Individual Vulnerability and Collective Resistance Under Surveillance: Claiming the Right to Existence against Discriminatory Suspicion

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Hasan Elahi’s Tracking Transience (2003–2020) was an artistic performance of hypervisibility. Initiated in response to being misidentified as a terrorist, preemptively arrested, and interrogated by the FBI, the artist created a comprehensive life log documenting his everyday life for all to see. Despite transformations to the surveillance environment, the performance raised a question that remains relevant today: How can ubiquitous surveillance be resisted when the technologies of capture and control are pervasive, but being visible is normalized? I argue that through his performance of countervisual aesthetics, Elahi claimed the right to existence and reassessed the need for the collective refusal of surveillance. I make two contributions to the theorization of aesthetic resistance. First, against the tendency to romanticize resistance, I reaffirm the impossibility of evasion. Surveillance is ubiquitous in the current datafied society, and being under surveillance generates vulnerability. Yet it is from this located, contingent position that we need to theorize resistance. Second, by theorizing how aesthetic performance mobilizes its public, I demonstrate that resistance to surveillance needs to move beyond the individualism of privacy. Through rereading Tracking Transience, I show how visibility enables collective resistance to the normalization of surveillance control and hierarchies.

Tracking Transience (Traquer l’éphémère, 2003–2020) d’Hasan Elahi est une œuvre d’hypervisibilité. Faussement identifié comme un terroriste, arrêté de façon préventive et interrogé par le FBI, l’artiste choisit de documenter minutieusement sa vie au quotidien et de la mettre à la disposition du public sur Internet. Malgré l’évolution de l’environnement de surveillance, cette performance a soulevé une question qui reste pertinente aujourd’hui : comment résister à l’omniprésence de la surveillance face à la généralisation des technologies d’enregistrement et de contrôle et la normalisation de sa visibilité ? J’affirme que sa représentation esthétique contre-visuelle a permis à Hasan Elahi de revendiquer son droit à l’existence et de réévaluer le besoin de refus collectif de la surveillance. Ma contribution à la théorisation de la résistance esthétique est double. D’abord, à l’Encontre de la tendance à romancer la résistance, je réaffirme l’impossibilité de s’évader. Dans la société de champ de données où nous vivons, la surveillance est omniprésente, ce qui nous rend vulnérables. Pourtant, c’est à partir de cette position de dépendance située que nous devons théoriser la résistance. Ensuite, en théorisant la mobilisation du public par la représentation esthétique, je démontre la nécessité pour la résistance à la surveillance de dépasser l’individualisme de la vie privée. Par la relecture de Tracking Transience, je montre que la visibilité...
In June 2002, Hasan Elahi, a naturalized American university professor and artist born in Bangladesh, was arrested and detained at the Detroit Airport while flying back to the United States from a trip abroad (Elahi 2011b). Believing Elahi stocked explosive material in a rented storage unit, the site’s owner warned the authorities, who preemptively intercepted him. Without clearly explaining the nature of the suspicions falling upon him, the FBI questioned Elahi about his whereabouts in the days following 9/11 and his relations with al-Qaeda and the like. Elahi understood that they suspected him of terrorism. After several polygraphs that took place over 6 months, the interrogations ended. Elahi seemingly cleared his name, seemingly because he had not been officially charged nor acquitted of any accusation or crime. The arrest and interrogation happened in parallel to standard judicial procedures (Elahi 2011a).

As he saw no alternative to protect himself from the sovereign power, Elahi began to inform the FBI about his frequent international travels. He initially provided his case officer with hotel and transportation information, then with increasingly specific and personalized details about his activities, including photographs and travel tips (Elahi 2011a). He explained: “My thinking was something like, ‘You want to watch me? Fine. But I can watch myself better than you can, and I can get a level of detail that you will never have’” (Elahi 2011b).


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1The website is still online, but the geolocation part is deactivated, suggesting Tracking Transience may not be updated anymore. The Wayback Machine shows November 26, 2020 as the last updated geolocated information (Elahi 2021). Today, only the second frame remains online.
of tens of thousands of data points. While his project was intended, at first, as a protection against the FBI, it was not, for Elahi, blind obedience: “I’m hoping the work demonstrates the complex relation between the spectator and the target, surveillance and protection, voyeurism and exhibitionism, and eventually, the nation and the individual” (West and Elahi 2014).

Tracking Transience was created in the early years of the War on Terror. As the war transformed security practices, scholars were concerned with the normalization of surveillance and risk technologies that ensued (Amoore and de Goede 2008). The deployment of these technologies by economic actors led to their integration into security assemblages (Salter 2004; Amoore and de Goede 2005; Bigo 2005). The operationalization of risk within security rationale justified exceptions and preemptive interceptions (Araujo and Van Munster 2007; de Goede 2008; Amoore 2011), and led to the securitization of everyday life (Mythen and Walklate 2008; Amoore 2009a). The Snowden leaks made visible the consolidation of a complex network of surveillance designed to “collect it all” (Greenwald 2014). This surveillance did not simply raise legal considerations but actualized these trends within the big data era: binding the digital economy within security, deepening the operationalization of risk through algorithmic computation, and further securitizing a broader spectrum of a life increasingly datafied (Bauman et al. 2014; Lyon 2014; Crampton 2015).

Social media and other digital technologies were changing privacy and visibility cultural norms (Lyon 2018), creating new opportunities for the increasingly imbricated economic-security capture machine. The digital economy was also transforming with the domination of a handful of corporate actors, leading to claims about profound shifts in capitalism around the production, control, and mining of data (Srnicek 2017; Zuboff 2019). Two decades after the creation of Tracking Transience, surveillance is driven by economic actors on which graft security institutions.

In parallel to analyzing these transformations, scholars were concerned about the possibility of resistance against ubiquitous surveillance (Brighenti 2010; Raley 2013; Monahan 2015). Among these, invisibility was and remains a dominant trope of anti-surveillance discourses (Gurses, Kundnani, and Hoboken 2016; Araujo and McCluskey 2021), presented as a universal right and a condition to individually enforce through technical means if the state is unable to ensure it (Brunton and Nissenbaum 2015; Cheney-Lippold 2017; Tactical Tech 2021; Talvitie-Lamberg, Lehtinen, and Valtonen 2022). While making data less accessible to surveillers seems reasonable, privacy discourses have been criticized as individualistic and blind to the social structures of surveillance (Lyon 2001, 151; Browne 2015; Dubrofsky and Magnet 2015; Monahan 2015), leaving the question open: How can ubiquitous surveillance be resisted when the technologies of capture and control are pervasive, but being visible is normalized?

Despite its old age, I turn to Elahi’s Tracking Transience to imagine resistance. I argue that the failure of its attempt at creating protective anonymity—that could be in part explained by the changes in the digital environment since 2005—Elahi’s Tracking Transience epitomizes the “in-between” position in which we find ourselves: “waiting in-between is neither passive capitulation nor fixed inertia; instead, it is a dynamic and unbounded way of living” (Lisle 2016, 417). Under surveillance, we are vulnerable, but also actors seeking participation and resistance. Rereading Elahi’s Tracking Transience brings fresh light to understanding the contingent and located nature of resistance to surveillance. Through his performance of countervisual aesthetics, Elahi claimed the right to existence and reassessed the need for the collective refusal of surveillance control.

I offer two contributions to the theorization of resistance, more specifically aesthetic resistance, to security surveillance. First, against the tendency to romanticize resistance, I reaffirm the impossibility of evasion (Death 2010; Guillaume 2011). Surveillance is ubiquitous in the current datafied society, and being under surveillance generates vulnerability. In this context, resisting through visibility allows to
bring the light on and refuse the violence of surveillance, even if that feeds the
capture machine. Second, by theorizing how aesthetic performance mobilizes its
public, I demonstrate that resistance to surveillance needs to be collective. While
it is usually accepted that art constitutes a valuable avenue of resistance (Bleiker
2009; Shapiro 2013), the art public usually remains absent or conceptualized as pas-
sive bystanders (for an exception, see Edkins and Kear 2013). However, for artists,
the public may also be active in at least two senses: solicited to act within and gener-
ated by the artwork. In Tracking Transience, Elahi invites its public to play both roles,
first as active investigators in the project and second as a self-organized community
of caring watchers. Through rereading Tracking Transience, I show how art mobilizes
its public to collectively reject the authoritative construction of reality and perform
a transgressive equalitarian community.

After theorizing performances of countervisual aesthetics as a response to the lim-
itation of privacy discourses in the first section, I return to Hasan Elahi’s Tracking
Transience to understand the artwork. Building on interviews and previous critics of
the artwork, I contend that while Tracking Transience’s protective anonymity failed,
it illustrated the “in-between-ness” of resistance and the vulnerability of being un-
der surveillance. The last section emphasizes the artist’s visibility to claim a right
to existence. He mobilized his public to partake in the performance to see the vio-
ience of discriminatory surveillance and to validate Elahi’s claim to be indistinct and
thus non-threatening and summoned caring watchers to perform an equalitarian
community.

**Beyond Privacy: Resisting Surveillance through Performances of Countervisual
Aesthetics**

Resisting surveillance means acknowledging that social control affects people dif-
ferently depending on their categorization (Browne 2015; Benjamin 2019; Kapadia
2019; D’Ignazio and Klein 2020). Surveillance is more than the devices that record
and analyze people. Like other technologies, CCTVs, computers, and algorithms
materialize broader social relations. As Langdon Winner explains, “technological
devices and systems reflect and, indeed, materially and institutionally embody forms
of social and political life” (2006, 278). Similarly, for Jasanoﬀ, technology “both em-
bods and is embedded in social practices, identities, norms, conventions, discourses,
instrument and institutions—in short, in all the building blocks of what we term
the social” (2004, 3). Understood thus, surveillance becomes a set of devices cre-
ated, owned, or operated by economic and security institutions that record, sort,
and analyze data for social control. Social control is inherently “social,” grounded
in norms deﬁning appropriate or inappropriate behaviors and identities. As Torin
Monahan argues,

> surveillance activities—regardless of intention—are perforce ideological exercises
> that support systems of oppression and domination, whether symbolically or directly.
> The judgment implied in surveillance normalizes hierarchical relations and enforces
> unequal treatment of populations based on their perceived value or threat. (2022, 6)

Neglecting the differentiated realities produced by these hierarchical relations
has a cost. “By embracing the symbolism of universal threats or individual responsi-
bility,” Monahan develops in a discussion of critical surveillance art, “such interven-
tions can create blind spots to social inequality, racialization, and violence, to the
ways that liberal social orders depend on and propagate exclusions, often through
visibility regimes” (2022, 4–5). Escaping surveillance technology, as privacy advoca-
tes promote, may temporarily protect one’s “breathing space to survive” (Justice
William Brennan in Cheney-Lippold 2017, 211). However, it does little to shake the
structures of social control that surveillance enforces. In other words, it does little
to destabilize the norms of national security that inform why people use surveil-
lance as a technology of security, against whom they direct it, and how threats are constituted. Legal and technical privacy fixes are insufficient.

In response to the limitation of the invisibility trope, some suggested challenging the visual and aesthetic structures of power (Bleiker 2009; Shapiro 2013; Ryan 2019; Bayramoğlu 2023). They argue that, like discursive or textual representations, the visual consolidates meaning into reality, contributing to the normalization or aestheticization of the social order (Mirzoeff 2011). Thus, for Rancière (2004), the process of fixing boundaries of political order is maintained through our senses, through how we see some people, while others remain socially invisible. Rancière calls this ordering the distribution of the sensible. Hence, “aesthetics [moves] at the core of politics … as the system of a priori forms determining what presents itself to sense experience” (Rancière 2004, 13). However, the right to assert social order is linked to power. Everyone is not equally visible. Every voice is not equally heard. In this context, Mirzoeff defines resistance as the right to look back at power. Acts of countervisuality bring the autonomy of these invisible or unheard others into presence and claim a part in the socially constituted reality of political order (Mirzoeff 2011, 476–7). It counters hierarchies and individual dispossession, challenges the violence of order, and writes the world with the “grammar of non-violence—meaning the refusal to segregate” (Mirzoeff 2011, 477).

The proposed connection between in/visibility, aesthetics, and power found a lasting echo among artists (Kapadia 2019; Monahan 2022), for whom playing with images has a long history (Debord 1996). Countervisual aesthetics ruptures order by making invisible people visible and through them hierarchies, thus creating new spaces for marginalized individuals and communities. From silenced objects of power, they become political actors (Shapiro 2013, 140).

Performing for Publics: Mobilizing Viewers in Resistance

While making power visible is a common modus operandi of artists and activists, making oneself visible is still welcomed with skepticism. Surveillance literature traditionally emphasizes the asymmetry between the watcher and the watched, highlighting how this distribution of visibility participates in the discipline, control, or securitization of social domains and populations (Monahan and Wood 2018, xix–xxvi). Being visible and recorded, even by choice, can reproduce power or participate in one’s subjectification (Andrejevic 2016), a risk worsened for gendered or racialized minorities. Nevertheless, art literature emphasizes how being visible can empower (Monahan, Phillips, and Wood 2010; Morrison 2016). Performances can play with visibility in ways that resist power structures without “nai’vely celebrat[ing] the failure to appear as the answer to what plagues us” (Hall, Monahan, and Reeves 2016, 156). Even when reproductive of power, performances may show a complex understanding of social dynamics. In his analysis of the reality TV show Big Brother, McGrath (2004) observed that participants were aware of their position under 24-hour surveillance but wanted to experience how this would influence their identity. Others have also highlighted how social media goers, activists, influencers, and minorities show similar agency in a tightly surveilled environment (Cardon 2019; Savolainen, Uitermark, and Boy 2022; Trauthig and Woolley 2023, 176–88; Marwick 2012). In short, rather than approaching performance along the complicity/resistance binary, the agency demonstrated by these actors suggests looking for the tactics deployed to navigate an environment that creates vulnerability and opportunity (Barney et al. 2016).

Performers, more so art performers, are aware of being surveilled and shape their behaviors depending on their public. In a context such as Tracking Transience, the public of a performance is composed of security agencies and commercial algorithms, but also friends, parents, and art spectators (Warner 2002; Rancière 2009; Hogue 2016; Monahan 2018). This non-security public is usually ignored. However,
it plays a role in power, confirming the normalization of surveillance control and hierarchies. However, as the public translates what it sees, it can also reject this normalization, thus creating a political moment for contesting political order, the emergence of new subjectivities, or the confirmation of silenced others’ claims to existence. Art performance constitutes a favorable medium for mobilizing a public’s disruptive agency. Indeed, it is a form of art that deliberately seeks to engage its public. The ephemerality of the performance, which often leaves little behind or is in a continuous process of enactment and transformation, makes it particularly dependent on viewers. As Virno summarizes, a performance “makes sense only if it is seen or heard” (quoted in Raley 2009, 29). For the author, Kelleher notes, this reliance on others links performance to politics as it “brings into appearance a publicly organized space. Performance and political action then, also share with each other a sense of contingency [...] the contingency, we might say of what ‘happens’ to us, when we are amongst each other” (Kelleher 2013, 104).

Building on Mirzoeff’s visual theory, Rancière’s aesthetics, and performance art, I analyze Elahi’s Tracking Transience as a performance of countervisual aesthetics. Tracking Transience is, I argue, a performance more than a fixed object. Images and documents are uploaded to the website as an archive (Monahan 2021). However, more than permanence, ephemerality comes out of the project: The content constantly changes, and access to specific content is uncertain, determined by chance. Every visit offers a unique experience. Then, if Tracking Transience is made to be seen, who sees it?

I look at Tracking Transience’s public as self-organized in the sense developed by Warner (2002). Indeed, against the definitions of a public as a totality—the whole national public—or as an audience—visitors of an exhibition—Warner theorizes the public in “a third sense: the kind of public that comes into being only in relation to texts and their circulation” (Warner 2002, 67). For Warner, this third form of public “exists by virtue of being addressed” (Warner 2002, 67; emphasis in original). In that sense, a public is not predetermined but performative, created by the “at least minimal participation” of its members—although “[m]erely paying attention can be enough to make you a member” (Warner 2002, 71). Thus, a public brings together strangers linked by the circulation of a public speech and willingness to participate in the emerging public (Warner 2002, 75). Thus, also, a public never objectively exists before it is summoned (Warner 2002, 90). Public speech is framed—through language, genre, etc.—to reach the strangers that constitute the imagined public. In the process, it performatively engenders its public, which always remains unstable as there is no certainty about how and who will respond. Thus, for Warner, “The projective character of public discourse [...] is an engine for (not necessarily progressive) social mutation. Public discourse, in other words, is poetic. [...] all discourse or performance addressed to a public must characterize the world in which it attempts to circulate and it must attempt to realize that world through address” (Warner 2002, 113–4). In short, a public is performed and has a creative agency.

In raising the relationship between Tracking Transience and its public, I do not intend to measure the public’s response to the artwork. While it would be interesting to conduct an audience study to know if viewers have actively engaged with the artwork and how they have done so (for a critique, see Couldry 2004) or to track its circulation within a larger public debate on surveillance (Gros, de Goede, and İşleyen 2017; Aradau and McCluskey 2021), I adopt a different perspective. I approach the relation between the performance and its public from the point of view of the performance as public speech, that is, from two demands explicitly made by Elahi to his public through his performance: to be active viewers trying to discover why he was arrested (Gladstone and Elahi 2011) and to form a community of caring watchers in the case something wrong happens to him again (Elahi 2016). This is not to say that Elahi’s speech will reach everyone. The public is shaped through
the form of his address, but also the social environment and material infrastructure that allow its circulation (Walters and D’Aoust 2015; Saugmann, Möller, and Bellmer 2020), such as the museums that exhibit Elahi’s art and the media talking about it. However, what is most important is how Elahi constructed his resistance with others. This reliance on the public structures his artwork and highlights the “in-between-ness” of his performance of countervisuality, intimately linking vulnerability with resistance.

The Failure of Protective Anonymity against Algorithmic Security Knowledge

Elahi pursued multiple objectives with Tracking Transience: first, to generate protective anonymity to guard himself against surveillance, and second, to make visible the discriminatory violence of surveillance. In this section, I return to Elahi’s artwork to show the failure of protective anonymity. (I explore the second dimension in the following section.) Here, Elahi claimed to protect himself from surveillance by blurring his identity in a deluge of data. This contradiction between being visible and invisible, I argue, is problematic because it misunderstands the production of algorithmic security knowledge. Elahi’s protective anonymity reproduced the widespread trope that equates protection from surveillance with privacy and resistance to surveillance with invisibility.

Visibility as Invisibility: Seeking Protective Anonymity

Tracking Transience’s performance of self-surveillance was, Elahi argued, a form of “aggressive compliance” (Gladstone and Elahi 2011) or “radical transparency” (Elahi 2016) that resisted surveillance: It created a life log of his activities to show the FBI if he happened to be targeted again, yet it preserved his privacy by making his data anonymous. Visually, Tracking Transience’s website had two frames rotating every few seconds. The first frame showed two images: on the top, a photograph of Elahi’s location; on the bottom, Elahi’s location on an embedded Google Earth map. The website then shifted to the second frame, which presented archived documents: a photograph or a collage of photographs of mundanities such as food, beds, halls, parking lots, airport terminals, toilets and urinals, and other third-party documents such as bank records, bills, and transportation tickets. In short, the website showed photographs, collages, and maps on a regular tempo without any explicit or apparent order.

Elahi was convinced that his habit of meticulously noting his daily activities in his diary helped him prove his innocence to the FBI. Thus, by continuously publishing new information, the website created a detailed archive of his life. He explained: “These images seem empty, and could be anywhere, but they’re not, they are extremely specific records of my exact travels to particular places [. . . ] where I’ve bought my duck-flavored paste, or kimchi, laundry detergent and chitlins” (2011b). Visits from “three-letter [US security] agencies,” the White House, and the Pentagon, logged on the server of Tracking Transience’s website, comforted the artist in keeping an up-to-date life log (Elahi 2011a; Gladstone and Elahi 2011). Tracking Transience would provide a diary to show security officials if he came under scrutiny again. However, Elahi argued that how he shared his personal information camouflaged his privacy into a deluge of irrelevant data: “By putting everything about me out there, I am simultaneously telling everything and nothing about my life. Despite the barrage of information about me that is publicly available, I live a surprisingly private and anonymous life” (2011b).

Elahi thus played with the authoritative nature of photography to claim truth and authenticity (Monahan 2021, 147) yet presented decontextualized photographs of generic non-places that tell very little by themselves (Kafer 2016). He shared thousands of photographs but never appeared in any of them, suggesting they could be
of anyone, “lead[ing] one into an unending circuit of rootless reference” (Fisher 2014, 61). The additional Google Earth geolocation and third-party documents witnessed that Elahi told the truth (Elahi 2011b). Thus, the artist confirmed the lack of meaning of each photograph taken alone. Exterior referents were needed to validate their authenticity. For example, this image of an airport terminal was an authentic recording of the artist’s activities because Google Earth located him at the airport’s geographic coordinates, and he held a bill from a gas station situated on the way to the airport with the corresponding date.

In practice, however, the organization of data was “deliberately opaque” (Morrison 2016, 126) and “user-unfriendly” (Elahi 2011b), making this cross-referencing very difficult, if not impossible. Tracking Transience presented arbitrary collages of photographs, but how they were assembled and linked remains undisclosed: A collage could be composed of street signs from unknown locations, followed by a collage of meals and another still less obvious collage mixing plates with building halls and urinals. Only the artist knew the connections between the photographs, leaving viewers contemplating their meaning. In that sense, Wolthers argued, Elahi “parod[ied] the data tracking of subjects like himself” (2013, 172). The performance presented Elahi’s life into disected pieces of information, not so different from the bits collected here and there and mysteriously reassembled by surveillance agencies to create his terrorist profile. In other words, Tracking Transience illustrated security institutions’ inaccuracy by providing a “level of detail that [they] will never have” (Elahi 2011b).

In a logic that anticipated Brunton and Nissenbaum’s obfuscation (2015; see also Cheney-Lippold 2017, 241–8), Elahi chose noise over deletion as a protection against surveillance. Praising the project, Kafer argued that Tracking Transience illustrated the “limitations of those system’s abilities to actually achieve full transparency of their surveilled subjects. In that sense, it is not the case that Elahi wants to evade surveillance, but rather work within it as a participant in order to reimage a new type of security in anonymity through the performance of transparency” (2016, 238). Nevertheless, even as Tracking Transience mocked the inherent incompleteness of security knowledge and the resulting inaccuracy that led to Elahi’s arrest, it remained unclear what protection this anonymity provides, against what or whom.

Contrary to what the artist suggested, data analysis is not done manually. The idea that “if 300 million people started sending private information to federal agents, the government would need to hire as many as another 300 million people” (Elahi) was naive back in 2003 (see Haggerty and Ericson 2000; Marx 2002) and disconnected from the current surveillance context where datafacation led to an abundance of data on which economic and security surveillance institutions feed (Lyon 2014; Zuboff 2019). The contradictory logic that Elahi exploited, where the images published online were at once authentic—genuine recordings of his daily life—and meaningless—impossible to validate as authentic, is secondary to the production of algorithmic knowledge.

Visibility as Vulnerability: Privacy and the Production of Algorithmic Security Knowledge

Tracking Transience failed to recognize that “the practice of security has historically embraced a computational capacity to act decisively and procedurally in the face of radical uncertainty” (Amoore and Raley 2017, 2; my emphasis). As risk scholars have abundantly made clear, the incompleteness or uncertainty of knowledge is not a limitation to action but the environment in which security agencies develop technologies, think through rationales, and act in the present (Amoore 2013). The production of algorithmic knowledge, particularly by security institutions, results from the convergence of two trends. First is the integration of the notion of risk into national security rationales following 9/11 to anticipate and preempt another catastrophic event from happening (de Goede 2008). Risk differs from the produc-
tion of knowledge for criminal investigation, as envisioned by Elahi in his protective anonymity. It is an anticipatory endeavor that acts in the present from partial risk calculus to preempt possible futures rather than a patient investigation to collect information that will be brought in court to assess the accuracy of its reconstitution of the past (McCallough and Pickering 2009). Because risks remain possibilities rather than certainties, security institutions do not stop as they encounter silences or incomplete information but reconstruct “lines of sight” (Amoore 2009b), filling holes by connecting data and making projections that fit imagined security scenarios. Avoiding catastrophic events legitimizes action despite uncertainty (Aradau and Van Munster 2007).

Risk, thus, pre dates the current big data era, but new computational technologies, the second converging trend on which algorithmic security knowledge is grounded, offer instruments and a rationale to navigate the uncertainty of risk. The promise of these technologies to security knowledge lies in the ability—and mythology (Boyd and Crawford 2012)—to manage large volumes of data and generate—allegedly (Kitchin 2014)—objective positivist inferences out of it, including by identifying anomalies and triggering alarms for unknown threats (Aradau and Blanke 2018).

This algorithmic knowledge connects and compares data to produce categories (or profiles) of actors such as terrorists and to draw inferences about future behaviors (or risks). Notably, the production of this knowledge is not simply individualized (Cheney-Lippold 2017). The categorization of an individual is not solely dependent on the analysis of the available data on that specific individual. As with other commercial algorithmic categories, they are created by comparing knowns and unknowns across individuals. Thus, Amoore concludes, algorithmic security knowledge “is not centred on who we are, nor even on what our data says about us, but on what can be imagined and inferred about who we might be—on our very proclivities and potentials” (2011, 28). Similar behaviors by a known suspicious individual and an unknown individual lead to categorizing the latter as suspicious. In that context, algorithmic security knowledge forces us to think beyond individual privacy. Borrowing van Otterlo’s words, de Goede concludes: “Even if I would—as individual—replace all the glass in my house by wood (i.e., protect my data) it would still be possible to build profiles of all my neighbors and derive information about me.’ As long as privacy is thought of as tied to individual identities, it is of limited use in questioning the way that inferences are drawn, profiles are constituted, and suspicion is calibrated” (2014, 103). It is also of limited use for protecting one from surveillance’s reach.

Elahi’s preemptive arrest outside any standard legal procedure is a potent example of a security action undertaken despite incomplete and inaccurate information. It is not a failure of security but how security was redesigned to anticipate and intercept. In that context, the protection from security agencies that Elahi claimed was, at best, partial. He could decide which data he put online, but he did not control how this data would be compared and interpreted along risk scenarios. However, from this interpretation, security algorithms will raise flags regardless of their accuracy per an “authentic” identity. The algorithmic double is evaluated based on usefulness rather than accuracy (Haggerty and Ericson 2000, 613–4). Thus, it does not stop at misidentification, but works as an “additional layer of identity” that collapses “life as data and life as life” (Cheney-Lippold 2017, 10–1). Adopting suspicious behavior online for “real” or for fun will trigger similar algorithmic responses regardless of the intentions. This form of hallucination is consequential. It may be laughable when one is proposed off-target ads or films on Amazon services, but dire when related to security matters (Hogue 2021). Thus, challenging algorithmic knowledge based on its uncertainty is self-defeating. Uncertainty is intrinsic to its probabilistic nature.

Tracking Transience did not destabilize surveillance institutions nor protect its creator but kept feeding an insatiable beast. In that sense, anonymity offers a limited
solution to the vulnerability of being under surveillance, especially as datafication increases capture and categorization by economic and security institutions. However, it is from recognizing this vulnerability that we need to question the possibility and form of resistance to ubiquitous and autonomous surveillance.

Elahi’s Performance as Public Speech: Claiming a Right to Existence, Summoning an Equalitarian Community

The failure of the artwork’s protective anonymity, most apparent to contemporary viewers likely aware of the current visibility/capture dynamic of surveillance, brings to light the “in-between-ness” of Elahi’s position: vulnerable yet resistant. His stance on “aggressive compliance” or “radical transparency” missed the transformation brought by datafication and algorithmic knowledge, but he succeeded, I argue in this section, in making visible the unequal distribution of the violence carried by surveillance. Elahi’s performance was a public speech, an act of visibility in which he became a political actor and demanded his public, in two different circumstances, to recognize his right to existence. He asked that viewers play detective to understand why he was arrested and that they formed a caring community that would keep an eye on him. Through these two mobilizations of the public, the performance highlights the discriminatory nature of surveillance and forms a democratic community to resist the exclusion of silenced others.

Playing FBI Agents: Looking for Elahi, Discovering the Unequal Distribution of Suspicion

As the artist explained: “I’m hoping that the viewer has to go through the role of playing the FBI agent and cross-referencing this database with that database, and in that detective work, coming to the realization, wait a minute, this could be me” (Gladstone and Elahi 2011; my emphasis). If it could be me under surveillance, why was Elahi arrested and not me? The performance invited viewers to find in what they saw the traces of suspicion that would trigger a denunciation and a preemptive arrest, but on that ground, Tracking Transience was disappointing. There was nothing that viewers could easily associate with a threat: no sign of terrorist organization, no stacking of weapons, no bill for fertilizers or on-the-shelf biological agents, no hateful comment or protest, no Tora Bora cave. With nothing standing out, viewers were left to conclude that the reason for Elahi’s arrest lied elsewhere, in what they did not directly see. It lied in themselves, in how they collectively constructed suspicion. Vulnerability, he suggested, is not equally distributed but dependent on the imagination of suspicion.

While race was absent from the images of Tracking Transience, security’s racist imaginary remained present. Elahi’s brown body remained the subtext of the work, just as it was the subtext of his denunciation and arrest. It is, indeed, Elahi’s body that triggered the undesired attention. As he explained:

[the FBI] had received an erroneous report that an Arab man had fled on September 12th who was hoarding explosives. Now, never mind I’m not Arab, never mind it wasn’t the 12th, never mind there were no explosives there. But, you know, we’re going under this approach that well, if you have a Muslim name then you must be Arab, and if you’re Arab then you must have explosives. (Gladstone and Elahi 2011)

The denunciation against Elahi was not innocent. It reproduced the “nexus of suspicion” (de Goede 2014, 102) that imagines Arab and Muslim men as terrorists hoarding explosives and claims the sovereign right to preemptively arrest—and harass—an American citizen outside due judicial process. Thus, while the vigilance of the storage owner who alerted the FBI was presumably well-intentioned, as Elahi conveys (West and Elahi 2014), it cannot be banalized as an act of ignorance or “collateral damage.” The security narrative imagining terrorists hiding in plain sight fed
the vigilant gaze. Following 9/11, authorities mobilized the public to become watchers of their environment and to identify and report suspicious activities and objects (Larsson 2017). Authorities thus transferred part of the responsibility for providing security to “citizen-soldiers” who participated in policing their surroundings. However, this mobilization of citizens’ attention toward what may be out-of-place, Larsson notes, “contribute[d] to a normalization and perpetuation of distrust towards strangers” (2017, 96), in particular Arab and Muslim men. Despite official discourses to the contrary, Dixit observed that

various practices of visualisation have produced a specific “terrorist” identity in the mainstream (or US/Western) security imaginary – that of the brown-skinned male. [...] the “war on terror” became the key rallying point for US citizens, with Arabs and Muslims deemed outside of what constituted “America” and American values. [...] In this process of imag(in)ing others, Arabs and Muslims became racialised as dangerous subjects who could destabilise the body politic of the state. (2016, 101)

Expert and popular imaginary participated in the racialization and securitization of Arabs and Muslims, dehumanizing individuals into a threatening category and linking brown-skinned males to violence and terrorism (Dixit 2016, 101). Thus, it normalized surveillance, preemptive actions, and violence directed toward them, either internationally through the drone war (Chamayou 2015) or locally through their targeting by police and intelligence services (Seahill and Devereaux 2014; Bechroui 2018). Elahi was aware of this visualization of Arab and Muslim terrorists, as he was one of its victims:

As Americans, we tend to be much more detached from surveillance; we have normalized our relationship with surveillance to the point that we even treat surveillance cameras as entertainment… But to many of us in the Muslim community, it is indeed a different relationship, and unfortunately it is one far too often rooted in ignorance and, many times, in outright racism… when your own country takes that ignorance as the basis for national policy, it’s truly frightening. (West and Elahi 2014)

Elahi’s traumatic misidentification and the lingering fear that he might one day disappear brings to the fore the “paradox of transparency and opacity in discourses of state security” (Kapadia 2019, 189). Defined as potential threats, it forces people of color to be visible to power. Thus, in the current “culture of voluntary transparency,” where individuals are expected to “willingly become transparent or turn themselves inside out in a manner that renders them readily and visibly distinct from terrorists” (Hall 2015, 7), people of color are systematically targeted for additional scrutiny (see also Browne 2015, 131–59). At the same time, all this violence is kept secret. The “carceral regimes of surveillance, detention, and deportation of Arabs, Muslims, and South Asians after 9/11,” Kapadia notes, “have entailed the use of secret evidence and predatory prosecution policies, as well as torture, extraordinary rendition (transnational abduction), and secret prisons at the legal grey zones of US military bases and detention “black sites” across the globe” (2019, 104). This violence conducted out of sight, neither confirmed nor denied, normalized the invisibility of security. In a sense, Tracking Transience’s visualization of surveillance echoes other aesthetic practices that similarly claimed a right to look at the war on terror and make its violence visible, such as The Visible Collective’s American Gothic (Casual, Fresh, American Style) and Disappeared in America, 2002–2007 (2004–2010), Mariam Ghani and Chitra Ganesh’s How Do You See the Disappeared? A Warm Database (2004–Present), Wafaa Bilal’s Domestic Tension (2007) and 3rdi (2010–2011), Mariam Ghani’s The Trespassers (2010–2011), or Mahwish Chishty’s Drone Art (2015). For Kapadia, these insurgent aesthetic practices brought “to light the “blackness” and “blackworlds” of the domestic and global ends of contemporary US state violence” (2019, 188).
By inviting its viewers to play FBI agents, Tracking Transience asked them to become witnesses of the traumatic experience Elahi survived and the consequences of which he performed in a loop. Through his performance, Elahi asked that the public recognizes the racism of the suspicion that feeds surveillance and the unequal distribution of vulnerability under surveillance that disproportionately falls on people of color. If the Snowden leaks seemed to suggest that today, “every citizen is a potential terrorist” (Agamben 2013), Elahi reminded its viewers that, for security institutions, some people bear more potential for terrorism than others.

Summoning a Caring Community: Acknowledging the Equality of Others

Tracking Transience invited viewers to interrogate and challenge the “nexus of suspicion” that links risk and terrorism to race, but it also imagined a shared existence with its viewers. In an open letter signed in the post-Snowden world, Elahi (2016) recognized that “data are collected and used in ways that the average person is unaware of or understands only vaguely.” Protection from security agencies, in that context, does not come from sharing data with them but by making himself visible to the public. Echoing the trauma of his arrest and the threat of post-9/11 extraordinary renditions, he added: “There’s a strange sense of security in knowing that at any moment there are thousands of eyes on me, and if I were to disappear, at least a few would know that something was wrong” (Elahi 2016). Elahi recognized that Tracking Transience not only archived the artist’s life for future interrogations but also summoned a broader community of caring watchers asked to confirm the artist’s right to existence, that is, his right not to disappear. In that sense, the protection Elahi claimed was less informational—protective anonymity—than relational—sharing with the strangers who constitute his public.

The lack of distinctive features in the images of Tracking Transience performed the claim to equality with its community and, by extension, the rejection of its categorization as a threat. Indistinctness, notes Kafer, is “a condition of belonging without having any outstanding or unusual features” (2016, 236). However, contrary to Kafer’s argument, indistinctness goes beyond providing anonymity and protection. Tracking Transience showed viewers that Elahi is indistinct: “a man like any other” (quoted in Guillaud 2011; my translation). The form of the artwork, repetitive and dull, performed this claim: An endless cycle of beds, plates, toilets, institutional interior design, gas stations, grocery stores, toilets, beds, gas stations, toilets, plates, grocery stores, beds. . . portraying the banality and redundancy of everyday life. In that sense, Tracking Transience was a “dissensual” performance of countervisual aesthetics. It shattered the organization of the visible constituting political reality by reappropriating categorization. The indistinct images invited viewers to acknowledge that he was not a security risk but “like any other,” while the absence of his body in the performance circumvented the toxic reflex to attribute intentions to the color of skin and to categorize him as “brown-thus-Muslim-thus-terrorist” (Dixit 2016). Nevertheless, since he could not stop security agencies from categorizing him, Elahi performed his “category-self,” linking his life with others. He showed he was “indistinct-thus-like-any-other-thus-non-threatening” and demanded that his community of caring watchers validate his right to existence. Linking personal and collective experiences with strangers, Warner argues, the public “gives a general social relevance to our private thought and life. Our subjectivity is understood as having resonance with others” (2002, 77). Tracking Transience echoed Elahi’s trauma and right to existence to bind together a shared but differentiated experience of vulnerability under surveillance.

This form of resistance through visibility and community recognizes the in-between position in which people under surveillance, in particular people of color, are subjected. Escape is indeed impossible. Living in a “cabin in the woods” (Muller
2014), the surveillance-related actualization of Foucault’s “great refusal” (Death 2010) uselessly glamorizes the definition of privacy as “breathing space of survival.” Resistance occurs within the context of surveillance, knowing—frustratingly—that to be visible is to be complicit and contribute to one’s or others’ vulnerability. Others have also observed how people of color tried to be visible despite their position of vulnerability by creating networked counterpublics through platforms such as Telegram, WhatsApp, and WeChat that offer more control of their sharing experience, for example, by limiting access. In practice, however, this tends to lead to the creation of homogenized “semi-public spaces” (Trauthig and Woolley 2023, 5) where part of the interest in participation rests on the perceived intimacy of these spaces and the possibility to discuss topics relevant to them (Trauthig and Woolley 2023, 7–11). Thus, Trauthig, and Woolley note, these new network counterpublics offer “a protective shield for minority populations to discuss potentially sensitive topic” (2023, 12).

By reaching an open rather than closed public, Elahi offered a different avenue to navigate the “in-between-ness” of his position. He showed that the violence of suspicion cannot be resisted alone or solely through technical fixes. Suspicion is normative, anchored into how political order defines and hierarchizes others. Thus, it needs to be resisted at the relational level, as Elahi performed, acknowledging each other’s right to existence and building caring communities. By the shape of the performance and the social and material context of art exhibitions, it is likely that part of Elahi’s public self-identifies as progressive and critical of security measures. As Saugmann, Möller, and Bellmer remind in their analysis of a similarly themed artwork, “we are [the] audience—primarily western middle class citizens who are spectators in privileged locations, visiting museums, reflecting upon our agency” (2020, 2006, emphasis in original). In that sense, Elahi’s performance could be seen as reinforcing an already existing political divide. At the other end of the political spectrum, individuals mobilized by the national security vigilante campaign, such as the rented storage owner who warned the FBI about Elahi, could also claim to care for their (differently defined) community. However, because security institutions speak to all when they normalize suspicion and hierarchies, resistance speech similarly needs to break the boundaries of homogeneous groups and address all those who participate in this normalization to invite them to reject it. Making visible his trauma and the weight of suspicion, Elahi reminds those most likely to be sensitive to his situation of the importance of care. As the performance circulated, sometimes beyond the traditional circuits of liberal-minded art—Elahi appeared on Fox News (Elahi n.d.)—a less receptive audience could also be confronted with a form of violence that State authorities do not publicize (Möller, Bellmer, and Saugmann 2022, 9). Seeing the violence usually kept in the dark, these individuals could be prompted to redefine their notion of care to include those they previously excluded. This resistance may lack romantic heroism (Guillaume 2011), but it makes visible to surveillers that a caring community collectively rejects the State’s definition of suspicion and exclusion. This community “refuses to segregate” people of color, writing a narrative with the “grammar of non-violence”: racialized lives are indistinct, like any other, equal, and non-threatening.

**Conclusion: Performing in-between Spaces for Resistance**

In this article, I asked: How can ubiquitous surveillance be resisted when the technologies of capture and control are pervasive, but being visible is normalized? I argued that despite partial failure, Elahi’s *Tracking Transience* epitomizes the in-between position in which we find ourselves: vulnerable to the capture of our data, but also actors seeking participation and resistance.

The failure of *Tracking Transience’s* protective anonymity highlights the limitation of privacy as an instrument of resistance against surveillance. Elahi’s playful
demonstration of the incompleteness of security knowledge misunderstood the radical uncertainty at the heart of algorithmic knowledge. Agencies work despite incompleteness—despite people keeping some of their data private, despite some data being inaccessible. To fill the blanks, security institutions use computational technologies that categorize individuals despite the lack of specific information by comparing them with others. Thus, one’s privacy is circumvented by the capture of others’ data.

Analyzing Tracking Transience as a performance of countervisual aesthetics, the artwork becomes a public speech that summons its viewers to form a public that will validate Elahi’s claim to existence and form a caring community watching over his safety. The fact that the performance predated the ascent of social media and the profound datafication of our society—and its naivety regarding the possibility of flooding surveillance institutions with a deluge of data—does not disqualify the validity of his resistant proposition: the need for a collective response to make visible our refusal of surveillance control.

In this context, we can understand the two contributions to the literature on aesthetic resistance to surveillance made in this article. First, surveillance is ubiquitous in the current datafied society, and being under surveillance engenders vulnerability. Recognizing this situation is not to validate nihilistic laissez-faire where surveillance institutions should face no regulation but reminds the contingent nature of resistance (Lisle 2016) and the importance of reappropriating one’s visibility. Resisting through visibility allows to make visible and reject the violence of surveillance, such as the racist nexus of suspicion that fuels the targeting of brown-skinned people, even if that feeds the capture machine. Second, by theorizing how aesthetic performances mobilize the public, I demonstrate that resistance to surveillance needs to be collective. Indeed, the individualism of privacy discourses offers limited protection against the interpretative autonomy of surveillance institutions. More importantly, Elahi’s Tracking Transience highlighted that resistance means taking on the normative dimension of surveillance: Why, how, and against whom these technologies of control are deployed. The artwork provided an avenue to summon a public to reject the construction of reality—such as visualizing threats into brown-skinned bodies—and to perform a transgressive equalitarian community.

Of course, the actual constitution of this community is out of his control. Tracking Transience summoned an imagined group of strangers, but the incantation may fail for multiple reasons. Art and texts carry a surplus of meaning. Viewers may reject his act of resistance as complicit (Rome and Schuilenburg 2008; Hall 2015) or unrealistic in the economic context of surveillance (Ahnert 2017). They may more fundamentally deny Elahi’s claim to indistinctness, abiding by security’s risk rationale that all that is not transparent is suspicious. The multiplicity of interpretations and the uncertainty of reaching a public are the faith of public speech. However, this lack of control should not put shade on the originality of Elahi’s resistance. The power of aesthetics is precisely in this surplus of meaning: The aesthetic surplus disturbs the normalized visualization of reality (Rancière 2004; Bleiker 2009; Shapiro 2013). It invites viewers to transgress order and imagine a world beyond—the first step toward its collective construction.

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