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Special Operations: Deploying artists' methods to investigate surveillance

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2. None of the material contained in the thesis has been used in any other submission for an academic award.

3. I am aware of and understand the University's policy on plagiarism and certify that this thesis is my own work. The use of all published or other sources of material consulted have been properly and fully acknowledged.

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Special Operations: Deploying artists' methods to investigate surveillance

Abstract

Surveillance methodologies incorporating processes of observation, technique, imaging and analysis, have extensive material and processual crossovers with the work of artists. Creative practices employ the material qualities of new technologies and examine their application beyond specialist use. Artists' practices span or blur ways of working straddling disciplines that have conflicting authorities, histories or representation. Arts research has the potential to extend what is visible, whilst working in response to specific environments, and expand established methodological frameworks. Some arts practices share commonalities or collaborate with investigative journalism. However, the idiosyncratic nature of arts practice means that its unique value has the potential to be overlooked or fall 'under the radar'.

The study adds definition to the unique characteristics of arts research through three key questions: can artistic practice enact a critical analysis into the optical regime of surveillance practices; how might an understanding of the materials and techniques of surveillance inform our knowledge of the political and ethical frameworks that authorise its use; how might the processual and material qualities of arts practice and investigative journalism complement each other?

The study draws from key artists' work to understand the affordances of the 'image' and shifts in relation to the technologies that determine them: Harun Farocki's work on militarised visioning; Hito Steyerl's analysis of the pervasiveness of surveillance in a contemporary image; Eyal Weizman's examination of the stratification of vision and image hierarchies; and a forensic analysis of materials by Susan Schuppli and Lawrence Abu Hamdan. These expanded qualities of the image consider how these forces exert as well as disrupt authorship and, through this, authority. The study considers artists' ability to straddle roles through performative resistant practices by Lewis Bush, Jill Gibbon, Kypros Kyprianou, Ian Nesbitt, Jack Tan, Mark McGowan and the Clandestine Insurgent Rebel Clown Army.

The research takes place at the Houses of Parliament, London, during the passage of the Investigatory Powers Act (2016) followed by analysis of archival film, video and photography from hidden cameras at the Stasi Records Agency. Research methods employ props, writing, performance-lectures, and exhibitions. Retro spyware is used covertly whilst the Investigatory Powers Bill is debated, to question what might become visible when surveillance techniques are repurposed to look *at* surveillance.

Research findings emphasise, iterative, nuanced and minor processes founded in making art that extend technique through grounded, situated and relational critique. A search for definition within the study is examined within images, arts methods, surveillance and ethics. The study emphasises the importance of arts research within wider contexts and its potential to question established research orthodoxies.

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Chapter 1: Introduction

1.1 Artists and surveillance

Surveillance methodologies incorporating processes of observation, imaging, technique and technologies, analysis and interpretation, have extensive material and processual cross-overs with the work of artists. At the core of traditional, historic and contemporary art practices lies observation, analysis and interpretation of our environment and behaviour. It is perhaps because of the way that surveillance technologies simulate and enhance these processes that I have found them so compelling. Artists and writers are known for challenging regimes that rely on surveillance alongside censorship of the visual, and have often been the target of authoritarian regimes because of their ability to powerfully capture uncomfortable truths through creative works[1].

Increasing access to advanced industry-standard, specialist technology that is affordable and readily available, has enabled artists to extend research and arts practices beyond specialist use, from for example, the military, science, security, forensics or industry. As practitioners who specialise in vision and interpretation, artists are acutely aware of the effect that new technologies have on the ways in which we 'see' and are able to 'look', this is particularly true of technologies centred on visioning.

Imaging technologies have a long antecedence with military and state surveillance. One of the earliest uses of the photographic image was aerial reconnaissance placing vision and its record alongside military intelligence by providing new vantage points. The Stasi Records Agency's film, video and photography archive in Berlin, lays bare and exposes the reliance on the image in surveillance practices rooted in photographic and filmic technique. As technologies advance our understanding and interpretation of a contemporary 'image' shifts. Contemporary 'images' hold different material qualities that present new parameters, potential, value and critiques. Rather than images forming the basis of surveillance material, images are permeated by the prevalence of surveillance

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[1] https://www.indexoncensorship.org/2017/10/jodie-ginsberg-art-authoritarianism/

technologies themselves, presenting new possibilities for an analysis of the image.

As practitioners are artists able to apply an understanding of process to a critique of the 'images' that technologies produce? Does this generate different knowledge of the technologies themselves?

Artist and writer James Bridle describes artists who respond to and use new and advanced technologies in their work as 'critical technologists'[2]. By combining the aesthetic sensibilities of artists with the advantage that new techniques offer, arts practice provides a way to explore, speculate and reveal what may have been hidden or inoperative. The use of new technologies within arts practice enhances, disrupts and questions an understanding of the 'image' and in doing so provides the opportunity to explore the potential, application and impact of technological developments. Artists and researchers can circumvent, reassemble, reconstruct or redistribute imagery. This presents opportunities to challenge representations assigned to those in positions of power such as the state, the military, or large private corporations.

Donna Haraway critiques the proliferation of visualising technologies in her writing on ocular centrism[3] (1988). She states that 'vision in this technological feast becomes unregulated gluttony' and argues this is used by those that are part of the 'history of science tied to militarism, capitalism, colonialism, and male supremacy … in the interests of unfettered power' (Haraway 1988: 118). Today's proliferation of the use of big data is now an absolute illustration of Haraway's critique in 1988. Artist and writer James Bridle argues that the complexity inherent in technology will always lend power to a few 'through opaque machines and inscrutable code, as well as physical distance and legal constructs.'[4] (Bridle, 2018: 8).

Ignorance surrounding the application of surveillance technologies is compounded by

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[2] Bridle, J. (2019, 17 April). In *New Ways of Seeing, Invisible Networks.* [Radio broadcast]. BBC Radio 4.. https://www.bbc.co.uk/programmes/m000458l
[3] Haraway, D. (1988). Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. *Feminist Studies, 14 (3)* 575-599.

the lack of ethical critique[5] that surrounds computer science, data analytics and the development of technologies. Bridle is one of many contemporary artists and researchers who use technology to investigate opaque, obscured or less visible systems that obfuscate geographies of power and influence, in effect turning the technology back on itself. Artists use the framework of specific technologies to bring together the how and what of surveillance representations, to scrutinise what artist and writer Ursula Biemann refers to as 'organising systems'[6] as well as the 'operation of power' (Bridle 2018: 8).

Curator Alfredo Cramerotti describes 'art that tries to expose or make things visible as an emergent mode of investigative journalism'. Some artists share platforms with investigative journalists, or contribute to research that provides evidence to courts of law and human rights organisations. Art in this context then becomes another forum for 'reporting' and presenting expanded and alternative narratives as evidence. But this dissemination of art research is just some of the forums it may operate within, other forums may include for example, consultation, government committees, film screenings, public presentations, publications, conferences or exhibitions. Art and investigative journalism share methods of investigation through responsive and role shifting practices. Each discipline probes and unearths details but work within diverse but defined parameters that demand different ethical scrutiny.

Artists who employ investigative practices are not only limited to those who make particular use of new media or make work about surveillance. Artists employ diverse and idiosyncratic practices, and can bring technical or specialist knowledge of material processes to access, examine, illustrate or expose what might not otherwise be apparent. Artists' methods present tactics that exist in the process of making or make use of situated and embodied knowledge to probe or resist power and authority or

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[4] Bridle, J. (2018). *New Dark Age, Technology and the end of the Future,* Verso, UK.
[5] The lack of ethical critique was discussed and highlighted by Surveillance Scholar David Lyon in the plenary of the Surveillance Studies Network 8th Biennial Conference, 9th June 2018. https://conferences.au.dk/fileadmin/user_upload/SSN2018-program-online-5.pdf
[6] Biemann, U. (2012). Counter-Geography as Political Aesthetic Practice. *Interventionen,* Germany, Brill | Fink, pp. 245–255.

access environments that are restricted. These are practices that draw from the diverse specialisms established through *making art* - a particular type of material exploration but one that brings environments, social interaction, politics and performance into play (see Chapter 2 Performative Processes). A knowledge and understanding of making and the processes involved in making means that artists not only understand iterative processes but that they are not afraid to dismantle something that may be considered finished or entire. A confidence in dismantling, reverse-engineering or deconstructing offers different affordances in knowledge production.

1.2 Contemporary surveillance

Following the World Trade Centre attacks of 9/11/2001, the London bombings of 7/7/2005 and the increase in terrorist attacks on the West, the use of digital surveillance was significantly extended and legislated for in the European and British courts[7]. In the post 9/11 political climate the focus shifted overwhelmingly to security rather than privacy. US Congress and governments across Europe dramatically increased collection of personal information including warrantless collection.[8] Politicians introduced legislation that expanded the powers of intelligence and law enforcement agencies across Europe, including the UK, France and Germany (despite Germany being highly sensitised to surveillance following Nazi and Stalinist totalitarianism).(Zuboff, 2019: 114)

Since the early 2000s investigative journalists and whistleblowers had been reporting on the bulk surveillance capabilities of the UK and US governments, enabled through a change in the material qualities of surveillance to one that became predominantly digital. It was not until Snowden's revelations (2013) and their publication through investigative journalism, that the detail and extent of bulk surveillance was understood

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[7] For details of legislation and campaigns see the websites of Privacy International, Open Rights Group, Liberty and Big Brother Watch.
[8] Zuboff, S. (2019). *Surveillance Capitalism,* Profile Books, London. p. 114

and affirmed as 'mass surveillance'[9]. Snowden exposed the ease with which contemporary governments can carry out mass digital surveillance without civilians being aware. Since then the surveillance dialectic surrounding personal privacy and state security has been debated in the US Congress as well as European Parliaments and continues to be defined through challenges to surveillance legislation from MPs, civil liberties and human rights NGOs in the European courts and the UK High Court. Snowden's whistleblowing was fundamental in establishing an avowal of surveillance capabilities and instigating the development of a legal framework in the UK. In response to this the UK Government introduced the Investigatory Powers Act (Nov 2016).

Big data fundamentally alters the power dynamics embedded within surveillance from one that is carefully controlled and monitored by the state, to the hands of multinational technology companies with huge economic power and clout. This bolstering of private interests might present the possibility of a movement away from democratic or accountable structures[10] to one that presents an opportunity for collusion or influence for economic or political interests. This shifts the balance of power away from the civilian and toward the state but also away from the state and towards private corporations.

Digital surveillance has become a ubiquitous part of our daily interactions and personal communications. In her book *The Age of Surveillance Capitalism* (2019), sociologist Shoshana Zuboff tracks the sharp increase and advance in digital surveillance capabilities and describes surveillance that is managed by the world's most valuable technology companies whose systems are much further ahead than any legislation that has the potential to govern its use. Zuboff details Google's determination to protect itself 'from the slow pace of democratic institutions', knowingly recognising and maintaining a

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[9] In 2013 whistleblower Edward Snowden, then a US Central Intelligence Agency (CIA) employee, leaked a selection of highly classified documents taken from the National Security Agency (NSA). These documents revealed in detail the global surveillance programmes, their capabilities and procedures run by the NSA and the Five Eyes Intelligence Alliance with the cooperation of European governments and telecommunications companies. (The Five Eyes (FVEY) is an anglophone intelligence alliance comprising Australia, Canada, New Zealand, the United Kingdom and the United States) The revelation of these bulk powers alongside sharing and collection collaborations between the NSA and Government Communications Headquarters (GCHQ) became commonly referred to as 'mass surveillance'.
[10] https://www.theguardian.com/commentisfree/2018/mar/28/all-the-data-facebook-google-has-on-you-privacy

legislative gap (Zuboff, 2019: 104). She describes large tech corporations hiding the immense data harvesting that takes place under a shroud of 'inevitablism', blaming the technology for the collection, amassing and machine learning that it generates. She describes a situation where large tech companies like Google or Facebook maintain ignorance in their populations over the use of their data so that users feel free to offer very detailed information about ourselves and our lives to their platforms.

Zuboff describes the surveillance qualities of technology architecture originally developed by Google:

> … Google's invention revealed new capabilities to infer and deduce the thoughts, feelings, intentions, and interests of individuals and groups with an automated architecture that operates as a one-way mirror irrespective of a person's awareness, knowledge, and consent, thus enabling privileged secret access to behavioural data. A one-way mirror embodies the specific social relations of surveillance based on asymmetries of knowledge and power. (Zuboff, 2019: 80/81)

The worlds' five most valuable companies GAFA (Google, Apple, Facebook and Amazon) have capitalised on the lack of privacy protections surrounding data harvesting and the analysis of behavioural data. This is the basis of what Zuboff calls 'surveillance capitalism', a process in which human experience through digital interaction is claimed as free raw material to analyse and turn into behavioural data. Zuboff states that although some of the data collected are used for things such as service improvement, the residual benign data are described in the industry as 'behavioural surplus, fed into advanced manufacturing processes known as "machine intelligence" and fabricated into *prediction products* that anticipate what you will do now, soon and later.' (Zuboff, 2019: 8). These behavioural predictions are traded in what Zuboff identifies as a new market place: 'behavioural futures markets'. She suggests that consumers can be nudged, coaxed, tuned and herded towards profitable outcomes creating a situation where 'machine processes not only *know* our behaviour but *shape* our behaviour at scale'. Zuboff calls this 'new species of power' *instrumentarianism,* in which the means of production becomes the 'means of behavioural modification', enacted through a digital architecture of 'smart' networked devices, things and spaces.

New and extended 'asymmetries of knowledge and power' (Zuboff, 2019) generated by new surveillance technologies are no longer grounded in seeing, observing or watching but depend on detailed digital data collection, artificial intelligence and analysis, and digital distribution. The prevalence of global surveillance technologies alongside a redefinition of the material qualities and application of surveillance, effects our sense of spatial and temporal orientation altering an understanding of the 'visual' and the way that we encounter the contemporary image (see Chapter 2 Context, Haraway, 1991; Farocki, 2004; Steyerl, 2012).

Mass surveillance exposed by Snowden or surveillance capitalism defined by Zuboff describes a climate of 'certainty' (Zuboff, 2019), of detail *through* data, that not only predicts behaviour but as Snowden discussed in the documentary film *CitizenFour* (Poitras, 2014)[11] or as investigative journalist Carole Cadwalladr[12] proposes, also has the potential to shape behaviour, quash dissent[13] or challenge democratic process. By amassing and processing a broad network of detailed data an exceptionally detailed individual profile can be generated, one that not only amasses visual, personal, behavioural and psychographic imagery, but one that holds temporal qualities creating the possibility of looking at an 'image' that holds the present, the past and the future - a behavioural image.

Surveillance Scholar David Lyon suggests that 'state activities cannot be considered without noting the data flows between private corporations and government agencies', and of the part played by new technologies themselves…especially as artificial intelligence (AI) is promoted'.[14] The climate that artists are responding to is one of pervasive surveillance that threatens public trust and alters our sense of privacy and

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[11] Poitras, L. (2014). *Citizen Four* [Film]. Praxis Films.
https://citizenfourfilm.com

[12] Cadwalladr, C. (2016, December 4). Google, democracy and the truth about internet search. *The Observer.* https://www.theguardian.com/technology/2016/dec/04/google-democracy-truth-internet-search-facebook

[13] Snowden describes the prediction of behaviour as one of the key reasons he decided to expose the NSA in the film *CitizenFour* (Poitras, 2014)

agency. It is also one in which a huge amount of data is offered freely and published online, and where advanced technologies are increasingly accessible.

1.3 Research Questions and Objectives

In 2018 the Surveillance Studies Network launched an arts prize[15] to expand the cultural analysis of surveillance and explore creative methodologies as part of the Surveillance Studies Network Conference[16], a conference normally associated with the social sciences. Giving a platform to artists within the Surveillance Studies Network was a positive and valuable recognition of arts research. During a plenary discussion (2018) surveillance scholar David Lyon outlined a lack of technical knowhow as problematic when academics are critiquing surveillance technology. This might limit an exploration of the full potential of surveillance technologies or inhibit the understanding that we might have about the negative or unethical application of its use. In order to assess, critique or realise the potential of technology it is necessary to have a basic understanding of how it works, the origins of its use as well as anticipating its possible future or alternative use. Without a feel for the material qualities of surveillance technology, our understanding and experience of its use, application or potential is limited. This presents an opportunity for arts research that employs imaginative, sensory and creative methodologies embedded within material and visual processes. Many artists explore, critique and offer an analysis of surveillance technology, its application and potential through arts practices. A better articulation of arts research methodologies will enhance a broader understanding of their strength.

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[14] Lyon, D. Centre for International Governance Innovation: security, surveillance & privacy. *State and Surveillance.* Retrieved February 9th 2023 from https://www.cigionline.org/articles/state-and-surveillance/
[15] Butler, R. (2017). *Come & Go* (interactive dance installation) was one of four that received an award at the inaugural Arts Prize.

Medium.com (2018, April 3). Artist Interview: Rose Butler, creator of 'Come and Go' *Blink, the blog of 'Surveillance & Society'*.
https://medium.com/surveillance-and-society/artist-interview-rose-butler-creator-of-come-and-go-38a4d119e253

Butler, R. (2020). Lines of Resistance. *Surveillance & Society.* 18(1): 142-147.
https://ojs.library.queensu.ca/index.php/surveillance-and-society/article/view/13529

The study aims to address three key questions:

1. How might art practice enact a critical analysis into the optical regime of surveillance practices?

2. How might an understanding of the materials and techniques of surveillance inform our knowledge of the political and ethical frameworks that authorise its use?

3. How might the processual and material qualities of arts practice and investigative journalism complement each other?

Objectives

The research questions steer two main objectives:

1: To situate myself in two selected surveillance contexts and to develop artistic methods to examine the material qualities of surveillance artefacts and processes.

2: To produce a body of practice and explore forms and methods to communicate how these processes generate insight.

The study contains a review of art practices, research and the production of works, to examine surveillance, legislation and civil liberties. The scope of the study is grounded in a discussion of the 'image' that maps its material qualities in relation to technological advance. The analogue image is used as a structural grounding for the 'language' of the digital image and the consideration of the optical regime of surveillance. The material qualities of the contemporary image are expanded upon to consider the particularities that digital media brings. The potential of image 'velocity', and 'access' is introduced and

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[16] The 8th biennial Surveillance Studies network conference, *Surveillance Beyond Borders and Boundaries,* Aarhus University, Denmark, 7th - 8th June 2018.

an understanding of 'point of view', 'resolution' or 'authorship' shifts. These qualities unanchor the image from our understanding of the analogue image, creating different mobilisations and uncertain potential. This analysis of the structuring of the image forms the basis from which to consider historical and contemporary surveillance practices.

In addition, the study draws from selected fiction, and historical novels from censored authors and archival material. This literature and material is used to illustrate, understand and contextualise political commentary, and inform an understanding of the ethical parameters of surveillance and state overreach.

The study explores the crossover between arts methods and those of investigative journalists and 'agents'. Tactics are employed to question what might become visible when surveillance techniques, devices and materials are repurposed to look *at* surveillance and explores the techniques of an 'artist-agent' as a performative method to put into action 'investigations' through practice. This is explored and enacted through the condition of being 'operative', a modus operandi for making work whilst responding to the particularities of world-renowned historical institutions within a volatile political climate.

These experiences, encounters, fictional and non-fictional narratives are bought together through a series of reflexive 'debriefs' developed from field notes, and contextualised alongside archival material, political reports and commentary. These debriefs form part of a body of artworks developed through the study.

1.4 Historical and political context of the study

The two sites for the enquiry are; the Houses of Parliament, London, during the passage of the Investigatory Powers Act (2016) and the Stasi Records Agency, Berlin through a review of historical surveillance techniques and an analysis of archival film, video and photographic documentation. Both of these contexts involve mass state data collection and different complexities of privacy.

The Investigatory Powers Act (2016) concerns the collection of and access to state surveillance data and presents challenges to privacy. The legislation enabled a significant extension of the UK state agencies' digital surveillance capabilities. The Stasi Records Agency releases surveillance data and navigates the protection of privacy via the Stasi Records Act (1991). This unique resource of publicly accessible secret service data of a former dictatorship, provides essential insight into a mass surveillance system. Fieldwork carried out at these two sites creates the possibility of reviewing a failed mass surveillance system whilst observing the extension and rationale of contemporary mass surveillance. The Stasi Records Agency provides extensive evidence of state overreach and is in itself a reappraisal of operations of power, whilst the Investigatory Powers Bill presents an appraisal of why it is considered ethical to increase contemporary surveillance in the UK.

The period of this research spans an historically unprecedented time: commencing as the European refugee crisis unfolded and the EU referendum took place (2016) and Donald Trump became President elect in the US (2016). The study is infused with the legacy of these events and bears witness to the potential use, application and evolving understanding of bulk data (see Appendix A: Political Context of the Investigatory Powers Bill).

Chapter 2: Context

Chapter 1 discusses image making in relation to arts practices as well as surveillance techniques and identifies both material and processual affinities. I introduced a comparison between arts research and investigative journalism and described situated research methods that extend the application of new technologies. I examined how asymmetries of knowledge and power differ within a contemporary image, one that is informed by surveillance as well as big data. I proposed that a contemporary image could be described as a 'behavioural image' that has temporal qualities holding both the present, the past and the future.

Chapter 2 expands on an understanding of the material qualities of the 'image' as a framework within arts practice to understand operations of power through the technologies that produce them. The chapter's second section *Art and Investigative Journalism* considers the particularities of investigative journalism alongside the investigative processes of arts practice that is centred on the 'image'. The final section of the chapter *Performative Processes* introduces arts practice that works alongside an 'image' and employs performance to create role shifting capabilities.

2.1 The surveillance qualities of a contemporary image

Contemporary technologies shift our understanding of, and interaction with, the images they produce. The pervasiveness of surveillance technologies in our daily interactions define the qualities of contemporary images and the ways they are generated, influenced, circulated and mobilised. The particular material qualities of a digital image; point of view, resolution, velocity, authorship, and access are used to consider the power at play within images and the ways these qualities are used to exert as well as disrupt authorship and, through this, authority.

2.1.1 Point of view
Advanced technologies that have roots in militarised development (including the

internet)[17] are considered to shift the geopolitical terrain and terms of warfare. Philosopher Grégoire Chamayou's book *Drone Theory* (2015)[18] discusses the experience of civilians on the ground in the presence of an armed predator drone. Chamayou describes drone warfare as existing outside of recognised combat zones and therefore outside the legislatures which govern these zones. This is explored more fully by investigative journalist Chris Woods in his book *Sudden Justice* (2015)[19] and by the organisation Airwars[20] that he founded and now chairs. Peter Wall's website Geographical Imaginations[21] also provides extensive analysis on digital warfare and militarised visioning.

Artist and filmmaker Harun Farocki's work and writing was at the forefront of examining visual regimes resulting from machines, technologies and algorithms. His analysis centres on the mediation of visioning and examines how visual hierarchies influence systems of power. Farocki considers how and what images get made, and his concerns are as much the material processes of making as the materiality of the images themselves.[22]

In his text Phantom Images written in 2004, he discusses the loss of the horizon through an analysis of image sequences from the Iraq war (1991). He describes three different points of view within the footage: the point of view of the pilot which remains embodied and references the horizontal; the point of view that is not humanly possible to achieve - shots from a camera hung under a train for example; and a third point of view from a bomb - 'a bombs eye view', from a camera fixed beneath a drone as it plunges towards its target. Farocki describes the technology used for military visioning as 'operative

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[17] See: Levine, Y. (2018). *Surveillance Valley, NYC:* Perseus Books.
[18] Chamayou, G. (2015) *Drone Theory.* London: Penguin Books.
[19] Woods, C. (2015) *Sudden Justice: America's secret drone wars.* London: Hurst; The Centre for Investigative Journalism https://tcij.org, Goldsmiths University, London.
[20] Airwars is affiliated with Goldsmiths University, London.
[21] https://geographicalimaginations.com/
[22] In his work *I Thought I Was Seeing Convicts* and *Ausweg/A Way* he examines image-making within apparatuses of surveillance and domination https://www.harunfarocki.de/installations/2000s/2000/i-thought-i-was-seeing-convicts.html
https://www.youtube.com/watch?v=I7DwZlEN200
https://www.harunfarocki.de/installations/2000s/2005/a-way.html

images'[23] - producing images as part of the performance of an operation rather than representing a subject or object. Farocki proposes that 'the function of the eye is that of a weapon.'[24] As a viewer we are placed in the point of view of a weapon - a militarised eye looking for its target rather than looking at the subject or object of an image (see fig 1 below).

Figure 1

Photo: *Eye/Machine III* Note. © Harun Farocki, 2003

These images, he suggests, 'offered us an image of something about which we only

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[23] Farocki, H. *Phantom Images,* Public 29, 2004 (Based on a talk at ZKM, Karlsruhe, Germany 2003)
[24] Farocki quoted by Chamayou, G. (2015) *Drone Theory. London:* Penguin Books p114.

had limited knowledge until the cruise missiles of the 1980s appeared' (Farocki, 2004: 13). Farocki describes a ubiquitous point of view (an unrestrained point of view from any position, including ones which are humanly impossible) as contributing towards the 'rhetoric of exaggeration' (commonly used in cartoons or animated film). He draws parallels between gaming and militarised images 'filming the missiles approaching the target or the detonation'. This 'made the war look like a computer game ... war resembles child play' (Farocki, 2004: 15). Farocki's 'operative images' offer an analysis of the militarised point of view from the targeted bomb 'images produced by the military and ... controlled by the military and politicians.' (Farocki, 2004: 15).

Hito Steyerl's text *In Free Fall: A Thought Experiment on Vertical Perspective* (2012) discusses how our contemporary sense of spatial and temporal orientation has changed through new technologies prompted by surveillance, tracking and targeting. The text opens with a description of falling and discusses the present moment as being 'distinguished by a prevailing condition of groundlessness'.[25] She uses this description of falling to present disorientation, the disruption and loss of a horizon and also of time and space; without a stable ground our sense of gravity is disrupted and falling becomes relational: 'This disorientation is partly due to the loss of a stable horizon. And with the loss of a horizon also comes the departure of a stable paradigm of orientation, which has situated concepts of subject and object, of time and space, throughout modernity.' (Steyerl, 2012: 14)

Steyerl's description of a contemporary point of view presents the adoption of a 'God's-eye view'[26]. We could think of this in terms of Google Maps, Google Earth, satellite views, gaming technologies or 3D entertainment. This is different from the images of drone warfare that Farocki described in 2004. Farocki analyses the shift that a 'bombs eye view' brings to our experience of an encounter with the visual whereas Steyerl describes the contemporary experience of embodying a ubiquitous and omnipresent point of view through new technologies rooted in surveillance. Views from above

[25] Steyerl, H. (2011) In Free Fall: a thought experiment on vertical perspective. *E-flux Journal 24.* https://www.e-flux.com/journal/24/67860/in-free-fall-a-thought-experiment-on-vertical-perspective/
[26] Steyerl, H. (2012) *The Wretched of the Screen* London: Sternberg Press.

generated by contemporary imaging technologies offer exceptional qualities. As well as the possibility of a high resolution image, it is one that can be in motion, controlled remotely, increasingly immersive and can present a range of perspectives simultaneously. For example Google Earth presents vertical and oblique views of the world that are accessible, zoomable and pannable[27]. The 'above' Steyerl refers to is not only in terms of positioning but is used to conjure an omnipresent point of view a 'God's eye view' that enacts hierarchies of seeing, looking or visioning. Steyerl references architect and researcher Eyal Weizman's writing on 'vertical sovereignty' where geopolitical power shifts from the planar map-like surface to stratas of 'stacked horizontal layers, separating … airspace from ground, … splitting ground from underground, and airspace into various layers', presenting the possibility that there is no 'stable ground' (Steyerl 2012: 23). She proposes that surveillance technologies reassert an imaginary stable ground and in doing so reaffirms a 'new visual normality' where the 'distinction between object and subject is exacerbated and turned into the one way gaze of superiors onto inferiors, a looking down from high to low' (Steyerl, 2012: 24)

Donna Haraway's[28] writing on scientific objectivity challenges traditional male-centric ideas. She proposes that objectivity understood as a 'conquering gaze from nowhere' where the subject is split and distanced from the object as an impossible 'illusion, a god trick' and argues for a rethinking of objectivity that acknowledges our perspectives within the world. She positions this kind of knowledge making as 'situated knowledges' which 'allows us to become answerable for what we learn how to see'. She states: 'Vision can be good for avoiding binary oppositions. I would like to insist on the embodied nature of all vision and so reclaim the sensory system that has been used to signify a leap out of the marked body and into a conquering gaze from nowhere.' (Haraway, 1988).

This positioning reappropriates the gaze into one that is active and disrupts a 'conquering gaze from nowhere' by taking on partial perspectives. She writes:

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[27] See: Graham, S. (2016) *Vertical, The City from Satellites to Bunkers.* London: Verso.
[28] Haraway, D. (1988). Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective. *Feminist Studies, 14 (3)* 575-599.

The subjugated have a decent chance to be on to the god trick and all its dazzling – and, therefore, blinding – illuminations. "Subjugated" standpoints are preferred because they seem to promise more adequate, sustained objective transforming accounts of the world. But *how* to see from below is a problem requiring at least as much skill with bodies and language, with the mediations of vision, as the "highest" technoscientific visualizations (Haraway, 1988: 584).

In order to generate knowledge from positional, partial and multiple perspectives rather than binary objectivity Haraway proposes that we need to learn to see 'from below' and to generate new insights through situated knowledges. Haraway positions this firmly as a feminist approach that challenges empirical metaphors of hierarchy and knowledge, she states:

Feminism loves another science: the sciences and politics of interpretation, translation, stuttering, and partly understood. Feminism is about the sciences of the multiple subject with (at least) double vision. (Haraway, 1988: 589)

Alongside the significance of viewpoint or numbers of viewpoints, resolution - the density of the image presents another quality where surveillance practices materialise.

2.1.2 Resolution

The quality of the 'image', its resolution and the detail of data that technologies are able to collect vary depending on the access granted and the 'mediation' that occurs in that process. Eyal Weizman discusses[29] visual hierarchies that are generated through the best optics[30]. He refers to this as the 'threshold of detectability' and describes a process of mediation through the intentional degradation of publicly available satellite images. By restricting the resolution of publicly accessible images, state agencies make people and some places unrecognisable partly to protect privacy. But also to protect state visual hierarchy and this is where the 'threshold of detectability' is formed. It is the threshold of decipher-ability determined by the 'quality' of resolution, that exposes for

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[29] Eyal Weizman is Professor of Spatial and Visual Cultures and founding director of Forensic Architecture at Goldsmiths College, London.
Investigations into incidents that had taken place worldwide and within different political contexts were presented in their exhibition *Counter Investigations; Forensic Architecture* 7th March – 13th May 2018, Institute of Contemporary Art (ICA) London. https://forensic-architecture.org
[30] Weizman, E. (2015). Violence at the Threshold of Detectability. *E-flux Journal, 64. Violence at the Threshold of Detectability e-flux journal*

example, the hole in the roof created by some drone strikes - ones that penetrate buildings before detonating. The lowered resolution of publicly accessible satellite images makes the evidence of some drone strikes (in Pakistan for example) undecipherable. This then denies those who monitor the violence of drone strikes (NGOs and the UN) the use of the best optics. Weizman suggests that a hierarchy of resolution, and therefore *looking*, is granted to the perpetrators of the crime, this time the American agencies, but this hierarchy is also used by the Israeli agencies' visioning of Palestine.

When Google Earth was developed in the early 2000s researchers began to access satellite images for 'open-source intelligence' (OSINT) but these images were often several years out of date (Hern 2022),[31] of varying resolutions and dependent on environmental factors as well as coverage. Images for Google Earth are amassed predominantly through private and state satellites but are also captured through aerial photography and with devices such as balloons or kites equipped with cameras that can document at a higher resolution than satellites.[32]

Google Earth therefore presents a range of inconsistent resolutions across its coverage as it strives to keep up with the improving resolution of satellite and photographic images and environmental changes. As technology improves or drastic environmental changes take place like Hurricane Katrina or the war in Syria there can be a lag in Google Earth updates. As resolution changes there can be a shift in place marks across the earth's surface. (The blogsite LiquiSearch reports that 'an update to London's photography in early 2006 created shifts of 15–20 metres in many areas, noticeable because the resolution is so high.'[33])

The figure for the maximum image resolution that Google Earth is capable of is not

[31] Hern, A. (2022, April 5) Satellite images of corpses in Bucha contradict Russian claims. *The Guardian.* https://www.theguardian.com/world/2022/apr/05/satellite-images-of-corpses-in-bucha-prove-russian-claims-wrong?CMP=Share_iOSApp_Other

[32] https://www.gearthblog.com/blog/archives/2009/03/about_google_earth_imagery_1.html

[33] Liquisearch. (2023). *Google Earth - imagery resolution and accuracy.* https://www.liquisearch.com/google_earth/imagery_resolution_and_accuracy

freely available. Different blog sites report that the image resolution ranges from 15 metres to 15 centimetres per pixel, it is copyrighted and access to high resolution images remains restricted for commercial and / or public use. Generally anything that is high resolution and presenting a detailed image on the ground, of under a meter square, is only available commercially. Satellite imagery is legally capped at a resolution of 0.25 metre pixels (one-sixteenth of a square metre) regardless of the capability of the cameras in space; this has been so since 2014 (Hern 2022).

Hito Steyerl's artwork *How Not To Be Seen. A Fucking Didactic Educational .Mov File* exhibited at the ICA (2014)[34] toys with the disappearance of the subject of the image, an ambiguity that is both empowering and disconcerting. The work was filmed at analogue focus calibration symbols in the California desert which look like giant pixels in the ground. These targets were used for analogue aerial photography to test the resolution (and focus) of airborne cameras for the ancestors of drones. Steyerl uses performance and humour within this instructional video on how to remain invisible through green screen paint or dressing up as well as wearing cubic headwear the size of a 50cm pixel. Discourses relating to the immateriality of digital media are rejected in favour of exploring its physical properties and material capacities to present the possibility of remaining invisible. The work critiques both the desire, the impossibility and the fear of 'being disappeared'. Michael Connor critiques this in his review in the journal Rhizome[35] describing disappearing as 'something to be feared, evoking the spectre of mass political abduction'. This conjures images of warfare, of forced migration and of abduction, Steyerl also critiques this in relation to gender.

Resolution offers different 'qualities' to the image depending what is sought and from what context. Resolution affects image file size which presents another variable material quality: velocity.

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[34] Steyerl, H. (2014). *How Not To Be Seen. A Fucking Didactic Educational .Mov File* [Exhibition]. ICA, London, UK. https://archive.ica.art/whats-on/hito-steyerl
[35] Connor, M. (2013, May 31). Hito Steyerl's 'How Not to be Seen: A Fucking Didactic Educational .Mov File'. *Rhizome,* https://rhizome.org/editorial/2013/may/31/hito-steyerl-how-not-to-be-seen/

2.1.3 Velocity

Steyerl's landmark essay *In Defense of the Poor Image* (2012)[36] expands an understanding of 'thresholds' in relation to visibility, through her discussion of the 'poor image'. Steyerl refers to a personal conversation with Farocki in 2007 in which they discuss a hierarchy of images based not just 'on sharpness, but also and primarily on resolution'. She uses an electronics store as a metaphor for this structure described by Farocki:

> In the class society of images, cinema takes on the role of the flagship store. In flagship stores high-end products are marketed in an upscale environment. More affordable derivatives of the same images circulate on DVDs, on broadcast television, or online, as poor images. (Steyerl, 2012: 33[37])

Steyerl describes the high-resolution image in terms of brilliance and impression: it is more 'mimetic and magic, more scary and seductive than a poor one. It is more rich so to speak.' Her text presents the significance of 'value' within an image: 'Apart from resolution and exchange value, one might imagine another form of value defined by velocity, intensity, and spread' (Steyerl, 2012: 41).

The best codecs and technologies determine file size but the simplest way to reduce file size is to produce small and low-resolution images, 'poor images'. Rather than considering the 'original' image, Steyerl examines the conditions of its existence. She defines the poor image as 'the copy in motion', steered by elements such as 'swarm circulation, digital dispersion, fractured and flexible temporalities', material qualities of digital media that alter our visual encounters. A compressed lower resolution image travels quickly, what it loses in detail it gains in speed.

Image quality that is based on velocity redefines the value of the image and creates new affordances for it; the blurred, amateur, uncared for image reduces the distinctions between author and audience and becomes easily and quickly distributed.

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[36] Steyerl, H. (2012). In Defense of the Poor Image in *The Wretched of the Screen* London: Sternberg Press, e-flux.

2.1.4 Authorship

Steyerl suggests that the democratised remediated poor image with worldwide distribution enables a much wider participation in image production, removing it from high end studio production, 'the cult of mostly male genius, and the original version ...'. Resolution or the 'rich image established its own set of hierarchies, with new technologies offering more and more possibilities to creatively degrade it.' (Steyerl, 2012: 34)

Steyerl references Julio Garcia Espinosa's text *For an Imperfect Cinema* (1969).[38] Espinosa described Eurocentric mainstream cinema in the late 1960s as 'perfect cinema - technically and artistically masterful' but as being 'almost always reactionary cinema'. He described film as being made by a privileged few for the masses, defined by those who have access to the material resources of film technology to make 'perfect cinema'.

As Latin American cinema achieved its objectives of becoming a cinema of quality, Espinosa outlined the problems of assimilation faced by Cuban cinema. His manifesto argued for the production of films that are 'culturally meaningful within the revolutionary process'.

In making a case for imperfect cinema Espinosa rejected the importance of quality or technique, detailing that the film can be created 'equally well with a Mitchell or with an 8mm camera, in a studio or in a guerrilla camp in the middle of the jungle.'

Espinosa predicted the threat that new media technologies posed to an elitist position of traditional filmmakers, by enabling mass film production. But prior to the greater availability of high tech image production the dissolution of the distinction between author and audience relies on a compromise of the 'quality' of the image. Steyerl's text

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[37] Ibid
[38] Espinosa, J. G. (1969). *Jump Cut: A review of contemporary media 20:24-26. (*J. Burton, translator).
http://www.ejumpcut.org/archive/onlinessays/JC20folder/ImperfectCinema.html

brings together the correlation between the economy of poor images and imperfect cinema. But this does not mean that the democratised, remediated image is always progressive or revolutionary. 'Hate speech, spam, and other rubbish make their way through digital connection as well' (Steyerl, 2012: 40)

Higher spec technology, higher resolution, definition, 'perfect' or 'rich images', do not necessarily generate better quality information and 'poor', 'imperfect', 'low fi' and more immediate means of production do not necessarily mean they will be applied in a progressive or insightful way. The cameras, devices and technologies that agents used to support the SED dictatorship of the former German Democratic Republic of East Berlin were high-tech in their time; this most basic surveillance technology supported expanded surveillance methods through extensive data collection. The extent and reach of surveillance in the former GDR has been described as one of the most effective and repressive intelligence and secret police agencies ever to have existed[39], that supported a brutal and oppressive dictatorship rather than protecting its citizens from harm.

Access to images or data can therefore outweigh the emphasis on the qualities of the images themselves.

2.1.5 Access

The ways we communicate and exchange information have changed through advanced technologies meaning that we have accessible but not always verifiable information at our disposal online. This equips organisations, individuals and political groups with an open-source media sphere of information. This fractured sphere of information enables a reversal of the 'gaze' to look back at the state or those with a monopoly over information or 'seeing'.

The research group Forensic Architecture[40], founded by Eyal Weizman, uses open-

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[39] Wikipedia. (2023, Feb 7th) *Stasi.* https://en.wikipedia.org/wiki/Stasi
[40] https://forensic-architecture.org

source investigation to generate an alternative 'image' of state acts of violence and human rights abuses. They work within spaces of ambiguous, restricted or hidden sites and refer to this as the cordoned 'crime scene', open only to official state investigators. To break through this 'cordon' they use open-source investigation combined with the construction of digital models, virtual reality, and 3D animations, and analyse photographs, videos, datasets, audio and testimony to reconstruct events. The open-source widely distributed 'poor image'; an image captured on the ground on a mobile phone for example and shared on social media, provides essential data to reconstruct acts of violence. The 'poor image' is able to slip through the forensic cordon of the crime scene at speed and without mediation. Forensic Architecture is organised with artists, architects, filmmakers and technologists and refers to this research as 'counter-forensic investigation'. By actioning practice-based investigative methods Forensic Architecture is able to address both visual and epistemological inferiority imposed by the state when considering state acts of violence.

During the 2014 war in Syria satellite imagery became a valuable source of information to researchers, activists and reporters to document the progression of the war and gather evidence of war crimes. The research group Bellingcat founded by Elliot Higgins[41] brings together a collective of researchers, investigators and citizen journalists using open-source and social media investigation. They often work in collaboration with Forensic Architecture providing complementary methods that form part of investigations.[42] As satellite image providers became more used to custom from media and activists, they began to supply pictures; but whilst imagery from satellites is more immediate and available the quality of satellite imagery has not changed from a resolution of 50cm per pixel. Since 2021 Bellingcat has had access to imagery at this resolution from the private company Planet Labs[43]; access for researchers and non-profit organisations to images of this quality was not previously possible despite higher

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[41] https://www.bellingcat.com/about/

[42] Estarque, M. (2021, June 3). How Bellingcat and Forensic Architecture teamed up with Colombia's Cerosetenta to map police violence. *Global Investigative Journalism Network.* https://gijn.org/2021/06/03/how-bellingcat-and-forensic-architecture-teamed-up-with-colombias-cerosetenta-to-map-police-violence/

[43] https://www.planet.com

resolutions being available.

In 2019 Donald Trump exposed the image resolution that satellites are capable of when he tweeted the classified image (see fig 2) below of an Iranian missile launchpad in ultra-high-resolution.

Figure 2

Note. Trump, D J: https://twitter.com/realDonaldTrump/status/1167493371973255170

This extraordinary image is reported to have a resolution of 10cm per pixel showing incredible on-the-ground detail and was seized upon by researchers and the media. What was intriguing to researchers were the technologies that produced the image, not the fact that a President would share on social media sensitive military intelligence. Daniel Oberhaus in Wired Magazine (2019) reports that 'within hours of Trump's tweet, a handful of amateur satellite trackers had not only determined that the photo was taken by a spy satellite, they had also figured out which satellite had taken the photo.'[44]

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[44] Oberhaus, D. (2019, September 3). *Wired*, Trump tweeted a sensitive photo. Internet sleuths decoded it. https://www.wired.com/story/trump-tweeted-a-sensitive-photo-internet-sleuths-decoded-it/

The FBI also use open-source intelligence, as reported[45] when a protester set a police car on fire during a Black Lives Matter protest (May 2020). The protester had their face entirely covered to avoid detection through documentation and identification or facial recognition software, but was traced and identified through a tattoo on her arm and a slogan on her T-shirt: 'KEEP THE IMMIGRANTS DEPORT THE RACISTS'. These details were identified in images sourced from publicly available documentation of the protests. The tattoo was mapped and traced in a database suspected to be held by the National Institute of Standards and Technology, US. The T-shirt was identified as being purchased from the sales platform Etsy. A review of user feedback and cross referencing dates and locations pointed the investigators towards the suspect. State agencies make use of open-source intelligence whilst also having enhanced access to intelligence data.

In an interview in the New Statesman[46] describing the investigative work of Forensic Architecture Weizman states 'You'll always have less of a resolution'. Weizman expands on the ways in which artists circumvent, disrupt or subvert restricted access to evidence: '… it's never in the technology because the state could scan social media too. It's in the aesthetic sensibility, or ingenuity in which you mobilise it. This is why our forensic agency is organised with artists, filmmakers and architects. There are no scientists – we are trying to think like artists, and trying to think about it with the aesthetic sensibility of art.'[47]

The work of investigative journalists and artists, mobilises and brings together different specialisms. Weizman discusses investigative research in terms of aesthetics; 'aesthetics' refers to the 'modes and means by which reality is sensed and presented

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[45] Vaas, L. (2020, June 19) *Naked Security*. FBI uses T-shirt, tattoo and Vimeo clips to track down alleged arsonist
https://nakedsecurity.sophos.com/2020/06/19/fbi-uses-t-shirt-tattoo-and-vimeo-clips-to-track-down-alleged-arsonist/
[46] Steadman, I. (2014, September 11). Returning the gaze: everyone's a war reporter in an always-connected world. *The New Statesman.*
https://www.newstatesman.com/future-proof/2014/09/returning-gaze-everyone-s-war-reporter-always-connected-world
[47] Ibid

publicly', not beauty or disinterested pleasure.'[48] He suggests that aesthetics is about investigating and interpreting reality, the tools and methods of investigation.

Summary

These selected critiques of contemporary material qualities present new parameters, potential, value and critiques of the contemporary image. Rather than a 'rich', high quality, technically advanced image produced by an elite few, the contemporary democratised image is one that subverts the point of view, undermines the desire for high-resolution, deconstructs authorship and puts into action velocity, mass and access.

Artists and theorists articulate changes in 'visioning' resulting from technological developments and explore this through an understanding of process and technique stemming from a knowledge of creative practice. As practitioners who specialise in vision and interpretation and who have specific knowledge of material processes artists are well equipped for detailed visual analysis as well as practical and sensorial investigation.

Expanded networks of image producers, audiences and citizen journalists present an opportunity for activists, artists, researchers and NGOs to circumvent technological restrictions and law-sanctioned powers actioned by the state and private corporations. Access to specific sites or materials present the opportunity for artists to put to use aesthetic understanding.

2.2 Art and investigative journalism

There is a cross-over between on the ground and situated methods of arts practice and investigative journalism and, whilst carrying out investigative work that exposes secrets or challenges presented narratives, they are sometimes exposed to similar risks. The

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[48] Hay, B. Anyways Elastic. Review of 'Eyal Weizman, Forensic Architecture: violence at the threshold of detectability'. *Review31*
http://review31.co.uk/article/view/574/anyways-elastic

research methods employed by arts practices that aim to enact change are different to action research methods in which subjects participate directly in the research process. In action research change is actioned collectively to benefit all participants.[49] Artists bring unique processual qualities to research founded in making. Processes that reconstruct and analyse as well as generate, regenerate or 'reverse- edit' materials and data. This section considers the particularities of investigative journalism alongside the investigative processes of arts practices that are centred on the 'image'.

2.2.1 Investigative journalism

Investigative journalism plays a key part alongside mainstream media in the democratic process by holding the executive to account[50] and challenging positions of power. Investigations take months or even years to complete and while definitions of investigative reporting vary, among professional journalism groups there is broad agreement that its major components include 'systematic, in-depth, and original research and reporting, often involving the unearthing of secrets'[51] .This includes 'secrets' concealed deliberately or accidentally and because of this investigative journalism often acts as a catalyst for change.

Investigative director and producer for BBC One's Panorama programme, Joe Plomin works with whistleblowers on programmes that gather evidence, as part of this he oversees covert filming. He is most well known for the Panorama programme that exposed abuse at Winterbourne View[52] care home for adults with learning disabilities

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[49] See: Lopes, A. (2005) *Organising in the Sex Industry: An Action Research Investigation.* [Doctoral dissertation, University of East London]. EThOS.
https://ethos.bl.uk/OrderDetails.do?uin=uk.bl.ethos.532566
[50] The Bureau of Investigative Journalism
https://www.thebureauinvestigates.com/about-us;
International Consortium of Investigative Journalists
https://www.icij.org/about/
UNESCO
https://en.unesco.org/investigative-journalism
[51] Kaplan, D. *What is Investigative Journalism?* Global Investigative Journalism Network
https://gijn.org/about/investigative-journalism-defining-the-craft/
[52] Cafe, R. BBC News (2012, October 26). *Winterbourne View: abuse footage shocked nation*
https://www.bbc.co.uk/news/uk-england-bristol-20084254

(2014). Plomin takes influence from the German journalist Gunter Wallraff, known for his journalistic research methods and publications on working class employment conditions. Walraff's methods rely on his assimilation into the group under investigation by adopting a fictional identity. The research is informed by his own experience of the situation under investigation, whereas Plomin recruits journalists to work undercover and equips them with hidden cameras. This creates the possibility of personal accounts being backed up and illustrated by documentary evidence. Walraff's and Plomin's methods are ethically troublesome; those on the receiving end of Walraff's investigations cite invasion of privacy or the revelation of trade secrets. During training in undercover camera work[53] Plomin is careful to emphasise that undercover filming is the last resort when all other avenues of evidence have been exhausted and where the public interest is certain. The level of proof needs to be ascertained and documented before undercover filming takes place to justify any invasion of privacy. He points out that it is not a journalist's job to protect, for example, people from abuse.

Undercover journalists take particular risks when carrying out investigations. There would be real consequences if hidden cameras or false identities were found out or exposed, and there is a real possibility of litigation over privacy protections. The same risks apply to investigative artists. Artist and filmmaker Laura Poitras is regularly held and questioned as she travels through different border controls. There were incredible risks involved in the making of her film *Citizenfour* (2014)[54] that portrays Snowden in hiding before he travelled to Russia (where he was granted temporary asylum and remains in exile (2023). The film documents the conversations and proceedings alongside investigative journalist Glenn Greenwald (as requested by Snowden) and The Guardian intelligence reporter Ewen MacAskill, as they plan how and when to release the details to the world press.

Plomin, J. (May 2014) Panorama BBC, *When the Caring Stops.*
https://www.youtube.com/watch?v=Lp5twji3pk8
[53] J. Plomin, personal communication, (2017, December 1).
Undercover Camera Training, Centre of Investigative Journalism, Goldsmiths University, London.
[54] Poitras, L. (2014) (Director) Citizen Four [Film]. Praxis Films. https://citizenfourfilm.com

In 2020 Eyal Weizman was denied a visa to access the US to attend the opening of his exhibition in Miami that 'explored the arbitrary logic of the border'.[55] The denial is reported to have been triggered by an algorithm. The implication was that the network of digital information that created a 'behavioural image' of his associations, people, places, calls, transactions and connections had retracted his visa. Weizman cites other intimidatory tactics in the article that suggests he was singled out for his work on investigations.[56]

The work of investigation might consider the 'traps of narrative': 'narrative can create a sense that things are organised when they are not'.[57] Information produced by the state or media can appear as though it is ordered and authoritative and because of that appear as 'obvious' or unquestionable. In describing the difference between an artist's investigation and that of an investigative journalist Cramerotti[58] states: '… whereas investigative journalists take, expand and re-present an existing narrative, artists research, expand and create an entirely new narrative by means of an artwork' (2015). This would suggest that arts practice is the means of generating the narrative and the artwork is secondary to the process itself. But that does not mean to say that this is a way to circumvent the ethical parameters and codes of conduct of journalism[59] to create an entirely fictional narrative. Cramerotti is referring to the research and investigation that takes place during art making: the research takes place within the practice rather than in the final work itself. This emphasises the importance of process and, rather than disregarding existing narratives, the artist is continuing to expand, explore, examine and reveal through practice-based investigation.

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[55] Gibson, E. (2020, February 20). dezeen, *Forensic Architecture founder denied US entry to attend his own exhibition opening.* https://www.dezeen.com/2020/02/20/forensic-architecture-founder-eyal-weizman-denied-entry-to-us/#

[56] Ibid

[57] Eyal Weizmann in conversation with Laura Poitras. *The Image-Data Complex, Short Course in Forensic Architecture*, Institute of Contemporary Art, London, 21 April (2018).

[58] Cramerotti, A. (2015, September 16). *Together to Explain Why an Action is Continuing: Still Yet*. [Presentation] SAIC (School of the Art Institute of Chicago). Retrieved December 6, 2018 from https://vimeo.com/148882168

[59] National Union of Journalists (NUJ). *Code of Conduct*. Retrieved December 6, 2018 from https://www.nuj.org.uk/about-us/rules-and-guidance/code-of-conduct.html

Since 2016 we witnessed an explosion in interests surrounding disinformation, dystopian fiction and the manipulation of information. In this political climate the dismantling of authoritative voices has the potential to contribute towards the politics of the Right in the destabilisation of traditional notions of authority and trust.

2.2.2 Disinformation and fake news

We have become used to phrases such as 'fake news' and 'truth decay' being used regularly in political commentary and are only just getting to grips with what this means to our contemporary experience, understanding of, and trust in, information. But the impact of a growing understanding of disinformation, misinformation or rhetoric of 'fake news' does not necessarily encourage a critical or analytical society. Neither are fake news, propaganda and misinformation new tactics in information warfare. However, when the technologies, techniques and application of 'information warfare' is at our fingertips rather than restricted to governments, the military or state agents this means that tactics of 'information warfare' in the everyday are much more prolific and potentially more of a threat through the dismantling of our trust in information.[60]

Hito Steyerl and Maria Lind's introduction to the text The Greenroom[61] - Reconsidering the Documentary and Contemporary Art (2008) discusses distrust (or media literacy) of the documentary image in relation to large scale propaganda or disinformation of the 20th century. They state that:

> Documentary modes still appeal to institutional modes of power/knowledge and cite their authority, but their effect is rather a perpetual doubt; a blurred and agitated documentary uncertainty, which paradoxically is extremely pertinent as an image of our times. It is precisely the failure of the documentary to fulfil its pretence to certainty, which ultimately does justice to an intransparent and dubious contemporary reality. (Lind and Steyerl 2008: 16)

They describe the notion of the document that is historically 'tied to ideas of certitude

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[60] Mazarr, M; Bauer, R; Casey, A; Heintz, S; Matthews, L. (2019) *The Emerging Risk of Virtual Societal Warfare.* Rand https://www.rand.org/pubs/research_reports/RR2714.html

and confirmation' as vanished from contemporary consciousness. They propose that this lack of certainty also applies to theoretical definitions of the 'documentary and that this presents 'productive effects':

> The documentary's ambivalent nature, hovering between art and non-art, has contributed to creating new zones of entanglement between the aesthetic and the ethic, between artifice and authenticity, between fiction and fact, between documentary power and documentary potential, and between art and its social, political, and economic conditions (Lind and Steyerl 2008: 16)

This discussion focusses on the lack of definition as well as crossovers between arts practice and the documentary, and positions this lack of certainty and working in-between binaries as creating 'new zones' of knowledge making. One that both reflects 'the image of our times' and puts it to work.

2.2.3 Artistic investigation

Artists and researchers David Cotterrell and Ruwanthie de Chickera describe artists as working with a 'journalistic sensitivity', in that they are able to 'shift tack in response to the world around us'[62]. Artist Lawrence Abu Hamdan for example describes himself as a 'Private Ear'[63] - a detective of sound whose audio investigations have been used as evidence at the UK Asylum and Immigration Tribunal and as advocacy for organisations such as Amnesty International and Defence for Children International.

Curator Alfredo Cramerotti describes the wealth of artists addressing social and geopolitical issues and presents a situation where the urgency is so great, it makes it impossible to leave these concerns outside their own arts practice. He describes art that tries to expose or make things visible as an emergent mode of *investigative* journalism; art as a way to shape a new language (Cramerotti 2015).

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[61] Steyerl, H, and Lind, M. (2008) *The Greenroom - Reconsidering the Documentary and Contemporary Art #1: No.1,* London: Sternberg.
[62] Cotterrell D and de Chickera R, (2018, November 13) In Conversation, *Transmission Lecture Series,* Sheffield Hallam University, UK.
https://blogs.shu.ac.uk/c3riimpact/transmission-cotterrell-de-chickera/
[63] http://lawrenceabuAbu Hamdan.com/information

Artists bring their own unique approaches to research and investigation, rather than adapting to, or solely employing 'journalistic sensitivities'. Artists are using unique investigative methods and approaches, some of which have cross-overs, enhance, contribute towards or expand the interdisciplinary methods used by investigative journalists. Artist, filmmaker and investigative journalist Laura Poitras was the first person contacted by Snowden offering classified information[64] that revealed the details of the global surveillance programmes executed by the National Security Agency (NSA).

In a discussion about imagery that accompanied an exhibition of Forensic Architecture's work at the ICA, London (2018)[65] Laura Poitras used the metaphor of an accordion to describe knowledge production and understanding. The accordion represents the act of violence or the organised and represented narrative, investigative journalists and the 'counter-forensic' practices of Forensic Architecture expand presented 'narratives' to consider the spaces before, after and in-between the collapsed folds. The work of Forensic Architecture discuss this as the 'image complex':

> We can no longer rely on what is captured in single images, but rather on what we call 'image complexes': a time-space relation between dozens, sometimes hundreds of images and videos that were generated around incidents from multiple perspectives including ground, air and outer space.'[66]

This enables an unravelling of presented narratives through the exposure of detailed evidence. Samaneh Moafi a researcher on a Forensic Architecture project, describes this process:

> We begin with images. That's what we investigate. The majority of our projects are places we don't have access to. The materials we can look at are the videos leaking out (on social media) or satellite images or photos. We begin with that

[64] Snowden initially contacted Glen Greenwald who ignored his emails.
[65] Weizman, E. (2018, March 7- May 13). *Counter Investigations: Forensic Architecture* [Exhibition]. ICA, London UK.
https://www.ica.art/exhibitions/forensic-architecture-counter-investigations
[66] Ibid

and we tear it apart and pull out anything we can take out of this one image or frame of a film. It begins with that. It's about how we interrogate a piece of evidence or find something that could be a piece of evidence. ... We are taking something that is already composed and pulling it apart, deconstructing it. Our equipment, our methods are the same as, I would say, someone who would consider themselves an artist with a capital A, but we are using it for a different purpose.[67]

Artists are able to 'put to work' the material qualities and accessibility of open-source data, co-opting social media feeds, analysing resolution, reverse engineering or reconstructing materials to generate evidence and construct alternative representations of 'truth'. When Forensic Architecture were nominated for the Turner Prize in 2018, Weizman spoke of the problematics of being involved in the art world and the possibility of the forum of the art gallery undermining the status of the work as a form of legal evidence.[68] This suggest that the authorship of an artist is considered less authoritative than other specialisms. Rather than appeasing critics and giving up the term 'art' Weizman proposes that 'we should rather insist, as counter-intuitive as it may seem, on the evidentiary value of art and its truth value!'[69]

Artist and researcher Susan Schuppli's[70] work examines material evidence from war and conflict alongside environmental disasters and climate change:

> [Her] work as an artist and writer has explored the ways in which non-human witnesses, such as materials and objects, enter public discourse and testify to historical events, especially those involving political violence, ethnic conflict, and war crimes.[71]

Schuppli analyses micro-thresholds and trace evidence embedded within material matter. Her work presents a forensic analysis of materials including the material quality of absence. Schuppli positions forensics as an 'opening up of the expressive potential of

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[67] Simpson, V. (2018, June 27). Samaneh Moafi of Forensic Architecture: 'We are taking something that is already composed and pulling it apart, deconstructing it'. *Studio International.* https://www.studiointernational.com/index.php/forensic-architecture-samaneh-moafi-interview

[68] Ibid (referenced on p13)

[69] Ibid

[70] Schuppli is Reader and Director of the Centre for Research Architecture, Goldsmiths, University of London, where she is also an affiliate artist-researcher and Board Chair of Forensic Architecture.

[71] https://susanschuppli.com/about/6464/

things including the creative retrieval and mobilisation of affects.' (Schuppli 2020: 9) In her recent book *Material Witness* (2020)[72] she presents an analysis of materials through a series of case studies, and describes the term 'material witness … the event of evidence', as an 'operative concept' and explains:

> Material witness' is a legal term; it refers to someone who has knowledge pertinent to a criminal act or event that could be significant to the outcome of a trial. …I poach the term 'material witness' to express the ways in which matter carries trace evidence of external events. But the material witness also performs a twofold operation; it is a double agent. The material witness does not only refer to the *evidence of event* but also the *event of evidence.*[73]

The analogy of the double agent is used to explain evidential material that also contains evidence of the history of the material itself. Schuppli explains it through this example:

> … within the realm of digital processing, I'm interested in the moments in which a file is translated or transcoded from one format to the next. During this process, material parameters, standardised by human organisation, result in the discarding of certain digital data. These kinds of micro thresholds are moments when the political enters, because the deletion of certain data and the favouring of other data is a political decision, although positioned within a realm of micro processing.[74]

She explains that 'Histories are materially and computationally encoded by media and by which means the complex political realities they are embedded in are rendered visible.'[75] The 'operative concept' then expands an understanding of material or matter from its legal definition or metaphorical understanding and highlights new understandings expanded by discursive qualities of the material itself, 'as an operative concept in its own right: material as witness.'[76]

Schuppli quotes curator Steven Lam (2008) from his essay for the exhibition *For Reasons of State* at The Kitchen, New York. He states 'Despite the current regime of

[72] Schuppli, S. (2020). *Material Witness* Cambridge: The MIT Press.
[73] https://rosa-menkman.blogspot.com/2016/04/dark-matters-interview-with-susan.html
[74] Ibid.
[75] Schuppli, S. (2014). Brandenburg Technische Universität. *Material Witness.* https://opus4.kobv.de/opus4-UBICO/frontdoor/index/index/docId/11560
[76] http://susanschuppli.com/research/materialwitness/

secrecy and opacity, artistic production provides a way to speculate and materialise the hidden and the unknown….' (Schuppli 2020: 112)

Artist and researcher Lawrence Abu Hamdan makes art that analyses the political dimensions of listening and speaking and combines art, science and activism. His work involves the analysis and reverse engineering of materials as well as reconstruction, as investigation. *The Humming Bird Clock*[77] (2016) uses audio forensics to reveal timecode embedded within the audio and video tracks of documentation. By analysing the fluctuations in the hum of the electrical grid he is able to identify the precise time code and date that the recording took place and whether or not it has been edited. For over ten years this has been used by UK Agencies as a surveillance tool; by making this publicly available Abu Hamdan has created a 'tool for investigations into civil and human rights violations and state corruption.'[78]

In 2016 Abu Hamdan was asked to create dedicated earwitness interviews for Amnesty International and Forensic Architecture's investigation into the Syrian regime prison of Saydnaya. The prison is inaccessible to independent observers and monitors so the violations that are taking place at the prison are reliant on the memory of the few who are released. The prisoners' view is highly restricted, they are 'mostly kept in darkness, blindfolded or made to cover their eyes'[79]. As a result they develop an acute sensitivity to sound. To gain insight into the events taking place within the prison, Abu Hamdan interviewed the prison survivors and worked with BBC and Warner Brothers Sound Effects Libraries, to test tones, descriptions of sounds and to develop his own 'sound effects library'. His exhibition *Earwitness Theatre*[80] at Chisenhale Gallery, London, UK (2018) incorporated this investigation and displayed 95 custom built and sourced objects used to create foley sound (see fig. 3). The installation, included pinecones, cannelloni pasta, unwound video tape, a selection of shoes, a series of customised door

[77] Abu Hamdan, L. (2016). *Hummingbird Clock* [public artwork]. Liverpool Biennial, Liverpool, UK. https://www.biennial.com/collaborations/lawrence-abu-hamdan-hummingbird-clock
[78] Abu Hamdan, L. (2016). *The Hummingbird Clock.* http://lawrenceabuhamdan.com/#/the-hummingbird-clock/
[79] https://chisenhale.org.uk/exhibition/lawrence-abu-hamdan/
[80] https://chisenhale.org.uk/exhibition/lawrence-abu-hamdan/

instruments, steps, foam and car doors. It was sculptural, comical and materially delightful as a body of artwork, sophisticated and serious in its legal application. The arts practice recreated verbally articulated sounds and in doing so sound developed a sculptural and material quality through the props of the audio recreation.

Figure 3
Earwitness Inventory as part of Earwitness Theatre at Chisenhale Gallery, London, 21st September - 9th December 2018.
Note. Image courtesy of the artist's studio

In Schuppli's work *The Missing 18-½ Minutes*[81] the investigation also surrounds absence and what is missing, employing inventive technique and analysis to examine wilful destruction of incriminating evidence that was missing or sabotaged from the

'Nixon White House Tapes'. The work consists of; a photographic timeline of fifteen digitised wire service images of congressmen listening to the audio originally collected through 'wiretapping', a photomural of Nixon's secretary Rose Mary Woods, two wall mounted vintage Koss headphones playing the 18-½ minutes of noisy silence from Watergate Tape 342 and two technical reports 31st May 1974. Missing from the infamous tape that was used to incriminate Nixon is an 18.5 minute gap in a six hour recording. Schuppli states 'Tape 342 remains by far the most infamous. Not because of the shocking information it contains, but precisely because of its absence.'[82] This machined silence of 18.5 minutes converted 'non-evidence' into incriminatory proof and wilful destruction of material evidence and contributed towards the activation of impeachment proceedings. The work addresses the emergence of wire tapping and state surveillance within the political context of Watergate in the 1970s. Schuppli points out that tampering with a tape recorder seems less criminal than the current scope of hacking and data scraping. 'With global telecommunications providers and European states tacitly cooperating with the National Security Agency's (NSA) program of mass domestic surveillance, the motivation for recovering tape 342's evidentiary truths may finally have abated.' (Schuppli 2020: 112)

Summary

The cross-over between investigative journalism and arts practice is clear in the work of Poitras, Schuppli, Abu Hamdan and the research of Forensic Architecture. The works are examples of long term investigations that aim to bring about change and that play a part in democratic process by holding the executive to account[83], challenging state violence or positions of power. These artists are able to circumvent authorship, access information through the 'back door' and work across disciplines. There is a fluidity in terms of the range of roles artists adopt or work within, as well as a blur between artists who are practitioners only and artists who also align with research or other disciplines.

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[81] https://susanschuppli.com/THE-MISSING-8-1-2-MINUTES
[82] http://susanschuppli.com/works/the-missing-18-%c2%bd-minutes/
[83] The Bureau of Investigative Journalism. https://www.thebureauinvestigates.com/about-us
International Consortium of Investigative Journalists. (2023)
https://www.icij.org/about/
UNESCO *Investigative Journalism* (2021)

These fluid processes and role shifting possibilities equip artists with the potential to adapt, or reinvent themselves so that they can work responsively. This potential is coupled with an understanding of aesthetics, and a knowledge of material processes.

The arts practices that I examine in the next section are carried out by lone artists or develop from an individual's arts practice. The artists are not acting undercover in the way that undercover journalists do. Neither are they researchers attempting to assimilate into situated research. Their undercover-ness is much more performative, playful and is embedded in art practices that trouble or challenge the authority and practices of the state, corporations, the law and legal process. There is no possibility of immediate danger or harm or the prospect of litigation through operating covertly, although the works do not completely rule out confrontation with or arrest by the police. Some of the artists in this section use methods of documentation that are not overt but are also not hidden, they avoid the risks and some of the ethical complexities that accompany working covertly. These are practices that put to use the environment, social situation or politics in their processes to explore power dynamics, authority and legislation.

2.3 Performative processes

Artists use performative processes and work responsively to their environment by making subtle adjustments or modifying their roles or practices. This can help to negotiate access, navigate political contexts, or explore ethical considerations. In describing these artists as 'performative' I am referring to acting or adopting a role. Their audience may be incidental but they are present: an audience for a work of art or people within an organisation, institution, public space or at a protest for example.

Donna Haraway proposes that:

> Situated knowledges require that the object of knowledge be pictured as an actor and agent, not as a screen or a ground or a resource, never finally as slave to

the master that closes off the dialectic in his unique agency and his authorship of "objective" knowledge".' (Haraway 1988).

This analogy frees up knowledges to be 'fleet of foot' or fluid, it suggests opportunities for dalliance or diversion as knowledge evolves. This releases the researcher from a dominant, omnipresent or overbearing authorship and creates a space for difference and the minority voice. In her book *The Minor Gesture*,[84] Erin Manning discusses the minor and major key:

> The major is a structural tendency that organises itself according to predetermined definitions of value. The minor is a force that courses through it, unmooring its structural integrity, problematizing its normative standards. The unwavering belief in the major as the site where events occur, where events make a difference, is based on accepted accounts of what registers as change as well as existing parameters for gauging the value of that change. (Manning 2016: 1)

Manning suggests that where authoritative structures, organised by definitions of value, exist, the 'minor' is a force that runs between the dominant tones and it is these subtleties that create the conditions for change and contribute towards the definitions of 'major'. The major she proposes is only based on accepted registers and parameters and therefore is moveable. She proposes: 'The grand gesture or major are given their status not because it is where the transformative power lies, but because it is easier to identify major shifts than to catalogue the nuanced rhythms of the minor. As a result, these rhythms are narrated as secondary, or even negligible.' (Manning 2016: 1)

The performances that are embedded within the following works examine and explore power dynamics and authoritative voices. Performative processes are not only embodied by the artist but are carried within the devices, techniques and materials they use. The artists and works probe, unpick, play with, explore and work through nuanced interactions, language, context and legalities by using a range of creative 'tactics'. The works are carried out by lone artists away from the structures of academic research and are modest, low or no budget, self-directed, or responsive.

2.3.1 Performing as the artist

Artists may perform 'being an artist', enacting a role that complies with traditional notions of what an artist 'does', one that is not threatening and perhaps drawing or painting. In 2009 Kypros Kyprianou found himself increasingly being stopped by the police or having his freedom of movement restricted during public protest, because his photography was considered suspicious. He states that:

> When this has happened, I feel like an audience member taking part in a performance that I haven't bought tickets for and where there's no exit sign. So I feel like I have little choice but to call time on the performance and the only way I can do that is to try and heckle the main act[85].

When 'kettled' by police during protests Kyprianou disrupted authoritative hierarchies of 'them versus us' by sketching pencil portraits of the police (see fig. 4). He said: 'It created an intimate, slow, deliberate, up close and personal interaction of eyes looking at eyes looking, the opposite of people using cameras to take snapshots and disappear'.[86] Kyprianou described the conversations he had with the police, within which artistic processes are played out and he realigns himself from a film maker to an amateur portrait artist:

> We talk about materials, about recording, and the difference between photography and drawing. One officer realizes they are still lives. 'It's like we're bowls of fruit, isn't it?' I talk to them about bricolage – using the tools 'at hand' to talk about Section 76 and the (il)logical conclusion that they are colluding in. I play on my amateurishness - I am now a disposessed [sic] film maker, but that the point isn't the end product, something to be put in a gallery as 'critique' but the conversation we're having here and now. All the while I'm mixing what is art / what is protest / what is legal / with talking about the lines of their face, how they have aged, or how well thy're [sic] turned out, how good their shaving is, whether their nose comes from their mum or their dad, all the while quite close up and intimate. (Kyprianou, 2013: 13-

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84 Manning, E. (2016). *The Minor Gesture,* Durham, North Carolina: Duke University Press
85 Kyprianou, K. (2013, July 13). *Let Me Paint You a Picture*. p.2. https://www.academia.edu/4404318/ A presentation by Kypros Kyprianou for 'HECKLER' organised by Loughborough University School of the Arts' Lee Campbell and Mel Jordan in association with Trade, Nottingham. https://www.tradegallery.org/heckler-symposium
86 K. Kyprianou, personal communication, (2020, October 23)

14).
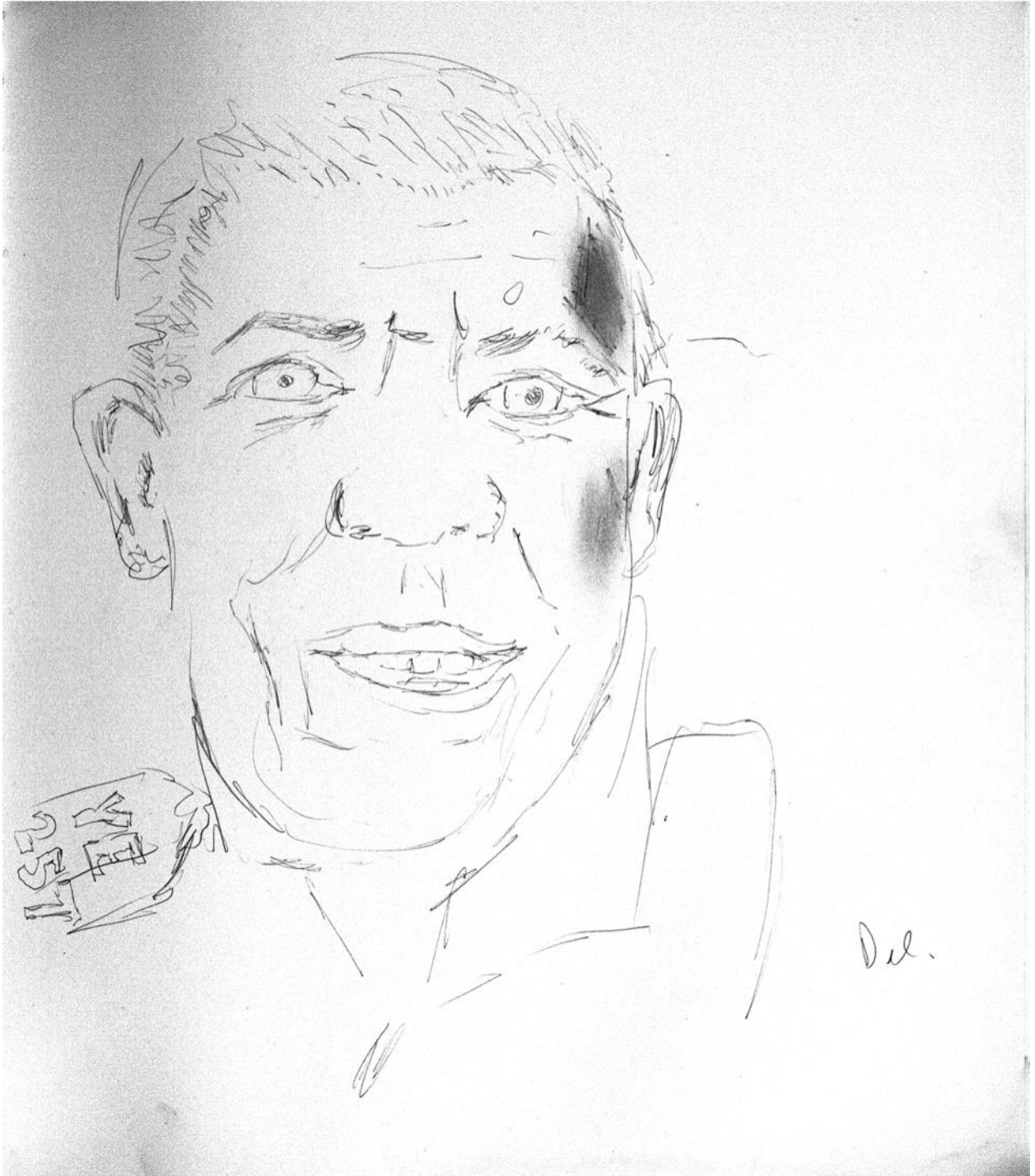
Figure 4

Example of drawings sketched during a public protest in which the artist was 'kettled' by police titled *Let Me Paint You a Picture* (2013).

Note. Kyprianou, K: http://www.electronicsunset.org/solo_projects/kypros_kyprianou

His intervention plays with positions of authority, of looking, of documentation and surveillance. By performing *as* an artist he creates a different and less confrontational space. This provocation results in a (sometimes abrasive) dialogue with the police about civil liberties, surveillance and counter terrorism and occasionally he was searched. The work exists as a series of drawings positioned within an accompanying text and presentation. Insight is developed during an explorative process that takes place on the ground and is reliant on Kyprianou's response and thinking on-the-hoof.

Jill Gibbon performs being an artist whilst she is also undercover with an alternative identity, successfully enacting dual roles using the methods of an agent by embodying the third person (see fig. 4). After applying for and receiving a pass to the Defence and Security Equipment International (DSEI) arms fair, Gibbon sketched international arms dealers at arms fairs (2007 - 2015).

Figure 5

Artist Jill Gibbon drawing at international arms fairs.

Note. Hunter, T (2022)

She gave her occupation as 'war artist', said she wanted to practise drawing military hardware and attended for several years until a security guard noticed that she was not sketching tanks but arms dealers (see fig. 6). Once she had been found out she changed her name by deed poll to re-register and created a sham company and website to appear legitimate. Her new undercover identity was a passport to International arms fairs until 2015 when her lanyard for DSEI was cancelled. She attempted to blag her way in, putting on fake pearls and a suit and performing as an outraged businesswoman but when she reached the front of the queue she discovered her identity had been logged on the computer and her 'name had been associated with protest'[87]. She describes this series of drawings that have since been made into a book, as 'reportage' suggesting that this is factual or journalistic in its nature. However she also avoided drawing recognisable individuals, focussing instead on the etiquette that gives a veneer of respectability, the sales gestures, stances or suits for example. Her performance in this context folded into a broader pretence of a false respectability.

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[87] Pidd, H. (2018, April 11). The Art of War: the artist who sketches undercover at arms fairs. *The Guardian*
https://www.theguardian.com/artanddesign/2018/apr/11/the-art-of-war-the-artist-who-sketches-under-cover-at-arms-fairs

Figure 6

Adjusting tie (2022)

Note. Gibbon, J. (https://www.jillgibbon.co.uk/about)

Undercover drawings drawn at international arms fairs.

Her interventions embody secretism whilst uncovering the secretive world of arms dealers. Through her expulsion from these events she uncovers dynamics of power, probes ideas of status and gender and suggests possibly murkier practices that would not have been examined if she had been ignored and allowed to continue sketching.

Lewis Bush is an artist and photographer and uses a homemade camera obscura to draw in sensitive public locations. Historically camera obscura (a precursor to photography) was used as an easy way to create linear perspective. The projected image from the camera obscura is traced in pencil to create an accurate representation (see fig. 7). Lewis' process takes up to an hour to complete, in addition he notes that the

procedure is 'extremely visible and suspicious looking'.[88]

This project was developed in response to harassment by the security guards of private buildings around the city of London. He states:

> London's security guards have a reputation for aggressively harassing photographers working near the buildings they ward. When challenged they invoke spurious pretexts like counter-terrorism, and invest photography with almost super-natural powers of observation and revelation.[89]

This performative act inevitably invited challenges from the security guards, during which he was asked to stop photographing. When this happened he used the opportunity to start a dialogue:

> …I attempted to engage these personnel in discussion about the subtle distinctions and blurred boundaries between images made by mechanical means and those drawn by hand, and by doing so demonstrating the absurdity of preventing photography of a site while not objecting to drawing of it. The result is a book of fragmented images, their incompleteness in each case indicating the speed with which I was intercepted and thereby giving some sense of the level of security at each site.[90]

The work exists on Lewis' website but is also a book with texts that 'explore questions relating to the evolution of photography from fine art, the history of representation, fears about technology, and the question of where the balance lies between individual rights and collective security.'[91]

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[88] Bush, L. (2012). *The Camera Obscured.* http://www.lewisbush.com/category/the-camera-obscured/
[89] Ibid
[90] Ibid
[91] Bush, L. (2012). *A treatise on the Camera Obscured: an exploration of attitudes to Renaissance image making techniques in the age of counter terrorism.* (Self published)
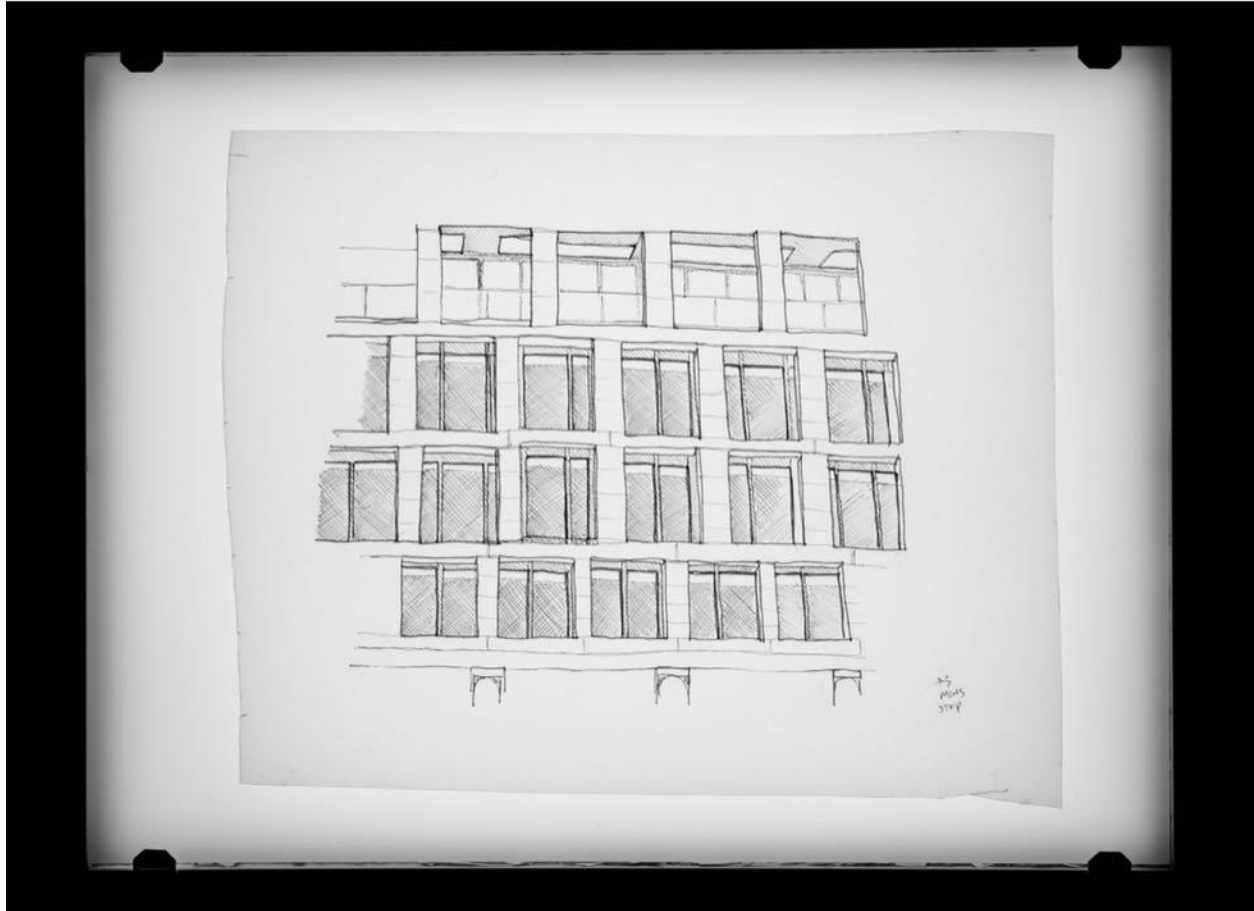
Figure 7

London Stock Exchange, Paternoster Square. Stopped after 43 minutes.
Note. Bush, L (2012). (http://www.lewisbush.com/)

The work probes the distinctions between private and public, illegal or legal, photography or drawing. It emphasises the perceived threat of the image - particularly photography - while exploring freedom of expression and security. It makes use of props as well as techniques to support the performative acts and attract interaction.

2.3.2 Performing disciplines

Artists may perform different roles but they also perform disciplines and use this as the medium with which they make their work.

Jack Tan trained as a lawyer and worked in civil rights NGOs before becoming an artist.

He now makes work that examines the connections between legal and art practice[92]. Whereas Kyprianou performs *as* an artist, Jack Tan uses the discipline of law as material to make performative work. In his work *Four Legs Good* (2018) he staged a live revival of the medieval animal trials in the Court Room within Leeds Town Hall. During the court trials, practising barristers presented claims bought by or against animal clients, such as sheep worrying from a claimant sheep against a Jack Russell.

The proceedings take place in sincerity with the normal gravitas of a court hearing and although initially seeming farcical and hilarious they develop an increasingly sombre tone as intuitive, visual and empathetic connections are made. This has the effect of turning the medium back on itself, by removing the human subject the event exposes the structure of law and its limitations. Crucial to this work is representation, being seen and heard and who has the authority to speak and be seen. The work begins to highlight the detail of fair representation, understanding, language, access, barriers, vulnerability, appropriate behaviour, appropriate questioning, the bluntness of sentencing or the complexities of conviction by jury. Tan is able to navigate this practice through his knowledge of the discipline.

He describes[93] the performances that he sets up, choreographs and designs as a way to expose embodied, visual, instinctual or informal knowledge. Tan is operating as a specialist in the field, in the same way a film maker is best able to critique the material qualities and processes that might have underpinned the making of a film, but Tan's materials consist of social, ethical and legal processes. By using the materials of law to look at legal process he is able to use the detail of legal debate, the qualities of evidence seeking to reveal insight into law and legal process itself.

In 2003 performance artist and activist John Jordan founded the Clandestine Insurgent Rebel Clown Army (CIRCA). The group uses clowning and non-violent tactics for protests against corporate globalisation, neoliberalism, war, environmental and other

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[92] Tan, J. (2018) *Four Legs Good.* [public artwork] Compass Festival, Leeds, UK. https://compassliveart.org.uk/festival/events/four-legs-good

[93] Tan, J. (2020, January 28) Transmission Lecture Series, *Keywords,* Sheffield Hallam University.

issues. The group now has international mobilisations of clowns across the world including Colombia and New Zealand as well as countries in Europe. The aims of CIRCA are described as follows:

> CIRCA aims to make clowning dangerous again, to bring it back to the street, restore its disobedience and give it back the social function it once had: its ability to disrupt, critique and heal society. Since the beginning of time tricksters (the mythological origin of all clowns) have embraced life's paradoxes, creating coherence through confusion – adding disorder to the world in order to expose its lies and speak the truth.[94]

In a conversation, Jordan described how the theatre, drama, excitement and critical and political thinking that he employed as a performance artist, were better situated on the stage of protest.[95] His 'performances' were taken into the streets and he found this a much preferable theatre or stage. Working with the particular qualities of clowning, protesters take part in training (big shoe camp) before deployment. This is similar to other organised protest groups, but their protest tactics incorporate meticulous performance processes and planning in the art of clowning. They dress up in army camouflage combined with clowning garb such as wigs, red noses and stripes, they paint their faces and carry 'armaments' such as feather dusters and water pistols.

The clowns are funny, cheeky and provide colourful disruption through their action, but they are much more than a playful presence at protests. The clown identity challenges preconceptions of radical activists and presents the opportunity to confuse or diffuse tense situations or engage with police in public order situations. The colourful and ridiculous character contrasts with the uniformed or suited, providing exciting and funny photographs, headlines and copy for the press. The images generate press coverage, raise awareness of the political campaign but also raise important questions about the policing of protest and press coverage.

In 2004 the group was infiltrated by Lyn Watson, an undercover police officer who also

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[94] CIRCA: Clandestine Insurgent Rebel Clown Army. (2007, November 2). Clownlink. https://www.clownlink.com/2007/11/02/circa-clandestine-insurgent-rebel-clown-army/
[95] J. Jordan, personal communication, March 23, 2011, Sheffield Hallam University.

had to dress up as a clown and take part in clowning training and protests. According to video released by CIRCA to the press 'she was not a very good clown'. This added an additional layering to the ridiculousness of public order policing emphasised and highlighted by CIRCA through their work. It was also considered particularly sinister in some press coverage as more revelations about undercover policing and covert police operations within protest groups unfolded.[96] These were not normal undercover operations designed to collect evidence for prosecution, these were intelligence gathering operations to be used to disrupt and monitor political groups. Their long term deployments lasted 4 -5 years with officers living alongside protesters and forming friendships and relationships, at least three police spies fathered children with female protesters.[97]

2.3.3 Performing technologies

As well as performing roles and disciplines artists also perform the technologies of surveillance itself. Ian Nesbitt performance of technology *The Office of Community Sousveillance,* took place on the streets of Nottingham city centre (2009) . His short film *PCSO Watch* (2009)[98] documents the event in which Officer Rob O'Copp and his colleague wear luminous Police Community Support Officer (PCSO) jackets with cardboard CCTV camera as their heads (see fig. 8).

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[96] Gant, J. (2020, November 16). One of the Met's first undercover officers had sex with a Vietnam war activist while spying on left-wing activists, inquiry hears. *Mailonline.* https://www.dailymail.co.uk/news/article-8948461/Met-Polices-spy-cop-operation-began-female-undercover-agent-having-sex-activist.html

[97] Lewis, P. & Evans, R. (2020, October 28). *Secrets and lies: untangling the UK 'spy cops' scandal.* The Guardian. https://www.theguardian.com/uk-news/2020/oct/28/secrets-and-lies-untangling-the-uk-spy-cops-scandal

[98] Nesbitt, I. (2009). *The Office of Community Sousveillance* [public artwork]. Radiator Festival, Nottingham, UK. http://www.iannesbitt.co.uk/index.php?/projects/office-of-community-sousveillance/ Link to the film: https://vimeo.com/32631395

Figure 8

Documentation of street performance PSCO Watch

Note. Nesbitt, I (2009) www.iannesbitt.co.uk

The artists are mobile cameras, physically embodying the technology, which always has a person behind it (this time underneath it). They proceed to surveil the city centre, the city's security cameras, citizens and the police officers who patrol it. The film documents a series of funny encounters and ends on a police officer asking for their details and warning them about their own safety potentially being compromised. This performance enacts the technology but Ian Nesbitt defaults to artist when he is questioned by the police. The subtleties within the conversations expose a power play and gaming around legal parameters and safety through the back and forth of exchanges. The work is playful, not investigative or unearthing legal evidence but probes legal boundaries and authority. The work is provocative as through the resulting dialogues it tempts the police

to issue veiled threats through their use of 'safety' as a tool for compliance.

2.3.4 Performing for the mass media

Performance artist and public protester Mark McGowan (aka Chunky Mark / Artist Taxi Driver) uses word of mouth and the national press to disseminate and add to the narrative of his performance. In his persona as Artist Taxi Driver he uses social media as his stage and as a way to disseminate episodes of his practice in which he performs an informed monologue about the politics of the day. He describes how his performance art creates an aftermath for interpretation:

> My art is all about the narrative. People will watch me do my stunt and it can be shit, but it's the narrative before the performance, the act itself, the aftermath and the interpretation that people are left with. That is performance art, the collective narrative and not simply the unusual act which catches people's eye originally...[99]

McGowan follows and critiques the coverage of the performances he carries out, for example rolling a peanut from Peckham to Downing Street using his nose in an attempt to clear his student debt[100] , or sailing to Scotland in a shopping cart. The work unpicks the systems and economies of media circulation whilst raising questions on truth and journalistic reporting. He makes use of possible negative perceptions and anger, putting to use ideas that art is ridiculous, perhaps a waste of money, weird or a waste of time. The papers that cover his performances prompt questions about truth, value, art and labour. His satirical videos as Artist Taxi Driver have over 60,000 subscribers on YouTube,[101] he uses this platform mainly to attack political parties and injustices.

Summary

In this small selection of performative practices, artists create tension within their work and use resistance and humour as a material to tease out, expose, explore, probe and

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[99] CelebsAgeWiki (2020) *Celebrity Wiki.* https://www.celebsagewiki.com/mark-mcgowan-performance-artist
[100] BBC News (2003, September 12). *Nut reaches Downing Street.* http://news.bbc.co.uk/1/hi/england/london/3102458.stm
[101] @chunkeymark https://www.youtube.com/user/chunkymark

examine power dynamics. Process, interaction, responsiveness and freedom of expression is emphasised within the work.

The artworks themselves are modest, slight or sketchy and do not reflect the depth of process involved in the work itself. The methods are responsive, funny, probing and non-conforming, sometimes flawed or failing. They sidestep, dodge, flip-back and are not troubled by their limitations or imperfections. The essence and bulk of the 'work' is within the performances, encounters or aftermath that they generate in which testimony, text-based works or media interpretation become the residual material as well as documentation. There is not a planned, defined outcome, but there is a method that relies on the individual to work with indeterminacy and responsively.

Erin Manning describes the risk of fluid and indeterminate processes being overlooked or forgotten:

> The minor is a continual variation on experience. It has a mobility not given to the major: its rhythms are not controlled by a preexisting structure, but open to flux. In variation is in change, indeterminate. But indeterminacy because of its wildness is often seen as unrigorous, flimsy, its lack of solidity mistaken for a lack of consistency. The minor thus gets cast aside, overlooked, or forgotten in the interplay of major chords. (Manning 2016: 1)[102]

The minor but meticulous forces of these performative processes bounce authority about, disrupt expectations and unmoor the contextual structural integrity. They carefully work just inside the law as a way to navigate confrontation and generate alternative dialogues and encounters with power and authority. In doing so the minor disrupts the definition of the major and creates subtle shifts, nuanced rhythms, and conditions for change. Manning proposes that:

> The grand is given the status it has not because it is where the transformative power lies, but because it is easier to identify major shifts than to catalogue the nuanced rhythms of the minor'. (Manning 2016: 1)

The 'image' is not the emphasis of these performative works, but the process of making

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[102] Ibid

an image and the significance of representation is the 'condition' of their work, despite the fact that the image is residual or not made at all. This assemblage of artists examining surveillance, the processual possibilities through image making, alongside the shifts enabled through performance is carried into the next section as I outline my methodological approach.

Chapter 3: Methodology; arts research and autonomous practices

Introduction

The broad terrain of practice-based research is a well established and recognised discipline. But the methods practice-based research employs are hard to define, slippery, idiosyncratic, personal, broad and diverse. Many artists span, or deliberately blur, ways of working between those of artist researchers or practitioners, straddling disciplines that are sometimes contentious, have conflicting authorities, histories or representation. This indecipherability means artists work with an expanded palette of strategies whilst drawing from diverse performative, material or visual processes.

Graeme Sullivan describes arts practice as 'offering up the potential to conceive of a liquid structure that opens up new perspectives that are created in the space between what is known and what is not' (Sullivan, 2010)[103]. Emma Cocker in her text *Tactics for Not Knowing: Preparing for the Unexpected* discusses 'restricting what we might see as an experimental tactic to generate different ways of seeing' (Cocker, 2013)[104]. Sullivan describes a fluid process that resonates with Manning's discussion of the 'minor' as a force coursing through an accepted structure. Cocker, on the other hand, suggests that restricting what we can see, and understanding the qualities of those restrictions, might activate an alternative analysis, allowing 'images' to 'speak' in relation to recognised parameters that define material qualities. Eyal Weizman describes an analysis of the image that incorporates an understanding of the process of production through his description of 'a camera as recording from both ends':

> …the objects, people and spaces their lenses capture, as well as the position and movements of the invisible photographer. Blurs are important in revealing things about the photographer. Rushed and erratic camera movements might indicate the risk involved in taking some of the images. As such, looking at blurry images is like looking at a scene through a semi-transparent glass in which the

[103] Sullivan, G. (2011). The Artist as Researcher; New Roles for New Realities. In J. Wesseling (Ed.), *See it Again Say It Again The Artist as Researcher* (pp 96-97). Amsterdam: Valiz.
[104] Cocker, E. (2013). Tactics for Not Knowing: Preparing for the Unexpected. In E. Fisher & R. Fortnum (Eds.), *On Not Knowing: How Artists Think* (p. 128). London: Black Dog Publishing.

image of the photographer is superimposed over the thing being photographed. (Weizman 2017: 38)

As practitioners, when we look at artefacts, we can envisage the process of production. This is akin to a kind of live reverse-engineering of the processes that we specialise in. When process is more apparent and the artefact less finished or complete, the problems, decisions, interventions or situation of production are exposed and mediation made apparent. Susan Schuppli expands upon this revelation of process though a (sometimes forensic) analysis of material and matter (Schuppli 2020) whilst Lawrence Abu Hamdan reconstructs or redistributes technique or evidence for alternative analysis. The 'image complexes' referred to by Forensic Architecture reverse-engineer and expand the closed narratives described by Laura Poitras.

Julia Garcia Espinosa emphasises the importance of the revelation of process and working-through within a democratised image:

> We maintain that imperfect cinema must above all show the process which generates the problems. It is thus the opposite of cinema principally dedicated to celebrating results, the opposite of self-sufficient and contemplative cinema, the opposite of cinema that "beautifully illustrates" ideas or concepts which we already possess. … To show process is not exactly equivalent to analyzing it. To analyze, … always implies a closed prior judgement. To analyze a problem is to show the problem (not the process) permeated with judgements which the analysis itself generates a priori. (Espinosa 1969: 9)

A democratised image suggests one that can be produced outside of constraints and influence, in this case the economies of cinema. The 'imperfect cinema' that Espinosa references, suggests an image that is perhaps more truthful and critical through its exposure of the process that generates the 'problems', rather than the problem itself. The analysis of Forensic Architecture, Schuppli, Abu Hamdan and others create 'back door' access to process through their unravelling, reverse engineering or reconstruction of the image or narrative that is presented.

To support the analysis and understanding of specialist camera work and technique within imagery selected for this study I completed a course in *Undercover Camera*

Training at the Centre for Investigative Journalism, Goldsmiths, London (Dec 2017).

The intention was to understand the particularities and techniques of undercover filming with hidden cameras to inform an analysis of archival material. Rather than looking at the subject of archival surveillance material I would analyse the material qualities and indicators that might reveal political decisions, information about the person behind the camera or the situation of the documentation. This would enable me to 'turn the camera around' unpick, unravel and reverse the process of production.

The course was led by two investigative journalists Alan Harraden and Paul Samurai, who specialise in filming undercover. It was followed by a session led by investigative journalist Joe Plomin[105] on the ethics and legal considerations of filming covertly. Harraden and Samurai described the undercover reporter as 30% journalist, 30% actor, 30% camera person and 10% luck. This analogy is useful in illustrating ways in which an artist might work. We can substitute 'journalist' for 'artist' and 'camera person' for any artistic medium, and the methods for *undercover* investigative journalism become transferable.

These counter-intuitive, performative and dexterous processes of blurs, duality, indecipherability or uncertainty are at odds with research that is rooted in more conventional scholarly means. Jeroen Boomgaard in his text *The Chimera of Method* discusses the understandable resistance of artists to adopting methods and working in ways perceived to constrain or restrict the subject area (Boomgard, 2011)[106]. Working in a way that might employ methods that are more 'recognisable' and perhaps therefore convincing would be counter productive and restrictive to the essence of arts research. Cultural theorist Judith Halberstam examines the logic of success and failure in their[107]

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[105] Joe Plomin was quoted in the House of Lords during the debate on the Investigatory Powers Bill (2016) when Lord Puttnam was speaking in defence of whistleblowers. He was shortlisted for The Orwell Prize for *Exposing Britain's Social Evils* (2018) for his work as an undercover producer.
[106] Boomgaard, J. (2011). The Chimera of Method. In Wesseling, J. (Ed.), *See it Again Say It Again The Artist as Researcher*. Amsterdam: Valiz.
[107] 'Their' or 'they' is used as a non-binary pronoun in reference to Halberstam.

book *The Queer Art of Failure* (2011)[108]. They present a series of behaviours, resistances or affectations that usefully probe and challenge norms that discipline behaviour or assemble power. They write:

> The desire to be taken seriously is precisely what compels people to follow tried and true paths of knowledge production around which I would like to map a few detours. Indeed terms like *serious* and *rigorous* tend to be the code words, in academia … for disciplinary correctness; they signal a form of training and learning that confirms what is already known according to approved methods of knowing, but they do not allow for visionary insights or flights of fancy. (Halberstam 2011: 6).

Halberstam presents a series of artists and authors who invest in 'counterintuitive' and 'counter hegemonic modes of knowing', such as failure and stupidity, positioned as resistant practices. Halberstam proposes that the 'goal is to lose one's way, and indeed to be prepared to lose more than one's way.' New routes, detours, potential and opportunity are found in not winning, doing, knowing or are found in the minority, or outside the mainstream.

This immediately brings to mind the methods of the Clown Army (CIRCA) (see Chapter 2: Performative Processes) in which the failure and stupidity of clowning is essential. Kyprianou's sketching intervention whilst 'kettled' by the police also rejects 'rigour'. He describes a process referenced earlier in which he plays on and puts to use the 'amateurish' nature of his drawing. In adopting the role of amateur portrait artist Kyprianou is attempting to fit in, sketching made him a 'proper' artist - he deliberately divests his identity as a 'contemporary artist'. Filming in the middle of a protest is confrontational because of its association with documentation and evidence gathering and his work as a 'contemporary' artist would have been immediately challenged.

Donna Haraway proposes that:

> We seek those ruled by partial sight and limited voice - not partiality for its own sake but … for the sake of the connections and unexpected openings situated knowledges make possible. Situated knowledges are about communities, not

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[108] Halberstam, J. (2011). *The Queer Art of Failure.* Durham, North Carolina: Duke University Press

about isolated individuals. The only way to find a larger vision is to be somewhere in particular … The science question in feminism is about objectivity as positioned rationality. Its images are not the products of escape and transcendence of limits (the view from above) but the joining of partial views and halting voices into a collective subject position that promises a vision of the means of ongoing finite embodiment, of living within limits and contradictions-of views from somewhere. (Haraway, 1988)

Haraway calls for on the ground, positional perspectives to be able to 'see from below'. Arts research does not become constrained by a particular method or academic craft but creates its own parameters through the relevance of the enquiry and maintains the freedom to be fluid in approach. In order to be able to 'think like artists and … with the aesthetic sensibility of art'[109] that is so fundamental to the research carried out by Forensic Architecture for example, it is necessary to *be* an artist and to employ the idiosyncratic and diverse methods that artists use.

3.1 Autonomous Practices

In her text *Tactics for Not Knowing: Preparing for the Unexpected* (2013) Emma Cocker discusses the tactical approaches used by artists to produce the conditions of uncertainty, disorientation or indeterminacy. She describes this approach as being prepared for the unexpected and 'developing readiness (for anything) of being at the cusp of action, mind and body poised'. She discusses a condition of 'not knowing' as 'an active space within practice, wherein an artist hopes for an encounter with something new or unfamiliar, unrecognisable or unknown.'

This preparation for the unexpected means the research direction is not prescribed, allowing a response 'on the fly'. This intentional space conjures a reflective space of uncertainty, of working through and of process. Cocker's critique felt particularly pertinent for research that would be carried out in the Houses of Parliament and in the Stasi Records Agency which exposes an historical quest for certainty based on information and evidence. She writes:

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[109] Steadman, I. (2014, September 11) Returning the gaze: everyone's a war reporter in an always-connected world. *New Statesman* https://www.newstatesman.com/future-proof/2014/09/returning-gaze-everyone-s-war-reporter-always-connected-world

> … a space of fleeting liberty or reprieve; the brief interlude of potentiality flanked either side by what is known or certain. In these terms, not knowing might be considered a liminal experience, a transitional state where law and logic seem lost or left behind, where the coded conventions of the structural realm appear upturned and abandoned. Undoubtedly the experience of not knowing can be approached as such; it's affordances seemingly provide the conditions of freedom *from* with freedom *to*, temporary liberation from the pressures and responsibilities that come with knowledge. Here, not knowing might be embraced for its lawlessness, celebrated for what it refuses and resists, for what it is *not*. (Cocker 2013: 130)

Cocker describes an in-between space - a space 'flanked either side' operating within structures whilst disrupting them. She describes the tensions and qualities of not knowing as lawless, refusing and resisting not an ephemeral space of disengagement but an active space of resistance. 'Not knowing' navigates and balances conflicting tensions of pressures and responsibilities to maintain autonomy.

In Newspaper #2 produced by the Autonomy Project[110] Charles Esche (2010) discusses the danger of art becoming marginalised within social, economic and political discourses because of its autonomous nature whilst also being constrained and limited by governmental and institutional systems. He describes art as sitting 'on the edge of things':

> …art can be seen (potentially) to occupy an ambivalent space and status apart: potentially autonomous and potentially engaged, potentially commodified and potentially critical, a double position that is increasingly rare in a world where so much is purified in order to sustain the core systems of capital exchange. (Esche 2010: 7)

This in-betweenness, ambivalence or double position is a structured intentional space within which to act responsively, responsibly, on the edges, perhaps just within the law, a space that artists generate and strive to protect.

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[110] Esche, C. (2010). Art and Artists. In Thije, S. Byrne, J. & Butcher, C. (Eds.) *Autonomy Project Newspaper #2.* Netherlands: Onamatope. https://www.onomatopee.net/exhibition/the-autonomy-project/

In her text *The Creep* (2018)[111] Becky Shaw references a project which we both worked on called *Hiding in Plain Sight* (2016)[112]. As part of the project we asked participants to play a game of hide and seek in the simulation wards at Guys and St Thomas' hospital, London. Shaw describes the 'seeker' as 'creeping on tiptoe, shoulders hunched, calf muscles tense, an unnecessary but comic and tension-filled posture that prompts a reflection on the physical sensation of working as an artist within organisations   spaces where you are unsure how to move but you move anyway, doing something to see what happens. Your stomach is knotted, treading carefully, not wanting to be too visible, needing to be trusted, but knowing that you need to not belong as that is what makes what you have to offer useful'.

Shaw describes the tension of being trusted on the inside whilst attempting to remain on the outside, whilst Halberstam's intention to remain lost needs an institution to remain lost inside or a competition to fail within. These practices are not in conflict with the institution but using the environments, politics, dynamics and power structures as material for artistic processes to take place.

Summary

These ways of carrying out research, although appearing somewhat ill-defined, provide a range of different structures to choose from or use in collaboration. Thus the artist is enabled to enter unknown territories as a non-specialist and have the confidence to do so. Artists are equipped with strategies, ones that resist definition and that can be employed or deployed as necessary: they draw from process, respond to environment, work 'at odds' or are counterintuitive. These are not spaces of disorganisation or points at which artists are falling into the tropes of their identity, but intentional and strategic practices and methods. Arts methods leap out of, as well as employ arts practice within research from an approach that is continuously self-reflective and self-critical. Working iteratively and responsively means that the very processes we follow and the structures

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[111] Shaw, B (2018). The Creep (Sarah Smith). In *Artists publication: Double Agency*. (p.18). Sheffield: SHU Print
[112] https://www.shu.ac.uk/art-design-media-research-centre/archive/hiding-in-plain-sight
http://beckyshaw.net/Hiding-in-Plain-Sight

we are working within are constantly reviewed, questioned and challenged, whilst we are also exploring the context or subject of investigation. Artists recognise, pinpoint and question the top down verticality of systems through processes based in image making. Steyerl's work in which she attempts to disappear into green screen or to the size of a computer pixel speaks to this, as does the character Winston in Orwell's 1984 (Orwell, 1949) as he attempts to find spaces in his flat where he is not detected by the 'telescreens'. Surveillance art presents a double layering and questioning of the hegemonic systems of both research protocols and properness and the surveillance that we function within.

These examples, critiques and reflections outline a selected range of approaches that I will use to define the methodology for the study. The research will take place in two iconic institutions that present interesting tensions and dynamics for a study on surveillance. Both the Houses of Parliament and the former Ministry of State Security where the Stasi Records Agency is housed, represent significant systems and operations of power. The parameters of surveillance practices in both institutions are captured within a transitionary and unsettled historical moment. Contemporary state surveillance practices within the Investigatory Powers Bill are being debated and defined, whilst historical state surveillance practices at the Stasi Records Agency are being reappraised from a dismantled system. There are interesting binaries between the spaces, of implementing and decommissioning, analogue and digital, historical and contemporary. These temporal, material and operational dynamics of power provide a forceful environment within which to work responsively.

3.2 Methodology

3.2.1 Working responsively

The buildings of The Houses of Parliament and The Stasi Records Agency where the core research takes place are of international and historical importance and significance. The experience of visiting these places is exciting, interesting and

stimulating; the impulse to respond to and capture the resonance, histories, architecture and ritual of these impressive environments is forceful. It would be easy to be overwhelmed by the authority of the institutions and to attempt to rigorously define and outline the research for fear of being turned away. But it is not possible to define or outline the intention within either institution without first 'having a look', to understand the complexities I was looking at and to devise a strategic approach. This responsive approach has a long history in art practice.

The Artist Placement Group[113] (APG 1966-89) placed artists in industrial and governmental departments for extended placements to challenge the role of artists and the institution by moving the production of art away from galleries, museums or academies. The central premise to the durational residencies was the principle of an 'open brief'. The placements resulted in a variety of controversial and sometimes revealing artists' reports, films, photographs, interviews, poetry and art installations. At the time this model that moved away from an object-based understanding of the work of art was radical work.

APG is commonly referenced in relation to models of socially engaged practices or artists' placements with a mutually beneficial relationship between host and researcher. But their work[114] and broader portfolio was much more expansive than this. The model of the 'incidental person' shares more similarities with practice-based research and investigative practices than one that might be briefed to solely generate a mutually beneficial outcome. The structure supporting the role of the 'incidental person' and the premise of the open brief ensured that the artists could work responsively through creative investigation that was free from the expectation of an object-based outcome. Their manifesto emphasised the importance of the artist having autonomy, independence and in 'not knowing'[115] what may develop from a placement emphasising that 'context is half the work' and the importance of generating the work in situ. This

[113] Tate, (2004) *APG: Artist Placement Group* https://www.tate.org.uk/artistplacementgroup/
[114] See: https://en.contextishalfthework.net/about-apg/artist-placement-group/
[115] N H. (2015). *Interview Barbara Steveni (APG).* APG co-founder Barbara Steveni discusses APG principles and beginning]. N H. URL https://vimeo.com/161780413.

allowed a responsive and reflexive practice to emerge but not one that was always possible to 'place' or desired by host institutions.

Ideally each placement first went through several months of feasibility study where the artists would familiarise themselves with the context and then work up a proposal. Often work did not progress beyond a feasibility study and their genuine and extensive negotiations could be publicly witnessed as part of exhibitions in the early 1970s.[116]

Cultural geographer Simon Rycroft discusses APG's work as a way to articulate impact in the geohumanities[117] (2019) and outlines the successes and challenges of the artist placements.

Rycroft recognises arts practice as an ethnographic method to generate interaction and conversation. For example, artist Andrew Dipper's placement on an ESSO oil tanker, lacked material resource from which to make work:

> The impromptu ethnography he designed to aid his interaction with the workers involved photographing them at work. Although they appeared as slides … along with a Super 8 film, the photographs were not intended to be a placement output, only means to break the ice and spark conversations. (Rycroft 2016: 297)

He describes APG's engagement in a variety of workplace settings as resulting in 'outputs characterised by this dematerialised, affective nature' as being the most 'salient', he states:

> The real output was not a physical art object but a set of 'findings' about the levels of boredom on the tanker, how that led to an unhealthy drinking culture, and the poor ship-to-shore communications which came to light when the workers requested the photographs to send home … this was characteristic of an APG placement, where an artist took time to observe the context before suggesting change and where outcomes were essentially 'intangible (at least in economic terms) (Rycroft 2016: 297)

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[116] Ibid
[117] Rycroft, S. (2019). The Artist Placement Group: an archaeology of impact. *Cultural Geographies, 26 (3), 289-304.* https://journals.sagepub.com/doi/abs/10.1177/1474474018821860

Rycroft details a later placement of the artist George Levantis on Ocean Fleets Ltd. cargo ships travelling to Africa and Asia that was not as successful. Levantis initially took photographs and gave art lessons to break the ice, have conversations and connect with the crew. But when Levantis 'chose to 'make' art from found objects on the ship … some of his pieces were tossed overboard by the crew. Although there seems to have been some misunderstandings about Levantis' role on the ship, it is telling that when he played the role of the traditional artist in this environment, it was not appreciated' (Rycroft 2016: 297)

An 'artist' paid and situated within the intense labour of industry might understandably be an uneasy bedfellow for some of the organisations approached by APG. But when the placed artist is not engaging with people and processes within which they are situated then the social context of the artist becomes more complex as privilege, value and status become apparent. In addition especially during a placement on a ship where there is no realistic break away from the site, good relations become essential and we don't know George Levantis to speculate on his character.

Being an 'artist' can be both a hindrance and an opportunity. The role of an artist is often met with a willingness to accommodate as it represents a benign activity and is perhaps perceived as uncritical. Artist Jill Gibbon navigated access to the arms fairs through this perception, using her identity as a female artist, being 'well-dressed' and sporting fake pearls helped with the performance of an undercover artist.

Art is often used as 'a breather' at a conference, or as a visual respite, something associated with leisure and fun or as a way to illustrate the complexity of a presenter's ideas. There is the possibility of co-opting research practices if we do not recognise the forms of knowledge production that artists are engaged in. Scholars regularly reference artists at conferences or present an entire paper which focuses on a single solo exhibition, or they may illustrate flawed research practices from examples of poor art work. Alongside this, the different types of practices artists are engaged with, or the differences between creative disciplines are sometimes confused or misunderstood.

Discussions at the Surveillance Studies Network Conference (2018)[118] amplified the difficulties of creating a space that represented arts research centred on surveillance as well as the complexities and problematics of defining creative methods within broader scholarly fields. Within some of the presentations I was left feeling uncomfortable with the lack of the voice of the artist to articulate their research and particular modes of knowledge production. An artwork or exhibition can be treated as a text and referenced accordingly, and used comparatively and analytically. But there is a difference between re-presenting the research that the artists have carried out within the work and referencing that research i.e. acknowledging that it is present within the work. The confusion here stems from an understanding of the exhibition as the illustration of an idea that does not acknowledge the complexity of a making-as-thinking process embedded within the production of work extended through the exhibition itself.

Artists are also associated with the Left, with resistant practices and non-conformity and so adopting the identity of 'artist' is not always enabling in the ways that we might anticipate when we are requesting access for research or for more formal application. I was aware that art as research might not be received with the same gravitas as a researcher in law at the Houses of Parliament or The Stasi Records Agency, making a responsive approach more essential. In anticipation of this and to provide a framework within which to operate I approach the fieldwork trips as 'operative missions'. This means that whilst I was carrying out the fieldwork I would work responsively: alert, looking, listening and responding, whilst generating conversations, material, writing and documentation to work with. Through my arts practice I commence conversations and interactions and break the ice.

Summary

Working responsively hinges on having access to the research sites. This initial approach is a really important and trepidatious part of the research as it is the point with

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[118] Surveillance Beyond Borders and Boundaries Conference 2018, Aarhus University, Denmark. https://conferences.au.dk/fileadmin/user_upload/SSN2018_Book_of_abstracts2.pdf

least definition and yet the point at which you need to be as clear as possible about your intentions. This is where the identity and stature of being a researcher is relied upon and it is necessary to formally lay out a broad intention of the research. Once within the space of the research, the blurriness of 'having a look' takes place. I am aware that this description sounds like I am 'tricking' my way into these spaces or being disingenuous or carrying out a 'recce', but entering the space without definition for preliminary looking is doing exactly what I intended as part of the research process. It creates a double bind or temporal blurring as I carry out preliminary looking to develop the research which is also part of the research itself.

3.2.2 Operations and identity shifts

The fieldwork for this study involves two 'operative missions'. The condition of being 'operative' is a modus operandi for making work whilst responding to the particularities of world-renowned historical institutions. The sequential missions are titled *Operation Parliament* and *Operation Stasi Records Agency* in Chapter 4: Findings.

The OED definition of an 'operation'[119] describes certain properties that are active and forceful. The temporary nature and time limited change of state, realignment or manner is performative and active and encompasses the 'action of making or producing'. It is hard to think of an 'operation' as in a 'mission' without conjuring images of *Dad's Army* or hackneyed Cold War spy dramas; it is nostalgic and quaint not threatening or confrontational and perhaps flawed.

We might think of being operative as an in-between space, neither here nor there, one space or the other with the potential to become inoperative at any point. In this way it offers a way to be responsive, playful and critical as a unique individual. The absence of a strict methodological framework allows the approach to become bespoke, acting

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[119] *Operation*: '…exertion of force or influence; working, activity; a manner of working, the way in which a thing works … the condition of functioning, or being operative or active. Chiefly in operation, to come (also put) into operation…. Action, performance, work; an instance of this….The action of making or producing something…' . OED Online. Oxford University Press, March 2020. Retrieved 30 April 2020.

outside the frameworks of more conventional research, but using strategies that are perhaps vulnerable and reliant on the confidence of the artist to enter into unknown circumstances. This approach intentionally brings in subjectivity, creating a situation where ethical considerations and decisions would need to be implemented in 'real time' without prior rehearsal, or where swift pursuit of nodes of interest must be actioned quickly.

Summary

Being 'operative' presents a way to navigate the contention of the artist as encompassing the possibility of both a negative or positive reception, but it also maintains the freedom of non-definition, a resistance to being 'pinned' or restricting the investigative stage to a particular methodological approach. But this does not mean that there are not methods, parameters or structure present to carry the 'rigour' of an investigative approach. The methods are embedded within *individual* arts practice and evolve as the investigation progresses and amasses material and data to work with.

This is different from the parameters in which an investigative journalist might operate but the activities may have complementary methods or crossovers of investigative techniques with the research disseminated in different investigative forums. Some of the methods I employ at the Houses of Parliament are affirmative or gently provocative. The intention of this is to affirm the right to approach things in a different way and to maintain freedom of expression, to perform my right to be within these institutions. It is part of 'being operative' and of devising tactics to approach the research.

3.3 Selecting the sites and considerations for fieldwork

The research proposal grew out of formative work based on the former 'death strip' of East Berlin. My desire to see the images and footage from the spyware at the Stasi Museum from a visit in 2014, prompted me to develop this into doctoral study to examine surveillance through the surveilled image. It felt necessary to focus on surveillance in my own country rather than in Germany where I was not living and had

no connection to the former regime of East Germany. The passage of the Investigatory Powers Bill (2016) through the Houses of Parliament was a timely opportunity to sit in the heart of contemporary political debate on surveillance, but it also presented a debate on the material qualities of what constitutes the 'image' in surveillance. As the debate progressed the rationale to carry out research at the Stasi Records Agency foundered predominantly because of information overload. I was sure that I would discover critical insight at the Stasi Records Agency but could not articulate what that was without having a look.

3.3.1 How arts practice prompts and informs requests for access

As an artist I had been inspired by hidden cameras I had seen at the Stasi Museum (2014) (see fig's 9 and 10). Hidden cameras in everyday objects such as watering cans, bags or ties hold seductive sculptural and comical qualities. There is an uncomfortable tension within comical objects that once supported the surveillance of a dictatorship. I am captivated by them as farcical devices that were considered high-tech in their time.

Figures 9 and 10

Cameras hidden in a watering can and a tie, on display at The Stasi Museum (2014)
Note. Documentation from a visit to the museum.

In 2014 before this study had commenced, I was developing some artwork that would 'hack' analogue devices and turn them into digital spyware. They would have the aesthetics of the Stasi's historical devices. This might make more apparent the nature of

surveillance as actual, tangible, hidden cameras and devices rather than the concealed, ephemeral and often invisible or tiny qualities of digital surveillance.

For this study instead of re-engineering analogue devices into digital ones, I make the digital 'present' through the subject of the documentation. The Investigatory Powers Bill (2015) is examining the extension of digital surveillance within the UK, so the documentation commences with the first visit and observation in Parliament (6th June 2016) of the Report stage and Third Reading of the bill. The cameras and devices act as a prop as part of 'being operative'.

The spyware at the Stasi Museum had also left me with a desire to see the images that might be produced by a camera hidden in a watering can or a tie, and left me wondering what would audio sound like when the microphone was placed in a pen or a watch? The devices prompted a series of questions. What might the point of view reveal? What might be the subject matter of these devices? How would the image be composed? What are the aesthetic qualities of these images? Would the microphone include the scratch of the written word or the rustle of the suit pocket? What might a contemporary version of this surveillance technique produce? How do I create a strategy to make use of these objects that are evocative yet comical surveillance tools?

As part of the study I completed an application for access to look at the material qualities of footage from hidden cameras at the Stasi Records Agency as a researcher.

3.3.2 Formal requests to access the Houses of Parliament and the Stasi Records Agency

Access to the Houses of Parliament is straightforward; you can arrive at the gate at Cromwell Court at Westminster to go through security checks unannounced. It is possible to enter as a citizen, tourist, researcher, artist or other, without prior arrangement. This allows you entry to Westminster Palace and both the House of Commons and the House of Lords. If there are political events and it is likely to be busy

or if you wish to attend Prime Minister's questions for example, it is advisable to request a ticket from your local MP. But as this is a public gallery and I am observing a bill pass through Parliament as well as visiting the Houses of Parliament, it is not necessary to submit a research request. To ensure ease of access I requested a ticket from my local Sheffield MP Paul Blomfield for my initial trip as there are restrictions on some forms of documentation in certain areas. The website states:

> The privacy of those who work or visit Parliament must always be respected. These rules are applicable to filming and photography on all devices including cameras, phones and tablet computers, and also extend to sound recording, painting and sketching. Tripods must not be used at any time.[120]

With a ticket from an MP it is still necessary to queue, and go through various stages of security, but you do not have to pick up a pass to enter one of the viewing galleries. The security checks are very similar to baggage checks at an airport. At the gate you are questioned by a police officer to check whether you are carrying anything sharp, or anything that might be considered a weapon. The police officer makes eye contact with you as though you are having your passport checked. You then need to queue to take your bags and coats through the baggage check. After that you enter the courtyard in front of Westminster Palace and can enter the building.

This information concerning privacy informed the methodological and ethical thinking and planning, for research into a government bill that would significantly extend digital surveillance on its citizens. The Investigatory Powers Bill (2015) concerns the collection of and access to surveillance data by the state and presents challenges to privacy through the legislation. The Stasi Records Agency releases surveillance data and navigates the protection of privacy via the Stasi Records Act (1991). Both legislative acts concern mass state data collection and the different complexities of privacy.

To access material held within the Stasi Records Agency it is necessary to complete a media request form outlining the parameters of the research with as much precision and

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[120] UK Parliament (2023).
http://www.parliament.uk/visiting/access/photography-filming-and-mobile-phone-use/

detail as possible to inform a focussed search. At the time of my access request the Stasi Records Agency (2016) was not yet part of the National Archives in Berlin (2021).

The Berlin archive of Der Bundesbeauftragte fur die Unterlagen des Staatssicherheitsdienstes Der ehmaligen Deutschen Demokratischen Republik (BStU) (The Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic) was the first institution established worldwide to make secret service files publicly accessible. This was in response to the demands made by citizens of the former German Democratic Republic (GDR) during the Peaceful Revolution (1989).

111km of documents are held in the Stasi Records Agency archives, with 50km of them held in the BStU central office. There are 12 regional offices. There is a huge amount of audio visual material, this is detailed on the BStU website as 1.8 million photographs, microfilm and slides, 2,866 films and videos, 23,700 audio recordings and 54 Ministerium für Staatssicherheit: Ministry for State Security (MfS) data projects.

A focussed search is essential but problematic if I want to employ methods of arts research and work responsively and in an 'open ended' way, working outside of more generic methods that might be associated with visual methodologies. Gillian Rose's book Visual Methodologies[121] (2016) is essential for understanding methods in visual culture particularly for interdisciplinary methodologies. She positions this in terms of social science research methods and away from arts-based research that 'creates insights specifically through the creative possibilities enabled by the medium of a specific art form, as projects depend on art techniques rather than social science research methods' (Rose 2016: 333).

The role of a researcher opens doors into environments that might otherwise be difficult to access. It is a privileged position and carries with it an element of trust and good

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[121] Rose, G. (2016). *Visual Methodologies; an introduction to researching with visual materials.* London: Sage.

intention through an expectation of rigorous practices that carry ethical responsibilities. When I navigate access to institutions or departments within them, careful and sincere communication is imperative partly because of the uncertainty that the role of an artist carries with it. Being able to approach access as a researcher presents a new type of formal agency, but I am aware that I do not know how to 'be' a researcher, so I am reliant on finding my way, following my nose and responding as I go along. 'Not knowing' is intentional but problematic and it is important that I navigate this with care.

The formal application required at the Stasi Records Agency is enabled by my role as researcher and the language of research whilst maintaining the identity of an artist. As an artist the hidden cameras and archival material are my starting point, but I also wanted to see inside the institution of the Stasi Records Agency and respond to this historical building as the research progresses.

The emphasis of the media request is to look at archival files and critique their material qualities, to analyse technique, process, decisions made and consider the person and apparatus behind the camera and the situation that this material was documented under. The intention is to focus on the structure of surveillance through an analysis of material, I do not want to revisit an invasion of privacy.

I request to see material from hidden cameras, failed material that had missed its subject matter or was empty, negatives and footage that is disrupted or had been cut or damaged through sabotage. I am not concerned with the subject of surveillance but with the aesthetics and qualities of surveillance material itself.

The images that I amass through both documentation and archival material will carry different affordances that have been, and have the potential *to be*, mobilised in different contexts. The next section details the methods that are taken forward to equip the study with practice-based tasks to explore the questions proposed, and to amass data in the form of film, photography, audio, and text.

3.4 Amassing material through arts practice

I generate 'material' through arts practice by recording my own original footage using film, photography and audio, selecting film and video material from publicly accessible archives - for this study, the Stasi Records Agency. But I also amass other forms of material such as experiences, conversations, politics, or social media feeds for example. This less tangible material is collected through field notes. When I have access to the research site, I rely on image making as a way to commence the research and discover material to work with. This making process and each stage of gathering material stimulates thinking and looking and, as I review images, log footage, write up field notes, it is an important mode of reflection and analysis. During this making process, visual and / or written material and musings may become evocative, meaningful and insightful. Seeing, shifting, comparing, reworking or scrapping content and ideas is a way of working through, devising a way forward, recognising prompts and uncertainties. For this study the image seeking is underpinned and driven by surveillance narratives and contexts. The material qualities of a contemporary image described in Chapter 2, one in which surveillance technologies permeate, underpins the work as I observe, study and consider surveillance narratives.

There are four methods that I use to collect material and bring it together: props, toolkits and performance; digital sketches; writing field notes; and exhibiting.

3.4.1 Props, toolkits and performance

Irene Fortuyn's text *The Artist's Toolbox*,[122] describes the journey of research and the critical enquiry as it progresses. She describes a toolbox - alluding to one that is prepared for every eventuality and encompassing the diversity of processes that artists may use.

> The Artist defines his or her own methods and set of tools. The artist's tool-box

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[122] Fortuyn, I. (2011). The Artist's Toolbox. In Wesseling, J. (Ed.), *See it Again, Say it Again: The artist as researcher* (pp.169-173). Amsterdam: Valiz

can therefore contain all manner of things: brushes, paint and canvas, or pieces of wood, chisels and mallets. Or stone, textiles, waste materials, hiking boots, camera, microphones and measuring gauges. But social conditions, power relations or economic models can also serve as artists tools….Whatever the content of the toolbox, the principle of the artist's profession remains the same: being on a journey with the question. The activity of the artist - the artistry - is not necessarily defined by the outcomes - the works of art - but by that being on a journey, the process of critical inquiry, the context and the transformation, the making manifest. This always entails an investigative component and that is what aligns the artist with researchers in other disciplines. (Fortuyn, 2011: 170)

Fortuyn emphasises the importance of process within the critical enquiry of arts research, aligning process with investigation and research across disciplines. She positions arts practice away from the object - the work of art.

The environment within which the research is taking place, 'social conditions and power relations', become part of the artist toolbox, this for example is put to use in Kyprianou's, Gibbons', Nesbitt's and McGowan's work.

A pencil becomes a prop used to perform as a portrait artist when Kyprianou is kettled by police and the interaction of drawing used to prompt dialogues and explore power relations. Gibbon uses the performance of sketching to secure access to international arms fairs, Nesbit uses handmade cardboard costumes of CCTV cameras to perform *as* technology and provoke encounters with the police as part of a performance that explores the dynamics and parameters of city surveillance and what constitutes 'safety'. McGowan uses the mainstream media as tools and material in the production of his work.

Sketching firmly states in an unambiguous way that you are an 'artist' and therefore (perhaps) benign and this can be useful in difficult or politicised contexts. But a camera, it's association with truth and evidence and more recently with exposure through social media, can hold a different type of agency or be far more confrontational in certain contexts.

I use my cameras and devices as props to generate interaction and begin conversations as well as tools for documentation. An unusual camera especially on a tripod in an interesting place, attracts people and invites conversations. But it can also be a provocation if going through a security check or when pointed at someone uninvited.

The panorama *Chausseestrasse* (2014) (see fig. 11) is from a body of earlier formative work made at one of the undeveloped areas of 'no man's land' in Berlin. The methods that I employed to produce this image use a camera as both a prop and a tool and incorporate performative processes. The props and tools used, the process of documentation as well as the production of the image all play an important part in the 'reading' of the image.

The image was taken using a GigaPan, an automated tripod head that pans, tilts, rotates and releases the camera shutter within defined parameters to create the image series for high-resolution digital composite panoramas. It comprises 144 digitally stitched images creating an uncompressed image that is 4m x 1.5m.

Figure 11

Chausseestrasse (2014)

Note. Butler, R. Digital composite panorama 4m x 1.5m (2014)

To be able to see over the wall depicted within the panorama, and frame the image, I

stand on a tripod made from pieces of timber lying on the floor. An image of this size takes 20 minutes to document and this conspicuous act would undoubtedly result in passing dialogue. There is playfulness in this process and whilst I am balancing on the tripod to take the picture only one person passes but he stops and tells me that the building behind the wall would be the new German Secret Service building. 30% artist, 30% camera person, 30% actor, 10% luck.

A Gigapan is a technology that was developed by Google and NASA to take high-resolution panoramas of Mars using remote control. Forensic scientists adapted this technology for use at crime scenes. This high-resolution image allows a detailed digital analysis to uncover evidence that might not be apparent to the naked eye. Using this technology as an artist presents a further change of use and allows an exploration and critical reading of the image that is underpinned by its forensic heritage.

For this study the combined use of props, toolkits and performance form a method with which to carry out the research. I use historical surveillance devices that reference the years of the Cold War during both investigative 'operations'. This approach draws from some of the surveillance and performative practices described in Chapter 2: Performative Processes and is bought together with the methods and 'sets of tools' described in this chapter. This blend of practices carries the research forwards.

A 1960s Minox Complan miniature spy camera, and a 1980s Dictaphone sourced from eBay are used covertly in the Houses of Parliament whilst the Investigatory Powers Bill is debated (see fig's 12 and 13 below). They are used openly (not hidden) in areas where it is permitted in the Houses of Parliament and documentation is carried out exclusively on an open camera at the Stasi Records Agency. This process teeters on the edges of freedoms by taking strange cameras through security baggage checks or documenting within areas that it is not permitted. It is not illegal to take cameras into the Houses of Parliament.

Figures 12 and 13

Images of a 1980s Dictaphone and a 1950s Minox spy camera sourced off eBay.

A Minox camera can be seen concealed within the tie from the Stasi Museum (see fig. 10). A Minox camera was in fact rarely used for hidden camerawork when surveilling individuals in the former GDR. It is a specialist camera and best used for copying documents close up and in controlled or bright light. This means that it will produce images that will be ill-defined, not exposed, incorrectly exposed, blurred, would contain a lot of visual disturbance or would be restricted in some way. The 1980s analogue Dictaphone is of the same aesthetic as some of the devices seen in the Stasi Museum. It has limited quality and creates a significant amount of distortion on its tape recordings, it is bulky and apparent. The built-in microphone captures a broad range of distorted and warped audio.

Carrying recording devices provide the props for a 'mission', a reason to stay in one place to observe and listen, to be alert and 'operative', looking for the image or audio of interest. Whilst I am looking, I am also thinking and working out a way forward. In her text *What is visual intelligence and how do artists use it?* Rebecca Fortnum (2005) investigates the relationship between artists' thinking and making. She describes thinking and making as 'visual intelligence' and puts forward the phrase as '… a life raft, enabling the decision making processes of contemporary visual practices to be recognised and enter certain academic debates where they have been largely

absent'.[123] Fortnum attempts to map patterns of thinking and making to 'address the fact that most visual artists make a number of decisions…that aren't purely conceptual or only to do with making and technique but lie in the relationships between these aspects of making.'[124] She describes the impossibility of separating seeing from thinking, and the interdependency of the sensory and contextual in perception 'Thinking **is** part of looking: we choose what it is we look at and understand that what we see is often not what it is'.[125]

Fortnum's study questions artists whose practices are embedded within traditional modes of making, ones with direct and easily identifiable material process such as sculpture, painting, video, drawing, collage, installation or photography. These are practices that are studio or workshop based, but the relationship between thinking and looking is transferable to artists carrying out fieldwork. When working in situ other tools and materials come into action such as the environment, social or political interaction.

Documentation forms part of the material to work with, develop and critically reflect upon, but it is the process of documentation that is of importance. The emphasis of the documentation is not the subject matter of the images and audio portrayed or whether the material is high quality. There is not an intention to acquire secret material or expose spaces or individuals, I am not a covert journalist photographing MPs' papers as they pass on high-resolution cameras, neither am I attempting to record informal conversations or trying to be an arts activist. The technology I use and the way that I use it purposefully breaks down the image or the audio into something semi-decipherable, abstract or ambiguous. This is a performative tactic to generate ambiguity, to not see what is already known and to consider the blur, the things out of my focal range. It serves several purposes: to retain the focus of the image on the situation of the documentation itself; to use the camera as a prop to blur and explore the ill-defined parameters between privacy and security.

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[123] Fortnum, R. *(2005). What is visual intelligence and how do artists use it?* Lancaster University: Visual Intelligences Research Project https://www.a-n.co.uk/research/what-is-visual-intelligence-and-how-do-artists-use-it/
[124] Ibid

3.4.2 Digital sketches

As an artist starting a new project I use digital shorts as a way of 'sketching', a way to work up or bring together imagery and audio and work through a timeline, to make aesthetic decisions and generate ethical and political understanding. This is an important part of the preliminary stage that I described earlier. Carrying out a 'recce' means that I can look at somewhere, negotiate access, or see if it is possible to film, whilst I carry out the work at the same time. Footage might be collected on a camera or phone by whatever means possible in the field to amass material. The sketches create the first 'thinking' around the work, the organising, categorising, labelling, close-looking and listening that takes place when collecting and then editing both photographic or filmic imagery. Pattern, repetition, rhythm and temporal shifts are arranged into some order to create a new image or amplify thematics and develop an initial 'narrative' around the work in the form of a 'sequence'. The edited sequence and the process of its production incorporates detailed visual content analysis, a process of close looking within which patterns emerge, details are recognised and data is brought together into a legible format.

The preparation for entering a site and the act of digital sketching provokes a number of questions: If we are acting responsively outside of the studio and in the field - how do we know what to put in our 'toolbox' on those initial visits and how do we know we are going to have the right tools or apparatus to capture unexpected events? When responding to a site over a long period of time how can we capture the experiences, encounters, conversations, protocol or discourses that inhabit those spaces? When contexts change rapidly how do we manage the temporalities and implications of shifts, uncertain terrains or politics? When working within spaces that are emotionally impactful, of significant historical importance, in conflict or are geopolitically sensitive, how do we bring together diverse evidence to form a concept of truth? Can subjective memories, affections, subconsciousness and dialogues bring new insights as the investigation evolves and how do we capture these?

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[125] Ibid

3.4.3 Field notes

Working within and responding to the complexities of unfamiliar contexts is a part of arts practice and one that artists actively seek, presenting a common link between art and anthropology. Artists Lonnie van Brummelen and Siebren de Haan describe a process of 'speculations, experiments, fieldwork, production, reception and provisional conclusions. . . that generates dilemmas both ethical and aesthetic…'[126].

When making work that incorporates long observations that take place over time, artists employ methods in the field that have crossovers with anthropological practices. In his book *I Swear I Saw This,* anthropologist Michael Taussig reflects upon the first phase of the inquiry logged within his notebooks. He presents this stage as:

> the imaginative logic of discovery - which, in the case of anthropologists and many writers and other creative types, such as architects, painters, and filmmakers, …lies in notebooks that mix raw material of observation with reverie and, in my own case at least, with drawings, watercolours, and cuttings from newspapers and other material. (Taussig 2011: xi)[127]

He describes his 'fieldwork notebooks as a type of modernist literature that crosses over into the science of social investigation and serves as a means of witness…' (Taussig 2011: xi). 'The notebook is the best way to capture the 'peculiarities of *knowing* that anthropological fieldwork produces…[and] provides an apt vehicle for preserving knowledge, not so much as an inert record, but as something quite different, something alive…' (Taussig 2011: xii).

The field notes that I write are a way to allow materials to work in tandem; they are sources of information, experiences, materials and encounters which can cross-fertilise and enhance each other. This approach means that I can embody (and carry with me)

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[126] Van Brummelen, L and De Haan, S. (2011). Some Thoughts About Artistic Research. In Wesseling, J. (Ed.), *See it Again, Say it Again: The artist as researcher* (pp.169-173). Amsterdam: Valiz
[127] Taussig, M. (2011). *I Swear I Saw This: Drawings in Fieldwork Notebooks, Namely My Own.* Chicago: University of Chicago Press.

the materials I am working with. This combines the context of institutions of power, the protocol, ritual and their representatives, the resonance of some of the histories, the politics of the day as it unfolds and the journalistic reports that follow. The accounts map a journey through the research and incorporate 'the process of critical inquiry, the context and the transformation, the making manifest' (Wesseling 2011: 170) that Irene Fortuyn describes in the process of making.

Between 2016 and 2020 author Ali Smith wrote a series of four books spanning the same period as the field work for this study. The political novels[128] set in the UK carry threads of parliamentary debate, Brexit, the refugee crisis, human rights, historical injustice and surveillance but also discuss art and literature. Each book had a publishing turnaround of just 6 weeks. This means that the contemporary narratives within the literature are interrupted by fiction that folds into the reader's own immediate awareness and contemporary experience.

The fractured narratives of Smith or the field notes of Taussig have qualities that are similar to filmic structure. In Smith's writing the reader follows a protagonist, travels back and forth in time through jump cuts and switches between art, fiction, mythology, current affairs, the politics of the day and other cultural references. Taussig brings imagery, drawing, painting theoretical positioning, personal account, politics and quotes from literature into his notebooks. His writing and trail of consciousness has parallels with the writing of Sebald[129] and critiques the operation of fieldwork and the impact of the drawing that opens the book. This style of writing and method accommodates the subjectivity of the author and brings together a range of materials that inform knowledge of the field.

This strategy of writing enables fieldwork that is durational, that shifts and develops as thinking and observing develops and is interrupted and informed by real life events as well as external narratives. It provides a way to bring in divergent sources of

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[128] Smith, A. (2016) *Autumn. Winter* (2017). *Spring* (2019). *Summer* (2020) UK: Penguin Books.
[129] See: Sebald, W. G. *Rings of Saturn* 1998 London: New Directions Books.

information, to encompass reflexive and affected response to combine fiction, history and creative process. It allows the writer to respond to uncertainty and fluid situations, to stay abreast of the fast pace of political change and not to be overwhelmed by distractive or dominant narratives. But it also allows the writer to change tack to be responsive and to critique processes in real time.

Selected literature accompanies me, to and from the site of research. Books act as props alongside cameras and devices, as well as texts that inform the study. I supplement observations and documentation in the field with notes in situ. The field notes are expanded by bringing in diverse references, conversations, literature, social media posts, journalistic reports, policy documents or historical and archival insight or accounts. It moves the writing beyond a conventional auto-ethnographic approach, and as they are worked up, they become pieces of distinct written work. Taussig's description of 'something alive' away from an inert record captures the excitement and spark that I feel as I write these accounts.

In her book Toward a Minor Architecture,[130] Jill Stoner introduces a critique on the authority embedded within architecture as 'a story that could be told through infinite compositions of references and sources'. She describes 'enormous pleasure in orchestrating dialogues among writers who may never before have occupied the same page' (Stoner 2012: ix). Stoner references fiction through Deleuze and Guttari's writing on a 'minor literature'[131] and their study on Franz Kafka and his veiled critiques of pre-Nazi Austria. She describes Deleuze and Guttari's critique of 'minor literature':

> …they locate "minor" and "minority" as conditions that exist at the bottoms of power structures yet hold an extraordinary potential for power. Emerging from within a major language, minor literature is that language intentionally impoverished, fractional, stripped of decoration and even of grammar. (Stoner 2012: 3).

Stoner describes her use of fiction in a study that considers architecture as offering 'nonvisual images of space that the camera cannot reach, and temporal/spatial

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[130] Stoner, J. (2012). *Toward a Minor Architecture,* Cambridge: MIT Press

enactments that lie outside the conventions of architectural representation. (Stoner 2012: 11)

The literature that supports the study explores minor, oppressed, invisible and resistant voices. They consider surveillance narratives, concern visibility, invisibility and agency and state power. Aleksandr Solzhenitsyn and George Orwell write within and / or about totalitarian power structures and were banned by totalitarian governments. H.G Wells' books were burnt for being 'anti-German' during the Nazi book burning of 1933. The *Invisible Man* (Wells, 1975)[132] explores dynamics of opacity and transparency, vulnerability and power through the unseen character of the 'invisible' man as well as the outcast tramp. *The Rights of Man* (Wells, 2015) was the founding document of the 1948 UN Declaration of Human Rights. The original manifesto was instrumental in the creation of the UN's Universal Declaration of Human Rights, the European Convention on Human Rights as well as the Human Rights Act. Anna Funder's *Stasiland* [133](2011) investigates individuals who resisted the SED regime of the GDR as well as former Stasi agents through extended interviews.

In isolation the literature could be conceived as skewing the enquiry or blocking the observation by only seeing what I am looking for. It is acting at odds with methodology in which ideas or concepts emerge from an analysis of data such as grounded theory in qualitative research. In adding multiple but selected perspectives and histories to the research I can 'orchestrate dialogues' between disparate voices. In her introduction to the reprint of The Rights of Man (2015) Ali Smith paraphrases the Nobel Prize winner Jose Saramago on the particularities of writers:

> … writers… can't not be political simply by dint of being human and being citizens. This does not mean that written works will be propagandist. But it means written works have eyes. They're able to see, and reveal what they see. They're able to watch. The word Saramago favours is observe.[134] (Wells 2015: xxiii)

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[131] Deleuze, G. and Guattari, F. (1986). US: University of Minnesota Press.
[132] Well, H. G. The *Invisible Man* (Wells, 1975). London: Penguin: xxiii
[133] Funder, A. (2011). *Stasiland: stories from behind the Berlin Wall.* London: Granta Books
[134] Smith, A. Introduction to Wells, H. G. *The Rights of Man* Wells, (2015) London: Penguin: xxiii

The writers bring in different points of view, histories, fictions, metaphors or complex characters to generate insights which are expanded upon when they are brought alongside. This is not an attempt to bring in inductive reasoning but to see through others' eyes, to understand historical context or to allow metaphor to generate contemporary understanding.

The field notes bring material together, in a similar way to composing an edited sequence of moving image; amassing material of both image, clips and sound to make narrative sense though its arrangement on a timeline. Film director, Tarkovsky, compares the edited sequence to a musical score in his book *Sculpting in Time* (1989)[135]. The rhythm of the film he insists does not exist through montage but within the frames of the films themselves. Within a timeline we can time travel, allow poetic juxtapositions, mimicry, rhythm, pace, create or disrupt immersive environments. As editors we create something new and make sense of the material that we have in front of us, but it also allows us to disrupt time and explore notions of authoritative or narrative order. Jill Stoner proposes that 'political space engages the dimension of time, variously by its categorical divisions or by its liberating flow. Space politicised from above divides time into frozen segments. (Stoner 2012: 4). As part of her exploration and critique of 'minor architecture' she discusses the minor forces of time; 'fluid time (and its attendant space) surrounds and overwhelms the management of lived time; it is a contestation to management'. (Stoner 2012: 6).

The blurring of the provenance of sections of the writing unsettles categorisation and perhaps disarms a critique. As a collaged narrative, personal reverie, memory or conversation intertwines with actual, historical and fictional events. This undefined status becomes more pertinent because a thesis *is* writing and carries with it the expectations of a scholarly critique. The writing becomes scrambled with interlocking data. We could think of the way Hito Steyerl's 'poor image' (see Chapter 2.1.2 Resolution) removes itself from the authority of the canon of photography by existing as 'poor' or Halberstam's resistance to being 'proper' sits outside the mainstream. The

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[135] Tarkovsky, A. (1989). *Sculpting in Time: reflections on the cinema.* Texas: University of Texas Press

material qualities take on new form and agency and begin to subvert the discourse it might have sat within.

3.4.4 Exhibiting

In Chapter 4: Puzzling Experiences I will describe the insights that I discover as the research develops. These experiences steer the material that I gather through visual and written documentation or that I select from the Stasi film and media archive. In Chapter 5: Puzzling Material, I add further definition to the selection of material by making exhibitions. Chapter 5 is where the portfolio of work should be reviewed.

Exhibiting is well recognised in creative practices as a method of assemblage and composition to examine the relation between things and as a way to expand insights and generate new subjectivities. Gillian Rose discusses exhibition in the social sciences as a method to share research results with a wider audience. She proposes that in order for an exhibition to be 'effective as a means of conveying research findings, … and particularly as a critical visual research method, visual outputs need accompanying text that explains their aims effectively' (Rose 2016: 355). The emphasis of the exhibition in this context is to convey research findings clearly to a defined audience rather than a critical part of the research itself, suggesting that an art work or exhibition might be better articulated by text. Exhibiting in arts research is a continuation of and important part of the 'making' within arts practice. Graeme Sullivan's latest edition of Arts Practice as Research[136] includes an addition of exhibitions as sites for 'visual arts research' rather than broader cultural or sociopolitical arenas that employ exhibition practices. (Sullivan 2010: 218).

Exhibitions are not made to illustrate an idea, neither are they executed from a plan for example (Ingold 2000).[137] Making processes (that continue during exhibition) are the visual manifestation of a research process as things are constructed, broken down, re-

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[136] Sullivan, Graeme. (2010). *Art practice as research: Inquiry in visual arts*. 2nd ed. Los Angeles: SAGE.
[137] Ingold, Tim. (2000). *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill*. London: Routledge.

made, mistakes made, where things are brought alongside, sifted through, looked at, edited, sequenced, structured, felt and experienced.

Analysis continues with the tools and techniques of making as material is transformed through detailed decisions concerning size, scale, the materials of display, fixings, positioning or installation for example. This review of the detail of material, to see what it consists of, brings in emotional and sensory responses and the possibility of seeing it differently. All of these processes take place as work is developed into both pieces of art work and / or bought together as a collective whole.

Donna Haraway says that by thinking carefully about where we see from 'we might become answerable for what we learn how to see' (Haraway 1991: 190). In this process artists draw from 'techno-anthropological' approaches (Rose 2016: 276) paying attention to the materiality of the objects and the different affordances that they may activate. The space in which the artist is able to be both inside the work whilst taking the position of a subjective 'audience' who will receive the work, is particular to arts practice as the artist straddles the point of view of both maker and audience. This then enables a research process that is not only critical, reflective and questioning but that also has the potential to bring forth empathetic understanding. An understanding that is not universal but possible, anticipated and at risk of being wrong.

Summary

To commence the research at each site it is important that I maintain the space to have an independent and individual response that at this stage is loosely defined. In order to have access that may sometimes be privileged to a researcher I need to be confident and convincing in my approach. Arts research enables this if I'm equipped with the tools of an artist, a camera or pencil for instance offers a reassuring confirmation of identity despite the fact that I may or may not employ this as a method. For this to move forward I bring together the performance of the 'artist' with that of researcher, equipped with the camera as both a prop and a tool for documentation. I need to maintain the space to

work responsively with self-determined autonomy, image-making and seeking for the 'image' supports this process whilst also focussing on the surveillance image. As the research progresses this initial stage of having a look or carrying out a 'recce' will fold into doing the work itself, as I look, observe, converse and listen. The textures and fabric of the research will begin to evolve as material builds. Amassing of material will take place on the ground, in collaboration with people who are there, but I will also 'orchestrate dialogues' (Stoner 2012) of disparate, fictional, remote or legalese narratives. The research will be fluid, responsive and move between dominant narratives. As an artist I am already on the outside, working on the sidelines, looking askance but equipped with refined skills in looking and sensing and supported by the props and tools of performance and making. Processes may reveal or expose the substrata that lie at the bottom of power structures. The forces of the minor may collude and act collectively as the work develops and is refined through exhibition.

3.5 Ethical Account

The study went through a review by the university's ethics committee. The ethical considerations carried, steered and probed the research as it progressed and provided an essential, interesting and important dynamic. A study that examines surveillance technologies and practices, presented dialogues that were complicated and difficult to navigate. Alongside this the methods employed and material that I looked at demanded thorough ethical scrutiny.

The Undercover Camera Training Course[138] included a day exploring the ethics of undercover filming. This aided an understanding of the legal parameters of filming and invasion of privacy as well as the journalistic guidelines that investigators follow. The strict processes that journalists go through to get ethical approval from their producers positioned filming undercover as being a last resort when all other avenues of evidence gathering had been exhausted. This was useful information but not anything I needed to

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[138] *Undercover Camera Training*, Centre of Investigative Journalism, Goldsmiths University, London. 1 December 2017

consider as I was not intending to film or photograph anyone undercover and there was no risk of invading personal privacy or causing harm.

The legislative debate as well as the Stasi Records Act (1991) detailed and examined the ethics surrounding privacy in scrupulous detail. Immersing myself in these contexts meant that this demanded an understanding of the different safeguarding and political dialogues. The sites presented very different ethical considerations around privacy and security; the Investigatory Powers Bill (2016) debated privacy protections within extended state surveillance whereas the Stasi Records Act (1991) defined privacy protections for individuals who had already had their privacy infringed upon by state surveillance overreach. The extensive legislation that had been put in place by the Stasi Records Agency to protect the use of this data was navigated and explained to me by the archivist in relation to the material I was viewing. The Stasi Records Act (1991) unpicks and grapples with the ethics surrounding personal information collected illegally and then made publicly available for reappraisal and education. Although this secondary use of personal data changed from one of oppression to one of education and progression, this legislation was predominantly to prevent a double invasion of privacy. The agency's access and anonymisation procedures carefully navigate complex parameters to protect privacy but even this protective process is by no means straightforward or infallible as I detail in Chapter 4.

Initially the legalities of taking cameras into the Houses of Parliament was a concern until I understood that it was not picture taking itself that might go against guidelines or laws in some areas of parliament. One of the issues was the possibility of infringing copyright in works of art in the Government's collection. The Houses of Parliament are a public space and the way that I planned to use the imagery was intentionally working against detail and subject matter thus taking away any possible copyright infringement. The Houses of Parliament have their own in-house photographer to control the imagery that is circulated from the debating chambers, and all the debates are live-streamed. MPs as well as the public are not allowed to take pictures but this is not a legal requirement. From the viewing gallery this is to limit the potential of cameras being used

as a weapon although phone use is allowed in the House of Commons Gallery. In the debating chambers politicians have their own ethical guidelines over use of photography and I expect this would be to protect privacy. It was interesting that during the proroguing of parliament (2019) Labour MPs recorded themselves singing the Red Flag from the chamber and released it on social media.[139]

The more complicated ethical considerations arose from the working relationships with staff on the ground at both sites of the research. In the Houses of Parliament for example, I was re-seated in a privileged area of the viewing gallery by one of the doorkeepers. This meant that they had placed their personal trust in me. The doorkeepers literally opened doors for me and sometimes were operating at a personal level. To challenge this act of generosity may have had implications for the doorkeeper themselves and so I sometimes had to adjust my picture taking to protect the individual.

During the study there were many occasions where I had to navigate dialogues and documentation to protect the individual. At the Stasi Records Agency the archivists were generous and shared personal conversations, many of their accounts of the GDR described personal circumstances that could not be included in the writing. The Stasi Records Act (1991) applies different privacy protections to, for example, a police officer on duty, from when he was meeting his family for lunch or taking a break. Shifts between being on-duty or off-duty are not always as clear cut. A change in circumstances, conversation or event means that as individuals at work we straddle the personal and 'professional' all the time. It was these types of shifts that took careful navigation, often in the moment and in response to personal, ethical and political considerations. It was inevitable that I would have to respond to un-plannable, real, emotional and un-negotiated situations on the ground as an individual.

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[139] External link:
https://drive.google.com/file/d/1vDuwC_VuewY9pVp2vQJWhjPnROq2Y8_l/view?usp=share_link

Chapter 4: Puzzling Experiences

Introduction

This Chapter introduces the two sites of the research and my experiences as the study evolves. It describes a process of investigation which brings together a multiplicity of information amassed through the range of methods discussed. The process of having an initial look begins to expand into the work itself, it describes an embodied, sensory and personal response that is carried by the act of making. The context of both sites presents compelling starting points for the fieldwork, housed in highly authoritative institutions that is debating or embedded within legislation surrounding surveillance material. I enter the sites being 'operative' poised and ready to look, listen and follow, to capture the image and be investigative.

The investigation that I carry forward has two 'operative missions', that is not 'heightened' through a forensic or technological analysis but through experiential, situated and embodied processes, and a puzzling of experiences. These processes could be considered 'technical' but not 'high-tech' and unpicks failed or sabotaged archival material or employs 'poor' image making. The definition of technology and it's attachment with 'The branch of knowledge dealing with the mechanical arts and applied sciences' arose during the 18th century, prior to this it was tied to the arts and in the Oxford English Dictionary[140] defined as 'The terminology of a particular art or subject; technical language or nomenclature' or 'A discourse or treatise on an art or arts; esp. (in later use) a treatise on a practical art or craft'. This older definition uncouples it from todays scientific or 'technical' association.

Each 'operation' at both sites considers: the privacy and surveillance dialectic, the 'workings' of the institutions as I experience them, the visual material and audio recordings that are made or reviewed, the field notes, and experiences of 'mediation' that occur as I carry out the field trips. These sections structure areas of insights and

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[140] https://www.oed.com/view/Entry/198469?redirectedFrom=technology#eid

findings by bringing together disparate and different types of information.

4.1 Operation Parliament

Operation Parliament is a series of visits over six months from June – November (2016) during the debate of the Investigatory Powers Bill as it passes through The Houses of Parliament and becomes law. The bill starts its passage in March 2016 and receives Royal Assent November 2016. The bill's passage foregrounds the most controversial aspects of new surveillance legislation that will significantly extend the UK state agencies' digital surveillance capabilities. The Investigatory Powers Bill will create legislation to replace the Data Retention and Investigatory Powers Act 2014 (DRIPA) that received Royal Assent 17 July 2014 through emergency legislation introduced and completed in four days.

Campaigning for the European Referendum is at full pace from the start of the observation and, whilst Parliament is going through very detailed amendments and debate of the bill, the vote to leave the EU interrupts its passage (June 2016) and prompts an historical and political crisis. Prime Minister David Cameron resigns and Parliament begins to debate the outcome of the vote to leave the EU. The terms of reference for the Investigatory Powers Bill are reset as the EU referendum has such wide ranging implications on many aspects of law and geopolitics. Keeping field notes and written accounts is a way in which to accommodate the speed of change but also manage the amount of commentary and 'Breaking News' that begins to feature several times a day on FaceBook and Twitter as well as other platforms and news feeds.

The study must incorporate an observation of complicated legislation that progresses very slowly whilst the politics that informs and surrounds it changes dramatically and speeds ahead. Challenges to previous versions of the bill (DRIPA 2014) are being upheld in the European courts whilst this variation and extension of the same legislation is being reintroduced. The Investigatory Powers Act (Nov 2016) has barely been implemented when parts of it is found to be illegal following Liberty's challenge in the High Court (April 2018). The historical context of the bill can be found in Appendix B:

Historical Context of the Investigatory Powers Act.

This is not an ordinary time to be carrying out research at the Houses of Parliament or considering state surveillance narratives. The speed of political change and breaking news intensifies following the EU Referendum alongside the continuing refugee crisis and Donald Trump's ascendancy (2016 - 2020). A series of significant historical events unfold that presents a shift in politics to the Right, alongside increased societal division resulting from such a close and important referendum. The majority vote to leave the EU and the political volatility that ensued meant that the bill was rushed through Parliament with less scrutiny than might have been expected if Parliament was not in crisis and disarray following the referendum.

There is intimidation of and attacks on journalists and MPs outside Parliament by far right protesters in the months and years following the referendum as the EU Withdrawal Bill (2018)[141] is debated. There are also two attacks on Parliament (March 2017, August 2018) claimed or inspired by ISIS, after I complete my visits. This different level of threat to the heart of government and on MPs representing their constituents, as well as increased attacks on the free speech of journalists and media attacks on the judiciary[142] means that the level of security at the Houses of Parliament is enhanced as the study progresses. A detailed account of the UK political context during the passage of the bill can be found in Appendix A: UK Political context.

4.1.1 The privacy and surveillance dialectic

The main thrust of the Investigatory Powers Bill (2016) debate is 'the balance between personal privacy and collective security',[143] described by Andy Burnham MP as lying at

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[141] https://en.wikipedia.org/wiki/European_Union_(Withdrawal)_Act_2018

[142] Slack, J. (2016, November 3). Enemies of the people: fury over out of touch judges who have 'declared war on democracy' by defying 17.4m Brexit voters and who could trigger constitutional crisis. *Daily Mail*. https://www.dailymail.co.uk/news/article-3903436/Enemies-people-Fury-touch-judges-defied-17-4m-Brexit-voters-trigger-constitutional-crisis.html

[143] Investigatory Powers Bill debate. Parallel Parliament (2016). Retrieved from https://www.parallelparliament.co.uk/mp/andy-burnham/debate/2016-03-15/commons/commons-chamber/investigatory-powers-bill

the heart of this debate on state investigatory powers. The change in the material qualities of surveillance to digital surveillance has been in practice for many years, but the legislation that governs it's use and examines the details of its many applications and implications has not been debated in detail. During the debate both Andy Burnham MP and Keir Starmer MP referred to the bill as an 'avowal' of surveillance practices and discussed the need to restore and bolster trust in the government's surveillance practices.

The balance between security and privacy extends beyond the surveillance legislation I am observing into my experiences as I start site visits. At each stage of the bill's passage in both houses I carry out an observation but I do not attend all the sittings. Any debates that I miss I review through the Hansard Reports. Through these regular visits I examine and critique the procedure and protocol of access to Parliament and identify a pattern, repetition and normalisation of the encounters with security. The security checks and entry transition is a trade-off between freedom of access and security. As the EU Withdrawal Bill goes through Parliament security checks are tense and on two occasions I am questioned about my cameras or my bag is re-scanned. On one occasion a police officer tried to turn me away at the visitor entrance stating that 'the Commons is full'. I am able to negotiate entry as a researcher and tell the police officer that normally I am walked through to the front of the queue by one of the doorkeepers (a half-truth). This tangible, on the ground, experience of entering the Houses of Parliament illustrates some of the practical implications and restrictions on civil liberties to ensure security.

Documentation is not permitted in the public galleries. This applies to filming and photography on all devices including cameras, phones and tablet computers, and also extends to sound recording, painting and sketching. On the website this is described as part of the Parliamentary estates' security measures and copyright protection for works of art. As a photographer and filmmaker these measures had an immediate effect on my freedoms within the Houses of Parliament whilst observing a debate that concerned the balance between privacy and security. It isn't prohibited to take cameras into the

Houses of Parliament, you are permitted to take photos in the Great Hall but not in the Central Lobby. There are different security restrictions in other areas. Figure 14 captures the corner of the frame of one of the artworks but my finger covers the edge of the image.

Figure 14

Corner of a Picture in Westminster Hall

Note. From the image series Minox photographs (2016)

After several visits to Parliament, one of the doorkeepers in the viewing gallery recognises me amongst the thousands of visitors they meet each week. Each time I visit he acknowledges me and asks me affirmatively if I am studying law. At first I tell him I am studying art but as time goes on I agree that I am studying law. This is partly to avoid the confusion over a conversation that questions why an artist is observing a legal debate, but also because I feel that this more straightforward exchange will not attract attention. It is a way to fit in, you are not allowed to take cameras into the viewing

gallery and I have a spy camera in my pocket. Being 'operative' means that I actively critique the accepted norms: rather than passively experiencing an observation of the debate, I deploy strategies to enhance, probe, look and experience things differently. Carrying a camera (that I do not intend to use overtly) makes me think about why it is not allowed. I consider the edges of privacy, the security around perceived threats, and the effect that this instruction has on me. It is not illegal to take pictures and I wonder what the response would be if I did so and whether this response is proportionate and necessary. I explore some of the security threats to Parliament when writing up my field notes to develop into Debriefs (see Chapter 5 Portfolio of work).

On one occasion when I went through the baggage check a police officer joked that 'it was just like going on holiday except without the shoes', and then after being frisked I was asked if I was going anywhere nice. The setting, technology and intent of the check had become abstract. The personnel carrying out the checks possibly have experience in airport security and get disorientated by the technology they are using in relation to its location. This made me consider the ways in which technology holds the possibility of prompting behaviours but also the politics that are encoded within algorithms.

Artist, writer and technologist James Bridle discusses the encoding of politics into the architecture of the technology itself and how this invisible capacity shifts the terms of engagement. In his text *Living on the Electromagnetic Border* (Bridle 2014)[144] he describes the flaws in the meeting of technological process and lived experiences to determine correct information or legal truth. He references the artwork *The Freedom of Speech Itself* (2012)[145] by Lawrence Abu Hamdan. In this work Abu Hamdan critiques technology deployed by the UK Border Force in 2012 that was used to discredit the asylum claims of Palestinian refugees. The technology relies on remote voice analysis of recorded interviews in order to detect phonemes that would be classified as Syrian. Abu Hamdan pinpoints the exact phoneme in the middle of the Arabic word for 'tomato'

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[144] Bridle, J. (2014). Living on the Electromagnetic Border. *Creative Time Reports.* https://creativetimereports.org/2014/11/10/james-bridle-electromagnetic-border-zone/
[145] Abu Hamdan, L. (2012) *The Freedom of Speech Itself*
[Artwork] The Showroom, London. Retrieved from http://lawrenceabuAbu Hamdan.com/the-freedom-of-

that is designated Syrian by the UK Border Force and used to disprove the asylum claim of a Palestinian refugee. He describes technical analysis that holds flaws and biases but that is given greater credence than legal documents:

> The fact that this syllable designates citizenship, above a Palestinian Identity Card that contradicts it, forces us to rethink how borders are being made perceptible, and how configurations of vowels and consonants are made legally accountable.' (Bridle 2014).

Bridle describes two systems, one which systemises and regulates and the other which is fragmentary and often (in the case of refugees) subverted. He suggests that:

> Software reproduces the assumptions and biases of those who create it, and when those biases have been formed at a physical distance, in different nations and cultures, the potential for failure and miscommunication is even greater. (Bridle 2014).

When the GDR were carrying out surveillance of their East German citizens the Stasi planned for miscommunication and the misspelling of names generated through unclean wiretap recordings or names logged through conversations, by indexing phonetically. The documentation at the Stasi Archive Museum explains the cataloguing of material that is filed according to the Stasi's own phonetic alphabet, so Reim would be next to Reem or Bayer to Baier, Mueller, Muller, Moller and Muller, all filed together. This system planned not only for technological imperfection but also human error.

The reference to technology and keeping up to date with technology is a common rationale presented in the Investigatory Powers Bill debate for parts of the legislation. Robert Neill (Bromley and Chislehurst, Con) raises legal professional privilege on behalf of The Law Society and the Bar Council and in doing so expresses his fear over new technologies:

> Terrorists and other threats to my constituents' safety are constantly evolving and adapting their techniques to trump the safety system. They do not want to get caught; they want to catch us out, and that is why we must be prepared to adapt our rules to keep pace with technology. We cannot use an analogue approach to

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speech-itself

tackling criminals in a digital age.[146]

Analogue spyware such as the devices that are on display in the Stasi Museum are simple and almost comical, compared to the extensive digital surveillance that now operates. However, it was cutting edge in its time and, as the Stasi demonstrated, supported by the means of execution, it was as effective. The potential misuse of surveillance through state overreach or invasion of privacy, for example, is not a result of the technology itself, but on the authorisation of its use, access to data, analysis of that data and how it is put to work. In order to foresee and predict the potential misuse of technology it is necessary to have technical expertise to imagine its application. The passage of the Investigatory Powers Bill (2016) exposed the lack of technical expertise in the debating chambers of Houses of Parliament and the potential effect on the debate. In some areas of the debate, not 'knowing' the technology assigned it greater powers than it had. This created fear or was used to create fear and used as a rationale for less privacy protections and as a way to extend surveillance of perceived 'threats'. It was also possible to propose technical 'safeguarding' of privacy that would in fact offer the opposite. For example, during a discussion on the collection of internet records, the proposal was to create a digital filter to avoid an invasion of privacy through big data collection. Rather than extending privacy through the filtration of targeted information, it would in fact weaken privacy protection through the amassing and digital sifting of large data sets of individuals who were not part of a criminal investigation.

Summary

The privacy and surveillance dialectic were explored through a combination of experiences on the ground and debate within the parliamentary chamber, and supplemented through critical writing and the work of other artists. Insights were established through multiple pieces of information, all carried through the processes of making art work and brought together within the field notes described in Chapter 4.1.6.

Experiences of the security systems at the Houses of Parliament were informed by content within the debate. Artists and theorists supplemented a critical understanding of

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[146] Simon Burns, *Official Report,* Commons, 6/6/16; col.903.

the potential biases and behaviours prompted by technologies, whilst the debate exposed some of the fear and misunderstanding of new technology. Some of the security measures concerned copyright, whilst others prevented very real attacks on Parliament exposing different forces at work. Biases, fear, misunderstanding and overreach of technology was revealed within systems that both design and govern particular use of technology.

4.1.2 The workings of the Houses of Parliament

Before visitors are allowed into the viewing gallery both the Commons' and the Lords' Speakers formally open their respective Houses each day with a ceremonial procession from their official residences within Westminster Palace to their respective Chambers at the start of business. The procession is led by the Rt Honourable John Bercow, the Speaker of the House of Commons and MP for Buckingham (2016). The procession consists of a Commons Doorkeeper, the Sergeant at Arms with the mace, the Speaker, the Train Bearer, Chaplain and Secretary. The procession moves circuitously from Speaker's House through the Library Corridor, the Lower Waiting Hall, Central and Members' Lobbies to the Chamber. After prayers have taken place in the Commons, visitors are directed though the commons lobby upstairs to the viewing galleries, but before entering the gallery visitors pass through another lobby where they are asked to leave all mobile phones, cameras, bags and food in a cloakroom. No documentation is allowed in the viewing gallery, but this is not to protect the privacy of MPs: the chamber proceedings are recorded for live broadcast and archive and all proceedings also documented in writing by the Hansard reporters. This is a security measure to protect the safety of MPs.

I begin my observation on Monday 6th and Tuesday 7th June 2016, during the Report stage and Third reading of the Investigatory Powers Bill in the House of Commons. This complex and contentious piece of legislation will significantly extend the UK agencies' capacity for digital surveillance and data collection. Campaign groups believe that safeguarding of privacy within the legislation is inadequate.

For a bill to pass through Parliament each stage has to be debated in both Houses, the House of Commons and the House of Lords, before it can receive Royal Assent and become an Act of Law. It can commence in either House, depending on the provenance of the bill, and can be bounced between houses (ping ponged) whilst amendments are made and clauses added and voted upon until it is agreed for the next stage.

At the Report stage the bill is discussed by the whole House and can be amended. The bill had commenced its first reading 1st March 2016,[147] it had been before Parliament eleven previous times before this stage. The previous stage (Committee stage), was debated during sixteen sittings over eight days, it received written reports from 71 external bodies that, according to Theresa May (as Home Secretary), made a pile of paperwork over a foot high.[148]

Through long periods of observation of the debate (4 - 8 hours) from the public galleries, I identified the key thematics, and areas of dispute and complexity. I began to understand the organisation of parliamentary business and to 'get to know' some of the MPs and Peers. Doorkeepers for the viewing galleries are often ex-military personnel or police force and as security agency stakeholders they often have knowledge and experience of some of the current and previous surveillance legislation such as DRIPA[149] (2014) or RIPA[150] (2000). They present experienced opinions through conversations and offer insight into the debate. As officials who watched the MPs and Peers every day, they have an acute understanding of their personalities and backgrounds (and provide nicknames). Some of the doorkeepers had worked under Lord Paddick when he was a Deputy Police Commissioner and often spoke negatively of his work and also of his challenges to the bill.

There are many MPs and Peers who I recognise and whose press coverage I have

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[147] The passage of the bill and all documentation can be found on the Parliamentary website through this link: https://services.parliament.uk/Bills/2015-16/investigatorypowers/documents.html
[148] Theresa May; Official Report, Commons, 7/6/16; col.1145.
[149] Data Retention and Investigatory Powers Act (2014)

followed in the past: Baroness Doreen Lawrence,[151] Lord Brian Paddick,[152] Harriet Harman MP, John Prescott MP, Dennis Skinner MP,[153] Jeremy Corbyn MP,[154] Dianne Abbott MP.[155] All of these MPs, Baronesses or Lords who were speaking in defence of privacy protections have had their privacy infringed by state agencies and had their personal lives affected by this experience. It was both revealing and moving to see the articulation of injustices that I had followed in the mainstream media being referenced within law making. These points of the debate presented moments of clarity within detailed legislation that felt ungraspable, immense and unfathomable.

4.1.3 Mediation

Being at the Houses of Parliament revealed the wider context of Westminster; previously my knowledge was framed and mediated by Parliament Live TV, disseminated through journalism or viewed on social media. I could have remained in Sheffield and watched the entire debate of the Investigatory Powers Bill from home on screen but being within the heart of the British political establishment was essential, not only for the experience of being in the historical building, but to notice the details, see the people, MPs and their interactions, notice expressions, inflections, characteristics and personalities. I could look beyond the frame of the television cameras, allow my eyes to roam and choose what I wanted to look at. If I had not been there I would have had no subject or experiences to respond to and no images to select. The fieldwork

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[150] Regulation of Investigatory Powers Act (2000)

[151] Doreen Lawrence and her family were put under surveillance during their campaign following her son's racist murder. See: *Doreen Lawrence calls for undercover police who spied on family to be named*; The Guardian 16 July 2015. https://www.theguardian.com/uk-news/2015/jul/15/doreen-lawrence-name-undercover-police-spied-family

[152] Brian Paddick was a victim of phone hacking, see: *Leveson inquiry: Sue Akers, Lord Prescott, Brian Paddick appear;* The Guardian News Blog 27 Feb 2012. https://www.theguardian.com/media/2012/feb/27/leveson-sue-akers-lord-prescott-live

[153] Whistleblower Peter Francis ex-Special Branch Officer exposed the police surveillance of many Labour MPs, see: *MPs 'monitored by Scotland Yard during 1990s';* BBC News 25 March 2015. http://www.bbc.co.uk/news/uk-32044580

[154] Jeremy Corbyn was under surveillance in the 1990's but also as an elected MP, see: *Police face questions over covert monitoring of Jeremy Corbyn and other MPs*; The Guardian 2 October 2015. https://www.theguardian.com/uk-news/undercover-with-paul-lewis-and-rob-evans/2015/oct/02/police-facing-hard-questions-over-covert-monitoring-of-jeremy-corbyn-and-other-mps

[155] Labour MP's were covertly monitored under Tony Blair's government, see: *The Guardian view on surveillance of MPs: don't confuse dissent with crime;* The Guardian 25 March 2015. https://www.theguardian.com/commentisfree/2015/mar/25/guardian-view-surveillance-mps-dont-confuse-dissent-crime

provides the site to employ performative processes, to straddle and experience the edges between privacy and security.

From the viewing gallery as you witness live debate you are also able to see a monitor presenting a slightly delayed live feed with the MP's title and constituency. A second screen presents the live Parliament TV channel with added teletext. All debates are recorded by Hansard reporters. They listen to MPs speaking in the Chamber and then scribe words and ideas for anyone to read. Hansard reports are more expansive than a camera shot as it is a report that picks up details such as heckles, interventions or the atmosphere. Their reports on what is said in the Chamber are published online within three hours. There is an official photographer for the House of Commons who is given access to document the debates.

On one occasion during an observation that was split over two days the doorkeeper who recognises me moves me to a seat at the side above and close to the Speaker so that I can get a 'better view' He wants to seat me at the back of the House of Commons chamber but is unable to get permission. By seating me in a privileged seat normally reserved for MP's family or guests, the doorkeeper had taken me into his confidence, I was profoundly aware that I must not push beyond this as it would be unethical to exploit this gesture. Alongside this, he had (unknowingly) undermined my intention of using the spy camera discreetly. I could not possibly take a picture in such a prominent position without directly challenging the restrictions in place. My experience had been extended beyond that of a visitor, artist or tourist and in doing so I became inoperative, unable to probe restrictions and under the guardianship of the doorkeeper. I actually was on the point of ending my observation but, as I had been given this privileged opportunity, I felt unable to leave.

An observation on 27th June 2016 coincides with the first sitting of Parliament since the EU referendum. On this day David Cameron resigns, 27 members of the shadow cabinet resign in opposition to Jeremy Corbyn's leadership, most of the hereditary peers are present in the House of Lords to listen to initial statements following the vote and to

listen to David Cameron's resignation speech delivered to the House of Lords. Parliament seems in shock. Two choirs sing in Westminster Hall introduced by the Sergeant in Arms, Black Rod, and by the end of the day a loud and lively protest lead by the campaign group Momentum takes place in Parliament Square in support of Jeremy Corbyn.

On arrival in Westminster Palace a police officer approaches me, having noticed my cameras. It is a way for him to strike up a conversation about photography. He is keen to share his experience of Parliament during the EU Referendum vote whilst he was on duty. He says that all through the night MPs who would normally return to their homes and constituencies drifted into their offices, shocked at the outcome. As I am about to leave Westminster Hall at the end of the day, he sees me (openly) taking photographs. He encourages me to go up some steps at the side of the hall where the public are not allowed and take a picture. He thinks I might get a better picture from higher up (see fig. 15 below). This is also a generous but slightly uncomfortable experience. The police officer is interpreting what a photographer might like to see or document, and by taking a picture under his instruction it introduces me to things that I might not otherwise have considered. It makes me aware of and contributes towards several situations when I experience seeing through other's eyes, an encounter only made possible by their anticipation of seeing through mine. These encounters suggest that the police officers and doorkeepers (who are often ex-staff of the state agencies) believe that a privileged point of view is one that allows you to see more, is from height or allows you into spaces only accessible to those with authority.
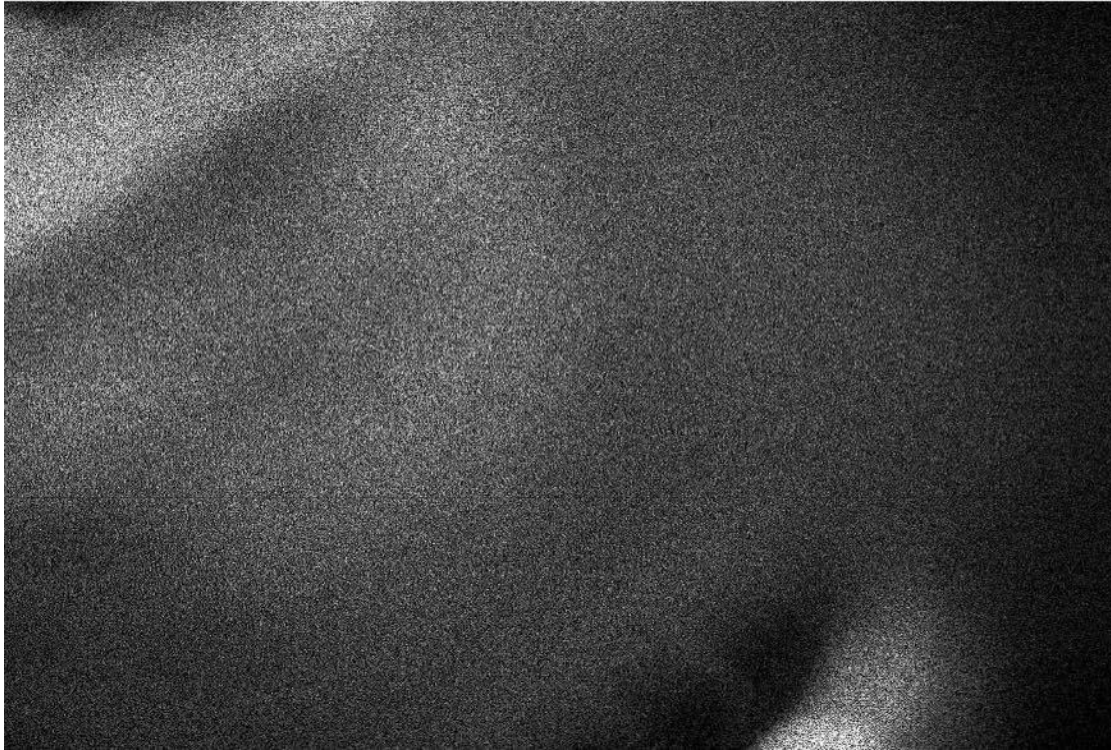
Figure 15

Westminster Palace 27th June 2016

Note. From the image series Minox photographs (2016)

First-hand experience of parliamentary debate is moving: it is often emotional, exasperating, infuriating, with the odd moment of good feeling from small 'victories'. On the whole though, significant debates, particularly following Brexit, were disturbing. This sensation is not necessarily due to the political content, but from the experience of viewing this first hand and unmediated by the frame of media interpretation. As the study progressed the EU Withdrawal Bill made its way through parliament and the UK formally left the EU 1st January 2021. Upon reflection I witnessed the beginning of a changing parliament and a political shift to the Right of politics.

Visiting the Houses of Parliament and watching this live meant that I could see the lag and imperfections between the MPs' speeches and the live feed, between the live feed and the teletext, between Hansard and the journalistic interpretations and reporting, and the ripple of events out of the building and into the public realm. Most importantly I could

feel the emotion in the chamber as MPs represented their constituents, I began to understand the nuanced compromise of debate and the importance of trust and commitment to good practice between MPs of all parties. I also witness how quickly politics can shift and negotiation unravel. For example, Andy Burnham MP had pressed for past injustices carried out by the state to be fully investigated to restore and shore up civic trust at a time when the government is extending surveillance capabilities. There was also an exchange that steered David Cameron towards full inquiries into Hillsborough and Orgreave. In addition to this there was a commitment by the government to carry out Part 2 of recommendations made by Lord Leveson following his inquiry into the culture, practices and ethics of the press (2012)[156] following the phone hacking scandal (2011). Part 2 of Leveson's recommendations would look at the relationship between the police and the press. Orgreave and Hillsborough are cited as examples of long-standing collusion. Following Cameron's resignation and the cabinet reshuffle when Theresa May became Prime Minister all those commitments are shelved. Finally on 31st October 2016 Amber Rudd announced there would be no inquiry into the 'battle of Ogreave' and then 1st March 2018, the Culture Secretary, Matt Hancock, told the House of Commons that the Government would be cancelling the second phase of the Leveson Inquiry.

During the final stages of the passage of the Investigatory Powers Bill through Parliament, the House of Lords attempted to implement some of the recommendations within the Leveson Report[157] (2012) through amendments to the Investigatory Powers Bill (2016). Members of the House of Lords, some of whom had been victims of phone hacking, were very angry and emotional and wanted to bring forward his recommendations concerning a regulatory body for journalists. These amendments were led by cross-bench peer Baroness O'Neill. The Conservative government made a case not to bring Leveson's recommendations into the Investigatory Powers Bill (2016) by arguing for a free press, and not to hinder freedom of speech. In the same debate

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[156] https://www.gov.uk/government/publications/leveson-inquiry-report-into-the-culture-practices-and-ethics-of-the-press
[157] https://www.gov.uk/government/publications/leveson-inquiry-report-into-the-culture-practices-and-ethics-of-the-press

opposition parties pushed for greater protections for whistleblowers and journalistic sources. Baroness O'Neill of Bengarve (CB) unpicked the misuse of 'liberal purposes' by the Conservative party. She emphasised the need to protect press freedoms but to regulate those who seek to exploit those liberties:

> …Protecting journalistic sources is a profoundly important liberal purpose but the misuse of those sources, whether by invention, illegal interception of private communication or forms of blackmail and the like is not a good liberal cause. … we need to balance this additional protection for journalistic sources with additional protection for those who are abused by journalists-or those posing as journalists - and then claim that the source was only invented or misrepresented, or that the information was obtained by criminal means.[158]

The amendments ping ponged back and forth between both houses at the end of the debate but were not pushed through. Parts of the debate questioned whether people who illegally intercepted private communications were actually journalists; if not journalists were they spies or private investigators? I was interested in these different uses of narrative gained through subterfuge and the different intentions as well as the crossovers with the work of phone hackers, investigative journalists, state agents, whistleblowers and the differences in ethical parameters and / or scrutiny. I questioned where do investigative arts practices that operate undercover sit in this grouping and how do their practices differ?

4.1.4 Visual material and audio recordings from the Houses of Parliament.
Taking pictures within the Houses of Parliament where it was not permitted is an act of irony; I am using surveillance methods on the institution that surveys during the implementation of what Edward Snowden described as 'the most far reaching blanket digital surveillance legislation in any Western democracy'.[159]

A camera is an ideal prop to consider some of the boundaries of privacy integral to the Investigatory Powers Bill because of the way that it defines the subject / object relationship and the traditional hierarchical power relations implicit within that. Chapter 2

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[158] Baroness O'Neill; *Official Report,* Lords,11/10/16; col. 1803.

considered the affordances of a contemporary image, one that has the potential to subvert the point of view, undermine the desire for high resolution, deconstruct authorship and put to work velocity, mass and access. The camera has another quality aside from picture taking as it is also a 'prop'. This quality is important when I am exploring security checks or deciphering where the edges of picture taking permissions reside as I move around the parliamentary buildings. By taking pictures covertly in areas where it is not permitted the picture taking as well as image making is able to probe state authority. In some areas I can photograph freely but in other areas there are restrictions.

When I first arrive I need time to set up my camera, load a film, concentrate and refer to the manual. As I do not yet know where or what the restrictions on photography are, I head to the disabled toilets where I know there is both space and privacy. The test shots that I take in here on the first roll of film in the Minox camera are exposed correctly but disregard its subject, framing and composition. The correct exposures in this series of images reinforce the fact that I am able to concentrate and take a several images where I know there are no photographic restrictions. Figure 16 below is from the toilet series.

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[159] https://www.theguardian.com/world/2016/nov/19/extreme-surveillance-becomes-uk-law-with-barely-a-whimper

Figure 16

Parliamentary Chamber 27th June (2016)

Note. From the image series Minox photographs (2016)

A copy of the negatives of this first processed film from the specialist Minox lab were sent to me as digital files. Of the 30 images that the film held only 15 were present, the technician at the lab said the other 15 had not 'come out' - were black or blank and it took some persuasion for him to scan the remaining celluloid void of images. The blank frames are important as they contain an image of the material qualities of the documentation itself - this time retro analogue grain from a small negative. But the image also holds some information about the situation of the documentation. I was unable to set my camera to the correct exposure perhaps suggesting that documentation was restricted within that space. Some of the frames contain half images and snippets of information as the camera is used in haste or is half covered or includes blurs of long exposures as I move swiftly in low light. The light in the image below tracks the cameras movement through a 'long' exposure (see fig. 17).

Figure 17

Westminster Hall 27th June (2016)

Note. From the image series Minox photographs (2016)

The conversation with the Minox lab raised questions about what an image is and how we define quality or a 'good' image. The technician emphasised that the transcoding had been done at the best resolution possible for a negative of this size. The technician assessed 'quality' in terms of detail defined by resolution as well as 'good exposures' and whether an image was present, and decipherable. The qualities I was looking for were different: I wasn't sure what I was looking for, I hoped some images would come out, enjoyed the material qualities of the 'retro' colours from the film, and was looking for chance accidents that made a good image but also that generated a record of my experiences that would 'speak' to the research. Sometimes what you cannot see tells you more than the image itself.
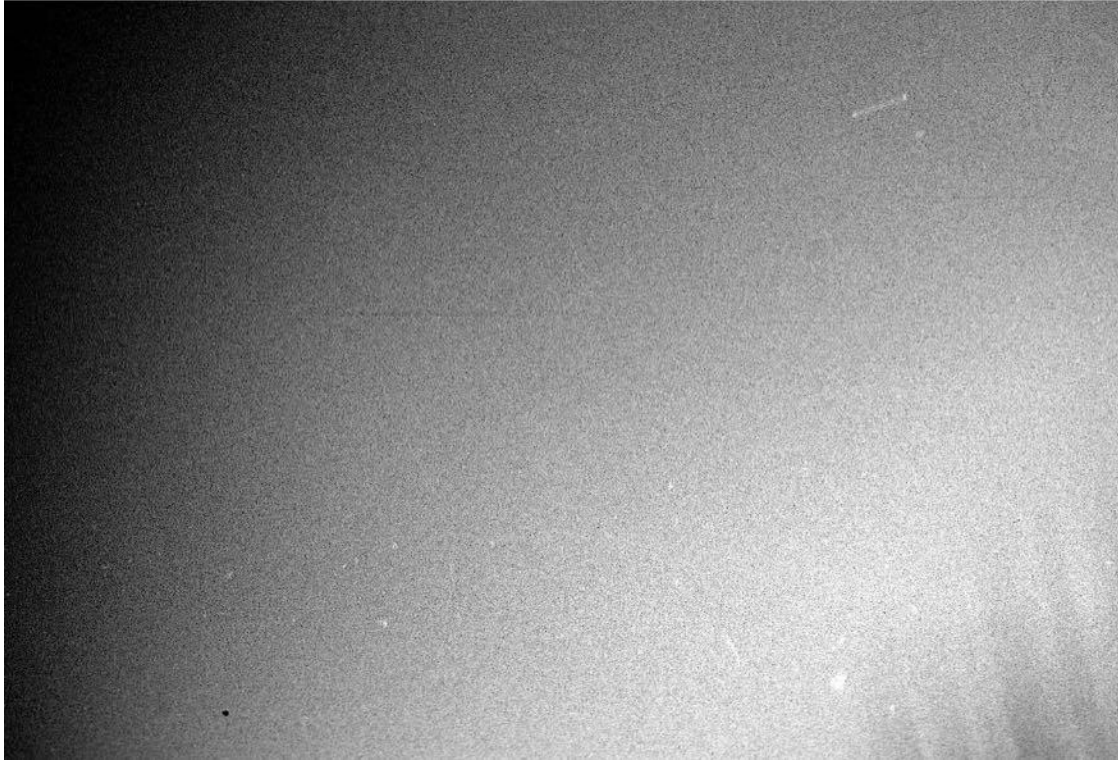
Figure 18

Parliament first sitting after EU Referendum 27th June (2016)

Note. From the image series Minox photographs (2016)

Figure 18 was taken with the camera inside my pocket, the title suggests a more significant event beyond the picture taking. Without a subject the emphasis of the picture becomes the situation of the documentation, what Weizman refers to as a 'camera recording from both ends' (see Chapter 3 Methodological Account). The photograph is reliant on the title, an historical day of significance that works at odds with the image itself.

This film roll of images documents the emotionally charged day in the Houses of Parliament after David Cameron gave his resignation speech, the choirs were singing in Westminster Palace and a large new art installation by Artangel had opened in Westminster Hall. The noise from a loud sound system outside on Parliament Square drifted into the building from the protest in support of Jeremy Corbyn and the gates of Parliament were decorated with protest banners (see fig.18)

Figure 18

Gates of the Houses of Parliament following the EU Referendum, 27th June (2016)

Note. From the image series Minox photographs (2016)

I wanted to somehow capture this charged emotional atmosphere beyond a legislative debate because all of this information was important, expansive and formed part of my experience on the ground, anchoring me in the heart of politics and parliament as events unfolded. Experience and detailed understanding felt slippery and ungraspable, making 'knowing' in a kind of solid and informed way, impossible. This was echoed in a debate that was about collecting bulk data to create certainty through detailed surveillance. The debate itself reflected the impossibility of understanding the implication of the collection of such detail. Theresa May referenced how the specialists' reports had produced a pile of paperwork that was over a foot high. So these grainy, ill-defined, blurry, out of focus, failed images, at odds with what we expect and perhaps want from images, reflects this experience. Instead you notice the detail of the grain the tone of the retro analogue film, the poor exposure, the fleeting camera movement and

the quality of the celluloid.

Figure 19 presents the choir in Westminster palace on the 27th June that was also recorded on the Dictaphone. This link navigates to the Dictaphone recording of the choir.[160]

Figure 19

Choir in the Westminster Palace following the EU Referendum, 27th June (2016)

Note. From the image series Minox photographs (2016)

When the Minox images were returned the lab technician on realising that I was using a specialist retro camera and being encouraging said I had 'got some great shots of…the toilets, really well exposed'. The toilet cubicle is the ultimate private space and a narrative about toilets in relation to surveillance and incarceration was present in *The*

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[160] External link:
https://drive.google.com/file/d/1ZuWkTVEFM5Jqdf4KGC9hpCvn1Xmp8rtw/view?usp=share_link

First Circle (Solzhentisyn 1968),[161] protest art in London organised by Privacy International and during a guided tour of Berlin-Hohenschonhausen Memorial, the former Stasi Prison in Berlin. These collisions of field notes around toilets and public and private chambers were bought together in Debrief 1 detailed in Chapter 5.

Summary

The images produced, expose the impossibility of documentation, they emphasise and amplify the impossibility and problematics of arts practice attempting to make something visible or make something that is unintelligible or complex, visible and coherent through image making. I have detailed what the images suggest in the context of the research but as a document the images are abstract and subjective. Arts practice is not being employed to provide an illustrative record of the situation of the documentation or parliamentary events as they unfold but employed as a method to carry out the research. These processes and the aesthetic quality of the images question the gravitas of the 'image' and in doing so raise questions on authenticity and the representation of 'truth' and the basis on which knowledge is founded.

4.1.5 Field notes

On the way to the Houses of Parliament or when observing from the viewing gallery I carry with me historical novels and dystopian surveillance literature. I read and carried *The First Circle* (Solzhenitsyn 1968) and *1984* (Orwell 1983) during the debate, I clutched them under a notepad in case books were not allowed.

Reading this literature and considering these radical ghosts whilst listening to contemporary examples of injustice and the tug of war between state authority and civil liberties is moving. The emotion surrounding injustice described through fiction, non-fiction or personal testimony is timeless and it is easily conjured onto a contemporary stage. Attending the Houses of Parliament in particular is like theatre, sitting in the eaves and accompanied by characters I had smuggled in, to bear witness with me.

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[161] Solzhenitsyn, A. I. (1968). *The First Circle* (pp 640). London: Harper Collins.

Carrying the books is part of being 'operative'. Holding Solzhenitsyn in the viewing galleries of parliament was different to carrying Orwell into the Stasi Records Agency, different again to reading *Stasiland* (Funder 2011)[162] on the U-Bhan.

The act of reading as well as the object of the book activated an important part of my methodology that went beyond empathy, illustrative or historical understanding. Sometimes I smuggled the book in my pocket into the House of Lords viewing gallery where you were not allowed to carry anything with you, I was performing benign and rebellious freedoms that worked as a democratic subplot to an overarching and oppressive institutional narrative. Orwell described areas in *1984* [163]where his hero Winston Smith was able to avoid the 'telescreens' and exercise relative freedoms where he would write critically about Big Brother within his diary and carry out small acts of rebellion. Winston navigates and carries the reader in an objective and personal space. He observes, reports, critiques, is fearful, funny, sometimes ridiculous and fallible. We experience Big Brother through his eyes and this generates an empathetic understanding through his vulnerability. The dissensual acts allowed me to affirm my place within the institution, assert my individual and personal freedoms, observe, report and critique.

I started the study by reading Julian Barnes' fictional biography of Shostakovich *The Noise of Time* (2016).[164] The book describes Shostakovich's agony and dilemma as he continued composing under the auspices of Stalin's dictatorship, whilst his peers were sent to Stalin's gulags. He hoped that his followers would realise that his collusion with the state was an act of resistance because the way that his music was composed was seeped with irony. He was under constant fear of the knock on the door by Stalin's agents and by the end of the book he hoped that his followers would realise that joining the Communist party was also an ironic act.

Covert resistance practices of Soviet prisoners are also described in *The First Circle*

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[162] Funder, A. (2011) *Stasiland: Stories from behind the Berlin Wall,* London: Granta
[163] Orwell, G. (1983). *1984* Harmondsworth: Penguin Books. (Original work published 1949)
[164] Barnes, J. (2016). *The Noise of Time.* London: Penguin Random House

(Solzhenitsyn 1968). Stalin made use of academics and researchers in specialist prisons where surveillance technologies were developed. The resistant tactics that prisoners in the book carried out, included dreaming, collective singing, working slowly, destroying diagrams of engineering breakthroughs, reading banned literature, speaking sarcastically, acting as assigned informers and double agents, writing, and smuggling writing out of the prison.

The operative tactics described in these books gave both Shostakovich and the prisoners agency through a performative process that teetered on the edges of direct resistance; they were resistant, but not apparent enough to warrant any kind of punishment or further oppression. These acts of resistance enabled agency and control as well as small autonomous freedoms in an environment where freedom was severely restricted.

Threads in the literature began to echo content of the debates and experiences. It also began to create a shift in temporalities and actualities within the field notes, for example the debate references whistleblowers Snowden and Assange. This creates an interesting side narrative as I read *The First Circle* (1968). Solzhenitsyn's books were banned in Soviet Russia and he eventually lived in exile in America. Comparisons could be made to Snowden living in exile in Russia, and to Assange whilst he sought sanctuary in the Ecuadorian embassy (2012 - 2019). In *The First Circle* the prisoners are ordered to invent a device that will enable the state to identify the voice in a recorded phone call. The writing portrays the moral dilemma of working to aid the system by which they are imprisoned. The book is reported to be of significance to Julian Assange.

In the House of Lords the language and vocabularies used during debates is much more evocative than the more legalistic language of the House of Parliament. Descriptive and dramatic phrases punctuate the delivery of the contributions from peers such as:

'A wolf in sheep's clothing', 'a toolkit for tyranny', 'thieves, foreign spooks, murder, spies', 'shrouded in secrecy', 'shifting perils and surging technologies', 'duelling desirables', 'trolls', 'a million flies', 'a wild untamed frontier with a plentitude of outlaws', 'the tide of three-card-trick salesmen, conmen and pimps', 'a street which would have frightened Dickens', 'a cult, 'the iniquitous guillotine', 'a dark state'.

Literary quotes weave in and out of the debate within Parliament with citations mainly of Kipling, Gabriel Garcia Marquez, Dickens, and Proust. The references are used descriptively to support positions on power, privacy, morality, impropriety, legacy and excellence. Fiction becomes a type of case law cited as a voice of authority from a great master. The authors have status but also reflect the privileged education of many of the MPs and peers; the ability to quote from world literature represents learning and knowing and through that communicates status. The rhetoric of the lords differs from that of MPs. The House of Lords are appointed by the Monarch on the advice of the Prime Minister or are hereditary peers. They are therefore unencumbered by the representation of their constituents and much freer to draw from their own experience, to speculate and to be creative in their response.

As time passed during long observations of the Investigatory Powers Bill debate, the overlapping of contemporary surveillance discourse with fiction and my experiences of security when entering Parliament, or the Liberty press releases[165], for example, began to spark off each other, ignite, highlight or enhance particular thematics of the debate on surveillance. These are infused with the images, characters, narratives, historical information and politics of the literature, journalism, Twitter and Facebook feeds that I read alongside the fieldwork. Notes written while travelling, during the debate, after my visit and upon reflection, contribute towards detailed field notes that include experiences, conversations, musings and thoughts. It is also a way in which to try and grasp the acceleration of 'Breaking News' and political challenges and change that occurred following the EU Referendum.

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[165] Liberty (The National Council for Civil Liberties). (2016). *Liberty's summary of the Investigatory Powers Bill for Second Reading in the House of Lords.*
https://www.libertyhumanrights.org.uk/issue/mass-surveillance-briefings-and-reports/

The writing process highlights and amplify the slipperiness of representation, of knowing and of 'seeing'. It records and emphasises that the intensity of information, sparks of interest and threads that I want to follow, to catch and understand, are, in reality, impossible to capture. My interests have expanded away from the purely documentary or visual and I feel like a sheep dog attempting to herd sheep but ones that are from different flocks and that keep running away.

I am carrying with me my own experience and knowledge as a citizen, an artist, a tourist, a researcher, and this highlights subjectivity, exposes repetition of narratives and through this the reworking of historical contexts. By adding to, reflecting upon and writing up the field notes into debriefs I am able to overlap the debate on surveillance legislation and visits to the Houses of Parliament with my understanding and experience of surveillance material and visits to the Stasi archive.

Summary

The methods worked in a way that I did not anticipate. I realised that I was witnessing an historical shift in government and political process at the heart of UK politics and it felt exciting to be there. The drama of debate as well as the subject matter became more stimulating by the fact that I was taking covert photographs and reading surveillance literature. In addition the atmosphere in Parliament at that time was particularly intense and unusual. These on-the-ground experiences exposed some of the details and inner workings of Parliament as an institution. I began to understand the Houses of Parliament as a central hub of expertise that responds to-the-minute and in real time, whilst debating and implementing future legislation in forensic detail. But at the same time it is an institution seeped in tradition and ritual that is unable to move quickly enough or to 'represent' fully. The field notes were essential, and as I wrote, I was able to do additional research to understand some of the detail of the Investigatory Powers Bill (2016) as well as the politics of the day. It bought forth questions about certainty, truth and the constructed nature of knowledge. My images echoed this

uncertainty both aesthetically and through process.

4.2 Operation Stasi Archive

Introduction

Operation Stasi Archive consists of five investigative visits (2017 - 2018) to the Stasi Records Agency,[166] Berlin to view historical surveillance material in the film and video archive. The emphasis of the work of the agency is to reappraise the former German Democratic Republic (GDR) and the work of the Ministry for State Security (Stasi / MfS, German: Ministerium für Staatssicherheit). The agency manages the largest publicly accessible secret service archive in the world and is a legacy of state surveillance overreach.

The film and video archive is housed within the original headquarters of the Ministry for State Security. The Stasi Museum that sits alongside the archive preserves the original headquarters built in 1960/1, the Stasi offices of Erich Mielke; Minister of State Security from 1957 until the end of the GDR (1989). Archival research takes place within its original historical context. This has a particular effect on your experience as a researcher, it emphasises the successful overthrow of a dictatorship and you are aware of a feeling that you have infiltrated an oppressive body of power. Many of the staff at the Stasi Records Agency have lived under the Socialist Unity Party[167] (SED), and I sense pride in the privilege of continuing the revolutionary work of civilian resistance (1989) as well as shock and ridicule at what they discovered.

Whilst I was in Berlin, I was able to visit the BStU (Stasi Records Agency) library, the Stasi Museum as well as museums and historical sites such as the Berlin Wall Memorial Education Centre, sites along the Berlin Wall and the Berlin-Hohenschonhausen memorial. Over the two years of my visits to the museum the courtyard was populated

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[166] https://www.stasi-unterlagen-archiv.de/en/archives/about-the-archives/
[167] The SED is often known in the UK as the East German Communist Party.

with information boards and a new museum section was created on the archive itself; the Stasi Archives Museum which houses the *Access to Secrecy* exhibition.[168] It provides information about the work of the archive and the original surveillance, cataloguing and analysis systems used by the Stasi. One floor of the museum displays documentation of the complex card filing system, the system and machines have the feel of a mail sorting office. The system is extensive, incredibly detailed and complicated, the Stasi gathered over 40 million individual cards on East German Citizens.[169] The Stasi Records Agency has retained the original indexing system of files within the archive. In the toilets of the agency there is special hand cream dispensers as there is so much dust in the files that the archivists' hands get sore.

A board in the *Access to Secrecy* exhibition presents information about the use of 'electronic data carriers' by the MfS which describes the relationship between electronic and manual data:

> Electronic Data Carriers Used by the Stasi… Plans from the 1980s provided for a massive extension of electronic data storage up to the year 2000. The electronic data carriers were not, however, intended to replace the manual management of information in the card indexes. The indexes contained more detailed information, were less prone to breakdowns and had proved their worth in everyday work. Up to 1989 the Stasi used the card indexes and databases in parallel and synchronised them with each other.

This description reinforces the effectiveness of an analogue system but also the way that this system extends digital content. Artist, activist and researcher Tom Keene[170] discussed the way in which civil servants became an extension of a 'relational machine', a concept derived from the theorist and artist Graham Harwood (Harwood, 2013), that considers databases as more than just software. The relational machine expands an understanding of the database to include all the humans, technologies, and processes involved in gathering and working with data. He provided the example of a repairs call

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[168] https://www.einblick-ins-geheime.de/en/exhibition/
[169] Wolfgang, K. (2001) Foreign Intelligence Services in Germany after 1945. In Lars Christian Jenssen and Olav Riste Eds.), *Intelligence in the Cold War: Organisation, Role, and international Cooperation,* (p.75) Norway: Norwegian Defence Studies.
[170] Panel presentation at *Free and Open Source Technologies, Arts and Commoning Practices*, University of Nicosia Research Foundation, Nicosia, Cyprus, 1st June 2019.

centre where telephone operators and residents reporting a repair become part of a database system that systematically gathers data.

Within the offices at the Lichtenberg site there is a 'mess room' where drivers who courier files between the regional offices are able to rest and eat lunch alongside archivists and other agency staff. The physical manifestation of data transfer between offices. Over lunch I am asked about Brexit and the EU Withdrawal Bill that is passing through Parliament. There is incomprehension at the vote to leave the EU and it is difficult to navigate alongside a language barrier. Amongst many of the consequences of leaving the EU, significantly and symbolically the UK is reinforcing its borders as well as restricting freedom of movement. The Investigatory Powers Act (2016) provides the legal framework to continue with and to extend surveillance capabilities through digital data collection. In simple terms this was the antithesis of what the Stasi Records Agency stood for. An organisation that grew out of the physical breaking down of borders during the Peaceful Revolution of 1989, and that worked to expose and reappraise state overreach enabled through surveillance. It seems incomprehensible to the staff of the Stasi Records Agency that I spoke to, that a population would vote to have greater restriction of movement imposed upon themselves. But at the same time across Europe we are witnessing a louder and more confident voice and revival of the politics of the Far Right. The political fallout and intense political period within the UK travels with me, it creates a new positioning from which to encounter material within the archive but also inhabits the conversations I have and the literature I read.

4.2.1 The privacy and surveillance dialectic

Historian Gary Bruce describes Stasi officers as 'not the dreamers, who thought that somehow East Germany could be saved and that some form of reformed socialism could be instituted.'[171] In his analysis of access to the Stasi files and the legislation surrounding it he explains that almost immediately after the revolution of November

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[171] Bruce, G. (2008). Access to Secret Police Files, Justice, and Vetting in East Germany since 1989, in *German Politics and Society,* Issue 86 Vol. 26, No 1

1989 one of the first acts of the Stasi workers was to systematically destroy documents. Initially this was carried out by burning but when this was proving to be too slow, workers began shredding documents. It was this destruction of material made apparent by the smoke and the flecks of paper floating in the air, that led citizens to storm the regional Stasi offices in December (1989)[172]. Stasi workers destroyed many documents including the entire collection of Department XX that dealt with underground opposition.

Citizens occupying a still intact secret service in order to review its work is historically unprecedented. Bruce points out that the image of revolution often involves storming buildings, destruction, throwing paper or filing cabinets into the streets - protesters burning the documents could have been received as an 'euphoric act of victory'. Instead he describes:

> On 15 January 1990 a dramatic occupation of the main Stasi office…by a citizens' committee secured the primary archival holdings. The citizen committees that oversaw the process of securing the archives were not appointed by parliament, nor did they have democratic approval in any formal sense. In fact, their legitimacy came directly from the "street" and the fact that they had stormed and secured the documents themselves. (Bruce 2008: 85).

According to Bruce, the background of the revolution is important to understand the politics surrounding access to the files[173]. He points out that:

> The issue of file access began with crowds of ordinary East Germans pointing their fingers at Stasi buildings … "The liberation from the state security service was a central issue in the Fall of 1989." Individual access to files was, of course, at the forefront of the revolutionaries' minds, rather than a scholarly examination of the East German past. (Bruce 2008: 86).

Discussions in 1990 over the future of the Stasi files ranged from an organised and systematic destruction of the documents to permanent handing over of individual files to

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[172] Ibid

[173] On the 17 June 2021 the BStU became part of the German Federal Archives. Preceding this and during my visits there was much political discussion over the history, use and future of access to the Stasi files.

victims. The bill drafted by the parliament of Lothar de Maziere[174] in 1990 formed the basis of the Stasi Records Act (1991) that regulates the registration, safekeeping, administration and use of the records of the archive. The files are administered by the agency The Berlin archive of Der Bundesbeauftragte fur die Unterlagen des Staatssicherheitsdienstes Der ehmaligen Deutschen Demokratischen Republik (BStU) (The Federal Commissioner for the Records of the State Security Service of the former German Democratic Republic). This meant that it would be illegal for any government office or individual to be in possession of any original Stasi documents.

During the Peaceful Revolution 1989/90 the MfS were shredding and burning the illegal surveillance material that it had collected on its citizens. Agents were stopped in their tracks by protestors occupying the building. When the Federal Commission was created to oversee the Stasi files, the new workers were shocked by the 17,200 bags of shredded material that they found. The archivist showed me a photograph of the thousands of bags of files prepared for destruction. Figure 20 documents the archival storage of some of the bags of documents, many had already been destroyed.

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[174] Lothar de Maziere was the first (and only) freely elected government leader in the history of the GDR who led the last cabinet of East Germany until German reunification (April - October 1990). This parliament negotiated the terms of German unification, established a committee that would oversee the break up of the Stasi and drafted a bill that dealt with the Stasi files.

Figure 20

A warehouse in Magdeburg houses 16,000 paper bags stuffed with hand-torn Stasi files. They are stacked on three stories of shelves.

Note. Stier, D. (https://twentytwenty.co)

The work to piece together shredded and sabotaged material is still being undertaken today. Employees reconstructed the contents of seven bags by hand in 2019 but 15,000 sacks of shredded papers are still stored in not yet opened bags[175] (2021).

The Stasi Records Act (1991) has three main purposes. Its primary purpose is to allow individuals access to information stored by the Stasi about them so that they can understand the Stasi's impact and influence on their lives. Secondly the law aims to protect personal rights, preventing a second invasion of privacy or repression through

the use of archival material. Thirdly, the law ensures and promotes legal, historical and political analysis of the Stasi's activities.

Since 1992 more than 1.7 million people gained access to their files[176]. Apart from managing legal access, one of the agency's main areas of work (followed by academic research) was to assist in vetting individuals entering public service or in prominent social positions for 'any evidence that exists in the files to suggest that collaboration with the MfS took place in the past'.[177]

Bruce points out that the key provisions in the Stasi Files Law are at odds with each other. Two provisions deal primarily with personal rights (individual access and protection from a further invasion of privacy) and two provisions that deal with the rights of the general public (research and access to private and public institutions). This creates an interesting 'tension between an individual's right to privacy and the public and individual's right to information and to know about the past…' (Bruce 2008: 89)

As a researcher, when I view footage in the archive it is raw and not redacted, but if I buy a copy of any of the material, archivists in the agency add a pixelation filter to conceal peoples' identity before footage is released. This ensures that it complies with the Stasi Records Act (1991). The same is applied to written files, identification is redacted. This applies to citizens but not to Stasi agents or people in public office, their privacy is not protected in the same way.

This process of anonymisation is explained in Bruce's text: 'As the law leans towards the individual's right to know rather than her right to privacy, the names of Stasi workers and informants can be released to the public'. Visually this is also applied. The archivist explains that no individuals formally identified as Stasi agents within photographic and film material are anonymised. However, if they take a break, are on lunch, with their

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[175] https://newsrnd.com/news/2021-06-21-stasi-files-now-in-the-federal-archives--special-authority-closes.SkWgX9hpid.html
[176] https://www.stasi-unterlagen-archiv.de/en/access-to-records/access-for-private-individuals/
[177] The Stasi Records Act 20 December 1991.

family for instance then they are off duty and their privacy is once again protected. Former Stasi workers have access to their own files but they cannot look at reports that they authored unless they have a legal reason. The photography archivist said that former agents do come to the archive because they want to 'see their work', they are interested in it. This was in relation to film and photographic material and suggests a creative investment in the material itself. This strange technological and creative crossover in the work of oppressive state surveillance makes me feel uncomfortable. When I asked the archivist why there were so many images, they described it as similar to CCTV today, in which we are documented all the time, and if there is a crime, the footage is looked at and analysed. What is important is the imperative to analyse the files and what happens once they have been analysed.

Areas of the Investigatory Powers Act (2016) concerning the analysis of bulk data do not require any notification of surveillance, even if you have not committed a crime. Your data could be accessed, you could be investigated, and you would never know. Those authorised could look for crimes committed retrospectively, investigate unreported 'crimes' and predict crimes in the future.[178] It is the analysis that matters and who carries out that analysis, but more importantly it is the legislation that governs that access and the political intention of those authorising its collection that is of particular importance.

The ethical and political complexity of the Stasi files makes the dialectic between opacity and transparency blurry. The privacy issue is extremely contentious in united Germany. It is understandable that people question the archiving of information gathered on individuals illegally and in an underhand and often violent way. It is also contentious that the public is permitted to know the names of Stasi collaborators as 'it suggests in agreeing to work for the Stasi, that individual somehow forewent his right to privacy' (Bruce 2008: 89).

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[178] In November 2022 the Guardian Newspaper reported pre-emptive arrests of Just Stop Oil protesters: https://amp.theguardian.com/environment/2022/nov/07/cop27-met-says-arrests-made-as-just-stop-oil-intend-to-disrupt-motorways.

The former German Chancellor Helmut Kohl lost a four-year legal battle (2004) to keep files discovered on him in the Stasi archives private[179]. The federal court ruled that files relating to his private life should remain classified but that those detailing his political activities could be released. Much of the information within the files was obtained through illegal (telephone) wire taps. As part of a compromise with Kohl, the agency agreed to remove all tapped telephone transcripts and blacked out names of third parties.[180] When Kohl was Chancellor he had tried and failed to hand over the Stasi files to the German National Archives. This would have placed them under the 30 year rule, the legal arrangements under which official records are made available to the public through The National Archives.

An aspect within the ruling of the Kohl case that was criticised and challenged was the distinction between researchers and journalists. 'Essentially, the court determined that researchers could be given slightly more access to files than journalists, a decision suggesting that journalists were irresponsible.' (Bruce 2008: 92). The decision also defined what a 'researcher' was - not a curious average citizen but someone associated with a formal institution or 'an individual with a well-conceived research plan that the archive would examine carefully for suitability.' (Bruce 2008: 93)

By 2007 the use of the archive for vetting and assisting in court trials was more or less at an end and the debate and discussion about the future of the Stasi Records Agency gained ground. In June (2021) the Stasi Records Agency became part of the German Federal Archives, The Stasi Records Act (1991) remains intact and unaltered and an archive centre is being developed at the Stasi Headquarters.

4.2.2 The workings of the Stasi Records Agency

The first visit takes place 17th July 2017 to view material outlined in the Media Request Form. At the archive, for the duration of the request, you are assigned a dedicated

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[179] It is well documented that the files are believed to shed fresh light on a damaging corruption scandal revealed shortly after his parliamentary defeat in 1998 by the Gerhard Schröder.
[180] https://www.irishtimes.com/news/stasi-files-on-kohl-released-but-many-secrets-remain-1.426309

archivist who selects and orders your files from central and regional offices in preparation for your visit.

The archivist that I work alongside is a former East Berliner, who had personal knowledge and experience of the GDR as well as an understanding of the footage and material. They had experienced the SED regime and suffered from the actions of the Stasi as an instrument of power and repression. As the research brief is broad and open it relies on a good, honest and transparent relationship with the archivist, to establish trust between us. This was not a self-conscious strategy but a natural development of a creative, critical and reflexive meeting place. As time went on I considered the archivist a friend. I became concerned that my field notes were similar to keeping a 'file' on someone as my they included conversations that detailed personal experience beyond those specific to their work at the archive. I have therefore anonymised their identity by concealing their name and gender. In addition I have redacted personal conversations that provided insightful and emotional on-the-ground experience but are not relevant to their work at the archive.

There was a significant language barrier at the agency that I had not previously encountered in Germany, as so many German citizens speak excellent English. Many of the staff of the Stasi Records Agency were former East Berliners who were taught Russian at school and university and so had limited knowledge of English. My original request for access via email enquiry was replied to in German and the majority of the information on the website was in German. It is only since 2016 that the website has been translated and redesigned and has become much more accessible. Prior to this the archive felt very inaccessible and it took some time to process my request. According to the archivist, the request was sent to one of the managers for translation before they themselves were assigned to it. This fortuitous translation acted in my favour as the manager knew that this archivist had experience of working with artists.

Following my initial visit I asked curator Marieke Spendel from the gallery Centrum,[181]

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[181] https://www.centrumberlin.com

Berlin, to work as a translator. Her fluency in English, creative understanding and knowledge of art is essential and supportive. Initially Mareike translates the protocol such as fees, copyright, authorisations, anonymisation, redaction and handling of material. As most of my initial material was visual, Mareike translates between myself and the archivist, details the subject, location and date of the documentation and what camera or device it was documented on. Towards the end of my visits the translation included files that contained pitches for new surveillance technology which demanded greater translation of the written material. I was invited by Mareike, to exhibit my work at the gallery Decad, Kreuzberg, Berlin as detailed in Chapter 5.4.2 Exhibition 1 Investigatory Power.

At the Stasi Records Agency, we play down the fact that I am an artist. This is partly again due to the fact that art might not be taken seriously as an academic discipline but different to the reasons I resisted this at the Houses of Parliament. The archive has to adhere to the Stasi Records Act (1991)[182], legislation that carefully responds to privacy protections as well as access (as detailed in the previous section). It is therefore preferable for the agency to be sure about the research and the use of the material. An artist might solely be looking for 'representational' images and how these might be used is uncertain. The Media Request Form ensures use for educational or research purposes but that does not necessarily remove the uncertainty that artists present. Both archivists fiercely defended my place as a researcher and artist.

The material that is held within the archives is incredibly intriguing. This unique and extensive agency exposes the inner workings of a government's secret service surveillance of its citizens. It is perhaps something that is of interest and significance to all of us, but more so in the current climate of political extremes and in the advent of mass digital data collection by governments and corporations. In addition, the work of agents, spies, double-agents and the creative spyware associated with their work, holds a certain amount of fascination and romanticisation that we see reflected in popular culture. Alongside this the aesthetic quality of the material in the archive is compelling,

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[182] https://www.stasi-unterlagen-archiv.de/en/the-agency/legal-basis/

perhaps this is particular to the eye of an artist and perhaps of artists who remember periods of the Cold War. It is difficult not to be seduced by the imagery as it is visually appealing and nostalgic despite its provenance. The archivist occasionally brings me back down to the actuality of the material. This personal interaction as part of ethical procedure protects the material against commodification or fetishisation. There is limited reference to this type of protection within the Stasi Records Act and I can only assume that this is considered through the Media Request process and during the selection process.

By requesting material that had missed its subject, failed or been sabotaged, alongside high resolution scans of negatives, I (inadvertently) create a situation where processes begin to be challenged. These unusual requests probe internal processes at the archive as well as raising questions about the archival material. For example, as an artist and academic I request more visual material than perhaps an academic might require for illustrations. This creates an internal discussion about how long my request should remain open as I review new material and wait for scans to be completed. The archivist went to great lengths to ensure I received the copies of material at the resolution and format that I requested. The archivist ensured my file was kept open for over three years so that my requests could continue even when they had to take a period of leave. The range and type of material I purchased is described in more detail within the portfolio of works in Chapter 5.

At first, I felt daunted when I was faced with a series of folders of negatives, white gloves, a light box and a magnifier with which to review images. But as a photographer I can 'read' these negative images and am able to select frames or sections from the raw gelatine strip to digitise and review later as a 'positive' image and at scale. Nobody had previously asked to look at negatives within the archive and so this process presented questions over how I wanted to view them. Initially I view them 'raw', predominantly as 35mm negatives in sleeves on a light box with a small viewing magnifier. There is much more information about technique and intent when looking at a whole reel of negatives, particularly when viewed alongside a file. I consider selecting entire image sequences,

films and files. The Stasi adapted cameras to bulk load cassettes with films of over 100 images on a 35mm Robot camera. This allowed for intense and regular uninterrupted documentation. Figure 21 is a scan of a negative photographic 'strip' taken from a series of over 100 images displaying the frequency of the shot.

Figure 21
A strip of negatives from a 'bulk' reel of over 100 images displaying the frequency of shots taken from a hidden camera operated by a Stasi agent.
Note. The Stasi Records Agency. Ref: MfS+HA_VIII+Fo+435+445-451

To view images at scale and as positives the negatives had to be digitised, then reviewed and then selected for final scanning. I didn't understand why each film containing 36 images has not been scanned as 'contact sheets' until I saw the negatives and realised the scale of the task. Some sabotaged negatives were cut into small pieces. It was the first time high resolution scans or scans of entire negative strips had been requested. This created a technical language barrier between myself and Mareike as she interpreted the language and vocabulary of analogue photographic technique into German. Some of the scans of the sabotaged material became a complex conversation about where the image ended or began and whether an empty frame of celluloid (that I requested) constitutes an image and the associated fees. Questions arose such as, does a strip of images count as one image so far as pricing is concerned and are high resolution images the same price as standard resolution images? As the requests were not straight forward progress relied on the head of the digital transfers having the time to design the workflow and prepare this work. It was necessary to have a level of understanding, patience and laissez faire over the requests. At one point they held their head in their hands and said 'there is a way around this'.

Together we devised a workflow for scanning negatives and files for review and selection, and met over an enthusiasm for photography, gadgetry and process. This created a positive meeting place where they explained archival processes but also stories about the subject or situation of the material. They described a spy camera that was exceptionally small and that had tiny negatives. A technical work-around to transcode the negatives with a digital camera on a copy-stand was difficult as movement is exaggerated when working with minute objects. The digital lab is on the fifth floor and when a lorry drives past, the building shakes enough to disrupt the copying process. These technical discussions are different to considering a 'representational' image and the subjectivities that might accompany the reading of an image. Talking about techniques and processes created an objective third space that was informed by the work of the archivist and the technical expertise they employ. They showed me the mothballed analogue darkroom equipment and the new but under-resourced media lab that copies, digitises and transcodes material. My request provided the case for a new camera to copy negatives at higher resolution.

4.2.3 Mediation

Material from the Stasi Records Agency can also be requested remotely but my experience would have been significantly limited. At the Stasi Records Agency I felt the weight and seriousness of the work of the agency but also the justice in having the inner workings of the former Ministry for State Security exposed. The commitment and integrity of the staff, their desire to enable research, to discover and to make what was secret material, visible and accessible, was palpable. The archivist introduces me to different spaces that I might like to photograph within the agency buildings at the main Lichtenberg site. The camera became a guest to show around the building, experience the views, see the original paternoster lifts or areas under redevelopment. I meet people at the archive, join them on breaks and get a feel for the difference between off-duty chit chat and on-duty information receiving. Humour becomes a way in which to look at 'other' things, strange performative footage for example of Starsky and Hutch-like agents jumping through window frames wielding pistols, or the checking of the

archivist's passport each time they enter the building by colleagues who know them well. The language barrier and my British muteness carry a certain amount of intrigue with staff, but also heighten other senses and ways of looking as I try to understand conversations and gestures. Being within the former Ministry for State Security feels abstract but important whilst also reinforcing the feeling of being a research 'imposter'. Being 'there' and physically within the space means that I can 'see' the organisation at work, move around the space, observe limitations and also things of interest that I might not have anticipated.

I often view footage alongside the archivist partly because of a language barrier and also because my trips to Berlin are time limited. A lot of material is prepared in short bursts and we watch intensely and review material several times. As we watch together we begin to notice more: we discover some catalogue errors and I identify two agents who appear in different files and we are able to create new cross-references in the cataloguing system.

The archivist suggests material to view and I intentionally allow myself to be led by their ideas. Several films are of particular importance to the archivist and they have a personal relationship to some of the documentation. Over several viewings we go on a journey where gradually the archivist notices and shares more information and between us we recognise more of the agents. We watch the film[183] *Punks* and a multi-camera[184] surveillance operation of a demonstration on Alexanderplatz in 1989, several times and each time their importance and content is reinforced.

A knowledge of film and photography reveals the processes of the agents behind the Stasi imagery and the situation of the documentation. I am able to place myself in their physical position and gain an insight into details behind the camera as well as the

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[183] The Stasi Records Agency. Ref: MfS_BV_Bln Vi 002
External Link: https://drive.google.com/file/d/172vucLmd__7zg1doOfUIXQTWW4dZp-fo/view?usp=share_link
[184] The Stasi Records Agency Refs: MfS+HA_VIII+Vi+005, MfS_BV_Bln+Vi+021,MfS_BV_Bln+Vi+020, MfS_BV_Bln+Vi+019, MfS_BV_Bln+Vi+018

environment within which they are standing. This is supplemented by the visceral experience of taking pictures covertly at the Houses of Parliament alongside the training course in undercover camera work at the Centre for Investigative Journalism, Goldsmiths University, London. The course informed an understanding of the micro in performative processes such as technique, experiential understanding and tacit knowledge related to picture taking and picture making. The course covered areas such as the way you position your body in a space, the type of spaces you occupy or how you might move through them. Filming undercover on the training course felt nerve-wracking but also exciting. Viewing the covert footage felt very uncomfortable, it was too difficult to consider technique without considering the subject of the documentation. This reinforced the impression I have from some of the footage at the archive, particularly the film *Punks*. The viewer is placed uncomfortably alongside agents in a Trabant surveying punks going to an undercover gig in a church. This exposes the callous indifference that is an essential component of undercover filming. It reveals the raw underbelly of spying, a grotty, nervous and hateful snoop. Watching the surveillance footage, the viewer is placed in their seat, sees the scene through their eyes and becomes the agent or a conspirator in the exercise. It was perhaps because of this that the archivist went to great lengths to explain the experience on the ground so thoroughly.

The material at the archive had been on a journey of many more processes post-reclamation from the MfS by civillians and its transference to the Stasi Records Agency. Material was sabotaged, logged, watermarked, transcoded or anonymised. The micro in these process, changes in codecs or fonts, for example are evidence of what Susan Schuppli (see Chapter 2.2 Art and Investigative Journalism) would call the 'material witness' - the way that matter carries 'trace evidence of external events'. She uses the analogy of the double agent to illustrate a 'twofold operation' that is present in the material under investigation - 'the *evidence of event* but also the *event of evidence*[185]'. This might also include the ways in which the archivists treat, label, catalogue or discard material, Schuppli refers to these as 'micro thresholds' - moments when the political

External Link: https://drive.google.com/file/d/183RPOCUirAjSJM1rRlKUsO-JDkApYGBu/view?usp=share_link
[185] http://www.darkecology.net/dark-matters-an-interview-with-susan-schuppli

enters and some data is given greater or lesser significance than other data. The archivist tells me that when the SED regime had been overthrown, the new archivists had to devise systems to preserve and catalogue different types of material. The MfS left the building in haste and tipped whole office drawers into the bags marked for destruction. Some of the things archivists found amongst the files included combs, a sock, someone's sandwich and love letters. These items had also to be filed and the archivist joked that they could not watermark the sandwich so had to throw it away, but the other items were kept in a separate archive.

Schuppli's analogy of the double agent is evocative as I look at the training material in the archive. Some of the people in the photographs and films are likely to be agents acting as subjects for their colleagues. Without legal evidence that they are agents the archivists are legally obliged to anonymise them to protect their privacy as civilians (see fig. 22). Sometimes the archivists feel sure or know for certain that the subjects they are anonymising are agents. This creates an invisible future-historical power play through the image itself as the identity of the person depicted is dutifully erased.

Figure 22

Portrait taken by a Stasi agent from a file that illustrates and describes the use of an analogue button hole camera. Digital anonymisation filter applied by the Stasi Records Agency in accordance with The Stasi Records Act (1991)

Note. The Stasi Records Agency. Ref: MfS-BV-Suhl-Abt-VIII-Fo-3192-Bild-0019

There are two different fonts that watermark the film footage 'BStU', Times Roman and Arial, that provide a temporal bracket of when the material was logged and / or transcoded. I witness 'micro processes' being actioned and crucial decisions being made about the archival material. On one of my final visits, I see the transcoding of material in the video editing suite , the addition of film-leaders holding the BStU

reference, and the anonymization of material. Some of the material, a newly restored 8mm film of scientist Robert Havemann under house arrest for example, had not previously been seen in the public domain. Some of this material is new to the archivist and has been sent over from regional offices, they are also interested in viewing it. The film below (see fig. 23) has been recently restored. It had been cut into pieces by Stasi agents in an attempt to destroy it but the pieces were salvaged by civilians in 1989. The archivists had painstakingly pieced the film together and retouched the cut marks so that the film was seamless. They had nearly finished the work when their boss intervened and said that they needed to re-do it. Their boss took the film and re-mastered it with all the cut marks put back in, visible as an irregular white slice through the image on sporadic film frames alongside a glitch on the audio. The film, just over two minutes long, depicts a multi screen CCTV operation with an agent in a control room overseeing the surveillance of scientist Robert Havemann who was under house arrest (1976 - 1982).[186]

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[186] The Stasi Records Agency Ref: MfS HA_VIII Fi 92 user
External Link:
https://drive.google.com/file/d/1EITd0c3KvLullsy0Cv9w3UEWDTJTRfkl/view?usp=share_link

Figure 23

Film still from a reconstructed sabotaged film depicting scientist Robert Havemann under house arrest.

Note. The Stasi Records Agency. Ref: MfS HA_VIII Fi 92

These material processes contribute towards the 'event of evidence'. When the Stasi, for example, cut a film to pieces, rather than destroying incriminating evidence of the illegal surveillance they simply exposed their knowledge of the illegality of the act. It enhanced incriminating evidence rather than eroding history. Orwell's account in *1984* of Winston destroying and rewriting newspaper articles so that they reflected the Ministry of Truth's revised version of truth, accompanied me in my research at the archive.

4.2.4 Visual material from The Stasi Records Agency

The review of the archivist's interpretation of your request is incredibly informative. You view a broad range of material whilst the archivist provides further information and

follows your lead on any additional material you might be interested in. The request resulted in a range of training material; sabotaged material; pitches for the development of new surveillance devices; images from hidden cameras alongside explainers on how they were taken, and original surveillance footage. Material is documented on different cameras and films, analogue and digital which has gone through different stages of tele-cineing, digitisation and transcoding since archiving began in 1991. Cataloguing is ongoing due to the unfathomable amount of material amassed. As the surveillance files are turned into archival material, the files expose the speed of technical advance through the changing quality and choice of archival digital codecs and resolutions for preservation. It also exposes the limited human and technical resource of the archive and the scarcity of technical resources that were available in the GDR.

Some of the Stasi training material[187] that I review reveals techniques I had learnt about during the undercover camera training course. For example, filming a watch or clock to indicate the time of documentation for possible synchronisation with events, additional cameras, or meta-data encoded in devices. Through trial and error during training, I begin to understand how difficult it is to frame the shot with ease; framing and distance of a hidden camera can define successful footage. Despite my experience of camerawork this requires particular new skills. Technical competency for 'good exposure' is essential, particularly for analogue technique, as well as the ability to 'perform' undercover.

This partly explains the large amount of training material within the film and video archive and why there was such a lot of material where agents filmed each other, often accompanied with specific instructions. The archivist calls this 'learning by doing'. One file contains the slides of a slideshow with an accompanying soundtrack of intermittent beeps to indicate when a slide should change. There is no space to ad-lib or go off script. Camera technique involves a different type of experiential learning. This creative experimentation has a certain amount of 'freedom' under the auspices of the SED

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[187] The Stasi Records Agency Ref: MfS BV_KMSt Fi 001
External Link:
https://drive.google.com/file/d/1gm6woJ5hDAZ9J3GElAnx7LEsBsE6z8Iu/view?usp=share_link

dictatorship. During a time in which creative freedoms were increasingly censored and under which certain artist collectives were systematically subverted and broken up.

Some contemporary surveillance devices are not available for the layperson to buy as they are reserved for the privileged viewing of the military and secret service agencies. This emphasises the sophistication of the devices used by the Stasi that now appear old-fashioned and 'quaint'. This used to be high end, desirable kit that was scarce in the GDR and often smuggled in from the West; as a result, technical manuals were often absent and agents worked by trial and error, 'learning by doing' and experimentation. Agents designed new devices and made pitches for funding through proposals detailing samples, costs and techniques. Through the undercover camera course I understood the excitement, performative, playfulness of operating undercover but the course also explored the ethical harm that filming undercover poses. The journalists who led the course were part of the BBC Panorama scoops exposing loan fraud and people smuggling. The course provided essential guidance on ethical and legal parameters specific to journalism but applicable to other disciplines. Examples made apparent comparable illegalities and invasion of privacy carried out by the Stasi on civilians. Not many attendees of the course were journalists, quite a few people just wanted to use hidden cameras, I found this quite disconcerting.

It is difficult to narrow down my selection from the material I view at the film and video archive. I allow myself to be led and steered by several influences: the information that the archivist provides coupled with their own history and relationship to it, my intuitive response to the footage; imagery that activated content within the Investigatory Powers Bill (2016) debate, and my original Media Request outline. The material that I selected from fell into four main categories: training material and learning by doing; pitches for new surveillance devices; surveillance operations; and sabotaged material. This is explored in detail in Chapter 5.

4.2.5 Field notes

I travelled to the Stasi Records Agency whilst reading *1984* (Orwell, 1949), *Stasiland* (Funder, 2011) *One Day in the Life of Ivan Denisovich* (Solzhenitsyn, 1962), *The Rights of Man* (Wells, 2015) and *The Invisible Man* (Wells, 1975) and carried them with me on separate visits.

In their film *Festival* (2020) for the Edinburgh International Book Festival, filmmaker Sarah Wood and author Ali Smith describe the act of reading as 'a communal act', as 'one of the best conjunctions or meeting places of the real and the imagination, one of the best places for the meeting of minds'. In the voice-over for the film Ali Smith describes the dialogue that occurs when we open a book:

> We enter the communal flow of the thinking, imagining human mind... as soon as we start to read we are in dialogue with voice, language, meaning, thought, truth, fiction, and the possibility of the world we live in, the facts of it, and what happens when the facts meet the capabilities and breadth of the human imagination.[188]

The expanded dialogues that Ali Smith describes are similar to the thinking process that occurs on my field trips, heightened or activated by the powerful environments and experiences within the research sites. Some of the radical and revolutionary writers accompanied me mentally and physically (as a book) on the research trips; I had all their voices, meanings, truths, fictions and histories in a container. Examining archival material whilst reading authors banned within the GDR (Orwell and Solzhenitsyn) coupled with my knowledge of the Investigatory Powers Act (2016) emphasised the gravity of the UK legislation and the debate on civil liberties. The timelessness of fiction brought to life and broadened my understanding of the archival material from the perspective of a civilian. I could visualise what surveillance and data collection looks like and visualise its potential.

An important part of the research was the knowledge gained through the archivists and staff of the Stasi Records Agency, from the literature that surrounds the Stasi Museums and the history of the building itself. I had many long and interesting conversations that

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[188] Wood, S and Smith, S. (2020) *Festival* [Film] Edinburgh International Book Festival. Retrieved: https://www.open.ac.uk/scotland/events/ali-smith-edbookfest2020

reveal nuanced details that you would only know by working in these spaces for a very long time, from having been a former civilian of East Berlin, or by having a personal connection to the material itself. These conversations circulate around the historical building, the reviews of archival material and around the details within the footage or images. As artists and lecturers this is something we are well versed in as part of regular critiques of work with students. We analyse the image, talk around it, use it as a prompt, a vehicle for exchange and to share our insight and experience. This is also true of the artist's talk, a point at which work is reflected upon, critiqued, analysed and contextualised. These processes bring together collective thinking that expands critical understanding through a diversity of viewpoints.

The archival discussions provide additional resources as well as first-hand accounts of very specialised, detailed and informed experience from people on the ground. Knowledge of context, content and public figures within the material as well as personal connections are shared. The consequences and personal impact of 'state security' is made apparent as I am introduced to the historical context of the material and view the evidence. This is emphasised by the testimony of the archivists, the information at the Stasi Museums and supplemented by the literature I am reading. I carry with me my knowledge of the Investigatory Powers Act (2016) and I am able to match these historical techniques with digital equivalents contained within the new UK legislation.

The literature reveals to me the multiplicity of perspectives that the material can be viewed from and sometimes directly reveals information about the content of the footage. For example as I rewatch the *Punks*[189] film I am conscious of the fact that I am viewing the footage through the archivist's eyes. They translate the content and dialogue of the agents. There is a mix of enjoyment and nostalgia but also sadness and upset as we watch. Over time more details of their personal knowledge of the content is revealed. In some ways the archivist is revisiting their youth. During one viewing of the footage *Punks,* I am reminded of a passage in *1984* when the main protagonist Winston

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[189] The Stasi Records Agency. Ref: MfS_BV_Bln Vi 002
External Link: https://drive.google.com/file/d/172vucLmd__7zg1doOfUIXQTWW4dZp-fo/view?usp=share_link

seeks out one of the 'proles' in a pub. Searching for truth, he wants affirmation that life had been better before the (totalitarian) revolution. He is seeking testimony from someone who remembers the past as 'evidence' at the 'Ministry of Truth' was being destroyed or rewritten. Winston had to carry out this destruction himself. History was becoming uncertain in his own mind. Over several viewings of *Punks* I became aware that I was not only viewing the footage though the archivist's eyes but also through Winston's eyes. Winston's quest for truth revealed something about the archivist's experience when revisiting the film. This was personal and actual evidence of life before the revolution, retrieved material marked for destruction. The footage was troublesome to watch. As we spotted more details in the films we both developed a different kind of objectivity when looking at the footage and I became aware that not only was I looking through the archivist's eyes and Winston's eyes but that the archivist had begun to look through mine.

Literature extracts also presented a more direct illustration. In the book *Stasiland* (2011) author Anna Funder collects testimonies from both victims and perpetrators of the SED regime two years after the 1989 Peaceful Revolution. She describes entering one of the former regional offices and seeing a document revealing the hand signals of Stasi agents:

Large and small mysteries were accounted for when the files were opened. Not least, perhaps the tics of the ordinary man in the street. This document was on display:

SIGNALS FOR OBSERVATION
1. Watch Out! Subject is coming
-touch nose with hand or handkerchief

2. Subject is moving on, going further, or overtaking
-stroke hair with hand or raise hat briefly

3.Subject standing still

-lay one hand against back, or on the stomach

4. Observing Agent wishes to terminate observation because cover threatened

-bend and retie shoelaces

5.Subject returning

-both hands against back or on stomach

6. Observing Agent wishes to speak with Team Leader or other Observing Agents

-take out briefcase or equivalent and examine contents. (Funder 2011: 7)

Figure 24 depicts a Stasi agent practicing briefcase camera work and demonstrating signal '1: Watch Out! Subject is coming - touch nose with hand or handkerchief'.

Figure 24

Film still from documentation of briefcase camera training used to demonstrate technique and signalling.

Note. The Stasi Records Agency. Ref: MfS+HA_VIII+Fi+042

As I watch the [footage](#) Funder's description of the 'tics of the ordinary man in the street' comes alive.[190] It has a strange visceral effect on me as this literary and visual information collides, amplified by the fact that I am reviewing this footage in the original Stasi headquarters.

Figure 25 displays agents employing different hand signals. The more I watch this material the more signalling I see, more recently as I improve the 'levels and curves' of stills in the footage I realise it is a hot day. When the sunlight shines in the footage I immediately notice mosquitos and the agents scratching their arms and battering them away as though the improved light in the material has somehow brought them out.

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[190] The Stasi Records Agency. Ref: MfS+HA_VIII+Fi+042+043
External Link:
https://drive.google.com/file/d/10idLEPhEtcFuzkq7ODRrye8zgRNv6sQF/view?usp=share_link

Figure 25

Film still from documentation of briefcase camera training used to demonstrate technique and signalling.

Note. The Stasi Records Agency. Ref: MfS+HA_VIII+Fi+043

As I watch the two reels of film the archivist tells me to come and look out the window. In the space below between the two tall buildings there are two large black Audis and several men in suits and shades. The car boots are open and it reminds me of other footage I looked at the day before. Filmed from above and hidden from view, where people were captured on film removing goods from the boot of a car, possibly smuggling Western goods and meeting in a car park for an exchange.[191] It also reminded me of files I had looked at with images of hidden cameras in car boots and the technical details of how to install them. The people below are contemporary German state agents on a training day, the archive is a government building and this training in the grounds

would not be visible to the general public. This again creates a visceral response - a sudden feeling of free fall, and time slippage. These emotional responses imprint themselves into my experience of being there, they are stored as small pockets of condensed intense experience that then expand into verbal accounts and written notes. Figure 26 is the photograph taken out of the window of the Stasi Records Agency.

Figure 26

View from the Stasi Records Agency depicting state agents on a training day 18th July 2017

Note. From the image series Minox photographs (2016)

Summary

The research carried out at the archive was conducted in a way that was broader than a traditional study of archival material. The original media request for material with no

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191 The Stasi Records Agency. Ref: Mfs BV_Gera Vi 135.

subject, or that had failed, or was sabotaged, shifted the approach away from a standard subject-orientated enquiry. It presented space for the archivists to bring their knowledge of material forward whilst leaving enough space for interpretation and additional research for material by them. The request for material carried the field trips over time whilst the things I experienced through that process generated insight from many different perspectives.

The specific request firmly removed my analysis away from a consideration of what was inside the frame to what was happening around the edges. It could be argued that whenever there is an analysis of surveillance material we are positioned on the outside looking in. But in this instance, by removing, or attempting to remove the emphasis on the subject, the immersion into content is denied. In Chapter 2.2 Art and Investigative Journalism, artist and filmmaker Laura Poitras describes investigative research as expanding the narrative that sits within the collapsed folds (using the analogy of an accordion). This way of looking investigates further, explores the edges, creeps between the folds, goes over the patterns and rhythms and uses this detail to highlight what may not be represented.

The Stasi Records Agency had many different on-the-ground tensions to navigate and this was repeated in the material I was looking at. These tensions include: the flip of the building from one of state security to one of education; the layering of legislation to protect privacy for people who had already had their privacy invaded; the access to material whilst at the same time redacting and anonymising it; and the access for former agents who had in place carefully drawn up restrictions to their visits. Whilst I visited the archive the literature I was reading created both interventions and revelations. New insights were also created in tandem with the journey of getting to know material with the archivist. The trips provided sequencing, things were revealed or became apparent through repetition, revisiting, reoccurrence and reinforcement.

As I moved around and through the material and footage and completed a journey that took it from the inside to the outside, I gained detailed ethical understanding of legal and

social parameters. The process of taking material that was hidden within the institution into the public realm had similarities with the journey of the parliamentary debate: I watched content of the debate and decisions made go through several iterations and processes until I read it in the newspaper or viewed extracts online.

Chapter 5: Puzzling Materials

Introduction to the portfolio of work

The 'work' evolved initially as 'debriefs' - written works developed from the field notes. These were then used within performance presentations to begin a 'conversation' within the work. Diverse visual and written material is used in tandem with extracts from the debriefs where both sites of the research begin to interact. These are presented within educational lectures, artist talks and conferences. The opportunities are used as a platform to test both content and narrative. Finally, the visual and audio materials were developed into individual works or brought into physical exhibitions within a gallery. This analytical process brings material together, alongside and within different contexts, to generate critical, poetic and visual associations. Disparate elements or bits of material are 'put to work', animating or influencing more substantial or worked up individual pieces. The mess of 'stuff' is important, revealing what might be missed, is excluded or inaccessible as well as contributing to the 'fabric' of the exhibition.

The portfolio of works is presented within three sections:
1. Debriefs
2. Performance Presentations
3. Exhibitions

An introduction and summary of each portfolio section follows. Each section contains a direct link to a PDF of the work.

Please Note: It is essential to view / read the portfolio where the link sits within the text, I recommend a good internet connection to access moving image work.

5.1 Debriefs

In Chapter 3.5.2 Digital Sketches, I outlined the use of 'digital shorts' in my practice - I

describe this as a way of 'sketching', a way to work up, or bring together imagery and audio, into an ordered and paced sequence. Digital shorts were not the best way for me to explore and move around the work for this study. Instead of video documentation, I wrote field notes.

The field notes from the two sites were a way of amassing data, during a debate about amassing data, and within an agency that was reappraising data. I was overwhelmed by masses of information that was interrupted and distracted by threads of connection and narrative that 'sparked', 'spoke' or was emotive in some way. My writing demonstrated a thinking process; I jumped between time zones, histories, fiction and reality. I followed threads of interest, making connections between visual, experiential, historical, emotional, temporal and fictional prompts. Associations were formed through metaphor, repetition, pattern and rhythm and I thought of this as an ordering process, the first steps of setting material out on a sequential narrative timeline similar to a filmic structure. The more data I amassed the less clear the direction of the analysis became. The field notes expanded thinking rather than defining it. By developing them into 'debriefs', I extracted small chunks of condensed thought and reflection.

Sava Saheli Singh, winner of the biannual Surveillance Studies Arts Award in 2020 for her film *Screening Surveillance* (2019) , describes the 'process' of film-making as a research method. She says everyone who works on films is partaking in 'thinking through content'[192] and the fundamental intention of filmmaking is 'interpreting what we see in the world'. She 'approached it in the same way as a research project'.[193] The film is the 'text' developed from the research, analysis and development; the laying out on the editing sequence is the structuring of content. Initially I thought the debriefs were doing a similar thing but on reflection they do the opposite. Rather than generating coherence they 'take' from filmic structure, allowing blocks of writing to act as filmic clips to be chopped, shifted, stretched, reversed, sped up, slowed down and effected to disrupt narrative coherency.

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[192] Sava Saheli Singh in conversation during the SSN Arts Prize Ceremony, 2 June 2022.
For more information on the Arts Prize Ceremony see: https://www.surveillance-studies.net/?p=1710
[193] Ibid

In a discussion between artist and theorist Jennifer Gradecki and surveillance scholar Torin Monahan[194], Gradecki used the metaphor of the kaleidoscope to describe the ways artists bring data together. She said: 'artists think in terms of multiplicity instead of raw data and this helps viewers think reflexively.' Artists are recognised as critical, as well as technical practitioners. Gradecki used the metaphor of making to unpick knowledge production. She said that 'artists are open to different ways of knowing, of interpretation and intuition. Because they know about constructing things themselves they are much more aware of the constructed nature of knowledge'.

My debriefs demonstrated a process of searching for any certainty, 'knowing' and coherence and as final works they became end points to the process of gathering data. The debriefs capture emotional, intuitive and visceral layering, but limit the 'thinking' space of the visual. As an audience we are focussed on looking at the text despite the imagery and context conjured, and the connections made. Bringing material and footage into a presentation whilst I read extracts of the debriefs meant that moving around the content was looser and less prescribed.

This link navigates to a folder that contains three Debriefs detailed below. It is not necessary to read all of these works, as insights that were developed from this writing are embedded within the main text of the thesis, instead they are examples of the writing.

Debrief 1: Operation Parliament, assembles field notes from initial visits to the Houses of Parliament and the observation of the Investigatory Powers Bill[195].

Debrief 2: Operation Stasi Archive, assembles field notes from visits to the Stasi Records Agency with details of archival material (some of which is not included in the

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[194] Gradecki, J. & Monahan, T. (2022, June 1). *Stream 9: Theory; Crisis, Vision and Privacy,* [Discussion] Surveillance Studies Network 2022, Rotterdam University. Conference Programme available here: https://www.eur.nl/en/eshcc/research/ssn-2022/conference-programme

exhibitions). This debrief contains hyperlinks to archival material (that are visible once the PDF is downloaded[196]).

[Debrief 3](): Bulk Powers, weaves definitions of bulk powers from QC David Anderson's Report of the Bulk Powers Review (August 2016),[197] with methods of data collection at the Stasi Records Agency.[198]

5.2 Performance Presentations

Extracts of the 'debriefs' are read as performance presentations alongside film and photographic imagery, my own footage as well as archival footage.

The filmic works of Adam Curtis, Patrick Keiller's *Robinson in Space* (1997)*,* Sarah Wood's *Memory of the Future* (2018) and Sarah Wood and Ali Smith's *Festival* (2020[199]) present archival footage with a prepared narration over the footage. These works expose the audience to chance encounters, collisions that vary and fluctuate and that don't follow a linear narrative. As a viewer you begin to look for connections, and are led into personal and subjective responses that emphasise the constructed nature of narrative. These works informed the performance presentations that intertwine narration with imagery and footage.

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[195] External link:
https://drive.google.com/file/d/1UjEEC77PcBE9XEnBN35jRj0y_xTNrl9V/view?usp=share_link
[196] External link: https://drive.google.com/file/d/1dRcgVaBTZy2ScTBFWRBBRcQ741Twp8-M/view?usp=share_link
[197] Anderson, D. (2016). *Report of the Bulk Powers Review* Government Report.
https://terrorismlegislationreviewer.independent.gov.uk/bulk-powers-review-report/
[198] External link:
https://drive.google.com/file/d/1GzihAnYwjxTcNqNTO9tszYS7aqfEhB2c/view?usp=share_link
[199] Curtis, A. On BBC iPlayer.
https://www.bbc.co.uk/iplayer/group/p0977f8d

Keiller, P. (1997). Robinson in Space [Film] UK: https://patrickkeiller.org/robinson-in-space-2/

Wood, S. (2018). *Memory of the Future* [Film] UK. http://www.sarahwoodworld.com/films_05new.html

Wood, S. & Smith, A. (2020). *Festival* [Film] UK. https://www.open.ac.uk/scotland/events/ali-smith-edbookfest2020

I carefully read and rehearse texts alongside footage, tweaking both to create interesting juxtapositions, clashes, amplification or disruption. But there is still space for slippage or chance accidents. Sometimes new visual associations are made as I read, or audio interrupts my flow. I am able to respond, adjust, slow down, speed up, cut or stop. The audience experience variance and fluctuations as a linear narrative is disrupted. I can embody the experience described in the writing and sometimes I am surprised at bits of the reading that people find funny or by the emotion I feel as I read.

Through this looser and more expansive experience, the audience are responsive but their eyes are able to roam and they are free to make subconscious leaps, or follow side narratives. There is the possibility of audience interaction, interjections of fleeting thoughts and the thinking that goes on when we are passively seeing or looking.

I chose a range of academic opportunities and environments to place arts research within areas that align with my study but where it might sit just outside. This introduced an expanded network and brought to my attention the differences in the ways artists work. It highlighted some of the misconceptions or confusion over the role(s) of an artist. Alongside this I began to understand how and where art might sit within academia. I used presentations to try and test performing writing and visual material alongside each other but also as a way to try out, frame and develop ideas and insights.

This link navigates to a written and illustrated summary of a series of five performance presentations that took place between 2017 and 2019:

1 Askance?Oblique, Sheffield Hallam University (2017)
2. Gravity Lecture Series, Sheffield Hallam University (2017)
3. Surveillance Beyond Borders and Boundaries Conference, Aarhus (2018)
4. *NAFAE Living Research: The Urgency of the Arts*, Royal College of Art (2019).
5. University of Nicosia Research Foundation (2019).
6. Institute for Advanced Studies, University College London (2019).

5.3 Exhibitions

Introduction

I completed the selection of material and research at the Stasi Records Agency (2019) and then developed a series of individual works and produced two exhibitions. Exhibition 1 *Investigatory Power* was exhibited at Decad, Berlin (Dec - Jan 2020). Exhibition 2 *Special Operations* was exhibited in the Head Post Office Gallery, at Sheffield Hallam University (June - July 2022). For both exhibitions I had all the material to create a coherent body of work at exhibition stage rather than two disparate chapters defined by the two sites of the research. The exhibitions respond to the different cultural, political and spatial contexts.

5.3.1 Exhibition 1: *Investigatory Power,* Decad, Kreuzberg, Berlin (October 2020)

This exhibition in Berlin was curated and produced by Mareike Spendel. The curatorial underpinning and contextual thinking surrounding the exhibition was outlined within the gallery.[200] Mareike's insight and envisioning, as well as her critical positioning was extremely valuable in making sense of a body of work that contains historically important and ethically sensitive archival material. It was important that I brought the entire research into the exhibition so that the weight of the archival material did not overshadow my intent for the work. There was a danger that it could appear as if I had arrived from the UK and presented archival material of, and in a city recovering from, the brutality of division that I had not experienced or had personal understanding of.

The aesthetic quality of the archival material had been in constant conflict with the subject matter and historical intent for the documentation. I describe the material as 'beautiful', 'lovely' or 'nostalgic' when I am looking at the material as images but all of

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[200] Exhibition documentation with accompanying text written by Mareike Spendel and developed in conversation together, can be found here:
https://drive.google.com/file/d/1iaAJCuGyqaekqgWfbi85CzwU6Qe4C-wo/view?usp=share_link

these images are tools of oppression. The information from the Stasi archive, conversations with Mareike and the joint carefully written summaries went some of the way to tie the work to their historical context and avoid their provenance being overlooked by their transition into works of art. Holding an artist's talk and a short introduction to the work on the opening night further reinforced this.

The exhibition opening night brought together two coinciding dates: the commemoration of the 30-year anniversary of the fall of the Berlin Wall with one of the EU Withdrawal Bill deadlines 31st October 2019[201]. One of the consequences of leaving the European Union is restriction on freedom of movement and an intentional psychological reinforcement of the UK's borders. This means that the exhibition responds in part to the political context of the day as well as the location and context of the documentation.

We initially made the work visually coherent so that the imagery from the two sites did not appear as separate spaces, nationalities and countries. We defined the scale, layout and finish to create an exhibition where the material from each investigation spoke to and animated or stimulated the other and created a flow of imagery, pattern and rhythm through the work.

I printed photographs on Hahnemühle Photo Rag paper, a heavy weight matt paper with an image width of 112cm. This paper is fibrous and feels much more present as an art object as opposed to a flat photograph on resin coated paper. The prints have a lot of deep blacks from the inclusion of the clear celluloid of the negatives, the matt finish creates a powdered surface - similar to spray paint. This gives the photographs much more of a physical and material presence. Printing them myself means that I have much more scope for trial and error and corrections to colour-balance and levels and can ensure continuity between negative strips in tone and colour-cast. Photographer Lisa Daniels assisted me with some of the layout preparation and initial colour correction.

Mareike selected the multi-screen surveillance operation, shot in 1989 just before the

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[201] The final departure date of the UK's withdrawal from the EU was 31st January 2020.

Berlin Wall came down, and the 16mm film footage of briefcase camera training from the 1970s. These pieces created a 'book end' both temporally and visually. The aesthetics of the material went from 1970s analogue training films, to 1980s digital video of its application. The display of video within the exhibition defines the edit, this time multi-screen projection or playback on monitors. Mareike designed the layout and arrangement of works in the exhibition and carried out a lot of background planning, arranging equipment, marketing and work within the space. She worked alongside gallery technician Paul Harrison to prepare the exhibition space. We installed the work together when I arrived in Berlin (October 2019).

The exhibition presented the photographic panorama *Chausseestrasse* (2014), covert images of the Houses of Parliament taken as politicians debated the extension of UK surveillance and the beginning of the EU Withdrawal Bill, alongside recovered sabotaged surveillance material from the Stasi Records Agency.

This link navigates to an annotated portfolio and documentation of Exhibition 1: *Investigatory Power (2019)*.

5.3.2 Summary of Exhibition 1: Investigatory Power

Making the material visually coherent created space for an analysis of its contextual commonalities. An emphasis on material qualities within the work meant that the viewer was held at a distance to the subject, it opened up a space to allow an experience of the material and formal qualities of the images as artwork. Making this work into art and presenting it within a gallery space, created an organised and translated encounter, bringing the complexities of the work into a 'readable' form. The work combines two things in one - what is represented and what it represents; as slippage occurs between these two readings viewers are led into more detail and understanding of each work within the context of the 'whole' exhibition.

The body of works explored resolution, quality, and clarity enabled through technology.

It upended the perception that with higher resolution and a privileged gaze you can necessarily 'see' more. Information does not necessarily come from hierarchies of vision or power, the chaos of the surveillance operation on Alexanderplatz illustrates the practical manifestation of information overload, whilst the subtleties of the titles of the images provide more clarity. Information begins to sit outside the frame of the lens: the camera overload, tracking and tracing of the surveillance operation on Alexanderplatz feels like a documentation by the agents of themselves at work. When an arrest happens the cameras zoom and pan to the action, agents on the ground wave at their accomplices wielding cameras, blocking the wrong images, dressed up as if role playing in a game. The huge flaw in this footage and much of the surveillance footage is the loss of an understanding of what a threat is or what national security means.

5.3.3 Exhibition 2: *Special Operations*, HPO Gallery, Sheffield Hallam University (June - July 2022)

Introduction

This exhibition provided the opportunity to 'unpack' the work both physically and mentally, to review it as the writing nears completion and to continue to work through material that has not been included in the exhibition in Berlin. I concentrate on making and displaying work within the space, and am there for the duration of the exhibition, working things up further, using the resources within the university and reflecting on the body of work. I work without the steer of: a curator; a commission brief, a funding outcome or expectation, or the pressure to attract as large an audience as possible.

The exhibition took place at Sheffield Hallam University Art School's Grade 2 listed building that was previously Sheffield's Head Post Office. The gallery sits within what was the 'main hall' with original tiles, flooring, doors, ceiling and wall features. This open space with historical features alongside moveable walls and contemporary gallery fixings, means that the space can be adapted for the work. There is a large permanent fixed LED screen at one end to screen video. This immovable fixture defines what work will 'start' the exhibition and frame the introduction to the body of work as you enter the

space. The other works are paced out from this starting point. This exhibition is in a different context, country and political climate than the previous exhibition in Berlin (2019). I am also exhibiting the work within the institution of the art school and this creates a different type of encounter. Perhaps it is one in which I can be freer with experimentation, less concerned with 'performing' the exhibition as a moment of culmination, of realisation and of completion.

Despite the intention to avoid the pressure of an audience, I invite the public to come and have a dialogue whilst I am there and then decide to hold a 'closing night', and formally invite an external audience. This has both positives and negatives. It means that I work at speed to a deadline and I work the exhibition details up more thoroughly and carefully than I might if it were not going to be open to the public. I anticipate an audience, an interaction, a consideration. But it also allows much less time for slow, considered contemplative reflection and making in the space. The formal opening forces some making but within a time frame. I really need a six month residency to work through material, play, experiment and try things out. This exhibition is part of making-work-no-matter-what and within the constraints we find ourselves in.

This exhibition included most of the work from the exhibition in Berlin but excluded the panorama *Chaussestrasse* (2014) the body of work and research feels less anchored in this early formative work as I near completion. I bought in the audio recordings from the Houses of Parliament as well as additional material and files from the Stasi Records Agency. I used the space as a studio or 'lab' within which to try out and test different ways of exhibiting, of using audio and working with files and archival footage.

This link navigates to an annotated portfolio of Exhibition 2: *Special Operations (2022)*.

5.3.4 Summary of Exhibition 2: Special Operations

This exhibition meant that I was able to turn all the digital copies of photographs, videos, films, audio recordings and Stasi files into physical form and look at it in its entirety. By

presenting archival material I created new 'works' and by bringing audio into the space I was able to use it alongside the photographs, to animate, emphasise or provoke the images.

The grid-like install of the exhibition that echoed the grids and lines of tiles, windows, and columns within the Post Office hall evolved intuitively, I worked with the formal qualities of the building in relation to the work. This created tangential associations as your eyes were guided along and around edges through the work. Visual threads were created through this assemblage where formal or traditional modes of display were intentionally disrupted, and didn't allow the eye to settle. Alongside this, barriers and constraints are reinforced through the lack of subtitles on the video showreel and the lack of translation within the printed Stasi files. On the projection screen an agent is learning-by-doing and trying to get his camera to work; the heads on the camera are dirty, creating a zig-zag pattern across the footage, he is trying to see through the lens or see what the camera is trying to see. A visual blockage is reinforced by the images on the white board that are anonymised creating another barrier to viewing the image and suggesting privileged viewing. The punks in the footage stagger around drunk, dysfunctional, trying to go to a gig held in a church, the footage creates an uncomfortable situation of surveilled escapism.

In the space the audio from three different feeds combines: the series of projected films, the dictaphone mix and the audio from the LED screen; the sounds overlap, or punctuate different moments. The sounds are sounds of power and resistance, the punk band, the choir in Westminster Hall, the division bell from Parliament, the protest on Alexanderplatz all animate the space in different ways bringing in moments of disruption or discomfort. Sometimes the singing overlaps in unexpected ways, for example the choir is singing 'ding dong, ding dong' as the division bell is intensely pinging.

I start to think about the art work and where the work sits - especially when working with archival material that might draw from empirical research methods. There are images in my memory that I need to find and print out. Selecting, cataloguing, referencing,

sequencing, there is a lot of invisible work that goes on in the background. The work never feels done, resolved or 'finished'. By presenting archival work I have begun to look more closely at the framework of the exhibition, examine the structures of performing the exhibition itself, bringing forth the freedom of creative experimentation within the institution but also striving to carry out research that makes sense within an academic framework.

Figure 27

The reconstruction of hand-torn files by hand.

Note. Stier, D. (https://twentytwenty.co)

Following the fall of the Berlin Wall as agents of the Ministry for State Security sabotaged material before they left the offices, first using East German shredders that shredded and then steamed documents into a mush. After the machines broke down documents were torn by hand. Following reunification these documents were then

pieced together by hand (see fig. 27). According to many media accounts this work was carried out by 1800 women known as 'puzzle women' who painstakingly pieced fragments together to create a readable document. The image of a huge collective of women carrying out this work in the former Ministry of State Security brings me back to the quote from Haraway in Chapter 2 Context, in which she discusses the 'god trick'. She states

> Vision can be good for avoiding binary oppositions. I would like to insist on the embodied nature of all vision and so reclaim the sensory system that has been used to signify a leap out of the marked body and into a conquering gaze from nowhere. (Haraway 1988: 581).

As I approached the end of the study and continued to make work, the entire (paper and photographic content) of the last exhibition held in the university was put through the institution's industrial shredder (this link navigates to video documentation of shredding the work). This felt like the right end point for the work. Destroying the physical 'art work' in the exhibition dismantles the institutional framing and takes it back to a pile of puzzling material. With hindsight, this perhaps should have taken place as the exhibition was on, with regular trips to the university's shredder. It works in contrast to the high tech and impactful work of Forensic Architecture whose methodology is described below:

> Counter forensics is a civil practice that seeks to invest the institutionalised Forensic gaze, with individuals and organisations taking over the means of evidence production, and turning the state's means against the violence it commits. It puts forward a new forensis in which civil society groups use a variety of scientific and aesthetic means to produce and present evidence in the pursuit of public accountability[202]

Forensic Architecture's high tech analysis applied through artistic methods reappropriates the forensic gaze by employing the state's means of evidence production, through both access and method, and turning it back on itself. This, in effect, is a high tech version of the collective work of the puzzle women except their forensic labour is manual and their data, physical. The work of Forensic Architecture is radical

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[202] [Wall panel in the exhibition] *Counter Investigations: Forensic Architecture* at the ICA, London (2018)

work, directly challenging state violence, both impactful, creative, political and exciting. In some ways it is the type of work I aspire to when political events make us question the value of art and art making. This has revealed to me something about the opportunities and hierarchies of value embedded within academia and the quest for agency within the systems which we operate. It reveals the desire to perform the impactful, high tech shiny and highly visible but also exposes the underbelly of graft. Representation is problematised through the complexities of the image, the visibility of the work and through this my sense of self within these systems.

Leading up to making the work I visited the room that the shredder was in and then had sleepless nights remembering the tools that I needed to take to carry out the task. I imagined unpacking the boxes, unfurling the photographs and removing the tissue paper layers of protection. I anticipate the spring of the paper the curl of the furl and the strength of its spring-back. I remember which side of the paper curl the image sits on and imagine folding it to put it through the shredder. I know the way the paper will kink, its cupping and buckling, the twist of its weight and the stick of the crease. In my mind I rejected imagined double folds and decided on pleated thirds. When I carried out the shredding I was focussed on the task in hand. The photographs were transformed from art work and back into their material form as I grappled with unwrapping, folding, pleating and shredding. Occasionally I saw an image I particularly liked and for a moment remembered the 'work', enjoyed the colours and the qualities it held on the photographic paper. Occasionally there was an emotional pang of loss. The photographs made a pile of shredded paper over two foot high.

In his book *Disagreement* (1998) Jaques Rancière[203] describes creativity as a dissensual activity: by disrupting what we think we know we make visible things that we do not always notice. For Rancière 'the political is *inherently* aesthetic' both conceptually and as we experience it. He argues that politics:

> …is a delimitation of spaces and times, of the visible and the invisible, of speech and noise, that simultaneously determines the place and the stakes of politics as

[203] Rancière, J. (1999). *Disagreement: Politics and Philosophy.* USA: University of Minnesota Press.

a form of experience. Politics revolves around what can be seen and what can be said about it, around who has the ability to see and the talent to speak, around the properties of spaces and the possibilities of time. (Rancière, 2007: 13).

Shredding the work feels a bit like screwing something up and chucking it away, it resolves some of the problems of dealing with and re-presenting sensitive material and gives up on the desire for 'sheen' that more time might permit. Shredding responds to the seduction and 'closing down' of the work as images. It felt uncomfortable presenting the archival material, particularly in the UK as an art object when I was not in the space to talk about the research. Perhaps a pile of shredded paper will not allow us - the audience - to be voyeuristic over the surveillance material and we might be forced into a position of active rather than passive viewers. This positioning disrupts the techno-scientific visualisations described by Donna Haraway (1988) and evolved from methods employing bodies and language and the 'mediations of vision'. Shredding the work questions the affordances of visibility, of art objects, of artists, of having the agency to perform. It speaks to narratives of power, authority, gender and collectivity. It questions process, explores ethics and turns a notion of data as digital, back into material form.

Chapter 6: Conclusion

Introduction

The research foregrounds the evocative, emotional, funny or strange; details that are visual as well as experienced, shared or fictional. Insights are emphasised and defined through repetition, rhythm and connection. The specific knowledge base of arts practice lies in making and being engaged in an encounter with the material world (including the materiality of the digital and ephemeral) – this enables a 'working with' that can challenge and critique process and is not afraid of breaking something down and starting again, or trying something different. If we are responsive and self-reflective as we work, we can question whether the methods we have employed are the right ones, or if the processes we are following need to be adjusted. Artists continuously revise methods within and in response to evolving contexts. They reflect upon and criticise their own approaches through process as well as the processes of other disciplines, partnerships or fields of research. Without this we might fail to see beyond what is presented rather than what is over, around, above, under, hidden or oppressed. As questions are not firmly defined at the outset there remains the possibility of questioning whether these are the right questions to ask, or to challenge established doctrines. It could be argued that without the artist's voice present to propose alternative, individual or unique methods, research practices become structurally weakened faster. Without a real-time analysis, established ways of working are less able to respond and adapt to change promptly. During the period of this study I felt acutely the necessity to be adaptive as my anticipation of the fieldwork changed and the political climate shifted dramatically.

6.1 Research conclusions

The questions that I set out were intentionally loose and broad and got tweaked, repositioned and moved about as the study progressed. They evolved as the field trips took place and were resolved as the study neared completion. This purposefully allowed space for a real-time review of the direction of the study. Seeking out the problems and

the right questions rather than setting out to find solutions or directly answer a question, is common in arts practices that are responding to specific contexts. Given that I was commencing the fieldwork for the study within the heart of political debate and during a period of significant political change this was essential. But it also meant that I could explore significant questions or change tack if they felt uncomfortable, or were taking the study in the wrong direction.

As the study progresses data collection and analysis of surveillance folds into the practice of vision and interpretation by artists, creating a mirroring of technologies and methods for generating a range of materials, documents and imagery. The study explores the blurs of invasion of privacy and surveillance, and the mutability of legislation as well as the smudges between the roles of artists, investigative journalists and agents. A summary response to each question follows below.

6.1.1 Can art practice enact a critical analysis into the optical regime of surveillance practices?

The study discusses digital mass surveillance and the rapid and evolving shift in a contemporary understanding and experience of surveillance practices. Artists such as Harun Farocki and Hito Steyerl remediated the surveillance 'image' through its material qualities and practices grounded in image-making. The work of artists exemplified by Forensic Architecture, James Bridle, Susan Schuppli and Lawrence Abu Hamdan demonstrated the potential to reappropriate advanced techniques and technologies rooted in the military and surveillance. These practices operate within state violence or abuses of power; make visible and expose their physical and material infrastructures and break through the slick veneer of established powerful narratives. Through these means, arts practices are able to disrupt, subvert or legally challenge established hierarchies in ways that are impactful, ground-breaking and of international significance.

The performative practices in Chapter 2 presented critiques on the authority of law, policing, the mainstream media, or private corporations. Surveillance ripples through

these authorities and practices, as a pervasive presence that the artists are aware of and responding to. Artists such as Jack Tan, Kypros Kyprianou, Jill Gibbon, Ian Nesbitt, Lewis Bush, Mark McGowan or the Clandestine Insurgent Rebel Clown Army, drew from broad practices and knowledge bases. These artists were self-directed, often independent and with modest means. Their understanding of 'image-making' carried on-the-ground direct resistance within, for example, demonstrations, arms fairs or the media. Their resistance practices directly challenge, probe and question authority, presenting a real-time, live, critique of, and sometimes with those in positions of power.

These different modes of 'critique' span forums and address diverse 'audiences'. Chapter 3 discusses the breadth and adaptability of arts practice, that straddle established research practices alongside their indecipherabilities and idiosyncrasies. The methodology, then drew from understanding of these practices and devised methods that not only investigated the changing nature of surveillance but posed questions on the authorities of academic research and the systems of power within art.

As I carried out the field work I embarked on a quest for 'definition', the deeper I sought the more undefined, uncertain and tentative my response to 'grand' authoritative narratives became. The practices of 'optical regimes' (as well as the theory and practice that challenged these) began to be questioned in a way that was personal, experiential, vulnerable, responsive and that strived to be ethical and responsible. Criticality took place in many personal encounters that happened on the ground, with other people with specialist knowledge bases or years of experience of specific institutions or spaces. For example during encounters with security at the gate of the Houses of Parliament, the heightened security and bag checks reflected the 'threat level' of state security, questioning my resistance to these inconveniences and what they symbolised. The parliamentary doorkeepers' opened doors, sometimes not ones that were useful to me but that introduced nuanced insights of power at play and also of generosity. When I went through security checks to enter Parliament and was asked if I was 'going anywhere nice' in earnest. I realised that security technology and staff had been transferred from the airport to parliament. Lawrence Abu Hamdan's work alongside

James Bridle's critique, articulated the flaws and biases in technologies and artificial intelligence, whereas these encounters revealed how technologies can also change the behaviours of the people operating them. These experiences extended the machine and systems of power into one that was personable and relational rather than one that was grounded in authority or technology. Systems of power are delivered by individuals who are implicit in that process as well as an extension of it. The playing out of power becomes reliant on the practice of the individuals holding different forms of expertise. Knowledge sits within expertise of technologies but also in the labour of work, the local knowledge of people and places, through durational experience, or in specialist discourses for example. Systems of power are mutable and changeable by the practice of individuals.

At the Stasi Records Agency the practice of criticality sometimes took place in unexpected ways, in emotional response to material, through literature that provided insights, in the repetition of viewing, or in the desire to 'represent' in an ethical and responsible way. The generosity of the archivists I worked alongside created additional responsibilities that I wasn't able to ignore during a quest for 'definition', or an impactful or impressive discovery. Rather than asserting a specific and defined parameter to evidence my intentions, I relied on the expertise of those on the ground, brought in *their* criticality and allowed my own to be unsettled. Through careful processes I developed relationships and trust and questioned my desire for the 'grand gesture' and for my work to be doing something 'high-tech'. These vulnerabilities meant that I consistently questioned my own processes, revisited and searched for my questions, inhabited vagueness and gist whilst recognising the things that I didn't, and perhaps couldn't understand. My photography in Parliament captured the things we couldn't see, the material I requested at the archive was for footage that had failed to capture it's subject or was semi-destroyed. These practices and materials demonstrated the limitations of 'vision', that by seeing more or with more definition, information was not more certain or coherent, in fact by seeing less and looking deeper, overlooked insights became apparent.

6.1.2 How might an understanding of the materials and techniques of surveillance inform our knowledge of the political and ethical frameworks that authorise its use?

The use of advanced technologies within arts practice and research in the work of Lawrence Abu Hamdan, James Bridle, Forensic Architecture, Eyal Weizman and Susan Schuppli, for example, demonstrates the necessity of a material and processual understanding to generate new knowledges and evidence gathering within an investigative quest for truth.

In her work *The Missing 18-½ Minutes* (2018) Susan Schuppli presents a forensic analysis of the missing information in the tapes of the Watergate scandal, revealing and analysing the material qualities of absence. Rather than destroying evidence of wrong-doing the gap becomes saturated in possibility and resonance. The sabotaged material at the Stasi Archive demonstrates a similar nod towards secretism, illegality and intentional sabotage rather than the successful disappearance of incriminating evidence. The strategies and careful technique of unraveling and reverse-engineering audio in Lawrence Abu Hamdan's earwitness interviews[204], presents a cutting-edge reconstruction of evidence, generates political insights as well as prisoner testimonies of state violence.

Hito Steyerl's work *How Not To Be Seen. A Fucking Didactic Educational .Mov File* (2018) embodies, examines and exposes the material qualities of surveillance and data through performance for filmic works. This work is embedded within an established research practice so functions within a different forum to the performance of technology carried out by Ian Nesbitt in PCSO Watch. Both these works involved comical head wear - the pixel in Steyerl's works compared to the cardboard, hand painted CCTV cameras of Nesbitt's. Both works raise serious questions about the pervasiveness of everyday surveillance and power at play presenting the possibility of disappearing into the technologies of surveillance themselves.

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[204] As part of Amnesty International and Forensic Architecture's investigation into the Syrian regime prison of Saydnaya.

The low-fi quality of artists works in Chapter 2: Performative Practices as well as the methods that I employ in the field work, make use of the 'materials' of art and the identity of the 'artist' to carry out practices in response to specific contexts. The slight, low-tech or 'amateur' nature of the works within contexts such as demonstration, arms fairs, on the street, or in the Houses of Parliament, emphasise process and an expanded palette of 'materials'. The work-of-art acts as a smoke-screen to enable resistance practices, but the 'making-work' sits outside the frame of the image and may not be represented at all. The commonplace phrase used by artists, 'making-work' seems complex when practiced in charged social situations - 'making work' both suggests that something material that is being made whilst at the same time implying that the artist might be 'making work' for themselves that is of questionable use or value. The resulting 'work' in these contexts resists conclusion, definition and the completeness of a 'work-of-art' into a satisfactory form. The situation of the work is bought to the foreground through different means - after the event, via talks, publications, the press, or video documentation, for example. These works resist the possibility of being 'brought in' and reduced to merely an art work, as the 'art' of the art work is what you can't see.

Material qualities took on a different form when I was 'making-work' in the Houses of Parliament or the Stasi Records Agency. The use of the camera as a prop to extend conversations and open doors as well as taking pictures, created unexpected affordances. The point of view sometimes became defined by other people's suggestions - for example the policeman in parliament who offered me a better camera view, or the archivist guiding me towards material as well as showing my camera around the Stasi Archive, took on a different form of 'authorship'. I was not seeking to 'represent' or illustrate the research through image-making and because of this the 'quality' of the image was not defined within traditional ideas of quality, one that is often defined by definition and subject amongst other criteria. Instead I activated the qualities of historical technique, badly, producing images where possible, in response to restrictions, and with limited means of production. Low-fi, 'poor' qualities were embraced

in favour of technically correct, high-resolution and 'well produced' documentation. The noise of the images, the chance, fleeting, long exposures, 'bad exposures', or lack of image, brought in observations about the situation of the documentation itself or reflected the construction and variants that form 'definition'. The day-to-day responsiveness of being there on-the-ground and resisting the temptation to edit and select 'successful' images, sought to capture some of the 'noise' of non-definition, uncertainty, representation and criticality.

The making of the multi-screen work *7th September 1989, ID checks and arrests of citizens protesting on Alexanderplatz against the rigged elections* (2019) is a good example of how knowledge of the material and techniques of surveillance, can directly generate understanding of the political and ethical frameworks that authorise its use. The annotated portfolio in Chapter 5, details the process I went through in making this work and some of the details of the documentation and insights that the work revealed. Disparate films of the protest were bought together by the archive and catalogued. I reverse-edited each film, identifying each cut and time-code and replaced the real-time gap in camera with a black gap in the footage. I then synchronised all six cameras to the original duration of the demonstration that spanned 2 hours 47 minutes. This was done through the timecode on some of the tapes and visually as events appeared across several screens. The films were synchronised so that they were in synch perfectly - to the individual frame of each video. Small amounts of dialogue were translated and subtitles added. The multi-screen version reconstructs a pan-optical view of the afternoon that was projected at scale. The Undercover Camera Course (2017) at the Centre for Investigative Journalism, informed an analysis of the surveillance operation. Through an understanding of the practice of using hidden cameras, as well as the type of footage that is being sought, I was able to recognise the movements, postures, positioning and cameras of some of the Stasi agents. Anna Funder's discovery of a poster in one of the regional Stasi offices that explained the signalling between agents in her book Stasiland (2011) laid bare the signalling in the footage. Viewing the work at a large scale and with a knowledge of camerawork and production, meant that I could identify the subtleties in the roles of different people on the ground

but also recognise the confusion. There were many agents present, with both 'open' and hidden cameras. There was also a Western camera crew, but the protesters were not sure which cameras were from the West and which were the Stasi. The Stasi agents were not sure who were their own agents and who were protesters as there were several agent provocateurs on the ground. Agents blocked the view of their own cameras - thinking it was the Western media. The repetition across screens made agent provocateurs easier to identify as well as the movement of agents as they displayed their ID.

Reviewing the footage generated conversations with the archivist about the history of the event and footage, and the process of making the work and releasing it into the public domain, revealed some of the detail of the legalities concerning anonymisation as discussed in Chapter 4: Operation Stasi Archive. This work was able to expose and emphasise extreme and dysfunctional state surveillance over-reach. It exposed agent provocateurs having fun and waving to camera, professionally detached from the reality of the situation, it revealed protesters desperate to speak the 'truth' to the Western media. It documented covert and oppressed attempts at peaceful protest and the violent arrests and oppression of dissidents.

A material and artistic engagement with surveillance materials certainly gives access and understanding to the contemporary political and ethical dimensions that legislate it, but also enable its historic legislation to be tangible. However- in the examples above its not specifically the legislation but its actual practice in reality that turns out to be confused, conflicting and sometimes inept. The study weaved through personable experiences that witnessed a reinterpretation of conflicting authorities, but also folded into a doubling down of security measures as threat levels increased or ethical boundaries were at risk. These experiences felt like a collective undercurrent, that weren't always positive but that reinforced the possibility of agency and autonomy within oppressive or laborious structures.

6.1.3 How might the processual and material qualities of arts practice and investigative

journalism complement each other?

This question was prompted by Alberto Cramerotti's analysis of arts methods (Cramerotti, 2015) in which he describes arts practices as a new form of investigative journalism. The contextual analysis in Chapter 2: Art and Investigative Journalism presents the application of forensic technique through arts research methods that work alongside, in collaboration with, and within many of the ethical and legal commonalities of investigative journalists. But this is an arena that not many artists with political or resistant practices are part of or have influence in and as I developed the research, this question felt blunt and less expansive. In fact, in Chapter 5: Puzzling Material, the briefcase camera training footage evoked an uncomfortable affinity with the creative experimentation being carried out by agents. In addition the individual files with pitches for surveillance devices felt uncomfortably like artists' proposals or funding bids. I found the subversion of creativity used in support of a violent regime difficult to present or rationalise, particularly when I was looking for affinities with investigative journalism rather than Stasi agents. This uncomfortable recognition resulted from a knowledge and identification with creative experimentation as well as experience of writing commission proposals. As I carried out the field work, particularly at the Stasi Records Agency the field notes began to take on a surveillance-like form as I detailed my conversations and experiences, as a way to process and generate understanding, but also as a way to 'capture' as fully as possible my experiences there. Anna Funder's writing in Stasiland (2011) details diverse personal testimonies throughout the book as a way to present and understand life during and after the GDR. She includes victims of the regime as well as former agents and politicians. There is an awareness of the way in which she is observing her subjects and also 'watching' them. This positions the reader alongside her as a voyeur, in the same way that the surveillance camera positions the viewer alongside the Stasi agent when reviewing surveillance footage.

Anna Funder's research methods are aligned with investigative journalism, in which she immerses herself in her subjects lives for an extended period of time and gains their trust. But her perspective is subjective whilst at the same time experiencing the reality

that her subjects, as well as herself, are embedded within. There is a quest in the writing of Stasiland, for truth not just from Funder but by the subjects who want to present their version of truth. During the writing of the book her subjects gradually reveal their stories, each presenting a version of truth which Funder supplements through narrative description.

An investigative journalist may be researching and unearthing something specific over time, within clearly defined codes of conduct and ethics, and predominantly as a mode of employment. Authentic evidence and truth finding has less lee-way for subjective interpretation and narrative expansion. The methods of investigative journalism and arts research complement each other perhaps through durational and ethical commonalities highlighted by Funder's methods as well as technical, aesthetic and visual technique. As I carried out the research within the institutions that I was critiquing I was part of that process - subjective, experiencing, and implicated at the same time. I considered contemporary and historical as well as fictional people and politics. I sought out the underbelly of the sites of the research and experienced the mundanity, complexity and hard work of the everyday as it unfolds. The research that I was carrying out was assembled over time and vulnerable to the nuance of disruption. This included political events, but also staff absence, administrative processes, mistakes, or internal politics. By travelling through these complex legal and administrative systems and experiencing the trickle down of data collection and surveillance systems, I have developed a heightened awareness of their application in everyday bureaucracy. But it also has meant that I have developed knowledge, language and insight into how to challenge some of these processes.

Summary

There is still some work to do to articulate the forms of knowledge production that artists are engaged in and for these practices to be recognised more fully within academia and research conventions. This is particularly so for slight or minor practices that might not make grand gestures but instead appear strange, directionless, vague or uncertain.

These less visible methods do not necessarily adopt a position of authority but respond within it, discover and seek out the spaces and gaps in knowledge to explore and work within. This feels pertinent at a time when the institute, art world and wider society are required to respond to gaps in knowledge and understanding that has been sidelined, ignored and hidden. In Chapter 3: Methodological Approach I outline cultural geographer Simon Ryecroft's discussion on the ethnographic methods employed by artist George Levantis during his APG placement. Levantis used film and photography to prompt a response and open conversations with the crew of the Ocean Fleet cargo ship during his residency. Ryecroft details that the film and photographs produced by Levantis were not a research output but an 'impromptu' ethnographic method, one that also works responsively within specific contexts. However through this ethnographic lens, Ryecroft has missed the material enquiry that is present in Levantis' work, in fact Levantis' voice and articulation of that enquiry is not present. Arts research has the ability to combine the open-endedness of a responsive approach *with* the material enquiry.

In order to be able to think like an artist and put into action the specifics of arts practice, it is necessary to *be* an artist. Artists need to be able to have independence from intention where they retain responsibility for approaches, language and agency. As there is no accepted collective discipline-specific approach to arts research it is necessary to seek a grammar or forms of articulation around arts methodologies for new subjects. Because of this artists have to use their own words to define the 'language' of the research proposed. In doing so this maintains the common space that artists hold before methods become instrumentalised into research processes.

The methods of arts research illustrated within the study as well as my own, elevate insights that may at first seem irrelevant, obscure or unrelated and rematerialise them into a research forum. The works enable a looking back and re-evaluation of what should be, or might be, the expected or dominant narratives. These processes and methods may appear subjective, absurd or obsessive but can question, stimulate and draw doubt into existing knowledge to allow overlooked or resonant experiences to

destabilise, and challenge what appears true. Without the seeing and thinking from multiple perspectives that artists bring, research narratives may be less diverse, more likely to stay with known questions, to be limited by disciplinary constraints and perspectives, and have the potential to overlook the hidden, obscured or side-lined.

Subjugated, peripheral or outsider standpoints are perhaps more 'real' and therefore more trusted or desired. Haraway proposes that:

> Subjugated standpoints are preferred because they seem to promise more adequate, sustained objective transforming accounts of the world. But *how* to see from below is a problem requiring at least as much skill with bodies and language, with the mediations of vision, as the "highest" technoscientific visualizations (Haraway 1988)

Equipped with open briefs artists can straddle ecologies of practices, create interventions, follow flights of fancy and failure found in the minority or outside the mainstream (Halberstam, 2011). These grounded, common, situated knowledges of somewhere in particular are to hand, accessible and don't need to adopt power, but create the possibility of agency where perhaps there is, or was, none. This is actioned by functioning just within the law, working at and up to the edges, being poised and ready to change tack (Cocker, 2013). It is important to note here that artists are not necessarily excluded or minoritised, they can in fact be quite the opposite - sanctioned and valorised in positions of access not open to others.

German and film studies scholar Svea Braeunert problematises operating with categories of uncertainty and contingency. She references the destabilisation of traditional notions of authority and epistemological paradigms by ultra-nationalists 'in a time that has brought about words such as 'post truth' and 'fake news' (Braeunert 2018: 6)[205] what Mathew Fuller and Eyal Weizman refer to as 'anti-epistemology' (Fuller &

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[205] Braeunert, S. (2018, April 13). *Nebenschauplätze: Looking Askew in Contemporary Art* [Keynote lecture]. Graduate student conference, *Flanking Manoeuvres: Lateral Thinking,* Department of German Studies, Cornell University, US. https://www.academia.edu/42809797/Nebenschaupl%C3%A4tze_Looking_Askew_in_Contemporary_Art ?email_work_card=view-paper

Weizman 2021: 18)[206].

Brauenert queries the contradiction of codes of conduct and rules of speech that stress reliability and accountability with a thinking that is defined by uncertainty, ambiguity and polyvalence. She does not try to answer these questions but 'orbits around them' by examining artists' work (Louise Lawler and Hito Steyerl) and critiques the disruption of visual hierarchies in their practices. Fuller and Weizman, question challenges to established formations of power over questions of truth but emphasise that 'this challenge is urgent because it happens at the same time as the rise of political powers that aim to replace the always conditional concept of truth with a thrilling sense of certainty.' (Fuller and Weizman 2021: 19).

At the Surveillance Studies Biennale (2022) keynote speaker Simone Browne stated that: 'Artists do the heavy lifting and theorising about surveillance'.[207] She cites the work of artists as offering 'hope and a way of being and of imagining ways of living beyond a racist surveillance state'.[208] This has similarities with a conversation with author Ali Smith in which she said: 'There is an invisible handshake that exists between freedom of information and freedom of imagination that lets you know what information is worth'[209]. Both reference civil liberties and the possibility of imagining an alternative future, it is perhaps this imaginative cognitive space which is reflected through uncertainty, ambiguity and polyvalence that Brauenert references.

6.2 Future Directions

The freedom of artists to research with self-determined uncertainty holds no sway without the conditions present to nurture artists to become artists. This relies on diverse, supported creative education at all levels of learning, the opportunity and financial

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[206] Fuller, M and Weizman, E. (2012). Investigative Aesthetics: Conflict and Commons in the Politics of Truth. London: Verso
[207] This was in reference to the work of artists Isaac Kariuk and Tamar Clarke-Brown titled *Coding : Braiding : Transmission* (2018)
[208] Browne, S. (2022, June 1) [Keynote 1]. SSN 2022. https://www.eur.nl/en/eshcc/research/ssn-2022/conference-programme

support for artists to develop creative critical thinking, writing and research through making artwork. As an artist and educator I will continue to campaign and argue for these conditions but this also needs to work hand in hand with a recognition of the benefit of art not only to culture but also to research practices.

The definition of arts research methods within the study offers the opportunity to present the research both internally in my own university and across disciplines within academic conferences. It is possible to present this study within disciplines beyond my specialism such as German studies, security, law, activism, archival studies, border studies, data and internet research and investigative journalism. Proposed conference papers on this study rarely get rejected mainly because of the sites of the research, the fact that it is arts research as well as the strange methods that I employ. I then spend time considering the right approach for valorisation. I try to articulate my methods in different contexts in a way that doesn't belittle them, but at the same time they are meant to be funny. I want to cut-to-the-chase of the 'work', but not in a way that commodifies it, or doesn't represent in a way that is sensitive or that become voyeuristic. But I also recognise the importance of presenting the research and to be exposed to other dialogues, disciplines and practices.

To carry the research forward and to address questions that I am left with I am working on two projects. The first project *UNLand* has been developed alongside doctoral study and the second project *The Moderators* is currently seeking ethical approval. Both of these projects build on knowledge, insights and methods that came forth, were articulated or developed during the study. The exasperation in the '*how'* of Donna Haraway's 'how to see from below' hangs over me, alongside questions prompted by Brauenert (2018). How to see from below without being co-opted? How to see from below without contributing towards a general cultural destabilisation or distrust of authority?

The project *UNLand* in Cyprus continues an exploration into the material qualities of the

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[209] Ali Smith, personal communication (June 13 2019)

'image' through the technologies that define it. Working in collaboration with Jeremy Lee and Kypros Kyprianou we use LiDAR technologies and artificial intelligence to make work that disrupts its geographical, military and forensic antecedence. Our processes work with 'messy data' that effects the quality of the image, creating warped textures, disturbing the image and problematising representation of sites of conflict. 3D environments generated from scans fall off their edges or print out brittle and crumbling models. Large aesthetic photographs of decrepit, abandoned and traumatised buildings will be screwed up into boulders or shredded. This project draws from processes and thinking led by this study and trials the research processes in a different making context. It will bring insights from the study into the practical work, and move forwards with less emphasis on performing the 'artist' within forums that can be 'high-tech'.

The Moderators is in the process of seeking ethical approval and will bring together researchers from Fine Art and the Centre of Excellence in Terrorism, Resilience, Intelligence and Organised Crime Research (CENTRIC). This project responds to findings within the study concerning disinformation, misinformation and the use of social media to exert influence and / or disrupt democratic process. Through this project I will look closely at social media data within a local community Facebook group of which I am a member. Some of the activities of the Facebook group incorporate strategies of the alt-right to influence communication. I will work at a small and localised scale, in a community that I am very familiar with to analyse the role and influence of online 'moderators' in community cohesion and the potential sway of external influence.

This partnership between art and security brings together unlikely bedfellows, in doing so it brings in technical specialisms from security to the arts but it also means that security specialisms are considered through a different lens. The ethical approval of this project is an important phase of exploring the parameters and scrutiny that research goes through when using internet data. It is highlighting some of the questions surrounding privacy protections, adherence to terms of use on social media sites, the line between public and private data as well as the collection and processing of data. For security research a project that initially 'has a look' before defining the questions of

the research might posit a different approach to the disciplines, processes and research methods. This research is able to question process itself from the very beginning of the project in order to assess whether we are employing the right processes, using the right methods and asking the right questions as we iteratively develop the project. It will potentially expand insight into the use of social media by the far right and aims to present educational strategies surrounding information and the use of social media, to support community dialogues.

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Appendices

Appendix A: UK Political context

The period of this research spans an historically unprecedented time; commencing as the European refugee crisis unfolded and the EU referendum took place (2016). Towards the end of the campaigns for the EU Referendum MP Jo Cox was murdered by a far right extremist. The research ends as the UK left the EU and President Donald Trump lost his presidency to President Joe Biden (2022). This meant that the extended observation at the Houses of Parliament took place in the run up to the EU referendum, during the aftermath of the vote, whilst the EU Withdrawal Bill commenced its passage through Parliament and during the ascendancy of Donald Trump and Boris Johnson. This volatile period presented an historical shift in the political landscape that had not previously been encountered. The vote to leave the European Union, won by a narrow majority, was a shock result for the UK Parliament, it resulted in five years of political division during which there were three general elections resulting in three different Conservative prime ministers. David Cameron resigned immediately after the results were announced and the Conservative party brought in Theresa May. May called a snap general election (April 2018) that resulted in a hung parliament and a coalition with Northern Ireland's Democratic Unionist Party. There was much resistance and divisions inside and between parliamentary parties as well as between the two parliamentary houses. Demonstrations and protests outside the Houses of Parliament were continuous at this time. During the passage of the EU Withdrawal bill there was increased physical, online and media harassment and intimidation of members of parliament, the judiciary and journalists.[210] May's fragile mandate meant that the European Withdrawal Bill became deadlocked and by July 2018 eighteen ministers resigned in protest to concessions made to the EU during negotiations. By July 2019 a leadership election positioned Boris Johnson as Prime Minister. His refusal to negotiate resulted in 21 rebel Conservative MPs voting against the government in protest at its

Brexit strategy of driving the UK towards an exit from the EU by October 31st, with or without an agreed deal. They were expelled from the party. Boris Johnson called another general election (December 2019) which he won with an 80-seat majority. The speed of political change and ferocity of debate was unprecedented; democratic and parliamentary processes and decisions were challenged in the courts as the Government pushed the EU Withdrawal Bill (2019) through parliament to secure a 'hard Brexit'

In 2018 as the EU Withdrawal Bill was proceeding through parliament investigative journalist Carole Cadwalladr and BBC One's Panorama alongside the Guardian and Observer Newspapers, exposed the illegal data sharing by FaceBook used by political consulting firm Cambridge Analytica for use in the EU Referendum and Donald Trump's election campaign. This prompted greater awareness of the use of personal data and evolving discussions over the regulations surrounding data collection, protection and privacy.

In 2018 the European Union (EU) introduced a new data privacy and security law the General Data Protection Regulation (GDPR) described as the toughest privacy and security law in the world[211]. It was drafted and passed by the European Union but it imposes obligations onto organisations anywhere if they target or collect data related to people in the EU. If organisations violate privacy and security standards the GDPR will levy fines against them up to 20 million Euros. This signals a firm stance on data privacy and security at a time when more and more people are sharing their personal data with cloud services and through social media and when breaches are becoming more and

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[210] We remember the devastating murder of Labour MP Jo Cox days before the EU referendum (2016); the trolling, harassment, death threats and racist abuse of Gina Millar-the lead claimant in the legal fight to allow parliament to vote on whether article 50 should be triggered (2017); the harassment of MP Anna Soubry by by far-right activist James Goddard during the debate on the EU withdrawal Bill (2019); the homophobic attack on left-wing journalist Owen Jones (2019); the trolling and SLAPP legislation on investigative Carole Cadwalladr (2020) and the well documented increasing harassment, death threats and racist abuse of many female MPs.
[211] GDPR.EU *Complete guide to GDPR compliance*. Retrieved February 9th 2023 from https://gdpr.eu/what-is-gdpr/

more common. An article in Time Magazine[212] suggests that the roots of the GDPR can be traced back predominantly to German history referencing the use of data by both the Nazi and the Stasi.

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[212] Waxman, O. (2018, May 24). The GDPR is just the latest example of Europe's caution on privacy rights. That outlook has a disturbing history. *Time* https://time.com/5290043/nazi-history-eu-data-privacy-gdpr/

Appendix B: Historical Context of the Investigatory Powers Act (2016)

Legal Framework

The legal framework in the UK for mass surveillance through lawful interception and storage of communications data and, when a warrant exists, the content of electronic communications, is governed by several pieces of interrelated legislation. It is based on the Regulation of Investigatory Powers Act (RIPA) 2000 but also concerns the Telecommunications Act (1984) the Protection of Freedoms Act (2012) and the Human Rights Act (1998).

In 2014 Digital Rights Ireland successfully challenged the Data Retention Directive that had been adopted by the European Parliament 2006. This directive required all member states to retain for between 6 - 24 months all data necessary to trace the source, destination, date, time, duration, type and location of a communication. The successful challenge at the European Courts of Justice (ECJ) was made on human rights grounds; particularly Article 8: *Right to respect for private and family life* of the international treaty of the European Convention on Human Rights (ECHR)[213].

In response to the successful challenge to data collection that was being carried out in the UK the Home Secretary (Theresa May) announced (10 July 2014) the introduction of an emergency bill called the Data Retention and Investigatory Powers Bill (DRIPA 2014) which would in essence, replace the EU Data Retention Directive. The Data Retention and Investigatory Powers Act (2014) completed its parliamentary passage as emergency legislation in just four days, receiving Royal Assent 17 July 2014. This emergency legislation ensured that UK law enforcement and security and intelligence

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[213] Article 8:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
https://wiki.openrightsgroup.org/wiki/European_Convention_on_Human_Rights#Article_8:_Right_to_respect_for_private_and_family_life

agencies could continue to access telecommunications data. This legislation concerned the retention of data and had further provisions, such as granting the Secretary of State the power to take further measures regarding the retention of communications data and widening the definition of 'Telecommunications Service' in RIPA to include things such as webmail services.[214] As part of the political agreement that secured cross party support for the bill the Home Secretary was required to 'appoint the independent reviewer of terrorism legislation to review the operation and regulation of investigatory powers'.[215] There was also a 'sunset clause' within the Bill which meant that it would cease to apply at the end of 2016 in recognition of the limited time for debate provided through emergency legislation.

In June (2015) the Prime Minister (David Cameron) published the Report of the Investigatory Powers Review, titled *A Question of Trust; Report of the Investigatory Powers Review*,[216] submitted to him by David Anderson Q.C. Independent Reviewer of Terrorism Legislation. This review prepared the ground for a new regulatory framework through the Investigatory Powers Bill (IPA) (2016).

Legal Challenges

On 4 July 2015 a legal challenge to DRIPA was bought to the UK High Court by Labour MP Tom Watson and Conservative MP David Davis who were represented by Liberty (The National Council for Civil Liberties). They claimed that the Act was incompatible with the Human Rights Act and The EU Charter of Fundamental Rights. On 17 July 2015 the High Court upheld that challenge (finding sections 1 and 2 to be unlawful). The court issued an order that sections 1 and 2 be disapplied, suspended until March 2016 and presented a deadline for the Government to prepare alternative legislation compatible with EU law. In October 2015 the Court of Appeal began hearing the Home Secretary's appeal against the ruling, the Court of Appeal declined to rule on the

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[214] https://wiki.openrightsgroup.org/wiki/Data_Retention_and_Investigatory_Powers_Act_2014
[215] Anderson, D. (2015). *A Question of Trust*. Government Report. https://terrorismlegislationreviewer.independent.gov.uk/wp-content/uploads/2015/06/IPR-Report-Web-Accessible1.pdf

lawfulness of DRIPA and the case was referred to the Court of Justice of the European Union (CJEU). On 21 December 2016 the CJEU ruled in joined cases that DRIPA 2014 was unlawful, effectively ruling that mass surveillance was incompatible with EU law. DRIPA was repealed on 31 December 2016 and replaced by the Investigatory Powers Act 2016 (IPA 2016). However, much of the wording incorporated in DRIPA was incorporated into Part 4 of the IPA 2016, in particular the provisions to allow for mass retention of communications data, so this ruling on DRIPA had implications for the IPA and any future legislation.[217]

In January 2018 the Court of Appeal's final judgement ruled that DRIPA (and significant parts of the IPA) did not restrict accessing of confidential phone and internet browsing records to investigations into *serious* crime and allowed the police, agencies and other public bodies to authorise their own access without effective oversight. The Home Office announced additional safeguards in anticipation of the ruling in November 2017 that included:

- Additional authorisation process' for communications data requests through a new body: the Office for Communication Data Authorisations.

- Restricting the use of communications data to investigations of serious crime.

- Additional safeguards that must be actioned before a 'data retention order' is issued to a phone or postal operator.

- The collection and retention of communications data will no longer be allowed for public health, tax collection or to regulate financial markets.

- Mandatory guidance for the protection of retained data in line with European data protection safeguarding.[218]

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[216] Ibid
[217] https://www.openrightsgroup.org/legal/snoopers-charter-challenge
[218] https://www.theguardian.com/technology/2017/nov/30/police-to-lose-phone-and-web-data-search-authorisation-powers

In April 2018 in a challenge bought by Liberty the 'High Court found the Government's power to order private companies to store communications data, including internet history, so that state agencies can access it, breached our right to privacy.'[219] The Government then amended this part of the IPA 2016. During the second part of this challenge the litigation revealed a serious data breach by MI5; the Investigatory Powers Commissioner (IPCO) had failed to spot the breach until MI5 itself reported it. According to Liberty, when the IPCO were made aware of the problem they had failed to act transparently, keeping secret the breach and the action it took. The Government subsequently applied to the Court to have all information heard in closed proceedings.[220]

On 13 September 2018 through a separate case, the European Court of Human Rights (ECtHR) ruled that the UK's mass interception programmes breached the European Convention on Human Rights. This challenge from Big Brother Watch, 10 human rights organisations and The Centre for Investigative Journalism found that the UK's mass surveillance programmes (revealed by Snowden) did 'not meet the "quality of law" requirement' and were 'incapable of keeping the 'interference' to what is 'necessary in a democratic society'[221]. This landmark ruling was was the court's first ruling on the UK mass surveillance programmes revealed by Snowden.

A summary of the ruling on the Open Rights Group website States:

> The Court acknowledged the importance of applying safeguards to a surveillance regime, stating: 'In view of the risk that a system of secret surveillance set up to protect national security may undermine or even destroy democracy under the cloak of defending it, the Court must be satisfied that there are adequate and

[219] https://www.libertyhumanrights.org.uk/news/press-releases-and-statements/mi5-broke-law-committing-%E2%80%9Cserious%E2%80%9D-breach-surveillance-safeguards
[220] https://www.libertyhumanrights.org.uk/news/press-releases-and-statements/mi5-broke-law-committing-%E2%80%9Cserious%E2%80%9D-breach-surveillance-safeguards
[221] https://www.openrightsgroup.org/press/releases/2018/uk-mass-surveillance-ruled-unlawful-in-landmark-judgment

effective guarantees against abuse.[222]

This judgement could also provoke questions on the lawfulness of the bulk data capabilities of the IPA 2016. A legal challenge from Privacy International in the High Court on the UK Government's use of general (thematic) warrants to support surveillance through hacking began in January (2020), this was one of the practices revealed by Snowden. Initially this was challenged through the Investigatory Powers Tribunal (IPT) who held that the Government's action was lawful. Privacy International challenged this ruling through judicial review in the High Court but the court questioned whether it could hear a judicial review of the IPT and ruled in favour of the Government. In November 2017 the Court of Appeal upheld the decision of the High Court. In March 2019 Privacy International went to the Supreme Court to overturn the restriction by the High Court of a judicial review of the IPT decision. The court decided that 'the language used in RIPA does not remove the supervisory jurisdiction of the High Court to quash a judgement of the Investigatory Powers Tribunal (IPT) for error of law'.[223] This allowed Privacy International to resume their challenge at the High Court over the Government's use of hacking powers. This challenge from Privacy International was upheld by the High Court January (2021)[224].

This was an important judgement and an example of the constitutional tussle between Parliament and the Supreme Court, under the Separation of Powers Doctrine.[225] It is after all the duty of the court to ensure that the rule of law presides over Parliament in constitutional matters. This is especially noteworthy in light of the growing willingness of the Supreme Court to dilute Parliamentary sovereignty in matters of 'constitutional importance'. We have witnessed this in the case that Gina Mill bought before the Supreme Court that challenged the Government's initiation of withdrawal from the European Union (2017) and with Boris Johnson's prorogation of Parliament (2019) during the European Withdrawal Bill's debate.

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[222] https://www.openrightsgroup.org/press/releases/2018/uk-mass-surveillance-ruled-unlawful-in-landmark-judgment
[223] https://privacyinternational.org/long-read/2898/faq-privacy-international-uk-supreme-court-judgment
[224] https://privacyinternational.org/news-analysis/4359/victory-high-court-against-governments-use-general-warrants
[225] https://www.britannica.com/topic/separation-of-powers

In October 2020 the Court of Justice of the European Union ruled that mass data retention and collection practices for national security purposes undertaken by member states, must comply with EU law, and therefore must be subjected to its privacy safeguards. The ruling is particularly significant because it makes clear that EU law applies, even in the national security context, if a member state's surveillance law requires a telecommunications provider to process personal data.

In periods of political volatility, judgments that challenge significant powers enabled through surveillance, serve as a reminder that no government should be above the law. David Anderson's report *A Question of Trust* (Anderson 2015) laid the groundwork for the Investigatory Powers Bill, it emphasised the necessity for trust in public bodies with new surveillance powers. He outlines the necessity for each invasive power to be 'shown to be necessary, clearly spelled out in law, limited in accordance with international human rights standards and subject to demanding and visible safeguards'. Not only is it essential that the institutions 'behave themselves' but also that there are mechanisms to hold the executive to account. He states that:

> Such mechanisms are particularly challenging to achieve in the national security field, where potential conflicts between state power and civil liberties are acute, suspicion rife and yet information tightly rationed.[226] (Anderson 2015)

A careful balance between state power and civil liberties is essential to maintain a functioning democracy and we expect our democratically elected Governments to use surveillance powers in a way that does not infringe upon human rights or exploit the powers enabled through surveillance. The surveillance capabilities put in place by the Investigatory Powers Act (2016) were already being challenged in the courts before the bill had passed. Legal challenges continue to arise and make slow progress through the courts. The public body (The Investigatory powers Tribunal) that was implemented as part of the legislation to ensure oversight of the Investigatory Powers Act is having many of the decisions that it has made challenged through judicial review.

Anderson's review outlines the conflicts between state power and civil liberties. He describes it as:

> …bitterly contested because both sides see their position as under threat. … Each sees a future in which they lose control. Privacy advocates look at a world in which ever more data is produced, aggregated and mined. The authorities fear developments such as universal default encryption, peer-to-peer networks and the dark net. (Anderson 2015)

He concludes his executive summary in anticipation of the Investigatory Powers Act (2016) with the statement:

> The opportunity now exists to take a system characterised by confusion, suspicion and incessant legal challenge, and transform it into a world-class framework for the regulation of strong and vital powers (Anderson 2015)

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[226] Lord Lester, *Official Report*, Lords, 27/6/16; col.1405