



# Against transparency: Surveillant assemblages, partition and the limits of digital democracy

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## review of

Birchall, C. (2017) *Shareveillance: The dangers of openly sharing and covertly collecting data*. Minneapolis, MN: University of Minnesota Press. (PB, pp. xii + 86, \$7.95, ISBN 978-1-5179-0425-8)

In this short book, just 64 pages, Clare Birchall addresses the shifting relationships between data and citizens to unpack what big data, transparency and openness, mean for democracy and the government of subjects. It stands as an interesting read alongside Zuboff's (2019) voluminous *The age of surveillance capitalism*, not only for the contrast in page count, but also for the distinct theoretical take and the greater focus on the role of the State. Where Zuboff's concern is primarily on the private sector and the surveillance-based business models of companies like Google, where the primary commodity is user data, Birchall is more concerned with the seemingly utopian ideas of transparency and 'open government', as developed in the Obama era USA in particular. Throughout the book, she is at pains to focus on how sharing plays out in practice – who shares what data with whom – and draws upon the etymological roots of sharing in 'the

Old English *scearu* – “a cutting, shearing, tonsure; a part of division” [39] to examine both the dominant, neo-liberal sharing/cutting up of data, and new, potentially radical, ‘cuts’ into data, which might challenge that hegemony. As such the text, offers both a critique of the dominant model of dataveillance and neo-liberal subjectivity, and some potential paths to an alternative use of data.

Theoretically this project is anchored in the political writings of Jacques Rancière on democracy and the partitioning of the sensible, though in dialogue with ideas from Wendy Brown, Geert Loivink, Gary Hall, Alexander Galloway, Sarah Kember and others, including the almost obligatory reference to Gilles Deleuze’s (1992) prophetic ‘Postscript on the societies of control’. From this list, Rancière (2004) takes central place through his development of the idea of a distribution of the sensible, analysing democracy in terms of what can be seen and what can be said, or perhaps more accurately, of who can be seen, who can be heard, and what can be said of them. For Rancière, like Derrida, democracy is more of an event or ideal than a concrete organizational form. Where Derrida understands democracy in terms of a promise – democracy *to come* – for Rancière democracy is the moment when those who are excluded from participation – the part with no part – make demands in such a way that the political status quo must be reconfigured to accommodate them, rendering their exclusion visible, and demanding a reconfiguration of the sensible. Any definition of the *demos* that constitutes a democracy will exclude as much as it includes. Rancière (2004: 12) gives the example of the artisans excluded from the Athenian agora because they do not have the time to participate in politics: they are too busy working at their occupations. As such, they had no part in democracy, alongside the more obviously excluded slaves, women and children, on whose work political participation was dependent. For Rancière it is when this ‘part with no part’ makes a political demand that democracy appears, not because this specific demand can ever complete democracy, creating a perfectly democratic institution by adding in the part that was excluded, but because in the moment of demanding participation – demanding to be seen and to be heard – they call for a ‘redistribution of the sensible’ and a shift in politics and participation that stands for all the

excluded, or, perhaps better, draws into political debate the constitutive processes of exclusion that constitute the *demos*.

This notion of division, partition and shearing – the distribution of political parts – runs throughout Birchall’s text. It allows her to unpack the ways in which open data and transparency – data surveillance – render specific subjects visible but also makes demands upon them, interpellating them as a particular kind of subject. Political participation requires subjects to take ‘a part’ (a share) and to play that part (a role). Birchall approaches this question of political participation through the two main questions dominating debates over big data and government: ‘How much and what kind of data should citizens have to *share* with surveillant states? and How much data from government departments should states *share* with citizens?’ [1]. By emphasising the idea of sharing, in the political-theoretical context outlined above, Birchall develops a concept of *shareveillance* as process of antipoliticization that ‘forecloses politics even while seeming to foster forms of democratic engagement with government through open data’ [1]. The reason this is anti-political is that the *part* distributed to citizens through open data is pre-delineated, articulating specific modes of engagement with data, and responsibilities to both share their own data (involuntarily in most cases) and to monitor the state through specific uses of officially shared data, often mediated through dashboards and apps created by a new political layer of *datapreneurs* who render government visible in particular ways (for a profit). Following Rancière, Birchall’s suggestion is that this foreclosure of participation is anti-political because it is precisely the contestation over participation and the sensible that constitutes politics proper.

In chapter 1 Birchall makes short shrift of the liberal-utopian ideologies of a sharing economy, juxtaposing the likes of Benkler and Shirky with Dave Eggers’ (2014) *The Circle* to unpack the ‘imperative towards sharing’ as a ‘form of distribution’ in which ‘[h]uman and nonhuman actors are involved in the dissemination of data, documents, photos, Web links, feelings, opinions, and news across space and time’ [9], drawing out the broader point that ‘sharing’ allocates shares, roles and responsibilities and is an immediately political, and organizational, process, rather than some kind of frictionless exchange ushering in a world of everything for everyone.

Chapter 2 brings Rancière in to play, juxtaposing this network utopianism with an idea of politics that ‘revolves around what is seen and what can be said about it’ [11, quoting Rancière, 2004]. At just two pages long, this chapter also introduces Rancière’s commitment to *equality*, seen throughout his oeuvre but perhaps most famously in *The ignorant schoolmaster* (Rancière, 1991). For Birchall, like Rancière, politics and democracy are inseparable and grounded in a foundational supposition of equality as the right to political participation. This provides the book with a distinctive analytical, but also normative, perspective when evaluating seemingly democratizing initiatives like open government.

Chapter 3 moves the text on to more technical considerations, drawing on Alexander Galloway’s (2004) concept of *protocological* control, and considering innovations like *cookies*, to examine how the internet has been partitioned and closed off in order to enable privacy and private ownership, in contrast with its foundational infrastructure. These technologies are what enable, but also control and condition, the ‘open’ sharing of data, and the assemblage they constitute, is the subject of chapter 4.

It is chapter four that most clearly lays out Birchall’s idea of shareveillance, so it is worth quoting her at some length here. Taking issue with the etymological root of *data* in *dare* – the Latin *to give* – Birchall suggests that sharing is more complex than simply giving or taking: the metaphors that have predominated in discussions of an electronic gift-economy, or the one-sided discussions of surveillance that focus only on what is taken from subjects. This is because data is produced within an assemblage, and does not pre-exist that production:

It is not clear that data belongs to us in the first place in order for it then to be given or taken. Rather, we are in a dynamic sharing assemblage: always already sharing, relinquishing data with human or nonhuman agents... “Shareveillance” is intended to capture the condition of consuming shared data and producing data to be shared in ways that shape a subject who is at once surveillant and surveilled...one who simultaneously works with data and on whom the data works. [18]

This positioning of the subject as part of an assemblage that confers rights and responsibilities, rather than attempting to defend a pre-extant subject

who owns their data, is one of the key contributions that Birchall makes in the book. Using Rancière's conception of politics enables her to maintain a normative democratic position when evaluating the production of data subjects within this assemblage. In this she moves quickly on from discussions of data ownership and exploitation, which has been the focus for much critical work on the political economy of the internet (for example Fuchs, 2014; Zuboff, 2019), to focus on the processes of opening and closing that characterise *government* data: the main focus for chapter 5 which, at 16 pages, is the longest in the book.

Birchall's distinction between open and closed data is important to her argument. Open data is that which governments (often through the mediation of private businesses, or *datapreneurs*) choose to share with subjects. Closed data is that which is collected by central intelligence agencies (or private businesses) but not shared with those whose activities produce the data. These are not 'good' and 'bad' versions of sharing, however. 'All shared data mobilize a politics of visibility, a demand to align with a political and ethical distribution of the digital sensible' [23]. In focusing on this, Birchall carves out a space for thinking about collective politics and democracy in 'an era of ubiquitous dataveillance' that is not based on privacy *against* a surveillant, big-brother government, precisely because 'privacy claims are particularly weak when it comes to collective politics' [25]. Instead, she turns her attention to how open data places particularly responsibilities on citizens to become *active* citizens, monitoring their government in quite specific ways. Birchall suggests that the 'shareveillant subject is hailed with an added imperative- "Hey, you there! Come closer and watch."' [29], even though this interpellation to audit, analyse and witness government is impossible to fulfil because of the sheer volume and complexity of data, creating a role for reintermediation by private *datapreneurs*. This political activity then becomes a kind of work: 'Watching and seeing through (and acquiring and refreshing the technological competence required to do so) become forms of immaterial labour. In the process, a characteristic of neoliberal logic is performed: the subject is bequeathed responsibility without power' [30]. At the individual level then, the interpellation calls upon citizens to work on themselves to

become effective auditors, responsible for monitoring a government they can hardly influence. At the level of the economy, this citizenship-becoming-labour is echoed through the idea that transparency of government will generate efficiency and prosperity, for example by making markets more efficient and calling on citizens to make judgements about public service provision through transparent data on education and health. In all cases the shareveillant subject 'is one whose relationship to government is shaped by the market' [32] and who, citing Wendy Brown (2005: 43), 'strategizes for her- or himself among various social, political and economic options, not one who strives with others to alter or organize these options' [36].

This observation segues nicely to chapter 6, which examines 'new cuts' that might interrupt surveillance and offer alternative, collective projects of organizing data. Much of the attention in this chapter is given over to examining technologies for blocking the specific visibilities imposed on citizens of shareveillant government: forms of cryptography or even hardware like the *Blackphone* [42] that allows a degree of invisibility for users. Following Galloway and Thacker (2007), Birchall refers to these technologies as 'affording nonexistence – a change to be "unaccounted for," not because the subject is hiding, but because she is invisible to a particular screen' [44]. This alternative to an ideology of visibility and openness is unpacked through Derrida's idea of the secret, Byung Chul-Han's critique of transparency, and Glissant's 'right to opacity', to suggest that 'we need to meet the pervasive protocols of inequitable dataveillance employed by the securitized state and the logic of shareveillance with forms of illegibility: a reimagined opacity' rather than 'acts of publicity' like petitions and marches [8]. This is not simply to reject sharing, however, or to insist on an inviolable space of privacy. Instead Birchall turns to the idea of 'commons' as an alternative practice of sharing, drawing on de Angelis and Federici to suggest a version of sharing that is based not on transparency and quantification, but on a 'quality of relations' enacted within a specific assemblage [50].

The final substantive chapter of the book, 'working with opacity', turns to radical, open-access academic publishing as an example of commoning and

‘non-shareveillant’ sharing [51]. Using the example of the liquid books that she developed with Gary Hall, Birchall suggest that there is a radical potential to open access publishing that cuts much deeper than the productivity enhancing model of open-science that dominates economic, quantified and seemingly progressive commitments to open access in practices like the UK’s Research Excellence Framework (which stipulates open access as a requirement for outputs to be submitted for evaluation). What Birchall has in mind here is a potential for radical openness to transform that which is shared, as well as the network of relationships through which it is shared. As she puts it:

What is radical about digital open access texts is that they have the potential to intervene in politico-institutional pressures placed on cultural production and alter ideological assumptions about what a text and an author can and should do and mean. [52]

With the *Liquid Books* and *Living Books about Life* projects, the books ‘were made available on both a *gratis* (free) and a *libre* (reuse) basis’ [53], transforming the very idea of authorial property by radicalising the idea of re-using others’ ideas: the very heart of academic writing and citing. She also considers practices of collective authorship in this chapter, briefly reviewing *Acéphale*, *Tiquin* and the *Invisible Committee* as examples of radical, collective, shared authorship that both resists the quantifying, individualising practices of authorship that dog neoliberal higher education, research and writing, and offers a collective, alternative practice of commoning that might replace it.

Whilst this is a short book, it is extremely dense, and I had to read it three times when preparing this review. For a short book, it is a long review but I still have not done justice to it and would need twice the length to really work through the ideas it lays out. In a sense, however, this is the problem of the book. It is too short. The book tends to gesture at ideas, referencing a range of important concepts and sources, but does not work through them in the level of detail, and with the rigour, we usually expect from academic publications. This could easily have become a full-sized book. That would have allowed Birchall to really develop her ideas on commoning and radical open-access publishing, working through the examples she gives in more

detail and returning more explicitly to the normative framework she develops in the early chapters of the book. For the reader who is not already familiar with the sources and examples she used, this could be hard going, as Birchall does not do the work for you. Indeed, it feels a bit like a good conversation in the pub after a conference dinner, where a small group gathers, in convivial surroundings, and sharing the same short-hand and theoretical reference points. If you are not already a part of the conversation, however, it isn't too easy to take-part. But perhaps that is entirely appropriate in a text that offers a defence of opacity and relational networks?

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## the author

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value theory, and democracy at work. He has a long-term interest in how radical ideas can be translated into 'alternative' organizational practices and was involved in setting up *ephemera* as one such experiment, designed to test what was possible with radical open-access publishing and as a challenge to the dominant model of commercial academic publishing. As far as such experiments go, it was a pretty good one.

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