews of von Silva-Tarouca (2011) reach differing conclusions on this relatively untouched – or perhaps, more accurately, skirted around – matter of privacy. Purshouse (2014) argues that control over one's "state of privacy" is not necessary for that state to exist, quoting an interesting example by Thomson (Purshouse, 2014: 525). It is assumed by both that respect for another's privacy might be enough in itself. It is difficult to assume, however, in the light of many crimes of the powerful, that good faith would be sufficient to guarantee the privacy and human rights of another, surely also the task and

responsibility of a robust Criminal Justice system. Mann (2002), alongside many authorities since (Bustillos, 2013), would *not* assume that the expectation of voluntary observance by third parties of one's privacy would be enough to assure the same.

Menichelli (2013) picks out von Silva-Tarouca's interesting counterpointing of privacy versus anonymity, rather than versus its more traditional partner – then again, maybe partner *in crime* – that is secrecy (Doctorow, 2013). Menichelli argues as follows:

With regards the former [the effectiveness of CCTV], the author is clear in her separation of privacy from anonymity—defined as the “unidentified and impersonal existence we mostly lead when we are in public” (24)—and in identifying the key issue at stake in the right on the part of individuals to be only subject to cursory attention when outside.

How this anonymity is experienced must be constructed through perceptions: a citizen who goes blithely about their business will notice no intrusion from CCTV, however factually intrusive this may be on their physical person: in much the same way as some watch the birds overhead and some fixedly the pavement underfoot, so with the moving eye bolted high up on buildings and looking down on the citizenry with 4K video capabilities. Klauser (2009) and Webster (2012) are useful with respect to behaviours at airports; similarly, Roberts and Goulette (1996) on local authorities during CCTV's period of the aforementioned “exponential growth”.

The practice, however, remains the same, whether perceived as intruding or not. The posterior use made of CCTV, of body camera footage, and of its citizen equivalent of mobile-phone photography and video, by individuals and websites which proceed to make very public the respective content, does then puncture the perception of, reality in relation to or even desire for anonymity, often in the alleged interests of public safety and security (Scott-Brown, 2007; Reilly, 2015; Surette, 2015).

This is not to argue that the tandem of privacy versus secrecy as sketched out by Doctorow (2013) in the immediate aftermath of the Snowden revelations should be abandoned in the context of a physical gaze (or, for that matter, the digital): both Klitou (2008) and Magnet (2012) provide substantive critiques of the omniscient watcher, this 21st century all-seeing God 2.0, who demands the right to technologically strip-search sovereign citizens – to examine, as far as current technology allows, their most intimate

body parts (where not yet their souls (Titcomb, 2017)) – under the assumption that everyone must be guilty until proven otherwise. Whilst Purhouse (2014) favours Thomson’s position inasmuch as a less disrespectful Benthamite self-regulation (Freshwater et al, 2015) is sufficient to guarantee privacy – and perhaps, by inference, anonymity too – it must be clear to anyone who, since 9/11 and the destruction of the Twin Towers in New York, has flown by aeroplane that guilt is assumed *a priori*, and not only assumed but also forcibly cleared with tools the authorities choose unilaterally to apply to sovereign citizens. That the strip search carried out, even as it is digital, is not generally – is in fact *no longer!* – perceived as humiliating by the majority finding themselves subjected to it (if it were, one assumes passenger carriage via flight would not show continued growth since 1995 (CAA, 2017)) demonstrates in the ontology of this author the degree to which digital environments allow for the conceiving of a 21st century Original Sin – the attribution of guilt before the discretionary proving of innocence, all the while in the absence of independent oversight – used by the security agencies and legislatures of Western democratic states and others, in order to define, contain, structure and mandate how a citizen of democracy must feel about and perceive their being.

Finally, this researcher is reminded that whilst Foucault discussed quite critically (1977: 102-103) how the move from torture, arbitrary punishment and state-sanctioned murder in medieval times to a structured, supposedly proportionate regime of general imprisonment during the Enlightenment was seen to improve the humanity of man’s inhumanity to man, the parallels with the move from physical search to digital, and from physical surveillance to digital tracking, alongside the general approval of digital means over the more traditional, are interesting to say the least. Imprisonment, at least in Foucault’s mind, and this researcher is inclined to agree, is a prolonged punishment of the mind: whilst it avoids physically rupturing the body, it aims to possess the soul. In the world of God 2.0, it would seem the process is repeating itself.

1.2 Blurring analogue truths with digital technologies

Post-truth as a paradigm of the current 21st century period is a direct consequence of the digital world and the tools which define it. Prior to the century in question, law was legislated for and made by democratic institutions of various manifestations. Whether monarchy or republic, however, all were located in a world made real by institutional

functionality. Constitutions were sometimes locally – perhaps even informally – implemented, but in the Western democratic context never outside a world levered by a perception of physical reality, and never outside the Criminal Justice frame of parliaments, senates, and legislatures in general. The philosophies which grew up over centuries around such realities may question today what life means in conceptual and experiential terms, but unquestioned by the majority living Newtonian lives of action and reaction was that *in practice*, in *common sense* terms, Western democratic institutions were run by democratically elected flesh-and-blood people who made laws on behalf of other flesh-and-blood people.

The situation has, however, changed radically in recent years, though unconsciously where not invisibly for most. Lessig (2006) describes how – as the analogue, institutional world controlled and structured by Western democracy moved into the realms of the binary and the digital – substantive human behaviours of all kinds, whether criminal or otherwise, were more and more defined, which is to say allowed or disallowed, by what he terms *online* constitutions: circumventing where not subverting the law of sovereign states. Code – i.e. software code – was creating environments where behaviours were no longer marshalled by legislatures of trained lawyers and professionally democratic politicians. Such digital constitutions were – instead – designed, developed and implemented with no recourse to democratic process. It became the self-appointed task of a very small number of individuals, working behind closed doors in large technology corporations, to create business models which, increasingly, designed environments aimed at harvesting and maximising user-data not with the end of sustaining democracy but, rather, with the goal of concentrating wealth in the hands of the very few, a goal which was accompanied by strenuous efforts on the part of the corporations in question to avoid any ties traditional laws might place on their expansion (Sadowski and Gregory, 2015).

From Lessig's legal position and analysis a decade ago, as a sophisticated practising law professional, where he concludes that traditional law was being supplanted by a software code owned by the boardrooms of the highly privileged, with all the implications this contains for making abuses of power easier for many to conceive of and literally engineer, last year brought declarations (Griffin, 2016) from one of the richest men in the world,

Elon Musk, that in all probability humanity was now part of a gigantic computer simulation.

Whether the latter is true or not – and in such an environment, truth becomes a progressively more bitter conceptual pill – it sets the frame for the future: post-truth is the inevitable result of the mentioned digital malleability. Where everything, even the words, are digital, life and its abuses become extraordinarily difficult to challenge. And where the words themselves – i.e. code – literally define the nature and perception of this living (Clark, 2016), the opportunities for criminal activity expand exponentially. If all life is to be mediated by the digital, and no life is to be experienced without observation or intervention from the machine, behind which at best (for at worst it is simply machine to machine) privileged individuals are pulling the levers, then the possibilities for singular and persistent abuse increase: it becomes far more likely that what democratic citizenry perceives in daily Newtonian life *has* been observed and intervened in. The question is then by whom: whether by our democracies protecting democratic interests, or by criminal and quasi-criminal behaviours – that is to say, actions by others from wherever they may originate.

It becomes self-evident that a world where *no* facts can exist with even a Newtonian certainty (Westneat, 2017) is a world which sidesteps all conventional Criminal Justice frames, and leaves the law orphaned of its primary requirement: the possibility of pursuing truth in its most minimal expression.

The history of the psychology of crime and its punishment, as outlined by Foucault after Bentham, has reverted, in the ontology of this researcher, to the medieval times that open *Discipline & Punish* (Foucault, 1977): due – perhaps entirely – to the blurring caused by digital technologies. Crime has always been punished vigorously where it is small and petty, whilst the greatest of societal harm is released from all responsibility. Digital worlds may amplify this tendency.

Unhappily, this hypothesis drives one to contemplate neither a god of vengeful righteousness nor one of ascetic – where not hermetic – accuracy. Instead, God 2.0 becomes a self-serving machine to capture and concentrate wealth: a wealth whose escape has destroyed democracy from the 1970s onwards (Torija, 2013; Sadowski and Gregory, 2015).

To summarise, then: although physical registration of people's bodies still uses analogue elements such as lenses to focus and capture, behind most of the glass which cameras have exists a digital infrastructure of software and Internet pipes that allows for quick transmission and analysis of the content (Cager, 2006). The digital nature of the content thus generated is malleable to a very great degree, and the hierarchy of knowledge – to revert to Hall (1997) and Foucault (1972), the hierarchy of discourse – belongs much more to, and is much more easily accessed by, the taker than the taken. The literature demonstrates how the potential blurring of lines that marks the difference between truth and fiction (Singh, 2017), whilst previously existent in analogue technologies, becomes a fundamental touchstone in a world where *retouching* a digital photograph means not reacquainting oneself with its reality but, more fundamentally, amending, modifying and even changing that reality (Sewell, 2006; Kafer, 2015, 2016; Ilter, 2017; Gallagher, 2017) in order to generate new – and possibly self-interested – discourse (Fay, 1998; Garrido, 2015; Muir, 2015; Lupton, 2017).

The outlook appears particularly gloomy. For it was the original contention of this author on approaching the literature review and research phase that state and private-sector surveillance – as much a part of the digital world described above as the crimes it attempts to control – was not just dangerous, but bad. His auto-ethnographic experience had led him to believe precisely this.

However, there is another side to surveillance and tracking: a side which discovers a *silver lining* in the *iCloud* of digital environments. It is the side where humanity, the citizenry which Western democratic institutions are set up to serve, assumes a more active engagement with the code Lessig famously identified, despite the fact that this code appears – to date – to have battered quite pitilessly the self-same humanity into unknowing submission.

It involves two approaches: one which began almost twenty years ago at the hands of Mann (2002). *Sousveillance* involves looking up at power (Mann, Stephanie: 2013); looking back in the most forceful terms using the same tools that power has traditionally used. The other is from this dissertation's final piece of research at the FACT Liverpool exhibition, "The New Observatory": this involves initially substituting terminologies – academically, almost rebranding the field. From surveillance and tracking we move into a shared space of open-source, open-data and open-minded observation. The power of

language in software code – that code which the powerful have used to exempt themselves from Criminal Justice process – is now used to rewrite the terms of engagement, both technologically as well as conceptually.

1.3 *Sousveillance* and its hidden ideologies

Sousveillance, as an idea, a practice, a philosophy of practice and even an ideology, serves to expand the initial perception of surveillance from that which the *big* carry out over the *small* (Garrido, 2015; Body Worn Video Steering Group, 2015, 2016; Ariel et al, 2017) to that of citizens looking back at these *big* who traditionally have reserved this exclusive right to watch (Mann, 2002, 2013; Dennis, 2008; Fernback, 2013; Bay-Cheng, 2014; Lukacs and Quan-Hause, 2015; Reilly, 2015; Van der Vlist, 2017).

A second example of *sousveillance* practice covers positions where journalistic-style environments, communities and software – both web- and application/program-based – emerge, and citizen action begins to formulate itself, often reactively but sometimes proactively: firstly, citizen behaviours arise which mimic mainstream journalism in its aspirations if not its training, thus indicative of an extra-official dialogue between professionals and amateurs – in the UK, this is often termed hyperlocal journalism (C4CJ, n.d.); secondly, what might be termed a street-voyeurism on a daily basis using mobile phones and other networked devices in a more casual way than hyperlocal (Dennis, 2008; Mann, 2012) comes similarly into being; and finally, socially networked tracking of friend and family behaviours – from showing appreciation of a post by simply liking, through to reacting and commenting on opinions, and even uploading photos and videos of compromising and sensitive events (Bay-Cheng, 2014; Lukacs and Quan-Hause, 2015; Reilly, 2015) – completes the trio of what might loosely be termed *sousveillance* practice.

The most fascinating part of *sousveillance*'s discourse, however, at least in the mind of this author, lies not so much in what is present since its conception but what has become radically absent. This dissertation's Introduction has already alluded to how a data analysis report carried out by the author in the first semester of the MA in Criminal Justice, for which this dissertation also forms a part (Appendix 2), discovered very few, if any, popular worldwide-web references to *sousveillance* as an ideology and philosophy: which is to say, as a cogent and coherent practice in keeping with Mann's original assertions (2002) in order that power be kept in check through organised citizen oversight, rather than one more easily commodified end-user/consumer/producer

lifestyle choice. That after two decades in existence, there should have been zero results returned on a Google open-web search for the popular and tabloid UK and US newspapers selected, with respect to the *term* *sousveillance*, is remarkable to say the least, especially when the tools involved in such activities may be expected to include the most commodifiable and distributed devices on the planet: smartphones, tablets, laptops and camera systems various.

1.4 On moving from a traditional surveillance to a new observation, via glocalism

It is hoped by linking in to the second of the two FACT Liverpool exhibitions, “The New Observatory”, where a small but significant piece of research for this dissertation has also been carried out, that ideas around observing will serve to replace the negative baggage of terminologies such as surveillance and tracking with something not only more usefully neutral but also actively liberating. It is also hoped, certainly from an academic perspective, that it will be possible to achieve a more considered examination – more considered than might otherwise have been possible – from the point of view of the researcher’s auto-ethnographic experiences from 2003 onwards, as well as from a more traditional approach to reaching an understanding of subject matter via the writings and thought of a wider academia, in order to competently construct arguments with an often extreme societal sensitivity.

Key, in this sense, to achieving a synthesis of positions this author believes “The New Observatory” would argue in favour of, is a concept called *glocalism* (*globus et locus*, n.d.). This term conflates global and local: it looks to re-engineer the dialectic and controversy around pan-national behaviours versus instincts of local activity. In the context of surveillance – and the wider aspects of Criminal Justice systems, where technology, control of spaces, the definition and labelling of subjects, and overarching hierarchies of the top-down collecting and processing of data, which may be argued benefits more the collector over the collected – it would build on the previously mentioned potential and ideology of *sousveillance*, and expand its tools to include proactive *engagement* – not just angered *resistance* – with the powerful. This approach would suggest, *a priori*, that it is not possible to describe all global as toxic in everything it performs, nor all local as benign in everything it proposes. Just because the *little people* are looking up at the *big* (Mann, S: 2013) doesn’t inevitably mean they are always in the right. Petty criminality and small-town corruption undermine trust, truth and wellbeing at local, national and world levels,

as much as the grand brush-strokes of international lobbying, corporate maleficence, tax evasion and avoidance, the Western democratic security apparatuses which operate outside a legal democracy, and other pan-national deceptions.

It is important, therefore, that such corruption not only be undermined but be competently attacked; not only be faced head-on but be intelligently, strategically, and decisively circumvented and substituted. The approaches proposed by the “The New Observatory” – which involve acquiring the judicious abilities, skillsets and practices of *combining* existing technologies from pan-national manufacture and consumerism with citizen- and community-located processes, activities, events and projects – not only mirror the instincts of glocalism perfectly, they also provide a roadmap for future collaboration in the field of surveillance which would be applicable more directly in the context of professions as disparate as the medical, the educational – and Criminal Justice systems themselves.

The glocalism agenda provides a perfect example and template for progress in and a better understanding of surveillance and tracking as it currently stands: the latter’s present shape is the result of choices made undemocratically *at least since 9/11* by those at the highest levels of Western democratic government (Macaskill and Dance, 2013). It is not an expression of a natural inevitability. In the ultimate ontology of this researcher, the DNA of surveillance was, in fact, never oppressive: observation, horizontally and democratically distributed, has always been what the corrupt have most feared. What better means to take control of society than to turn the human observer into the uncomfortable voyeur: to reserve the right for the state to drill into every nook and cranny of human experience, whilst constructing an ideology of surveillance – the theology which has become the God 2.0 of this dissertation – that has made the simple act of looking back, the simple act of democratic oversight, debate, exploration and conclusion, a crime of terrible endeavour: converting in the minds of the democratic citizen their natural inquisitive into unnatural inquisition.

Chapter 2 – Methods

Chapter 2 details the Methods used, and the reasons why, in the light of thinking on the nature of creativity and thought. It will explain the three-part structure of the data and research process and its design, give a background to the participants and their inclusion, and explain the data-analysis and coding processes employed.

As mentioned in the Introduction to this dissertation, the research which has resulted from five hours of interviews and one week of observations has been shaped into three pieces of auto-ethnography.

The first two pieces of auto-ethnography relate exclusively to the exhibition “how much of this is fiction.”, held in the spring of 2017 at the FACT Liverpool art galleries; the last piece contains elements both of the latter – with the presence of internal FACT staff – as well as an interview with the aforementioned co-curator, from the summer/autumn exhibition “The New Observatory” held at the same galleries:

1. Transcript 1: “The researcher’s tale as observer” – a 10,000-word document of observations and thoughts on observing and being observed, authored by the researcher of this dissertation, and written in the act as well as after the fact; coded in terms of six major themes which have been identified by the researcher.
2. Transcript 2: “The researcher’s tale as interviewer of visitors” – a total of three separate hours of interviews, analysing all communication as a single whole and without attributing statements to individual participants:

the interviewees include two older professionals, each with experience of working in corporate hierarchies – the first as teacher in criminal justice contexts and the second as business consultant in large transnational environments respectively;

one younger MA student, with experience of criminal justice issues and working as a learner in university corporate environments without break from the age of 18;

one young trainee in the field of law, with experience of working in small corporate organisations and of a wider philosophy of due legal process;

once transcribed, the content has been coded and analysed in terms of six major themes which have been identified by the researcher.

3. Transcript 3: “The researcher’s tale as interviewer of curators” – a total of two separate hours of interviews, analysing all communication as a single whole and without attributing statements to individual participants:

the interviewees include two younger institutional curators, with experience of working in corporate hierarchies in the context of art development and production on the one hand, and on creative and operations sides on the other;

one external co-curator of the second exhibition where research has been carried out, with experience of working in both university corporate environments and with people who work to facilitate and enable art development and production via public and private funding;

once transcribed, the content has been coded and analysed in terms of six major themes which have been identified by the researcher.

The dissertation research is structured around the above three blocks of content. To ensure absolute anonymity the transcripts (Appendix 4), whilst split up into separate paragraphs for each statement made by each participant, unusually do not have any identifiers attached to them at all. This is not only to ensure anonymity but also fidelity to both circumstances and process.

Whilst anonymity is well understood, and probably needs little expanding upon in the context of Higher Education research environments and processes, the need for fidelity to circumstances and process may be less clear.

Following on from Lessig (2004), and in relationship to a seminal essay by Bush (1945) on the nature of thought and how it may be formed and recorded, as well as current practice on the worldwide web with respect to joint scholarship (Wikipedia is, for many academics, the most notorious online place of shared – and as a result, perhaps, diffuse – authorial responsibility, yet popularly it is in the top six visited websites worldwide (alexa.com, 2017)), and research in the context of learning at Higher Education levels and

others (Lester and Evans, 2009), this researcher is firmly of the view that whilst individual writings and monologues may more rightly be examined, analysed and discussed in authorial isolation, as soon as two intelligences form part of a real-time discussion or debate, especially in the environment designed for this piece of research, it becomes not only challenging to assign authorial responsibility for the ideas that flow, but also may be seen as intellectually inappropriate/inaccurate to do so; in particular, from the point of view of the aforementioned circumstances and process.

Even in the observation block which forms Transcript 1, it can be argued that two intelligences were acting in collaboration in a boldly discrete way. Although both intelligences belonged to the one researcher responsible, the first involved the act of observation and its capturing – of direct surveillance in real-time in an art gallery – whilst the second was a much more reflective process of memory and ideas development, carried out at relative leisure, and in the privacy of the subject’s work environment. In the document in question, observations handwritten in the act are combined with thoughts which arose during the process of transcribing the handwritten data electronically via a word-processor. Although in Transcript 1 itself secondary thoughts are separated from observations via square brackets (Appendix 4), in the process of analysis these two discrete elements of content are assessed and processed as one.

Additionally, in Transcripts 2 and 3 the content is once again combined into single documents respectively: in the case of Transcript 2, inclusion criteria relate to the participants being visitors to the galleries FACT, and over eighteen years of age; in the case of Transcript 3, the content originates exclusively with curators involved in one or other of the exhibitions.

In two of the three transcripts, then, no data is attached to a particular participant in any of the cases involved. Where participants mention another participant’s name, or the interviewer an interviewee’s name, this information has been duly anonymised as per LJMU procedures.

The method used not only serves to anonymise, but also serves to take advantage of dynamics of the crowd used commonly online; in collective-intelligence communities such as online newspapers and other media hubs (Lichterman, 2017); and not only in examples of post-truth dynamics but also surveillance and tracking more widely, where

citizen data is collected and processed *en masse* to permit the obtaining of relevant conclusions (Macaskill and Dance, 2013).

In much the same way, therefore, as the free-flowing nature of the conversations researched was looking to mimic and reproduce dialogues which visitors and others *might have anyway, when witnessing art and inhabiting artistic environments*, so at the analysis stage the methods are looking to sustain similar processes. Modern surveillance is not so much about content, but about connections; it is not about what the individual proclaims as such but how each individual is located in a group, how they interact and link into others, and how their behaviours reach beyond their individual selves: which is to say, most importantly, the communitarian outcomes of such interactions.³

In both research and analysis phases, this dissertation attempts to remain faithful to these ideas.

In detail, the following processes were employed.

The data from the three interactions, one observation period of seven days and two sets of interviews – visitors on the one hand and curators on the other – was collated in three separate documents (Appendix 5). As already mentioned, six major themes, colour coded for ease of processing, were identified from Transcript 1, which relates the interactions captured during the observation week at the “how much of this is fiction.” exhibition. These themes were:

1. Yellow – contradictions
2. Green – interactions and interplay
3. Red – watcher visibility, invisibility and general experience
4. Turquoise – gallery space as freedom
5. Blue – gender
6. Pink – surveillance and digital environments

Within the Discourses and Analysis and discussion sections, the themes are referenced using page and line numbers from the relevant Appendices, to highlight sub-themes that

³ Curiously, in the most obviously capitalist century in history, social connections have become key to almost every single interaction in business and society both.

emerge from the second stage of filtering, and to facilitate independent analysis of the data in its purer form.

The first transcript, that of the observation week, involved the application of two types of intelligence of a highly auto-ethnographic nature, as has already been indicated earlier in this dissertation in Chapters 2 and 3. The first was observational, capturing data and reactions in real time; the second was reflective and used memory of the first to reconsider and expand on impressions obtained at that first stage.

As a highly personalised experience of surveillance and tracking was being used from the start to inform the responses to the subject matter, it was decided that the six themes identified in this most auto-ethnographic stage would be used to attach from the visitor- and curator-interaction documents further data which would allow the auto-ethnographic starting-point and therefore discrete discourses in question (Hall, 1997; Foucault, 1972) – thus accumulating an episteme around the subject of surveillance and tracking – to be deepened, better understood in terms of visitor and curator responses, and so compared and contrasted through a procedure of triangulation. That is to say, the datasets from visitor and curator interactions would be *extracted* and *assigned* to better inform the original auto-ethnographic impressions, rather than analysed solely on their own merits. The weakness of this approach is, clearly, that it could be used to simply echo and reproduce the obvious and inevitably existing auto-ethnographic bias (fully discussed in Chapter 3, Researcher bias). However, the data extracted – and used to inform more completely the original discourses in this way – consisted of 28 pages of themes compared to 74 pages of original transcript in the case of the visitors, and 20 pages of themes compared to 40 pages of original transcript in the case of the curators. As a result, even as this process and its procedures could be accused of allowing the researcher to find the results he set out to achieve, the data included in the final documents used for analysis and discussion form a considerable part of the original dataset. Finally, as will be seen in the Analysis and discussion and Conclusion sections, the research carried out brought the researcher to change considerably his initial auto-ethnographically driven ontology with respect to surveillance and tracking. The expected – even desired – results do not, in the event, coincide with the actual.

Sometimes, of course, the discourses overlapped. It was then the decision of the researcher, more intuitively established on the basis of his auto-ethnographic

experiences, as to where the content might best be located for analysis. Sometimes, sub-themes were placed in more than one section. This process of selection – difficult to reproduce, or indeed justify with clarity – is another obvious weakness of the process applied; with more time, and more resources, a more sophisticated and scientifically repeatable set of selection procedures to define to which discourse the content best related could be used on future occasions.

Chapter 3 – Research

Chapter 3 details the Research phase of the dissertation. It provides background to the Researcher bias – his involvement in and experience of the subject of surveillance, prior to the dissertation's design. In the Presentation section, detail of how the research was carried out is also provided. Through the data-analysis and coding processes used, six colour-coded themes are presented in Discourses, whilst in the Analysis and discussion section, the three most salient themes are focussed on.

Researcher bias

The researcher of this dissertation came to the subject of surveillance with a number of significant biases. These biases arose out of auto-ethnographic experience, and will be laid out and explained clearly below.

Observation of a kind had already been carried out in an ad hoc manner since 2003, when the subject generating the auto-ethnography used as the starting-point of the investigation to be discussed here suffered a diagnosis of mental ill-health. Paranoid schizophrenia was suggested, and consequently medicated. The subject believed he was under surveillance variously by US and European security agencies, by corporate organisations, and – as the mental distress became more and more exaggerated – even by others closer to home (Appendix 1).

Over the years, this led the subject to see surveillance in its most prosaic and well-understood forms – specifically, visual surveillance carried out initially via CCTV; via the

use of personal mobile phones to track and text his (and a general population's) whereabouts; and through the use of computer software to analyse the context of emails and electronic communications – in an exclusively negative light.

Once medicated through the use of anti-psychotics, his reactions were limited to extreme levels of awareness of his surroundings (the final and current medication was introduced to the subject with the idea that it sharpened rather than dulled perceptions), and dysfunctional behaviours on a daily basis were more or less completely eliminated: whenever he entered a supermarket or other private space of public use he would still find himself unable not to search out the location of CCTV and other security measures, but this no longer prevented him from leading what might be understood as a relatively normal existence.⁴ Prior to the application of anti-psychotics, he found it challenging to maintain an even keel which would facilitate composure. But even after, his intellectual and emotional resistance to the invasions of privacy he sensed broad surveillance led to was still profound; and in particular when governments and other organisations deliberately confuse – even obfuscate – privacy with secrecy. To rephrase Foucault (1983), for the subject in question surveillance was not only dangerous, but evidently bad – and perhaps also, in his ontology of the time, frankly immoral. The discourse then and now has changed, and this will be discussed in greater detail below; suffice it to say for the moment that an earlier encounter with Foucault would have been helpful for understanding the situation far sooner, and far more fully.

After diagnosis, it was, of course, something he could safely discuss with very few people. This, in itself, was pernicious for his mental wellbeing. His early willingness to explore his perceptions with total honesty at the original diagnosing interview – and in the presence of a diagnosing psychiatrist, the subject's own father, and the father's friend, a practising GP – not only had contributed to a month behind locked and heavily medicating

⁴ This behaviour is similar to that of veterans returning to civilian life from operational duty: both the training and the consequent reactions to bangs and other loud noises allow an observer to comprehend the inability of the subject to relax from a previous existence of stress. See <http://www.fact.co.uk/news-articles/2017/05/fact-produced-film-exploring-military-custody-and-civilian-life-chosen-for-consideration-in-oberhausen-international-short-film-festival.aspx> for an example of media which explores these issues.

doors but also had contributed to over a decade of unresolved internal conflicts, alongside many unspoken feelings and beliefs on the part of the subject himself.

An unspoken agreement had been reached, though willingly and proactively on only one side: if the subject accepted the diagnosis assigned, a way forward – in particular, a way forward through his acknowledgement of the asserted invisible disability on his part – would facilitate his reintegration back into a wider society. But the narrative – the discourse – of *madman*, of *psychotic paranoid*, needed to be assumed first before any movement to proper reintegration could be contemplated.

It is apparent, therefore, that the impact on the subject's ability to see the wider topic of surveillance with equanimity – to see it in Foucauldian terms *only* as dangerous; neither necessarily bad nor good; and so, in this sense something to be actively, properly, rightly and academically investigated – was essentially limited.

Wounded his objectivity (though when, in such personalised circumstances, is this ever not the case, even where unadvisable!) ... and yet the subject still desired to pursue the matter: if not any longer from his starting-point of autobiography, then certainly from the broader area of surveillance, tracking, and observation via all kinds of means.

Perhaps the internal motivation lay in some simultaneously emotional, where not entirely intellectual, expectation that a new episteme – in Foucauldian terms of discourse and meaning's much grander baggage (Hall, 1997) – might at some point in the future arise out of a re-examination and revisiting of the experiences and profound understandings which, in general, an auto-ethnographic relationship with experiences both *facilitates* and *poses for* the subject responsible.

It will, of course, become clear in this dissertation that academic investigation can change even the perspectives of the most painfully-earned positions, acquired and held in many different contexts and on many different matters.

Similarly, in this way it will become apparent in the first part of the chapter, "The researcher's tale as observer", as well as in the Discourses and Analysis and discussion sections, that how the subject felt as a result of the alleged surveillance, how he survived its consequences – both in terms of still-rejected diagnosis and posterior personal experience – and how he was able to change his position on something so deeply affecting of his belief system and perceptions is a fascinating comment on the serious value of

academic process in resolving such biases, and leading individuals and societies to more sophisticated analyses of complex societal dynamics.

Presentation of research

1. Transcript 1: “The researcher’s tale as observer”

The first element of the research carried out at FACT Liverpool in the early spring of 2017 involved seven days of up to one hour per day of visual observation by the researcher of the exhibits and gallery environments; of visitors, FACT volunteers – mainly gallery assistants – and others who were found to be in the space at the time of the observations; and of the researcher’s own reactions to the experience.

A notice was placed on the information desk of the gallery in the foyer which advised visitors they might be being observed for research purposes. Full explanations were provided where individuals required a better understanding, and the opportunity to contact the researcher was provided with relevant contact details, both with respect to the researcher himself as well as with respect to the dissertation supervisor and the university ethics board overseeing the project (Appendix 6).

Hand-written notes were taken in a small Moleskine notebook. The procedure involved assigning a visual descriptor to an individual, couple or group entering the spaces in question, in order to enable identification of parallel observations as the visitors flowed through the exhibition over the period they would be spending at FACT. Two types of observation were made: firstly, straightforward visual descriptions of what was happening, what the visitors and others were actually doing, interpretations of how they were responding on an individual – and where appropriate – couple and group basis; and secondly, brief reactions and thoughts the researcher already was having to what was being observed, both content- and people-wise.

When the seven observation days were completed, the notes were transcribed into a Word document (Appendix 4). Whilst typing, the researcher decided to employ the following procedure: the handwritten notes were transcribed verbatim wherever

understanding of what had been written would allow⁵, and then in square brackets after the most interesting of the handwritten observations, relevant memories and resulting trails of thought were added as postscripts within the body of the transcription, to both enrich in almost real-time the information being extracted, as well as signpost further avenues of investigation before they had a chance of being lost.

2. Transcript 2: “The researcher’s tale as interviewer of visitors”

The procedures used to interview the visitors were significantly more straightforward than the seven days of observation. As per the ethics documentation (Appendix 6), the interviews were prearranged with visitors to the exhibition, and carried out in a safe place at FACT Liverpool: a private space of public use, where any very slight potential for interviewee distress could be easily mitigated, both by the researcher and by relevant staff working for the institution.

There were two sets of interviews carried out: visitors, on the one hand; internal curators and one external curator, on the other.

In Transcript 2, the subject of this part of the Research chapter, can be found the results of “The researcher’s tale as interviewer of visitors”.

There were a total of four visitors interviewed: one interview involved three participants, including the researcher; two included just two participants, including the researcher.

The original interview procedure suggested for the research to be carried out at FACT Liverpool involved entirely unstructured interviews. This was not only not accepted by the university ethic boards in its rejection letter (Appendix 6), it would probably not have been accepted by potential participants.⁶

⁵ The galleries for the exhibition where the research took place were generally poorly-lit places, and this – coupled with the need to write quickly – did not always facilitate the transcription stage in every respect.

⁶ It is interesting to observe, however, that whilst the visitor group required very little advance warning of the scope of the interviews, it was the professionals – the curators, both internal and external – who were far more mindful of, as well as sensitive to, what the researcher believes they might have seen as potential stumbling blocks in a number of respects which shall be more fully explored below.

In truth, the revised approach, which used general subject areas and semi-structured interview techniques, did serve to make the conversations recorded easily achieve their maximum hour in length – in all cases, and in particular with respect to the visitors.

The philosophy and structure used to shape the interviews was verbally and explicitly laid out to the participants, before the interviews started.

It was argued that the interviews should follow a free-flowing discourse as much as was possible, in order to reproduce the kind of conversations visitors to art galleries generate amongst themselves anyway – both during and after a visit. Although there *were* listed subject areas which the researcher referred to if and whenever necessary, in order to sustain or redirect a conversation that was perhaps losing its thread, or to ensure a participant didn't feel uncomfortable for too long, the participants were informed that they should talk about anything and everything that came to mind.

Precisely because of such circumstances, and the resulting process that emerged, it became clear to the researcher at an anecdotal level that all the participants, but in particular those in the visitor group, seemed to be formulating ideas and trails of thought they would never have on their own. It was not simply in responding to another which resulted in a new personal occurrence, but – more significantly – in the several steps ahead which the free-flowing nature of the conversation moved them in that led them to realisations about their conditions as surveillers they clearly had never contemplated.

The abovementioned circumstances, and the implications of the resulting process as defined, are the reasoning behind why the researcher took the final decision to locate in one meta-transcript all the researcher/visitor thoughts, and in another all the researcher/curator thoughts, in a generally unidentifiable process. It would not only be difficult to achieve separation of authorial ownership in the context and situations outlined, it would – at least from the researcher's understanding – be inaccurate to do so: when working together, human thought is not just bigger than the sum of the individual parts, it is arguably only existent where without such interactions it fails to become (Lester and Evans, 2009).

3. Transcript 3: “The researcher’s tale as interviewer of curators”

The experience gained in the third set of interviews was substantially different from the first piece of research carried out – even, arguably, in some respects, the second. Whilst, as already alluded to with respect to the first phase, that of observation, the researcher initially had control over – indeed was responsible for – the content generated (except inasmuch as the observed spaces and individuals participated – in some kind of dialogue, and through their mere presence – in the focus of the observations and comments produced as a result), in the case of the interviews – in particular the last group of interviews with the curators – the authorial control the researcher had over the results was much reduced.

This was already apparent in the interviews with visitors: Bush (1945) has been mentioned in relation to his Memex machine and its concept of trails of thought, which follow on one from the other in an almost tumbling sequence of DNA-like brainstormings of ideas; Lessig (2004), meanwhile, and fairly equally, repeatedly suggests thinkers cannot take unrestricted ownership for their ideas, where such ideas are built on previous ideas and the work of previous thinkers. There are few cases, after all, where this will *not* be the case. Few can ever escape their debt to earlier generations and current colleagues.

Hall (1997), after Foucault (1972), extracts the idea of discourse, defining it essentially as the baggage of all ideas and thought around a particular event, reality, moment and idea. In fact, it is apparent that both Hall and Foucault underline the importance of specificity in time and place, and that discourses can – will and must, in fact – change from place to time.

It is clear, then, that with the visitor interviews, no more can be concluded about art, watching, surveillance in its broadest sense, and tracking in its widest, than for this time, place and group of interviewees – but not as discrete individuals, expressing discrete opinions independent of others for their coming into being; rather, quite depending of their interactions and the connections thus enabled. If discourse allows us to foreground specificity above all, then the only conclusion we *can* draw is that what individuals communicate to other individuals is particular to that set of individuals, *in the moment and physical frame they said it*. If the same visitors had

been interviewed in their own homes, over a cup of homemade tea, later in the year or earlier, after an especially enjoyable family occasion or with friends, or after a hungover Saturday night, perhaps the opinions or views expressed would not just be alternatively couched but could also be essentially different. They would be no less valid, of course; but they would be different in significant ways.

The experience for the researcher, from an auto-ethnographic point of view, was entirely relaxed and congenial in relation to both the observation and visitor-interview phases. However, whilst the internal- and external-curator interviews were just as respectful – and just as congenial – all three curators in question came to the occasions in their capacity as recognised experts. The researcher felt, in a sense, at a certain disadvantage: in both curator groups, as none of the visitors had cared to insist, the areas of discussion needed flagging up a couple of weeks before the interviews were to be carried out, before permission was individually and institutionally granted.

The implications of this fact need unpicking somewhat before the results of the research are examined further. Expertise, one assumes, brings competence – and yet, at the same time, the allegedly less competent individuals, which is to say the *simple* visitors, were quite happy to be interviewed without prior warning, precisely where the experts were not. In the supposed absence of expertise, apparently confidence increases, and suspicion declines.

It is clear, therefore, that expertise brings its own pressures and demands: the researcher, as an MA student at Liverpool John Moores University who had been offered certain privileges to carry out the research at FACT Liverpool, felt them, too. One of the most important messages transmitted in the Research module of the first semester of the MA was that all research activity should *leave the field clean* – i.e. ensure above all that good institutional relationships were conserved – for the benefit of the next year’s potential group of student researchers. One wonders if this is one early, and perhaps rather silent example, of a Benthamite (1843), self-regulatory process of self-censoring, a dynamic of just-in-case: of, at the very least, analogous behaviours to those controlled by his panopticon’s unseen, and never necessarily present, controlling eye. One never is absolutely certain if one might be caught doing

something one's institution or other individuals might not approve of, and so one resists – as a self thus attached to other – the temptation.

It is, therefore, the position of this researcher who also performed the role of interviewer, at least when reflecting back, that for both parties it became a requirement, unspoken but nevertheless real enough, to produce a *good interview*: an interview which pleased the institutional needs (whether actual or simply perceived and/or sensed) of the professionals, participating above all in their professional capacity. In *this* context, their institutional relationships were bonds, ties even, which served to oversee and define their behaviours; their opinions and views; their attitudes; their reactions; and their very thought patterns. One more example, if example were needed, of how links and connections pattern the nature and meaning which emerge from individual behaviours located in group and societal interactions.

These ties did not exist for the researcher during the observation phase, where auto-ethnography was the defining method in use. Here the researcher felt utterly free to express every and any thought he had: the fidelity to his reactions was absolute and entirely direct.

The situation was analogous with respect to the visitor interviews, too. All the visitors interviewed had different demographic profiles, different professional backgrounds, and different personalities. They had lived in different places, had come with differing expectations about what they were to witness in the FACT Liverpool exhibition which provided the starting-point for the discussions, and had different expectations with respect to the futures, both personal and professional, ahead of them. But, at least in the opinion of the researcher, none of them felt constrained by their backgrounds in terms of what they should or shouldn't say. Each brought a highly enriched, frank, free-thinking and unmediated set of thoughts and reactions to the situations they discussed. The curators, meanwhile, seemed to spend some of their time evaluating their institutional side, and potential expectations.

It could be that the more expert one's discourse becomes, the more there is at stake to sustain a certain repeatability about its content: starting from scratch before every

new situation is a luxury which the less specialist individuals can afford themselves, where the more specialist no longer should.

It does also occur to the researcher at this point that a kind of surveillance is already taking place here too, and not only taking place but finding its implications observed in action: the institution versus the free thinker, again in a very Foucauldian way is the battle being fought. As with Bentham's aforementioned panopticon (1843), the dynamic of self-regulation – one must behave oneself *in case one is being observed*, and not *because* – is operating in the reality of the professionals interviewed: after all, the content generated from their declarations will appear in a dissertation document, which may one day be made public with certain unpredictable – at the very least less controllable – repercussions.

One does not actually have to be tracked to feel one may run the risk of being caught and damned for committing a (societally located) sin: one only needs to *believe* one *may* be being tracked, and that punishment *may* possibly be forthcoming, for behaviours to modify *themselves*.

Whilst it is the thesis of this dissertation that the self-regulation of Bentham's panopticon has been replaced by the total surveillance strategies of 21st century all-seeing, omnipotent, omniscient security and private-sector machines (Lee, 2015), and at least as a *discourse* generated by the latter parties mentioned, simultaneously convenient to their interests and their ideologies, it must also be underlined that the 21st century concept of total surveillance may have more than a whiff of bluff about it. It is yet to be proven that everything we do and hear and say and feel is actually recorded by these machines. As with Bentham, there may still be more than an element of smoke and mirrors about the whole matter. In the case of the panopticon, this is the essential and manifest design philosophy – the psychological underpinning – of the strategy: it is important the observed understands that in a way self-empowerment is not only being taught but is also transmitting a liberal self-control through such *overt* and *unabashed* design. However, the 21st century security and private-sector surveillance states are more coy about their realities; about their relationship with any truth out there, transmitted from within their institutional

spaces. They are, therefore, more obviously creatures of the post-truth era which the Trumps of the world are content to propound.⁷

Compare and contrast, then, Bentham's open and honest approach to the panopticon. The total surveillance state, meanwhile, uses the bluff, double bluff and triple bluff of traditional spycraft on the democratic citizenry it is allegedly serving democratically: never making it quite clear if its design philosophy is factual or psychological – real or post-truth.

Yet it is similarly clear that in the curator interviews carried out for this dissertation, either Bentham as a strategy (be careful what you do, *in case someone is watching*) or total surveillance as an obfuscation and/or reality (be careful what you do, *for everything is being recorded*) were operating. And in truth, surveillance and tracking were manifestly taking place, whether the NSA and GCHQ were involved or not: this researcher recorded the conversations faithfully, and has analysed and taken them apart, knowing their origin and precedence. At the very least, the researcher and the readers of the dissertation will know a little more about the interactions involved than perhaps most of the participants will ever care to admit to others in normal conversation.

Discourses

As has already been mentioned, the most personal transcript is Transcript 1, where the first data collected was recorded. Transcript 2's data-gathering interactions were sandwiched between the two curatorial interviews, contained in Transcript 3, and therefore was both informed by and served to inform the most professionalised of the interactions, respectively.

⁷ Perhaps, one could argue, behaviours like those which Trump exhibits repeatedly (Macwhirter, 2017) are a product of the thinking, long-term and profoundly embedded, which led to the Patriot Act in the post-9/11 era. People and ideologues of the Trump tendency may be a natural extension of the *right to know everything* society of both Judeo-Christian, as well as more recent NSA/GCHQ, origins (Lee, 2015). The surveillance which society now experiences may be not just an ideology – it may yet have become a fully-fledged theology.

In Transcript 1, the researcher felt at his freest, able to express and react in direct form, with institutional responsibility at a minimum. Confidence and complicity was maintained in Transcript 2, in particular with respect to the institutional responsibilities. Transcript 3 was highly informative, but as also previously mentioned involved a degree of cautious behaviours on all sides, at least in the perception of the researcher of this dissertation. The observations and reflections both were wide-ranging, as well as revealing, in all three cases.

The results will be shown below, grouped in terms of the main colour-coded themes (e.g. Yellow – contradictions) extracted from the original transcripts by the researcher; Transcript number (e.g. T1); and with specific phrases relating to sub-themes identified by the corresponding page and line numbers (e.g. P1 – L7), in order to facilitate independent analysis by others of the data collected. The complete transcripts and themed extractions are contained in Appendices 4 and 5.

Yellow – contradictions:

The sub-themes in this theme were the most wide-ranging of all, in the sense that some were socio-political, some were literal and some were philosophical. All, however, are clearly characterisable as contradictions. They include:

- visitor interaction – or not as the case may be:
T1: P1 – L7/L13-15/L17-20//P2 – L28-29
- personal reactions, in particular of an aesthetic and/or political nature:
T1: P1 – L9-11/L13-15/L23-26/L32-L38
T2: P1 – L32-39
T3: P1 – L7-L12/L26-L31/L35-L37//P2: L1-L8/L26-L41
- critiquing a commodifying capitalism using its own tools and content:
T1: P1 – L4-5/L32-38/L40//P2 – L1-L9/L31-L38
T3: P1 – L9-L12//P2: L18-L21
- the aesthetic of absence as presence:
T1: P1 – L14-L15/P2 – L16-L19/L21-L26
T2: P1 – L28-30

- the art gallery itself, both in what it exhorts of the visitor as well as what it purports to be:
T1: P1 – L28-L30//P2 – L31-L38
T2: P1 – L4-L26
T3: P1 – L19-21
- data as human, of the senses *and* sensual
T3: P2 – L1-L8/L26-L42

Green – interactions and interplay:

No sub-themes for the visitors were recorded for this theme. The visitor interactions were coded the last, and surveillance and tracking were for this group a substantial part in themselves of their original dataset compared to the other two sets of interactions, visitors and curators. As a result, the researcher felt enough about interactions and interplay had been obtained from the other two theme groupings. It was judged saturation had been reached, and no further information of use would be obtained that would not duplicate previous process. The interactions and interplay are to be found as follows:

- either involving intentionality on the part of the curators and designers of the exhibition or a felicitous synchronicity:
T1: P2 – L41-L42//P3: L7-L8/L18-L22/L24-L28
T3: P3 – L21-L30/L32-L34
- witness – and its absence:
T1: P3 – L1-L2/L4-L5
- being reverential with the exhibits:
T1: P3 – L30-L33//P4: L10-L12
T3: P3 – L17-19
- memories of other times:
T1: P3 – L35-L38
- behaving like the big surveillers:
T1: P4 – L2-L8
T3: P4 – L1-L44
- directly political observations and practice
T3: P3 – L2-L10/L36-L37/L39

Red – watcher visibility, invisibility and general experience:

This theme connects closely with the last on the list, “Pink – surveillance and digital environments”, and differs only inasmuch as it focusses on what one set of interactions identified as the difference between watching and surveilling. As will be seen from the “Pink” results, watching can be seen as a generally acceptable, even benign, human activity, whilst surveilling and tracking more widely have very different discourses attached to them by the vast majority of those interacting on the subject. The results are below:

- invisibility:
T1: P4 – L15/L17-L18//P5 – L20-27/L37-L39
T3: P5 – L13-L16
- visibility:
T1: P4 – L38-39//P5: L29
- the state of voyeur:
T1: P4 – L20/L22-23/L25-27/32-36//P5 – L1-L11/L41
T2: P2 – L11-19
- the banality/torturousness/irony of voyeur:
T2: P2 – L20-28//P3 – L3-L12/L14-L19//P4 – L17-L21
T3: P5 – L25-L33
- behaving like the big surveillers, sousveillance, and horizontal surveillance:
T1: P5 – L13-L18/L20-27//P3 – L21-L41 to P4 – L1-L5
- institutionalisation:
T1: P5 – L31-L33
T2: P2 – L11-L43
T3: P5 – L25-L33
- being reverential to the exhibits:
T2: P2 – L4-L9//P3 – L1//P4 – L23-41
T3: P5 – L3-L11/L18-L23
- observation as care:
T3: P5 – L35-L39

Turquoise – gallery space as freedom:

An emerging theme throughout the research, which was perceived already in the observation period, is how visitors appear to behave – to watch, to perceive observation

– differently and in accordance with the different spaces they find themselves in over the course of their daily lives. The section, “Turquoise – gallery space as freedom”, groups together a series of copious and fruitful observations. The details can be found below:

- freedom of movement:

T1: P6 – L2-L7/L22-23/L31-L37/L39-L41//P7 – L1-L9//P8 – L29-L35

T3: P7 – L2-L5

- examples of a multitasking of the senses:

T1: P6 – L9-L13//P8 – L5-L11

T3: P7 – L22-L32

- why people may feel freer in an art gallery, or more at FACT compared to other art galleries:

T1: P6 – L20-L21/P7 – L1-L9//P8 – L13-L14

T2: P6 – L20-L26//P8 – L37-L43 to P9 – L1-L4//P9 – L6-L33//P10 – L14-L38//P10 – L40 to P11 – L1-L32

- whether staff feel freer in art galleries like FACT:

T1: P7 – L24-L33/L35-L39

T3: P6 – L2-L7

- technology as a liberator of spaces:

T1: P6 – L25-L29

T2: P10 – L17-L23/L24-L38

T3: P6 – L9-L17/L19-L35//P7 – L25-L32/L34-L36

- technology as an inhibitor of certain freedoms:

T1: P7 – L41-L42//P8 – L1-L3

T3: P6 – L9-L17/ L19-L35//P6 – L37 to P7 – L1

- the freedoms to deceive/be unethical/abuse/be naive, and if art should exercise them:

T2: P5 – L2-L7/L9-L16/L18-L22/L34-L37//P6 – L1-L6/L8-L12//P7: L16-L34

- the nature of art and artistic spaces:

T2: P6 – L14-L18/L20-L22/L28/L30/L32-L33//P7: L1-L14/L36-L42//P8: L1-L18/L20-L27//P9 – L35-L38//P9 – L40 to P10 – L12

T3: P7 – L7-L20

Blue – gender:

It is an indication of the researcher's own bias as a white male in his middle-fifties that he describes this section as relating to gender. In fact, the content exists because it focusses on behaviours he found notable in terms of his own ontology and life experiences, carried out generally *by, at, or around women*. Although aware of this circumstance, the researcher is unwilling to hide the initial instinct. It will be up to the reader to decide where the section is either well- or simply revealingly-named:

- the gender of technology:
T1: P8 – L17-L22/L26-L29/L31-L33
- psychology and aggressiveness by men to women:
T2: P11 – L35 to P12 L1-L7
- psychology and assertiveness by men and women:
T2: P12 – L9 to P13 – L34
- post-truth environments and assuring truth or not:
T3: P9 – L30 to P10 – L11/L12-L24

Pink – surveillance and digital environments:

This last theme, on surveillance and its digital offshoots, examines and further goes into the historicity and persistence of surveillance, understood in its broadest sense. It describes how surveillance, and tracking, by individuals, organisations and states on each other, has been a constant throughout time. It also suggests that the experience of surveillance in the context of art locations such as FACT Liverpool, though not necessarily all art galleries by any means, may become one more of watching and being watched, without the same intentionality to label and define, to attach the Original Sin of 21st century data collection and processing, on the watched. Finally, it covers the subject of how to both reinterpret and reengineer surveillance and tracking of a hierarchical, top-down nature and tool of the powerful into something more benign and empowering for ordinary citizens. FACT Liverpool's ongoing part in this process of empowering communities, the self-collection of data, and the self-manufacture of instruments, is duly highlighted and acknowledged by the interactions below:

- the nature of surveillance:
T2: P14 – L2-L15//P14 – L28 to P15 – L13//P19 – L35 to P20 – L1-L3/L5-L9
T3: P10 – L30-L40//P11 – L12-L27//P15 – L16 to P16 – L1-L20

- surveillance, history and storytelling:
T1: P9 – L8-L18/L27-L35
T2: P13 – L37-L43//P25 – L1-L6
- surveillance and an absence of wellbeing:
T1: P9 – L19-20
T2: P18 – L25 to P19 – L1-L7
T3: P11 – L17-L32
- counter-surveilling:
T1: P9 – L22-L25
T2: P16 – L7-L15//P20 – L11-L16//P25 – L25-L32
- counter-surveilling and defining the self:
T2: P16 – L17-L28//P20 – L11-L16//P20 – L18 to P21 – L1-L7//P25 – L25-L32
T3: P10 – L42 to P11 – L1-L11
- surveillance and digital (un)reason:
T1: P9 – L37-L42//P10 – L1-L11
T2: P16 – L30 to P17 – L1-L9//P17 – L11 to P18 – L1-L9
- surveillance, intrusion and intimacy:
T1: P10 – L13-L18/L19-L23
T2: P14 – L16-L26/L28-L35//P15 – L15-L31//P21 – L9-L19//P22 – L2 to P23 – L1-L3
- surveillance and being watched:
T2: P25 – L8-L23/L25-L32
- surveillance and art:
T1: P10 – L24-L25
T2: P18 – L11-L23
T3: P12 – L1 to P13 – L1-L27
- surveillance in the post-truth age:
T2: P19 – L9-L33
- surveillance in the post-repressive age:
T1: P10 – L26-L39
- the liberating connotations of the post-repressive age:
T1: P10 – L28-L39

- how surveillance may lead to greater human freedoms:
T1: P11 – L1-L9
T2: P15 – L33 to P16 – L5//P27 – L21 to P28 – L1-L19
- surveillance and reality:
T2: P21 – L21-L37//P24 – L24-L33
T3: P10 – L27-L28
- surveillance and articulating reality:
T2: P23 – L31 to P24 – L1-L22
- surveillance, the media and intent:
T2: P23 – L5-L29//P25 – L34 to P26 – L1-L5
- surveillance, memory and freedom:
T2: P26 – L7-L21/L23-L30//P26 – L32 to P27 – L1-L10
- surveillance – good/bad:
T2: P27 – L12-L19// P27 – L21 to P28 – L1-L19
T3: P15 – L16 to P16 – L1-L20//P17 – L3-L31
- surveillance as observation:
T3: P13 – L29-L34//P14 – L5-L13
- observation, pedagogy and freedom:
T3: P14 – L15-L39
- observation and data self-collection versus big data:
T3: P15 – L1-L14
- how to ensure big data isn't used badly:
T3: P19 – L1-L31
- surveillance, observation and care:
T3: P16 – L22 to P17 – L1
- defining a society of good data:
T3: P17 – L33 to P18 – L12/L14-L18/L20-L34//P19 – L33 to P20 – L1-L8//P20 – L10-L19

Analysis and discussion

Surveillance, understood in its widest sense, is an activity performed by humanity since time immemorial. The surveillance state currently in place, the exact nature of which was revealed by Edward Snowden four years ago (Macaskill and Dance, 2013), is but one example of the surveillance this dissertation suggests is present everywhere: in this sense, all humanity surveils, and always has. Some may prefer to call it watching; others, tracking; a few, perhaps increasingly, will argue in favour of observation.

It is also clear that no Criminal Justice system from the panopticon onwards (Bentham, 1843), and whether purportedly democratic or not, can function effectively without some aspect of surveillance, or its aforementioned cousins. As has been mentioned several times, a society's Criminal Justice system is a reflection of what political leaders, media publishers and commentators, voters and their families, sovereign citizens from other countries, national and pan-national institutions, lobby groups, and corporate bodies across the world, choose to push for – or, more often than not, at least in the case of the less powerful, find themselves obliged to accept. Which is to say, a reflection of the kind of democracy that, generally, a lay society is *required* to function with.

It is consequently the considered ontology of the author, after carrying out this piece of research, that the connection between robust Criminal Justice and robust democracy could neither be closer nor more significant, nor – indeed – more responsible, for a wider societal and natural 21st century justice. The process whereby, post-Snowden, this democracy, the security state which claims to guarantee its liberties, and by extension the legal system allegedly underpinning the whole superstructure, find themselves defaulting to a narrative of citizen guilt until innocence be proven could not be more profoundly unnerving; and no more so than in the ease with which widespread implementation has been accepted.

The contradictions inherent to a Western democratic state spying, by the same default and without general exception, on its own sovereign citizens – in order that the freedoms of the same be maintained – cannot be ignored. The six themes, or discourses, uncovered in the data analysis of the research interactions recorded in the observation week and in the interviews between researcher, visitors, and curators, whilst recording wide-ranging thought, in some significant way serve also to tell a narrative and episteme of terrible loss: the loss of the kind of Criminal Justice systems a once liberal, self-regulatory, and

rehabilitative group of Western societies sustained. In this Analysis and discussion section, it will be the task of the author to underline the key ones in a relevant and academically just way, and in so doing point a way forwards – or perhaps backwards, but in no negative sense – to more intellectually robust times, democracies, legal systems, and Criminal Justice practice.

Whilst the six themes all have considerable interest, and the full transcripts make for fascinating and wide-ranging thought, this Analysis and discussion section will focus on three of the themes: those the author judges most relevant to the object of this dissertation. The three, along with their colour codes, are:

1. Red - watcher visibility, invisibility and general experience.
2. Turquoise – gallery space as freedom.
3. Pink – surveillance and digital environments.

The order of the themes' original presentation also helps happily trace the process from self-analysis of the individual in auto-ethnographic terms, via the passage through art, its spaces and the freedoms it may still – despite all – afford citizens thirsty for democracy and justice, to the tools, dynamics and ideologies of a much more egalitarian, empowering, enabling and sharing observation.

1. Red - watcher visibility, invisibility and general experience

The general experience of being a watcher took several forms, as the interactions recorded moved from the context of researcher through to unspecialised visitor and professionalised curator. The observation week produced frequent references to the state of voyeurism, and how this affected the person placed in the role of the same: “An invisible voyeur”; “I feel she might feel I am stalking. I am uncomfortable”; “I am a partial voyeur”; “I follow them, feeling a bit of a stalker”.

There were also comments on the ethical nature of watching people with possible learning difficulties – consent is an enormously problematic issue here, even as the gallery had clearly visible information indicating that research would be taking place. The thought arose as to how watching without explicit consent, via security CCTV, either directly as an operator or tapping into web-accessible CCTV networks, a fourteen-year-old girl in the street or a ninety-year-old person with incontinence could be at all justified. The state of researching in the field for an ethically approved dissertation was just as

problematic: even in the absence of the NSA or GCHQ, a researcher with a simple iPhone in their pocket would have a live microphone and camera listening and watching, whether (or at least one is these days led to believe) switched on or off. No one, it seems, would be outside the frame of *someone's* surveillance, whatever consent was requested or obviated.

But most notable for the researcher as voyeur was the experience of being ignored by those he was actively watching: "I struggle with this concept of being a voyeur who is so consistently ignored." He was unsure whether to attribute this being ignored to the prevalence of what might, *a posteriori*, be termed surveillance fatigue – people are so used to being watched, they really do not care any more – or, alternatively, and this will be explored below in the section on gallery space as freedom, whether a voyeurism carried out in the context of art spaces such as those which galleries like FACT Liverpool consistently deliver transmutes what outside on the street might be judged intrusive surveillance into some sort of more innocuous coexistence.

The researcher/visitor interactions, meanwhile, expressed other positions in relation to surveilling and being surveilled: one interaction understood visitor surveillance as watching not surveillance, and generalised the experience of watching others to all art galleries. The gallery experience as perceived by the gallery assistants was also discussed: it was felt by a number of interactions that volunteering at FACT was either more boring, less satisfying or even significantly torturous than in other, more traditional galleries, which – given the subject of one of FACT's exhibition's researched – could not have generated a heavier irony.

Sousveillance and the subject of surveillance carried out by "little people" (ordinary citizens) looking back up at "big people" (the powerful) emerged, and one interaction concluded that it was more common these days for little people to look over at little people than choose to look up and examine the big. A persisting trust in authority was one argument to explain why; the other was the historical preference for and interest in gossip, expressed by humanity through the ages.

Distinctions were made between different types – even qualities – of visitor: "I see myself as an academic. So when the layman would walk in, people, members of the public, people that don't have this knowledge [about surveillance and Criminal Justice] or the level of

knowledge that I've got [...] might just take it as real. [...] I look at it more critically and more in depth." It was evident there was not only a sense of a hierarchy of surveillance which depended on spaces and environments, but also one which depended on societal position, role, education and, elusively perhaps, intelligence in some measure. A society of unequals was emerging – a democracy of variable expression, even! – of a highly preoccupying nature. The importance of knowing or not knowing – with respect to the ability a citizen might have not only to participate but fully enjoy a 21st century democracy, lived under the surveillance state of public and private – was becoming visible.

The researcher/curator interactions touched again on the significance of space as a frame and channel for certain behaviours. One of the themes which arose time and again was the almost reverential respect to the exhibits in FACT Liverpool's galleries shown by the visitors. Despite the presence of computer mice, headphones, touchscreens and other interactive devices, the approach to examining exhibits was careful – as if flying an aeroplane landing in high winds: "One of the general impressions I had was that the frame of art gallery, even when there were specifically things to interact with kind of – and even when they did pick up, for example, something to interact with, a headphone or whatever, they would stand at a respectful – I would use the adjective respectful – distance from that artifact, as if it were an artifact which needed to be almost revered."

The issue of being ignored as voyeur – or watcher, depending on one's point of view – also arose again: "They chose to ignore me entirely, even though I was scribbling notes on a piece of paper all the time, a little notebook." A different vision of surveillance was, however, extracted as the final sub-theme in this transcript and theme: "And so another thing that – going back to the exhibition and the exhibit we talked about. It could be a monument to observation as an act of care and very kind of positive affirmative action. [You] would observe a child's learning because you wanted to see –."

2. Turquoise – gallery space as freedom

This theme was highly productive as far as uncovering attitudes to a) how spaces may condition citizen behaviours towards sensing freedom and liberty, even after decades of heavy surveillance in the outside world; and b) how it may be possible through the expression and practice of art and culture to recover a secular innocence, long lost to the

surveillance state of public and private: a state this dissertation has already described as God 2.0.

Some interactions touched on the importance of feeling free to roam: “Are we like free range chickens where we enter a gallery space [...] where in other contexts & watching we become [the equivalent of] battery chickens?” Others realised the importance of posture, and ignoring – even where minimally present – instructions: “Most of the time we are asked to stand – this perhaps makes us/guarantees our empowerment + control over our situation.” Also: “I definitely get a repeated sensation that being forced to observe artistic artefacts standing up actually gives power to the observer.” Finally: “In this gallery + space (Gallery 1) people exit on entrances, watch or not, get distracted without guilt [...].”

One long interaction deepens the observation about the freedoms that can be attached to such resistance: “[I am intrigued by the usage of entrances and exits, and as a result by their meaning and significance. Where an exit is ignored, it needs to exist (even so) to be ignored! So even a freedom-loving progressive art gallery needs to have ‘rules’ in order for freedom to be experienced through their breaking. Without such resistance to regulation, at least for ourselves in the 21st century we live in, what does freedom mean? Is, then, Assange’s experience of freedom the purest form in its maximum level of resistance? Does our experience, as we easily leave ‘his room’ become a simple, base process of ‘end-user’ consumption? Consumption as consumer – or consumption as patient?!]”

The technology which is characteristic of FACT Liverpool is seen, in this case, as a liberating influence: “I am reminded of the two films on veteranality I saw yesterday at FACT – in the first, a video-game environment was used as both discourse and liberating space for offenders still in prison. Technology clearly can free us from its selfsame bounds.” It would seem, then, that the oppressive surveillance state of public security agencies and private corporations, using extremely powerful and intrusive technologies to gather and process information primarily for their own benefit (at least in the ontology of this author), is a choice which has been made but as such can, just as easily, be unmade. Technology, in itself, is good – perhaps – for those who choose wisely. Or simply learn in time that a decision is there to be taken.

The final two interactions from the observation week and this theme describe how ways of being and looking are directly affected by space and device both (a lesson which historically Criminal Justice systems have never failed to comprehend). One interaction describes how headphones in “such exhibitions kinda seem an umbilical cord (or when with music, as here, a chord!!!) which momentarily ties us intellectually + physically [perhaps womb-like and even tomb-like] to a space.” Then again, whilst observing a visitor flick between different exhibits – “Curiously he stands closer to the text to not read it than to read it” – the conclusion arrived at suggests that the promiscuous “hyperlink tendency of the web has been transferred to [has invaded] our physical mode of watching tangible artefacts.”

The researcher/visitor interactions on the theme under discussion covered ethical considerations with respect to art’s right – or not – to deceive in transgressing ways as well as delight in more traditional. Certain interactions suggested that art should be both ethical *and* technically competent: otherwise, it would be ineffective *and* disrespectful to its audience: “I think you’ve got to recognise that if you’re using deception as art, and the person is completely deceived, then first of all your art has failed because they were completely deceived. Secondly, you may have done damage, as a result of them being deceived. And you’ve got the responsibility to worry about that.” Translate this observation to the world of the surveillance state, and the malleability of digital environments more generally, and the opportunity to cause harm becomes apparent. Again: “[Is] it ethical to parody to the extent where you’re not sure whether it’s true or not?” [...] “I think it’s very dangerous, because all you have to do is moderate that message very slightly so it wasn’t obviously ridiculous, and then what have you got? You’ve now got what people claim to be fake news, or false news because it’s indistinguishable. Because of your thing. And I think it’s your responsibility, now. And that’s a little bit of a sort of thing about – I mean, there’s been con people all through life.”

The freedom to be safe in an art gallery came up in a number of researcher/visitor interactions: “Is [an art gallery] a space which is freer than other areas?” “Yeah, I’d agree with that. [...] That’s part of the reason I would enjoy going to it, because I feel that it would be a free sort of safe space to go around and form opinions and react to things.” Conversely, it occurs to this author in response that interactions of this nature indicate some spaces at least, outside art galleries, are not free, not safe, and are not as conducive

to forming opinions and reacting with such security. If the interaction was alluding to the outside world of the public and private surveillance state – further research would be required to identify if this were the case or not – it suggests that the security which citizens purportedly need does not necessarily bring the safety they pursue. That this sense of safety – i.e. *not* security – is to be found in an art gallery, whilst all the gathered forces of democracy are apparently failing to deliver, is of concern.

A final set of interactions discussed the feelings around different kinds of gallery spaces: here, FACT Liverpool was seen as a freer space than more traditional galleries. “It’s like an exhibition. You go in, you look at things and you’re not – an actual art gallery has security everywhere. So it has CCTV, guards in every room. Whereas you come [to FACT] and you just wander round freely, you’re not being watched by something.” And: “It’s very liberal. [...] Yeah. You’ve got the freedom to go around and just wander where you want, whereas in the art gallery you can wander where you want, but – “ “You’re watched.” “Yeah.” “Surveilled.” “Surveilled. To make sure you don’t touch the paintings, walk away with one, knock something over.” Unconscionably, citizens appear to have absorbed the lesson, yet even so not forgotten their roots: guilt is assumed, Original Sin is understood, the oppression (in the ontology of this researcher) is perceived, felt and lived, but where a real sense of liberty is made to persist – for example, FACT’s public spaces – it is still both recognised and valued.

The researcher/curator interactions produced similar results with respect to spaces: “[...] a very non-hierarchical, non-threatening space of exploration” was a key observation from a scientist, recounted second-hand, about the larger of FACT’s galleries in one of the exhibitions. The manner of addressing the visitor was also considered important in one interaction: “It’s not a confrontational show, is it? [...] – so the show seems to have a philosophy, a desire to go in a certain direction rather than another direction, but without being head-on about it. It seems more gentle from that point of view. [...] it’s drawing people in rather than saying, “This is my opinion.””

As a preoccupation of many interactions, the relationship between environment and truth was clearly one of the most important to emerge. From post-truth and deliberate deception, both by newsmakers and makers of art, to a security state which claims to be a standard-bearer of a safety which is more easily encountered in an art gallery than on a municipal street, and so on to the example of the current exhibition at FACT Liverpool,

where surveillance and tracking may have been curiously, surprisingly, imaginatively and hopefully converted into a gentler, less dogmatic, more didactic process of observation, the (in)credibility of the reality construct with which the most highly educated humanity in history is now being faced, whilst widely tolerated, is nevertheless surely intolerable.

3. Pink – surveillance and digital environments

Whilst the intrusive nature of UK surveillance, and its distancing technique of using cameras to make invisible the surveillers to the surveilled, was commented on in more than one interaction, the key lesson in the opinion of this author is that however surveillance is carried out, a choice has been made to carry it out in one way or another, and this choice has a deliberated effect on the citizens who experience its nature. A surveillance which is apparent – “a UK supermarket [...] has intrusive-looking, visibly signed and aggressively structured CCTV all over” – is a choice, never an inevitability: in French supermarkets “tracking takes place” but “one assumes only plain-clothes personnel and electronic-tagging of product”, not person. “I notice this, and feel much calmer, far less on edge, when I feel I am being watched by a person who is like me,” rather than an invisible CCTV operator. And: “Is the cumulative impact of surveillance impacting, shaping and driving PTSD/mental distress/even veteranality in civilians, I wonder?”

It is important to see the environmental structures and forms as these choices, not the natural course of things. If the current use and implementation of technology is to be unmade and remade – much as the move from a top-down surveillance and tracking for the benefit of the few to a horizontal observation by the many on behalf of the many, and in particular as per some of the initial conclusions coming out of this research – then the liberty to unmake and remake needs to be fully understood *and* exerted. The way forwards, then, to achieving a new and more innocent state of citizenship and democratic engagement lies not in rejecting surveillance, but – rather – properly embracing it. The following set of interactions from the observation week may make this clearer:

“Maybe the urge to surveill is much deeper than one of security, public safety, anti-terrorism. Maybe it is part of a much wider, historical urge to remember with real accuracy. Only by recording everything can we ever make precise our reality.”

And: “Just as storytelling reminds us of deep truths, so surveillance reminds us of superficial aspects. Surveillance of all kinds [I mean tracking and registering others,

clocking, watching as people and disconnected objects too] allows us to retell our stories, to know ourselves. [At the very least, discuss inside our heads the connections that are always unspooling throughout our lives.]”

For: “I am sure [the white shirt in Assange’s room] had to be there but now begin to doubt – ever so gently – my sanity. Is this the purpose of surveillance and sousveillance? To maintain the sanity of both sides of the equation? Are both kinds [directions] [maybe more than two directions] of surveillance a battle to avoid another absence – the absence of reason?”

Post-truth returned to the stage towards the end of this theme, and repeated the idea of an age of unreason. The researcher as observer asked himself the following question: “When did reality stop – [the] historicity of a moderately reliable [or moderately accepted!] nature anyway – and half-truth [post-truth] begin?” And he answered himself thus: “When we lost our reality as grounded in [nature’s!] analogue, did we lose our ability to hold onto [a real sense of] reason?” “From the Age of Reason, does digital deliver the Age of Unreason – or A-reason (as in amoral)?”

Conclusion

The Conclusion lists the areas covered in the dissertation; underlines the connections already made previously between Criminal Justice systems, their robustness and the wider health of democracy; summarises key arguments made throughout the dissertation; and finishes with an appeal to Western democratic citizenry to exert its rights and obligations: to challenge 21st century Original Sin, and firmly negotiate a God 2.5.

The key issues raised by this dissertation have emerged in organic and exploratory ways, generally through an examination of what is present but occasionally by analysing what appears to be absent. Yet either way, the dissertation has approached its subject matter via an auto-ethnographic set of perspectives; even principles. The authenticity of the interactions used to inform the subject matter is undeniable.

As already made clear elsewhere, Criminal Justice systems are a reflection and interpretation of the societies they emerge from. In the case of this dissertation and the data that originates through surveillance and tracking on all sides, the processes behind an equitable democracy, where involvement in the design, implementation, collection and processing of key swathes of data – the latter being surveillance and tracking data currently being used by the powerful, both legitimate and criminal, in deeply restrictive senses, in order to understand what citizens believe, do, will do and might do – is key to making and sharing those profound reflections on how to define, construct, and effect good deed out of misdeed, and prevent misdeed from spreading further. Which is to say, the job of all robust Criminal Justice systems.

Areas which have been touched on and examined during the course of this exploration, and via the interactions and research carried out, include: how the act of being tracked, and the spaces – both virtual and physical – where such acts take place, may change a citizen's behaviour, even where the citizens are not rationally conscious of this; how security agencies, corporate organisations of all kinds and sizes, and other entities various are seen to react when the tracking is applied back at them; how Western democratic security states currently demand absolute rendition to the theology of total

surveillance, in contexts that range from municipal *and* private areas of public use to sensitive spaces such as airports and institutional buildings; how the invasive nature of the digital examination of the citizenry goes relatively unquestioned by the latter, thus indicating the degree to which these environments allow the human rights, legislation and practice once implemented for analogue surveillance and tracking to be swept aside in everything virtual and digital; and how the reality and/or smoke and mirrors of total surveillance, the assumptions which this researcher has described as reverting society to a God 2.0, reflect and coattail on the historical and culturally prevalent requirement for blind and absolute faith in an omniscient, all-powerful and all-defining Judeo-Christian God 1.0 – quite lost these days, as religion itself, to many in more secular society; but, apparently, broadly being accepted in the relationship citizens now have with what should be *their* Western democratic governance.

It is not, however, to be the conclusion of this researcher – a Western democratic citizen like many others, whose initial ontology dated from around 2003 for reasons already clearly outlined; an ontology which demanded a fierce critique of the total surveillance state that he believed himself at the mercy of from that year onwards, and during the more-than-a-decade since – that surveillance, and tracking more widely, *as a tool to understand people and the world they occupy*, should a) be rejected out of hand by society's citizens and thinkers, and b) ultimately eliminated. As the last part of this dissertation has begun to conclude, entirely due to the academic journey the author has recently been privileged enough to pursue, a different set of approaches has emerged from the research process in question. Surveillance takes many forms, and whilst different generations are only now learning how to take advantage of it via still unsteady steps, increasingly these steps are becoming firmer, *and* more followed.

That not one but two fundamental strategies are, consequently, suggested in order to *constructively* challenge God 2.0, and achieve a negotiated and much more nuanced God 2.5, is – in the opinion of this author – a token of the wider effectiveness of academia in allowing thinking learners (which the author hopes he may ultimately be seen as striving to become) to be located in the right environments, facilities, space, room, opportunity and positions, in order that they may reach argued, cogent and coherently intellectual destinations – destinations which may happily serve to turn their former unhappy ontologies on their heads. These two fundamental strategies have their roots in the

present, but are clearly goals which the future – and its new generations – must choose, or not, to deliver.

Building, therefore, on the unfulfilled promise of *sousveillance* as an ideological position, designed to act as a bulwark and as a democratic oversight over the unparalleled control enjoyed by the Western democratic security apparatus before and since 9/11, the first approach proposes continuing – *as is* – the end-user/consumer/producer relationship with self-described free and freemium software tools, apps, online environments and devices such as Facebook, Twitter, blogging, messaging platforms, photography-sharing sites, search engines, online media various, smartphones, tablets, laptops, etc. – even as they are inscribed by Silicon Valley and others’ virtual and codified business objectives of concentrating wealth and power in the hands of the already highly privileged; and even as such digital tools involve the grabbing of huge amounts of valuable big data in the meantime, surely the direct preoccupation of any Criminal Justice system which preferred to be robust.

And whilst it would be naïve to propose otherwise – the traction and power of the technology infrastructures and complexes operating in these areas make it not only impossible to prevent the general population from engaging with, buying into and using such environments but, from a position of open democracy, freedom of thought and action, would make such a strategy both pedagogically and intellectually flawed – a second step may be taken, through the intervention of partnerships between education institutions such as Liverpool John Moores University, data organisations such as the Open Data Institute, and community outreach charities such as FACT Liverpool, well versed all in both Silicon Valley-style approaches as well as open tools of a quite different nature, and manifested particularly well in the guiding principles and practice of the 2017 FACT Liverpool exhibition “The New Observatory”. This latter’s theses – where citizens collect their own data through machines they learn to build themselves, and share it as they will and choose, in both scientific and artistic-cultural ways – is surely a far more practical, justifiable, inclusive and frankly educational step than the first: after all, to suggest creating such parallel spaces which may work in tandem with the more populist and clearly more consumer society-oriented approaches is as democratically inclusive as one might hope for – and an obvious example of a desire to lead by example.

Via the philosophy of “The New Observatory”, *surveillance and tracking* by top-down hierarchical power becomes a new, much more horizontal, dynamic of *observation*, where citizens, artists, producers and political actors various acquire the open skillsets which permit the collecting and egalitarian sharing of their own open data; the building and implementation of their own machines; the making and opening up of their own digital environments and lived experiences; and the sustaining of a historically far more devolved relationship with societal, sociocultural, scientific and educational information.

Through such a two-pronged strategy of continued but intelligent and educated negotiation with Silicon Valley-style frames, tools and software code on the one hand, and a growing evangelisation of all ages and generations in Western democratic society with respect to the open data, open content, and open source ideals which still run and manage much of the worldwide web, the Internet, the interface between offline and online worlds, democracy as defined by legislators and societal behaviours as defined by the software code under discussion, it should become possible to square the often messy circle of global versus local in the alluded to and relatively new *glocalism* – combining the best of the big with the most vigorous of the small in a mutual and generous recognition and symbiosis.

As far as Criminal Justice is concerned, and aside from the human rights’ violations directly committed through casually *laissez-faire* attitudes to established legislation and the wider rule of law by technology corporations and government security agencies both, eager as they often appear to be to get on with the business of doing what is newly possible rather than what is undeniably legal, a democracy of equals can only lead to a more equal Criminal Justice system. Conversely, without a doubt, in the absence of real and egalitarian democratic institutions and practices, the latter will never be achieved.

In conclusion, then, the following ought to be the goal of a democracy and a Criminal Justice system which aim in the future to demonstrate robustness:

- a) ensure the one-sided and top-down surveillance environment currently in place works *for* and not just *against* society: moving from the unremitting and impositional psychologies of the Gods 1.0 and 2.0 described earlier to a more nuanced, negotiated and dialogued exchange between hierarchically more equal parties, and eventually – hopefully – partners;

- b) consequently, achieve an initial redefining of the relationship with the powerful who already track everyone and everything. As already underlined, it is strongly suggested that tools and frames of the powerful and privileged continue to be used mainly as set up – in truth, there is no real alternative for the moment – but even so, in evermore imaginative and deconstructing modes. For example, adding to the conversation and dynamics of democracy, and these democracies’ attendant Criminal Justice systems, the historical and generally localised, i.e. not easily centralisable, instincts from the past – village gossip, grapevine, neighbours over the garden fence, and so forth – although in new, bold and technologically liberating ways;
- c) as a result, lead to a move away from the current theology of God 2.0: *Digital Original Sin* – where Criminal Justice chooses no longer to assume an innocence that must be disproved but, rather, a guilt whose absence must be demonstrated – to a more empowering and democratically discursive God 2.5: *Challenging Original Sin*.

As a final summary, therefore, this researcher feels it is fair to assume on the basis of the research carried out that whilst initial societal understanding of surveillance is almost always framed in the limiting context of CCTV and body cameras – i.e. the physical act of watching and being watched via video and other directly visual means – and that such understandings have ensured the extent to which society has judged, in principle, that the topic should be comprehended, pedagogy and education can expand the definition to first make its spread as a practice patent, and then liberate it from oppressive connotations. In what could be termed this post-repressive age, which some of the research interactions have suggested might already be a reality (notably, T1: P10 – L28 to P11 – L1-L9), it may already have become possible – without employing either of the suggested two positions – for younger generations to use surveillance strategies of an apparently invasive nature to their own undeniable, unalloyed, benefit.

For as the Discourses and Analysis and discussion sections of the Research chapter have revealed, whilst the process around the rebranding of surveillance and tracking as observation may seem, *a priori*, of limited importance and impact, in truth the name change could become the anteroom to an evolving and expanding set of processes, community ties, innovations in technologies – both Silicon Valleyed and Foucauldian, both literal and philosophical – as well as the corresponding and relevant involvement

from the many committed educational institutions using evermore popular open-data strategies, freed up by long-manifested open source ideals, and engineered and evangelised by community-focussed charities such as FACT Liverpool. All the previous may in a relatively brief medium-term help to turn what could easily remain as a heavily marketed but specious name-change into something more akin to the sea-change of tidal measurement, so beloved and characteristic of Liverpool and its history – the geographical area from where this dissertation has proudly originated.

This, indeed, would be a fitting re-engineering to what the ontology of this dissertation's researcher sees as an all-too-easily imposed lording over global society – a society, and by extension set of Criminal Justice systems, which has long deserved much better from its thinkers, politicians, criminologists, technologists, and from its sovereign citizens, too. It is the sincere hope of the author, therefore, that such dynamics as laid out in this dissertation might be enthusiastically taken up by all sides in the debate, and will – in their own very small way – be able to herald a new paragraph in the book of collaboration amongst people, machines, academia and community, across a planet many still prefer to see as full of democratic potential. In the words of Levine (2011):

[...] What people actually talk about and try to accomplish when they participate democratically is solving problems. Politics is not a sport, in which rival teams compete for the love of the game. It is a purposive activity that matters only to the extent that problems are solved. A democratic process that is totally inefficient is worse than annoying and discouraging. It is actually a kind of contradiction. People can't come together as equals to solve problems but not solve the problems. The proper measure of "democracy" encompasses efficiency as well as equality.

If society is truly serious about improving the quality of its Criminal Justice system, it needs to improve the quality of its data – not only what it collects but also what it chooses to leave out; not only how it collects but also why it decides it needs to collect in the first place. The quality of such data collection and processing will only improve where democracy improves; and democracy will only improve where citizens become more involved. As Foucault (1983) might suggest, no power, in and by itself, will ever resist its own extension. Citizens, meanwhile, will only become involved when they begin to

realise that after at least two decades of creeping Original Sin, they have every right to reclaim their secular innocence once again. It is simply not enough to learn how to live with the shadow of doubt they are assigned. Western democratic citizens who wish to remain so are obliged to remember their primal condition and state: the sacred responsibility to challenge daily the powers-that-be, whose power only exists and is exerted as such because the citizens themselves have preferred to leave it – equally – unchallenged.

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Appendix 1 – Schizophrenality and the Snowden paradigm shift

Appendix 2 – Data Analysis Report on the Curious Case of the Missing Sousveillance

Appendix 3 – FACT Liverpool blogposts

Appendix 4 – Observation week and interview transcripts in full

Appendix 5 – Research data grouped into six themes

Appendix 6 – Miscellaneous documentation from the research process