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PRIVACY IN THE AGE OF SNOWDEN: THE AFFECTIVE INFRASTRUCTURE OF  
LATE LIBERALISM.

by

JASON DERBY

Under the Direction of David Cheshier, PhD

ABSTRACT

In 2013 NSA contractor Edward Snowden leaked thousands of documents to journalists from *The Washington Post* and *The Guardian*. These leaked documents exposed the inner working of the surveillance industrial complex in the United States. Moreover, these actions created a disruption in the smooth affective order connected to liberalism and broader neo liberal forms of governmentality. This project begins the process of tracking this disruption.

INDEX WORDS: Affect, Surveillance, Snowden, Journalism, Political Theory,

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by

JASON DERBY

A Dissertation Submitted in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

in the College of Arts and Sciences

Georgia State University

2018

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Jason Derby  
2018

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LATE LIBERALISM.

by

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August 2018

## **DEDICATION**

This work is dedicated to William and Dori Wooton. Their love and generosity has sustained my work in more ways than I can count. I also dedicate this work to Bill Wooton who liked smart people. I miss him and his laughter.

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## 1 INTRODUCTION

On January 17<sup>th</sup> 2014, President Obama addressed the United States Department of Justice regarding the role of clandestine intelligence operations in the execution of American foreign policy. In the speech the president positioned himself as a strident defender of the governmental responsibility to engage in intelligence collection activities while simultaneously burdened by the task of defending the long cherished right to privacy. At one point he asserts:

We have to make some important decisions about how to protect ourselves and sustain our leadership in the world while upholding the civil liberties and privacy protections our ideals and our Constitution require. We need to do so not only because it is right but because the challenges posed by threats like terrorism and proliferation and cyberattacks are not going away any time soon. They are going to continue to be a major problem.

And for our intelligence community to be effective over the long haul, we must maintain the trust of the America people and people around the world.<sup>1</sup>

A clear element of the speech is the president's desire to balance these competing interests while maintaining a commitment to governmental transparency. But, also intertwined in the speech is a clear description of the intelligence complex as a vital foreign policy tool structured by the need for operational secrecy: "If any individual who objects to government policy can take it into their own hands to publicly disclose classified information, then we will not be able to keep our people safe, or conduct foreign policy."<sup>2</sup>

Obama's speech, designed to demonstrate the president's intention to skillfully manage the tension between individual privacy and state secrecy, also serves as an interesting anecdote

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1. "Transcript of President Obama's Jan. 17 Speech on NSA Reforms."
  2. "Transcript of President Obama's Jan. 17 Speech on NSA Reforms."

for the debates over privacy and secrecy that erupted in 2013, and speaks to the unstable and problematic relationship between privacy and the post 9/11 security state.

Following the release of sensitive government documents by Edward Snowden it became clear that the United States, in conjunction with an array of corporations and international partners, was engaged in efforts to cull an enormous number of communication records, a project relying on bulk data collection. Scrambling to manage the fallout of this leak, President Obama eventually responded to public criticism in a series of speeches. While indicative of Obama's general stance regarding the intelligence industry, his January 17, 2014 address quoted above makes clear that the stated target of the intelligence apparatus was foreign nationals and that data collected related to law abiding American citizens was simply an unintended side effect. More central to the Obama Administration position was the argument that targeting of possible foreign threats justifies the continuing data collection practices of the NSA, even if information from bystanders is also swept up in the net.<sup>3</sup> That is, instead of denying the government's capacities to undertake mass surveillance, the president evoked the specter of national security to justify informational overreach. His evocation was designed to elide responsibility for a data collection regime which ran afoul of the legal framework designed to protect citizens from spying.<sup>4</sup> The move is not a new one: reliance on the tired trope of domestic security has been a longstanding rhetorical hallmark of U.S. policy discourse.<sup>5</sup>

But the evidence leaked by Snowden suggests a powerful alternative narrative. The swell of articles published citing Snowden's leaked material cast significant doubt on the national security justifications proffered in defense of the NSA's actions. As a result, while the president

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3. Savage, "N.S.A. Chief Says Surveillance Has Stopped Dozens of Plots."
  4. For instance, many were unaware of the extent of which the PATRIOT act authorized warrantless data collection. "Reviewing the Surveillance State."
  5. Linke and Smith, *Cultures of Fear*.

attempted to circulate one message, a contradictory message was already gaining traction, troubling the cohesion of the presidents' sentiments and subverting the presumptive authority publics have traditionally granted American presidents in the national security domain. Furthermore, this moment reopened debates over the status of privacy as a social investment. With one (though, to be sure, gargantuan) leak, Edward Snowden was able to draw attention to the status of the practice of privacy.

The disruptions to the operations of the security state created by the Snowden leaks still reverberate. While the initial outrage and shock has passed, simmering anxieties regarding the data collection and surveillance efforts of the federal government are still palpable.<sup>6</sup> Further fueling these tensions are uncertainties over the reach, scope, and regulatory checks on companies involved in providing digital communication services amenable to digital data collection efforts.<sup>7</sup> A key consequence of this situation is a disrupted sense of democratic or, more specifically, political continuity. Snowden succeeded in interrupting the affective flows connected to late liberal governance, in particular to the modes of privacy that underwrite liberalism's social contract.

In comments to the press and in recent media profiles, Snowden has pointed to the elements of domestic surveillance that he sees as most legally and ethically specious.<sup>8</sup> Glenn Greenwald's first reporting on the Snowden leaks, which appeared in the London *Guardian*, told how borderline illegal, or at least legally under-scrutinized, efforts by the FISA court to force American telecommunications companies to turn over the phone records of every call made on

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6. At the time of writing congressional efforts to limit the collection of the efforts of the NSA have been signed into law. While the USA FREEDOM Act changes the mechanics of data collection, it does not stop outright collection efforts. Sensenbrenner, "H.R.3361 - 113th Congress (2013-2014)."
  7. Clear examples include cellular telephone companies such as *Verizon* and email services like *Google*.
  8. This has come out in Greenwald retelling of his days with Snowden in Hong Kong. Additionally, Snowden himself makes these claims on film during the same conversations. For more detail see: Greenwald, *No Place to Hide*; Poitras, *CITIZENFOUR*.

their network had been carried out.<sup>9</sup> Although this coerced data collection activity was only one among many activities reported by Snowden, the article documents the pressure applied to foundational components of the liberal subject. By drawing attention to the ethical shortfalls of the government's data collection efforts, Snowden fomented a crisis in several networks of activity intimately tied to the liberal project, resulting in a situation where the contemporary structure of privacy has been ruptured, and the status of privacy as a key element a life in a liberal order called into question.

Digital communication technologies have made it easier to create a persistent visible presence while simultaneously creating a environment where the avenues for data collection are overwhelmingly expanded, challenging traditional strategies of invisibility. The challenge of this new environment is accentuated by its typical invisibility – no clicking sounds on the handset from government wiretaps, no apparent limits on data sweeps, the full integration of new media technologies into the fabric of daily life has enabled what might have been imaginable only in science fiction accounts.

To be sure, Snowden was not the first leaker to expose the inner workings of the government. But his moment emotionally reverberated through the circuits of government, popular culture, and in national news publications, and Snowden's actions generated strong emotional reactions across the American social landscape. The intensity of these outbursts momentarily disrupted the usual rhythms of public affect. Momentary breaks in the affective flows of daily life of this type, I argue, force one to feel differently, not just about the present but also about the future. While Daniel Ellsworth and Chelsea Manning and others have leaked

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9. Consequently, this is exactly what the USA FREEDOM Act no requires a warrant for. Greenwald, "NSA Collecting Phone Records of Millions of Verizon Customers Daily."

highly sensitive information to the public,<sup>10</sup> the Snowden leaks are unique in that they deal with efforts taken not in the name of the people but *against* the people, precipitating a change in how the day to day feels. The cache of documents provided Greenwald detail a surveillance structure pointed firmly at the American populace. Lauren Berlant describes this process as “feeling historical in the present.”<sup>11</sup> Feeling historically is a condition that develops when situations reveal problems of how to continue life in a world, under circumstances where trust in the possibilities of the future is absent<sup>12</sup>. A tentative claim of this project concerns changes in the way that subjects *feel*, changes that follow in the wake of Snowden’s actions. Specifically, this project takes on the idea that Snowden’s actions changed some structural elements of feeling that facilitate the operation of the national security state.<sup>13</sup>

In this work I explore how Snowden’s action has forced us collectively to stop and think, an action Berlant suggests is part of the process of countering the idea convenient to the powerful that the world moves on without our involvement. Such breaks, in what is (sometimes) a smoothly operating regime of emotional regulation are remarkable in that one is shocked by an emotional reaction into rethinking how we experience history itself.<sup>14</sup> When feeling is both an affective register and a tool for sense making, feeling historical is about the moment when one paradoxically registers a vantage point as historical in time while also feeling as if one is living through an unfolding moment. In the moment subjects are forced stop and think about their place

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10. While there are several distinctions between Snowden and these other leakers the most telling maybe the fact that Snowden’s actions do not connect to an already existing effort. For instance, both Ellsworth and Manning actions were cast against the backdrop of a major military action. For more specific differences see: Franke-Ruta, “The NSA Leaks and the Pentagon Papers.”
  11. Berlant, “Thinking about Feeling Historical,” pg. 5.
  12. This idea is clearly elaborated in footnote 12. See Berlant, pg. 5.
  13. This claim refers Joseph Masco’ accounting of the relation between affect and technology harnessed by the security state. My claim follows the assumption of this book, namely that certain relationships to technology structure affective regimes. Masco, *The Theater of Operations*.
  14. Berlant, “Thinking about Feeling Historical,” pg. 5.

in the world as it unfolds, the feeling of privacy provides a key anchor point for the sense making activities that develop in the aftermath of the Snowden leaks.

Focusing on privacy, in what follows I explore the regime of feeling awakened by Snowden's actions, with the principal aim of understanding how privacy has been reconfigured to further liberal forms of population management and governmentality. A recurring and central theme within this project is the role of privacy within the collection of technologies of power leveraged to insure the reproduction and expansion of practices and policies underwriting the national security apparatus. Often considered in legal or political terms, privacy, I argue, is also a core rhetorical device used to contradict the perception of an encroaching surveillance state.

Seen in this way, the invocation of privacy is a legal blockade against encroachment by the state into affairs deemed outside the mission of national security. Given rhetorical appeals to the nature and necessity of privacy, the fact of a robust body of scholarship should not surprise anyone. Despite the depth of this scholarship, however, little work has been done to address privacy's affective dimensions. My (modest) contribution here is the suggestion that attention to this affective dimension will nuance the wider work on the circulation of privacy appeals within liberal public culture. As corporate and state surveillance efforts continually rev up American public culture, the refrain that privacy is dead has become a commonplace. I suggest in what follows that this could not be farther from the truth.

Radically different in its contemporary power and radical orientation, privacy is far from gone. A persistent claim of the dissertation is the continuing political potency of privacy; by focusing on privacy's affective components, its underlying power is brought into sharper relief. A focus on the emotional content of privacy provides a new approach for tracking the methods reliant on the circulation of tropes in the creation of subject positions tied to liberalism.



By tracking privacy within the circuits of public culture I unpack in this dissertation I am continuing ongoing conversations regarding the status of late liberal forms of power. The result of my efforts, I hope, is to join a series of ongoing conversations within the field of rhetorical and communication theory. Connecting to scholarship examining the intersection of affect and communication, my work on privacy as a central technology of subjectivity expands the ongoing conversation over the power of affect in the creation of subjects and publics.<sup>15</sup> A further aim of the dissertation is to contribute to the ongoing debate over the nature of publics disconnected to dominate national identity discourses.

A turn to affect is not necessarily required to provide a full account of rhetorical process in the controversy I examine. But the move is productively enabled by much of the recent work in the humanities, which attends to affect to explain material phenomena that may otherwise pass unnoticed. Recent work has leveraged accounts of material actions connected to mechanisms of persuasion as a way to buttress claims about the rhetorical power of certain neoliberal projects or to explore how affective strategies are leveraged by governments as they instruct citizens in proper performances or technological relationships.<sup>16</sup> Most convincing has been the work that turns to affect to problematize the structural elements of ideology critiques, by expanding explanations of social activity through comprehensive investigations of the complex interaction between ideas, discourses and material practices.<sup>17</sup>

Focus on the relationship between affect and discourse provides an analytical apparatus able to account for the affective economies shaping subjectivity while also enabling thicker

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15. The affective turn in communication has benefitted from several works in this area. A brief and incomplete list includes: Ritchie, "Feeling for the State.;" Bruce, "The Balaclava as Affect Generator"; Papacharissi, *Affective Publics.*; Clarke, "The Public and its Affective Problems.;" Andrejevic, "The Work that Affective Economics Does."

16. Masco, *The Theater of Operations.*

17. Lundberg, "Enjoying God's Death."

descriptions of representational world making produced in the wake of those economies. The turn to affect presents rhetorical theorists with a powerful new set of tools for comprehending the power of language, while also accounting for how mass subjectivities are formed and translated into publics.<sup>18</sup> As communication technology (the Internet, cellphones, digital social networking sites) increases the complexity of human communication and potentially multiplies the dimensions of human agency, comprehending different material arrangements and their impact on the formation of durable social structures is significantly aided by attending to how affect mediates the formation of materiality.

The consequences of affect for social infrastructures present several questions for political theorists. Grappling with affect in general and privacy specifically, my focus on the surveilled subject contributes to the perennial debates over political subjectivity and the efforts used to define the type of subject that emerges. Because the legal concept of privacy is deeply intertwined with liberalism and its organizing logics my turn to affect presents a compelling addition to political theory. In line with how Wendy Brown has theorized attachments, I examine a specific form of attachment and the particular political consequences of Snowden's decision to spark a national debate about digital surveillance and privacy.<sup>19</sup>

Among the myriad consequences of Snowden's actions is a collective though far from universal sense of melancholy over the disappearance of privacy. Privacy is a pivotal instrument in liberalisms' affective instruments underlying important social binaries (public/private, visible/invisible) and is deeply connected to the practices of life in the digital age. By disrupting routine or everyday assumptions about the nature of privacy, Snowden's actions have facilitated

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18. Berlant, *The Female Complaint*.

19. I am most clearly thinking of Brown's early work on the power of attachment and identity described in "Wounded Attachments." These ideas are given further refinement in her latest work *Undoing the Demos*. Both works illuminate the power of attachment in political theory and the way that affect regulates attachment.

a break in the smooth functioning of privacy and more widely precipitated a legitimation crisis for the standard liberal social contract.

My project takes this crisis as its starting point: what happens, when the logic of liberalism no longer facilitates the solidification of affective attachments to privacy, one of its fundamental concepts? In what follows, a main goal is to chronicle the reconfigurations in liberalism's governing logics, read in the wake of the Snowden leaks. More widely, what this necessarily entails is the effort to trace current forms of subjectivity: what account best explains the surveilled subject of late liberalism? And what are the political possibilities for that subject after the Snowden crisis? In responding, I advance the modest thesis that among the assertive tools of late liberalism is to create affective affinities to ideas like privacy. When disruptions occur, openings are created where liberal subjects can begin to actively shape their world, thereby enabling the formation of new publics bound together by new forms of intimacy.

In support of this claim and of the specific case studies I navigate, I read three networks of activity where contentions over the role and structure of affect are visible, and where the affective economies within those networks contribute to the formation of what might be called the surveilled subject. Each of these networks is heavily saturated by specific media forms that also shape the horizon of the subject. First, I turn to the area of public discourse, what I refer to as the journalism network. Here, liberalism attempts to define the shape, scope and role of the public sphere. Next, I examine the legal network, those legal apparatuses or bureaucracies intimately linked to and providing legitimating cover for the national security state. Finally, I turn to the economic network, with the goal of seeing how liberal discourses translate into material practices that limit and enable the political possibilities for subjects of surveillance.

Elizabeth Povinelli's formulation of late liberalism presents a helpful theoretical starting point. Late liberalism in Povinelli's scholarship names a logical regime that overdetermines historically unfolding practices of governance.<sup>20</sup> Defined not only by its economic or political maneuvers, although these are certainly central to the mode-of-being demanded by the contemporary moment, late liberalism is demarcated as a mode of governance responsive to and unrelenting in the face of a continual series of legitimation crises posed by anti-colonial struggles and social movements. Capitalist market logics, in such a view, can be reproduced via technologies of control that culminate in the management of life and death.<sup>21</sup> Finally, a key component of late liberalism is how affective attachments, modes of living, and cognitive resources are distributed, sustained, and collapsed across the various networks of life that figure creation of the subject.<sup>22</sup>

Since the inception of liberalism and its concatenate forms of government, anxiety over the agency afforded the subject of sovereign power has presented a central challenge. For instance, Thomas Hobbes' theorization of the social contract argues for a set of capacities that are the sole providence of the private liberal subject because of her relationship to a sovereign ruler.<sup>23</sup> This is but one example of how individual agency has been privileged in liberal societies. Anxiety over agency has persisted as the changes in cultural politics and the bureaucratic organs and policies tied to a form of governmentality have changed in scope.<sup>24</sup>

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20. Povinelli, *Economies of Abandonment*, pg. 12.

21. Povinelli, 14.

22. Povinelli, 14.

23. I am thinking here of Thomas Hobbes. Reading *Leviathan* provides a clear example of the preoccupation with the individual. For more see part one of *Leviathan*. Hobbes, *Leviathan*.

24. This concept is developed throughout the lectures given in 1978 and 1979 at Collège de France. This is the term that Foucault uses to describe a methodological move to examine systems of thought that are not tied to technologies of power or governance. See specifically the lecture from February 8th 1978. Foucault, *Security, Territory, Population*, pg. 166.

The scholarship on late liberalism provides an important touch point. Utilizing this theoretical chronotope does more than mark out a specific milieu, since the idea of late liberalism also highlights a key element of the logic of governance. Much as neoliberalism suggests an undergirding rationality for market reforms aligned with “hands-off” laissez-faire approaches to more aggressive management strategies designed to universalize market principals of value creation, late liberalism points to an evolving organizing social logic,<sup>25</sup> framing the distribution of governing technologies that must enforce ideas of value to permit forms of human flourishing.<sup>26</sup> Within this tradition, privacy is a unique and fruitful starting point for analysis. By its very nature, privacy resists efforts at valuation, since its primary operation is as a social and political good, lubricating the operations of democratic governance. Yet privacy as a practice is not immune to market logics. Privacy is easily transmuted into an informational commodity, making the experience of privacy into a luxury good.<sup>27</sup> As privacy is (aggressively) transformed into a commodity, the tension posed by this transformation plays out across a wide spectrum of social arenas (among them the three arenas I’ve identified).

Given recent investment in critiques of liberalism and its connected projects, the dissertation is necessarily interdisciplinary. I join a series of ongoing conversations operating at the borders of disciplines, including Communication, English, Sociology, Rhetoric, Anthropology, critical Media and New Media Studies. While diverse in background and methodologies, each of these disciplines share a deep and rich investment in the critique of power. Drawing insights from several ongoing theoretical concerns with media and technology, my project contributes to three primary controversies.

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25. Brown, “Neo-Liberalism and the End of Liberal Democracy.”

26. Povinelli, *Economies of Abandonment*, pg 22.

27. Papacharissi, “Privacy as a Luxury Commodity”; Sevignani, “The Problem of Privacy in Capitalism and the Alternative Social Networking Site Diaspora\*”; Sevignani, “The Commodification of Privacy on the Internet.”

The first controversy relates to accounts of surveillance. Within sociology and communication scholarship, surveillance has become a prominent theme. Concerned with issues of agency and the pervasive nature of the expanding surveillance regime, scholars in these fields have begun to explore the implications of surveillance for social relations. To some extent these are paralleled in rhetorical theory's concern with the formation of the subject. The debate is often cast in terms of the relationship between rhetoric and the various forms of subjectivity materialized by a particular rhetorical formation. In line with Ron Greene's concept of a critical rhetorical practice,<sup>28</sup> I attempt to enhance rhetorical accounts of the subject through a materialist analysis of the networks of discourse shaping and shaped by social practice and governance. I hope to enrich our notions of subjectivity by attending to the specific discursive networks and affective flows that cross network boundaries and bind subjects to particular social forms.

Tracing the affective dimensions of surveillance media and practices reveals how surveilled subjects form within a complex interaction of a historically specific matrix of practices and enactments of power. Conditioned by the logical imperatives of late liberalism, the surveilled subject I describe accounts for subjectivity as a process tied to the refinement of technologies of power.<sup>29</sup> By focusing on affect I provide a mode of analysis that incorporates emotion, sensation and attachment, elements of rhetorical practice often deliberately bracketed due to their unwieldy or seemingly unimportant attributes.

Another important move this dissertation takes is to engage with the ongoing conversation surrounding the role of late liberal governance. Here I hope to further our understanding of how contemporary digital surveillance practices energize the flow of affects, all

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28. Specifically Greene calls for scholars to be attentive to the conditions of possibility for mechanisms of social control. Greene, "Another Materialist Rhetoric," pg. 22.

29. Greene, "Rhetorical Materialism: The Rhetorical Subject and the General Intellect," pg. 53.

the while rewiring our networked sense of privacy. Because they play a role in disciplining and governing social life, affectively-charged surveillant modes of seeing are productively encountered. Jonathan Crary's research provides an important perspective: illustrating the role of observation in modernity, he sees "vision and its effects" as "always inseparable from the possibilities of an observing subject who is both the historical product and the site of certain practices, techniques, institutions, and procedures of subjectification."<sup>30</sup> What Crary makes clear is that vision and observation are always connected to a process of subject construction and bound to a set of conditions that can be traced through a genealogical accounting of particular moments.

This perspective is instructive in accounting for the benefits enjoyed by late liberal logics that govern the continuous interactions of subjects by reliance on scopic regimes that distribute power over life along the coordinates of the visible. Liberal efforts to manage the tensions of security and population are fortified by a set of technologies, practices and materialities shot through with affective energies. But how is surveillance leveraged not just to discipline subjects but also to alter underlying political affinities? I propose to investigate what happens when the conceptual precursors to recognition (such as surveillance, categorization, and classification) take on radical new durational characteristics.<sup>31</sup> Because data can be stored in near perpetuity, surveillance can now be retroactively deployed in order to reconfigure the security/population dynamic, such as occurs when global positioning data from cell phone data is retrieved to track the moment-by-moment movements of suspect individuals.<sup>32</sup>

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30. Crary, *Techniques of the Observer*.

31. This is a claim about the way that duration becomes marshaled when assembling the claims of surveillance.

32. I recognize that this is not a new practice and is in fact a key part of investigative work, however this does take on a new dimension in the era of mass data collection.

The careful consideration of the interplay between affect and surveillance reveals, I argue, how changes in liberal strategies continue to organize the distribution of life and death work through processes of ongoing recognition.<sup>33</sup> In this case we might say that recognition begins at home, or more specifically through our attachment to privacy.

### 1.1 Relevant Literature

The insights of theorists in the areas of bio-politics, rhetorical theory, surveillance studies and contemporary cultural theory are each relevant to the dissertation project. In thinking through the mechanisms by which citizens affectively attach themselves to the rhetorical trope of privacy, I rely heavily on theories that illustrate the relationship between tropes and the formation of subjectivity.<sup>34</sup> My reading follows the tendency of the rhetorical tradition to think of tropes as integral to subjectivity-shaping cognitive mechanisms of signification and meaning making.

In the literature review that follows, I first discuss changes in the modes of governmentality and how their relationship to the media shifted as society has evolved from a disciplinary to a control society. Next, I demonstrate the relevance of public culture to the project. I then reflect on the adoption of public sphere literature by rhetorical scholars, especially those concentrated on rhetorical ambience, a form of influence that carries special force given the contemporary logics of liberalism. Next, I discuss the relationship between discourse and subjectivity, outlining how discourse and material forms facilitate, but also frustrate, the creation of a subject. A key issue for investigating the relationship between surveillance and politics is the

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33. An element that is key to late liberal governance. See *Economies of Abandonment*

34. For example, Lundberg provides one explanation of how a trope does more than operate in the linguistic register by demonstrating how the process of subject creation is tied to an affective process that is necessary for the creation of subjectivity. See: Lundberg, "On Missed Encounters: Lacan and the Materiality of Rhetoric"; Lundberg, "Enjoying God's Death."



affective turn to which I've referred. Finally, I review the literature on surveillance and subjectivity. Locating my analysis of the Snowden disclosures within these overlapping scholarly conversations facilitates an intellectual contribution to the efforts to more fully ascertain what forms of life take root in the contemporary moment.

### ***1.1.1 Neoliberalism and Affect***

In his later lectures on the rise of biopolitics Foucault outlines a program of research which moved away from thinking about power in mainly institutional contexts to thinking about the relationship(s) between discipline, sovereignty, and biopolitics.<sup>35</sup> Broadly conceived, biopolitics refers to the control and management of bodies and the right to let live or die utilized by governing regimes. Connected to biopolitics, neoliberalism describes a shift in governing logics that attempts to break down the distinction between social and economic activity, thereby erasing any discernable difference between spheres of human activity and allowing market reasoning to create and enforce social norms. This shift in thinking has been widely followed by scholars across the humanities. For example, Kevin Haggerty's injunction against over-privileging the panopticon in analyses of surveillance resonates with the shift described above.<sup>36</sup>

My project investigates material formations of relations shaped by the expansive set of surveillance technologies which are continually leveraged towards the ends of liberal governance – Giles Deleuze calls this ensemble the “control society.”<sup>37</sup> The term follows from Foucault's insights regarding the changes in operating logics which usher in a cultural arrangement, where disciplinary modes of government are perfected, made more flexible and resilient. For Deleuze, the mechanisms of the disciplinary society are in perpetual crisis and unable to perform the

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35. His opening lecture from *Society Must Be Defended* clarifies this conceptual shift. Foucault et al., *Society Must Be Defended*.

36. Haggerty, “Tear down the Walls: On Demolishing the Panopticon.”

37. Deleuze, “Postscript on the Societies of Control.”

necessary work of stabilizing spaces and flows of time to discipline subjects.<sup>38</sup> Furthermore, the more flexible logic of control creates new possibilities for bio-political control.

In addition to clarifying key institutional and ethical differences between the disciplinary society and the control society,<sup>39</sup> an important material distinction between the disciplinary and control societies is the role played by digital media technologies. As Deleuze puts it “The numerical language of control is made of codes that mark access to information, or reject it. We no longer find ourselves dealing with the mass/individual pair. Individuals have become ‘dividuals,’ and masses, samples, data, markets, or ‘banks.’”<sup>40</sup> Highly mediated, the forms of public culture developed in the control society exhibit a complex relationship of material practices that are influenced by various media formats.

The characterization of society as deeply affected by media is a familiar one in the field of communication studies. Physical media can take many physical and material shapes, and these have profound effects on social relations while also cleverly hiding their status as media. Consider the role of clocks and calendars in organizing political and social life over the last two centuries. Time has played an important role in regime building. Discrepancies across large territorial spaces regarding the use and tracking of time and perceptions of time itself have proven a difficult puzzle for modernity.<sup>41</sup> Industrial modernization required the creation a uniform system of time. Utilizing a single medium (clocks) helped to facilitate the process of

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38. Deleuze.

39. This shift explained in depth by Foucault in his lectures on population. While not characterized as the control society, these changes are tracked by Foucault in his lectures on governmentality. Foucault, *Society Must Be Defended*. Elizabeth Povinelli provides a succinct treatment of ethical dimensions of Foucault’s later thought. Povinelli, “The Will to Be Otherwise/The Effort of Endurance.”

40. Deleuze, “Postscript on the Societies of Control.”

41. The perception of the passage of time has been a perennial concern in modern philosophy. For an excellent analysis on this concept see: Hoy, *The Time of Our Lives*.

disciplining individuals by regularizing their behavior and suggesting mechanisms for accountability in the factories and elsewhere.<sup>42</sup>

The example of the clock demonstrates the material and regulatory power of media. I argue that surveillance media performs similarly. Digital surveillance tools (social networking websites, cell phones, deep packet inspectors) order social relations, and the resulting hierarchies show an affinity with pre-existing modes of surveillance, as well as other media lacking the same monitoring structure (calendars, clocks, etc.). The result is a sophisticated network and project of control. Social networking websites embody this notion. Websites like *Facebook* and other, sites of media and social convergence that take on the rhetoric and material qualities of a *space*, create asynchronous modes of visibility.<sup>43</sup>

But accounts of media emphasizing their regulatory capacities can sometimes presume a willingness on the part of interpellated subjects to cede agency to disciplinary power, when I want to suggest these technologies also are conveyances of affect. The affinities resulting from the pleasures of new technological apparatuses lead populations to consent (or at least fail to resist) profound systems of control. By addressing the role structures of feeling play in the interactions between surveillance and subjects, a more complete account of the way affect builds on material forms to mediate the formation of the subject can be provided. Specifically, the process of discipline, in addition to teaching subjects through a form of psychic training, involves a form of agency enacted by subjects when they desire certain (often problematic) objects. Following John Peters and many others, I treat media as an ecology which elicits specific and affectively charged interactions.

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42. Peters, "Calendar, Clock, Tower," pg. 9.

43. Trottier, *Social Media as Surveillance*, pg 4.

At the heart of this dissertation is the claim that *sites of affective investment are visible within the tropological economies mediating the interaction between material formations and social relations*. Affective attachments are connected to tropological economies and come into contact with material practices to form and produce public culture. One could describe this as the way that affect and trope (feeling and form) combine to form subjects and publics.

The public formation pursued in this project has profound implications for the distribution of political sense making. The complex relationship between affect, tropes, and media are the composite elements which are mobilized to determine the type of social projects that get attention. Povinelli provides a useful summary of this claim:

To make political sense to constitute ‘a people’ democratic politics must be shaped, etched and registered through physicalities, fabricated habitudes, habituated visions.

These habituated materialities leave behind new material habitats that will be called on to replicate, justify, defy and interfere with given sense-making and with the distribution of life and death, wealth and poverty that this sensemaking makes possible.<sup>44</sup>

Povinelli is pointing to a risk in some rhetorical theories that are quick to reduce material practices to linguistic fact.<sup>45</sup> At stake for Povinelli, and for me as well, is the edging out of affect as a potential explanatory mechanism. Attention to the materiality of surveillance and surveillance practices makes a fuller account of the role of surveillance and late liberal governmentality possible. Avoiding the pitfalls identified by Povinelli is a guiding principal in this project and has in part given rise to particular combination of theories here.

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44. Povinelli, “Beyond the Names of the People,” pg. 374.

45. This claim is initially leveled against Ernesto Laclau’s rhetorical conception of “the People” as it is developed in *On Populist Reason*. Povinelli, “Beyond the Names of the People.”

### 1.1.2 *Publics and Communication Media*

The relationship between public culture and surveillance is a central problematic for my dissertation. This puzzle is all the more important given the nature of current monitoring technology. Understanding how surveillance functions in the context of public culture provides a vantage point from which to view the processes shaping the formation of the surveilled subject. More importantly, recognizing the intersection between these two social arrangements facilitates analysis of the ways subjects interact within various fields of political interaction.

I posit public culture as a unique space for a type of critical inquiry. Taken from the concept of a public, an amalgamation of circulating texts and subject positions, I treat public culture as a similar theoretical precept. More than just a social relation, it lends itself to a form of analysis invested in understanding the ways in which the touch-points between subjects and discourses inform engagement with material objects resulting in particular mass subjectivities.<sup>46</sup> To put it another way, public culture names an alignment that foregrounds relationality between material objects while supplementing questions of individual engagement with particular texts.<sup>47</sup> Widely recognized as important aspects of modern publics, my thesis is concerned with other factors in the formation of publics.

Despite too heavy a reliance on the textual nature of publics, Michael Warner provides a clear illustration of the issues that trouble accounts of public culture. As he notes, once a subject begins to perceive a discourse as public, its own cultural particularities (class, gender, race) are rendered subordinate to the public subjectivity demanded by the discursive iteration.<sup>48</sup> Most

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46. Povinelli explains this configuration in terms of forms of public life that have a public orientation but demand an ethically minded form of immanent critique. *Economics of Abandonment*, pg. 14.

47. Michael Warner's essay is a clear example of work that deals with textual publics. Warner, "Publics and Counterpublics," November 2002.

48. Warner, *Publics and Counterpublics*, 2002, pg. 160.

importantly, this displacement from individual to social, private to public, demands a new form of subjectivity. This move is accomplished through circulation, however (for Warner), it is the text that does the work of subject creation. Other scholars have supplemented these ideas by a focus on other important elements, such as space.<sup>49</sup> While this account of public life is fruitful for rhetorical scholarship, and Warner is attentive to the role of media in some of these accounts, the technological landscape of the digital world troubles wider accounts of public life.

Communication theorists have foregrounded the role of the media in the formation of publics. Accounting for new relational forms of media and communication, scholars have theorized the role of technology as fundamental to understanding the modern formation of publics.<sup>50</sup> But as John Peters reminds us, a key part of contemporary media are their infrastructural qualities.<sup>51</sup> Though often unperceived, even invisible, it is necessary to actively grapple with the nature of technologically derived mechanisms of mass mediation, so as to fully grasp contemporary social relations. Peters provokes media scholars to attend to the deeply elemental nature of media in our day-to-day lives. Similar to Warner's claims about circulation, Peters claims reflect the banal and everydayness of these relational moments.

The circulation of texts within and against the flow of media creates the environment in which public life takes shape and, within this field of relations, the struggle for social resources is carried out determining the success or failure of liberalism's social projects. Studying public culture, then, is to concentrate on what public formations can come into being, and which social

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49. For instance see: Wittenberg, "Going out in Public."

50. DeLuca and Peebles take on the issue of the public screen by augmenting the theory of a democratic public sphere. Working through Habermas's public sphere claims, they illustrate the role of media in the democratic process. This account resonates with Warner's concept of the public. "From Public Sphere to Public Screen."

51. Peters, *The Marvelous Clouds*, pg. 28.

projects within the social imaginary of public culture can flourish, all while resisting a theoretical collapse into pure metaphysics.<sup>52</sup>

Moreover, by foregrounding public culture, specific relations come into relief, the most important of which is that of private relations. This form of liberal relationality is, I argue, at the heart of contemporary theories of surveillance, the political, and the constitution of privacy.

While the protections of privacy can protect certain pieces of information (e.g., sexual preferences, spending habits), what matters more is the process of securing our collective legal and affective investments in that process.<sup>53</sup> A privacy regime thus simultaneously produces communal affinities while also constituting a sense of otherizing estrangement.<sup>54</sup> Privacy helps preserve the status of “stranger” within certain public fields. When a subject does not reveal a portion of him- or herself to others, the person remain a stranger, and the resulting interactions are to some degree constituted by the distanced but alienated, alluring yet intoxicating attractions, of strangeness. Warner reminds us that this strangeness is often inherent in the act of imagining one’s place within a public.

Privacy is differently inflected through varying communication platforms<sup>55</sup> and so, grasping the dimensions of the way public life is endured<sup>56</sup> and lived in late liberalism commences by understanding how the topological economy of privacy distributes (although

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52. This concern is highlighted by Povinelli as a concern when analyzing new modes of liberal governance. Povinelli and DiFruscia, “A Conversation with Elizabeth Povinelli.”

53. Privacy remains a slippery concept in much of the literature. This definition provides a basis for understanding the emotional rational stakes of locating this as a site of investment. This definition has benefited from prospectives from several scholars who make similar determinations about the function of privacy. See: Solove, *Understanding Privacy*.

54. The process of securing investment is described in the incorporation of heterosexual intimacy into the field of citizenship. This incorporation terminated a process that marked queer sexuality as a form of public concern. Berlant, “The Subject of True Feeling,” pg 60.

55. Mayer and Narayanan, “Privacy Substitutes”; Nissenbaum, *Privacy in Context*; Nissenbaum, “A Contextual Approach to Privacy Online”; Sevignani, “The Problem of Privacy in Capitalism and the Alternative Social Networking Site Diaspora\*.”

56. I am borrowing here from Povinelli and here work on endurance. Most specifically here articulation on the enduring nature of some social projects. Povinelli, *Economies of Abandonment*, pg. 9.

unevenly) the effects of surveillance, subject formations and creates the fertile ground for new public forms to come into being.

Much of the work on publics demonstrates that the interaction of strangers (and texts) is conditioned by their self-organizing nature.<sup>57</sup> Publics unite strangers while leaving unexpressed a clear sense of the relationship between them as the public form materializes.<sup>58</sup> Lundberg recasts this idea about the relation between texts and publics as affective economies of attachment regulated through a sense of enjoyment. Suggesting that pre-existing discourses and identitarian investments circulate in economies with practices of publicness, Lundberg's provocation suggests that publics are best understood as a dual structure composed of shared attention to a text and investment in a tropological economy of exchange.<sup>59</sup>

Thinking publics both as relation to a discursive object (text, image, etc) and as an operation within an economy of practices and affective attachments, presents the opportunity to diagnose the field of politics suggested by the analysis of a particular form of subjectivity. More importantly, what Lundberg and Warner describe is a setting for a type of relationality, a space where objects interact and interfere with each other in meaningful ways. Relying on this work I locate privacy as an economy leveraged as certain ideas become material and interact with physical media to form subjects.

Lundberg's description bears a close resemblance to other theories of affective public formation. Sometimes described in terms of affective relationships with particular communication technologies,<sup>60</sup> at other times as the location where particular emotional

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57. Warner, "Publics and Counterpublics," 2002; Chavez, "Counter-Public Enclaves and Understanding the Function of Rhetoric in Social Movement Coalition-Building"; Fenton and Downey, "Counter Public Spheres and Global Modernity"; Fine and Harrington, "Tiny Publics."

58. Warner, "Publics and Counterpublics," 2002.

59. Lundberg, "Enjoying God's Death."

60. Papacharissi, *Affective Publics*.



investments are intensified,<sup>61</sup> the role of affect and its ability to meld subjects to particular sites animates my thinking on the interactions of subjects, technology, and affect.

The dissertation also joins in a debate about whether and how affect is socially distributed. While indebted to Habermas's inquiry into seventeenth century bourgeoisie culture presented in his early work on public spheres,<sup>62</sup> Habermas's ideas exhibit a commitment to a theory of public interaction that maintains delineations between fields of activity that, for me, no longer describe life in late liberalism. In *Lifeworld and System*, for example, Habermas advances the claim that two distinct areas of human relation exist and demand a conceptual separation in order to achieve an ideal political order.<sup>63</sup> This distinction allows for Habermas to present an overly idealized account of political interaction; this, of course, has made him a target for those objecting to his early silence regarding gender and race inclusion.<sup>64</sup>

By contrast, my dissertation follows a growing body of work that dissolves the commitment to a civic polity of the sort conceived by John Dewey (and his account of "conjoined action") or Walter Lippmann. However, their work omits is the ascendancy of what Dilip Gaonkar has identified as a theory of multiple modernities. This idea recognizes regional entanglements with mechanisms of modernization, that create unique responses to similar (global) and apparently culturally neutral changes.<sup>65</sup> Most relevant here is Goankar's description of variance across social terrains which underscores how subjects variously respond to their world.

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61. Berlant, *The Female Complaint*.

62. I am thinking here of his doctoral thesis *Structural Transformation The Structural Transformation of the Public Sphere*.

63. Habermas, *Lifeworld and System*.

64. There is a substantive list of criticism of Habermas's vision of the public. For a detailed look at these criticisms see: Fraser, "Rethinking the Public Sphere."

65. Gaonkar, "Toward New Imaginaries."

As Fraser reminds us, thinking through a space of relation is a key element for thinking through democratic politics<sup>66</sup> But, in contrast to Fraser's claim that fields of interaction like the economy and deliberation should be theorized in discernibly different terms, I argue that their relational similarities provide a conceptual utility in discerning the contours of a truly democratic polity. Only in describing the depths of interconnection it is possible to glimpse the shape of the forces at work to solidify subjects and the public forms they inhabit. Accomplishing this task requires a functional theory of the subject. By shifting between descriptions of public forms (publics) and individual subjects, my aim is to show how theories of public culture can better account for the shifting field of relations, as changes in media forms radically shift the horizon of possibility for subjects.

### ***1.1.3 Subjects in late liberalism***

The formation of the subject has become the object of choice for scholars invested in the immanent critique of power. The subject is the product of power given form by a body. It is a figure shaped and empowered through discourse. In short, a subject is constructed through a complex web of social interactions. Foucault has written "There are two meanings of the word 'subject': subject to someone else by control and dependence; and tied to his own identity by a conscience or self knowledge. Both meanings suggest a form of power which subjugates and makes subject to."<sup>67</sup> For Foucault the study of the subject is the act of tracing power relations as they are enacted. His focus on the subject belies his desire to study the *object* of power, specifically the process by which humans are made into subjects. He begins by focusing on the antagonisms that develop as humans resist the process of subjectification.<sup>68</sup> For example, while

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66. Fraser, "Rethinking the Public Sphere," pg. 57.

67. Foucault, "The Subject and Power," pg. 777.

68. Foucault, pg. 780.

analyzing the psychiatric profession, his analysis started with the idea of insanity as a way to see what was determined to be sane.<sup>69</sup> Discourses operate within certain networks to create a field of knowledge that becomes central to the project of governance.<sup>70</sup> In turn, this method also points to forms of knowledge that are necessarily subjugated. Most importantly, this method demonstrates how the focus on subjectivity illuminates the power dynamics within a network of activity.

Despite its efficiency and applicability, Foucault's approach has required augmentation to grapple with the complexities of life in the digital era. In addition, the incorporation of Foucault's work and that of other prominent post-structuralist theorists has given rise to a debate about the scope of agency available to subjects constituted within discursive networks. To be clear, this is not to suggest that Foucault is solely responsible for this change. Kenneth Burke was making similar provocations about the power of language vis-a-vis an intentional subject in his work dealing with persuasion.<sup>71</sup> This concept was significantly enlarged by theories that positioned rhetoric as a type of social action. For instance, rhetorical theorists have relied on Althusser's notion of interpellation to account for how rhetoric constitutes predictable subjectivity.<sup>72</sup> The move enables theorists to advance claims about the significant social impacts of rhetoric while incorporating post structural insights that complement the work already done to establish rhetoric as a key analytic approach to diagnosing the social world. At stake in these accounts of rhetorical action is the ability of subjects to marshal agency towards a specific purpose.

The post structuralist infused approach to rhetorical analysis expanded the theoretical grasp of rhetoric while continuing to fuel debates about the relationship between agency and the

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69. Foucault, pg. 780.

70. Foucault, pg. 780.

71. This is Kenneth Burke's concept of identification. Burke, *A Rhetoric of Motives*.

72. Charland, "Constitutive Rhetoric: The Case of the People Québécois."

subject within discursive structures.<sup>73</sup> For instance, Vivian asserts that the human subject is similar to a rhetorical form, an aesthetic creation in constant motion. Derived from Deluze and Guattari's ideas of movement and fluidity, Vivian suggests the subject is an aesthetic form continually mediated by persuasive experiences. In this view, the subject is both contingent and radically fluid. *Articulation* operates as a suturing mechanism that coheres historically constituted elements into an existing legible order.<sup>74</sup> This is the same term that underpins the Laclau and Mouffe's work on *hegemony*.<sup>75</sup> *Articulation* describes a moment where subjects take form as a result of a confluence of social practices and discourse at the level of the individual and the level of mass or *public* subjectivity. Despite its utility for mapping out modes of subjectivity, focusing on articulation as the nodal point of the subject often occludes the complicated role that both media (in particular material forms) and affect play in shaping the conditions of possibility for the subject to take hold.

Incorporating an accounting of the material aspects of subjectivity generates an analytical frame sympathetic to the role of media and affect in discursive networks. In particular, a turn to materiality considerably expands rhetoric's analytic focus by bridging the insights provided by post-structuralist social theory and attention to form that is at the heart of the rhetorical enterprise.

Ronald Greene deploys a materialist framework while tracing how apparatuses of governance distribute and articulate power.<sup>76</sup> Especially relevant for this project is Greene's

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73. This is evidenced by debates regarding the role of agency within rhetoric. Including theories that deal with rhetoric and technology, the introduction of post-structural theory challenged many of the traditional ideas about rhetoric. See: Campbell, "Agency"; Geisler, "How Ought We to Understand the Concept of Rhetorical Agency?"; Geisler, "Teaching the Post-Modern Rhetor Continuing the Conversation on Rhetorical Agency"; Leff, "Tradition and Agency in Humanistic Rhetoric"; Lundberg and Gunn, "Ouija Board, Are There Any Communications?"; Miller, "What Can Automation Tell Us About Agency?"; Stormer, "Articulation."

74. DeLuca, "Articulation Theory," pg 336.

75. Laclau and Mouffe, *Hegemony and Socialist Strategy*.

76. Greene, "Another Materialist Rhetoric," pg. 22.

claim that rhetoric can produce a mode of publicity and by effect visibility by rendering what can be understood as lifestyles into objects for social change.<sup>77</sup> Following from Foucault's panoptic analysis, Greene demonstrates that governing processes require a set of visible features in a target population in order to deploy technologies of control. This assertion places rhetoric as one of the devices uniquely capable of diagnosing contemporary social life, including the current surveillance efforts of the NSA. Similar to Greene's claims about the relationship between lifestyle and governance, I argue that the efforts of the NSA and other surveillance issues dramatically expand the scope of information available to the organs of governance in turn altering the modalities of governance deployed to manage populations. I turn to the rhetorical concept of *attunement* to buttress my reading of this relationship.

Admittedly more an orientation than a method, *attunement* is a design for an analytic approach that takes into account more than the standard elements in a rhetorical situation.<sup>78</sup> Specifically, *attunement* is not a subjective experience, it operates on various levels of understanding, levels that incorporate the experience of the subject.<sup>79</sup> This re-alignment is a recognition of the forces always in operation within a rhetorical environment, an approach that pays heed to the material and non-material forces at work (including affect) on the subject.<sup>80</sup> In short, it is the mode of awareness that opens up the field of rhetorical theory to the dynamic interactions of the material resources in the world that underlie the sense-making facilitated by discourse. This approach augments the classic rhetorical approach to agency by embracing the way objects create new affective possibilities within surveillance laden environments. The effects of Snowden's actions have rippled out through the social fabric. My project addresses

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77. He explicitly refers to "a way of life" as an object. Greene, pg. 31.

78. Rickert, *Ambient Rhetoric*, pg. 9.

79. Rickert, pg. 9.

80. Rickert, pg. 9.

these ripples as the starting point for understanding how logics of liberalism reorganize the social field in time of crisis, most importantly, how liberal citizens attempt to reassert their subject position within the liberal order.

More than just an orientation to the ecology that births the rhetorical subject, *attunement* also encourages a change in thinking about the subject. *Attunement* resonates with Berlant's account of the non-sovereign subject. Berlant's theorization of agency in relation to the subject overflows the bounds of one's sovereign borders. For Berlant this is a condition occurring in the register of the governing order of late liberalism and the interiority of subjectivity itself.<sup>81</sup> In her accounting for the subject as she or he seeks agency and is conditioned by the forces of late liberalism, Berlant provides a compelling case for balancing the capacity and the critique of sovereign forms of the subject. She directs us to generate theories of the subject able to critique the liberal fantasy of a fully determined agent, while understanding how some activities are taken up through an expression of and admittedly sharply constrained degree of agency.<sup>82</sup>

Berlant's idea of slow death, which she uses to open a theoretical space for recasting some actions of the subject, creates a break in the standard debate between the stifling and overwhelming determination of structural accounts of social and political life and the often idealistic and overdetermined theories that replace the rhetorical for the structural. *Attunement* provides a corrective to this form of idealism. More importantly, it underwrites a form of analysis which rejects the "unfortunate tendency in much contemporary affect theory to elide the difference between the structure of an affect and the experience we associate with a typical emotional event."<sup>83</sup> *Attunement* points at the specific embedded nature of rhetorical action as it

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81. Berlant, *Cruel Optimism*, pg. 99.

82. Berlant, pg. 89.

83. Berlant, "Thinking about Feeling Historical."

unfolds in its specific entanglements. I recognize ways in which ties to the liberal regime help render contradictions as important and necessary moves in order achieve a better life.<sup>84</sup> Dealing with the complexities of the surveillance and data collection efforts already at work requires connecting rhetorical theory's work on the subject with a growing scholarship that recognizes the distributed role of affect in the formation of publics.

Similarly, accounts of media technologies have provided convincing claims about the material nature of contemporary surveillance. Mark Andrejevic's work on the spread of digital surveillance has been rightfully influential in discussions of this issue. *ISpy*, a work dealing with elements of digital surveillance, demonstrates how the discourses of participation collide with physical practices to create a digital enclosure where individuals are subjected to a field of visibility in the form panoptic monitoring, and where data are produced about the nature of each interaction occurring within the new digital enclosure.<sup>85</sup> Building on this work, *Infoglut* demonstrates how large databases have begun to alter the imaginable form of social relations. Andrejevic examines how changes in information processing demanded by the creation of big data tools have altered the balance of power, thus providing a material accounting for the asymmetrical relations of power to media objects.<sup>86</sup> Taken together, these works are important element in theorizing the new media environment. Because they provide a tool for thinking the relationship between specific kind of media and subjectivity. Both works demonstrate how dispersed forms of agency manifest in media forms that interact with discourses to form subjects and thereby mediate the flows of affect that are used by subjects.

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84. Berlant discuss the enactment of these contradictory actives as breaks or realignments. I read a similar pattern in practices related to privacy. Berlant, *Cruel Optimism*, pg. 116.

85. Andrejevic, *ISpy*.

86. Andrejevic, *Infoglut*.

The Snowden leaks provoked serious interest in the inner workings of the surveillance industries working in the United States and abroad. While the trove of documents released by Snowden continues to prompt serious debate about the (over)reach of the surveillance industrial complex, these developments provided new areas of focus for surveillance studies. More importantly, contemporary surveillance studies demonstrate sensitivity to the material conditions of surveillance technologies. Consider the following definition offered by Lyon: “Surveillance works by capturing personal data within certain coordinates... which means that bodies, behaviors and communications, seen in the crosshairs of space and time, are significant in ways that we might not previously have imagined.”<sup>87</sup> Note that this definition demonstrates an insightful approach that blends together the roles of the material and the ideational.<sup>88</sup>

David Lyon is among the most prominent and prolific voices in the field of surveillance studies. *Liquid Surveillance*, a collection of essays co-edited with Zygmunt Bauman, outlines Lyon’s use of Bauman’s recurring theme of liquidity in relation to surveillance. The book discusses Bauman’s conceptualization of late modernity as highly fluid and flexible and how liquidity is leveraged in a series of surveillance practices that are also radically flexible.<sup>89</sup> The conversations between Bauman and Lyon demonstrate how changes in the form of data collection and surveillance practices are responsive to changes in social organization often precipitated by the demands of liberal economic or social policies.<sup>90</sup>

Additionally, Lyon’s work complements much of the wider surveillance studies literature. Of special note is the way that it attends to the relationship between modernity and surveillance. Lyon

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87. Lyon, *Surveillance Studies*, pg. 8.

88. While I recognize that some scholars may deploy a different definition of surveillance, Lyon’s work is widely thought foundational in surveillance studies. Some definitions may exclude elements cited here, but it would be hard to find a definition more inclusive. Lyon, pg. 8.

89. Bauman and Lyon, *Liquid Surveillance*.

90. Bauman provides one example in his discussion on the way that surveillance now assumes two roles that of fencing in and fencing out Bauman and Lyon, pg 122.



carefully illustrates the complex relationship between advances in surveillance technologies and their bidirectional relationship with human agency (the authors spend some effort to comment on the potential of human beings to exercise agency in the world of post-panoptic systemic surveillance).<sup>91</sup> Their optimistic reading of agency is a refreshing counterpoint to many of the more deterministic structural accounts of surveillance available in the literature.

A more constrained structuralist reading often arises in the work on surveillance practices in online and offline contexts. For example, work on the popular social platform Facebook often deploys an analytic frame presuming the surveillance system as a totalized mode of available social interaction.<sup>92</sup> Such analysis leaves little room for rethinking more local forms of agency and expression within these systems.<sup>93</sup> The problem is exacerbated when digital contexts reliant on the resources of big data are examined. As data have become more robust and portable, new forms of data collection have spawned new and more pervasive surveillance practices. New big data techniques can today capitalize on the trail of data left behind by every digital transaction, either in social media sites or through online purchases.<sup>94</sup> Additionally, de-anonymization tools have further increased the tracking power of digital data collection methods.<sup>95</sup> Despite these qualities, surveillance is not a monolithic and static enterprise, but have adapted new formal structures that are robust and fluid, hence the resonance of liquidity as an organizing metaphor for surveillance.

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91. Bauman and Lyon, pg. 258.

92. Facebook is prime example of this practice however, mapping applications also provide a clear demonstration of surveillance as participation quality of some technologies. See: Trottier, *Social Media as Surveillance*; Albrechtslund, "Socializing the City: Location Sharing and Online Social Networking" pg. 191; Monmonier, *Spying with Maps*.

93. Trottier does concede that there is a bi-directional component to social media sites however, this does not help provide a thorough accounting for agency.

94. This type of data collection is part responsible for creation of the digital panopticon. For more about this concept see: Andrejevic, *ISpy* pg. 2. Trottier and Lyon, "Key Feature of Social Media Surveillance" pg. 94; Trottier and Lyon.

95. Mayer-Schonberger and Cukier, *Big Data* pg. 154.

The metaphor of liquidity in this context refers to the quality of the surveillance and data collection technologies that afford flexibility, mobility and rapid deployment, simultaneously yielding an intensifying mechanism of control. This liquidity retains the distribution of power<sup>96</sup> in surveillance systems while still responsive to changes in population and social norms. The metaphor's timing provides some of its salience, as it comes when scholars have begun to retreat from the standard account of surveillance technology that leverages Foucault's panoptic metaphor in favor of a more modular and process-oriented approach. The idea of assemblages, for example, shows how mechanisms of control and surveillance have become highly sensitive to media, data and affect.<sup>97</sup> Due in part to changes in technology and in part to changes in liberalism's social organizing logic, it is clear that panoptic models of surveillance have been outmoded by changes in monitoring that are more flexible and responsive to increases in mobility favored by liberal governance.<sup>98</sup> Accounts that demonstrate sensitivity to the complex relationship between late liberalism, privacy and surveillance media, thus lay a foundation for connecting material practices of surveillance to the affective networks they mediate.

Another important dimension of the Lyon surveillance definition is that it stipulates an open circuit, in which surveillance and data collection technologies can assist in social ordering. This loop is formed by the ability of surveillance technologies to collect massive amounts of data and then retroactively construct analytic regimes.<sup>99</sup> Combing data from multiple domains surveillance regimes can fully reconstruct events long after their expiration for the purpose of

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96. And the spaces for possible resistance.

97. Using Deleuze's concept of assemblage Haggerty and Ericson developed the idea of a surveillant assemblage, a concept that leverages the role of data and media. See: "The Surveillant Assemblage"; For more on the way that affect is collected with these new forms of data collection see: Andrejevic, "The Work That Affective Economics Does."

98. This move is highlighted in several areas. For more on the post-panoptic theorization of surveillance see: Haggerty and Ericson, "The Surveillant Assemblage"; Deleuze, "Postscript on the Societies of Control."

99. These two characteristics are hallmarks of modern surveillance technologies. For more detailed examples see: Andrejevic, "Surveillance in the Big Data Era"; Lyon, *Surveillance as Social Sorting*.

imposing control. The retroactive power of contemporary surveillance buttress the capabilities of liberal governance to remain flexible and versatile in the application of disciplining power and produce many new ways in which public affect can be mediated. Of special note is how these new monitoring techniques are no longer solely concerned with monitoring bodies. New data collection technologies are directed at capturing social practices, consumer habits and even emotional states.<sup>100</sup> While this of course is not an entirely new practice, efforts at digitizing surveillance and spreading it globally have been working to create a host of technological systems operate at every corner of social life.<sup>101</sup>

Crucial to the project of late liberalism's mode of governmentality is the creation of knowledge that claims to account for both the exterior conditions and the interiority of subjects. Exterior conditions are mapped by various forms of visual representation (photography, cctv systems, etc.). Mapping the interiority of the subject, however, requires practices capitalizing on the increased demand of confessional practices accompanying visual strategies of scrutiny.<sup>102</sup> While the drive to capture interior states is most evident in the fields of medicine,<sup>103</sup> these techniques have advanced in tandem with changes in political logic and technological innovation. Innovations in data collection technologies and data mining have been actively involved in the formation in new modes of subjectivity and processes of material exploitation.<sup>104</sup>

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100. Andrejevic, *Infoglut*, pg. 45.

101. Mattelart, *The Globalization of Surveillance*.

102. Visual culture has tracked the changes in technologies concerned with capturing images and information about the interiority of the subject. Cartwright and Goldfarb track changes in image technology. "Radiography, Cinematography, and the Decline of the Lens"; Foucault remarks on the use of confession of interiority prior to launching into his analysis of confessional practices. *The History of Sexuality*.

103. The medical field of psychiatry is a key example of this ideas as is the field of psychoanalysis.

104. Thanks to big data technologies, algorithms now have the ability to cull various locations, creating a new form of subjectivity that can be imposed on individuals. Additionally, the process of data mining creates a form of exploitation that goes beyond a simple violation of privacy and tips into forming new types of informational labor practices. Packer, "Homeland Subjectivity," pg. 213; Andrejevic, "Exploitation in the Data Mine."

As is often the case, innovation has added significant new pressures on traditional modes social organization.

The relationship between surveillance, privacy and exploitation is complicated and a precondition for understanding how contemporary liberal governance forms subjectivities. Furthermore, the effects of surveillance technologies radically alters the conditions of possibility for certain types of living to flourish. Privacy/publicity is a key structuring binary for liberal forms of governance. Because the ideal of privacy operates as a utopian promise within late liberalism, offering the implicit assurance that citizens will be protected from the nastier (and necessary) elements of governance, surveillance can be read as seriously transgressive of the social contract and, when revealed, presents potential threats to the liberal order. The possibility for these transgressions has been dramatically increased in tandem as communication technologies have become commonplace.

## **1.2 Methodology**

This dissertation engages in an analysis of the forms of living that emerge and are affected by liberal governance. Specifically, I am interested in privacy, tracing its function and form in the networks of contemporary culture. Most often thought of in the legal sense, privacy signifies a separation of space, time, and intention. An insistence on privacy becomes a maneuver able to demarcate and distinguish realms of social activity. Continually legislated in terms of property rights, privacy in United States is sometimes expressed as the right to be left alone. This expression of privacy is a powerful tool for drawing boundaries of experience and social activity. However, conceptualizing privacy only in legal terms, or in terms connected to the regulation of space, does little to explain the experience of privacy when considered against the complex web of monitoring and surveillance occurring across social activity networks.

Despite its seeming omnipresence in theories of social activity, the term *network* conveys a certain slipperiness. In some of his earliest work, Foucault introduced the concept of discourse as embedded in social networks.<sup>105</sup> He suggests that the network is both the structure of circuits of discourse and a determinate force in the formation of subjectivities.<sup>106</sup> A similar notion is signaled by the term *ecology*.<sup>107</sup> Similar to Foucault's conceptualization of a network, an *ecology* is a site of discursive circulation, moving through both bodies and subjects constituting new material forms.<sup>108</sup>

Both terms *ecology*, and *network*, are buttressed by sophisticated theoretical treatments. My work combines these concepts with an account of the role played by in mediating social relations within their respective ecosystems. Scholars from across a wide range of disciplines have begun addressing the complex relationship between affect and networks. In rethinking the idea of the rhetorical situation, a traditional concern for rhetorical theory, scholars have used affect to explain how the circulation of discursive networks produced a type of affective labor key to modern forms of capitalism.<sup>109</sup> When addressed by critical media studies, affect has been cast as a form of emotion or sentiment that binds subjects together both through media and face-to-face interactions as social movements coalesce.<sup>110</sup> Similarly, Berlant has explained how particular affects bring subjects together to form intimate publics.<sup>111</sup> This dissertation joins these insights to diagnose the publics that form in the confluence of certain tropological economies,<sup>112</sup> particular media forms, and affect.

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105. Foucault, *The Archaeology of Knowledge ; and the Discourse on Language*, pg. 60.

106. *Ibid.*, pg. 62.

107. Rickert, *Ambient Rhetoric*. Rice, *Distant Publics*.

108. Jeff Rice replicates performs a similar type of analysis while simultaneously introducing new media as a type of rhetorical resource. Rice, *Digital Detroit*.

109. Chaput, "Rhetorical Circulation in Late Capitalism."

110. Papacharissi, *Affective Publics*.

111. Berlant, *The Female Complaint*.

112. This is a reference to Lundberg's take on affect and publics. Lundberg, "Enjoying God's Death."

Bringing together the theoretical insights from rhetorical and critical media theories, I engage in a structural accounting of the complex ambient relationships between surveillance media, privacy and the governing logics of late liberalism. Grappling with the ways these ideas are made to cohere within the key networks of social life, where the *projects* of liberal governmentality are navigated, is the main struggle of my dissertation. I do not argue that these structures are transhistorical rather, I understand them as emerging from the dense networks that constitute social life. Apprehending the contours of the complex structures organized by liberalism dictates an approach attentive to the way different material configurations become articulated into the various apparatuses of power through the instantiation of publics.

The emergence of publics in the post Snowden world means adopting an durational modality attuned to the ongoing present. Berlant explains this historical present in this way:

Analysis of the historical present ... moves us away from the dialectic of structure (what is systemic in the reproduction of the world), agency (what people do in everyday life), and the traumatic event of their disruption, and toward explaining crisis-shaped subjectivity amid the ongoingness of adjudication, adaptation, and improvisation. In what follows, all generality- what nations do, how power works, how persons manage the sensual work of the reproduction of life- derives from stories constituted by a collective catching up to what is already happening in ordinary worlds shaped in a crisis-defined and continuing now. The concept of the "we" is itself aesthetic evidence of the process in which affective response becomes form amid the uncertainties of the present whose norms are also fraying<sup>113</sup>

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113. Berlant, *Cruel Optimism*, pg. 54.

Berlant's conceit regarding the process of affective response forms a key parameter for this work. It parallels rhetorical attunement, a mode of understanding that tracks how subjects perceive and engage with the changing dynamics of the worlds they inhabit after startling moments.<sup>114</sup> The sense of belonging, stasis, and safety (key dimensions for liberal subjectivity) are modes of dwelling that *attunement* reveal.<sup>115</sup> Starting with the public formed via the Snowden crisis, I track how attachment to the liberal trope of privacy informs the shape of publics and the subjects that interact within them. As affective flows ripple through publics, the resulting material changes are relative to the fluid and liquid nature of the social structures on which they are relying. In short, affect regulates the rate at which liquidity alters the form and agents capacity of social structures.

The main goal of my project is a to provide a detailed accounting of how accounts of privacy are reproduced against a backdrop of rupture or crisis to structure and stabilize subjectivities within the milieu of late liberalism. Casting privacy as a tropological economy that unites subjects by structuring a set of pre-existing affinities through an affective mechanism is a central premise of my project. Put another way, I locate privacy as an economy of tropes in which subjects develop affective attachment in the creation of publics. By focusing on three specific networks of social activity I effectively narrow in on the specific reading practices<sup>116</sup> and strategies for living that subjects engage when confronted with radical disruptions in the affective flows of daily life.

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114. Rickert's description of attunement leverages Heidegger's work on embodiment within both cultural and physical contexts. Attunement points to how this sense develops and affects rhetorical action. Rickert, *Ambient Rhetoric*.

115. Rickert, pg. 248.

116. Berlant refers to these as strategies for "catching up" to the moment that is already happening. Berlant, *Cruel Optimism*, pg. 12.

Turning to the reading strategies engaged by subjects generates significant insight into the way perceptions of ongoing crisis are acted upon in formal terms. These practices shape forms of subjectivity providing a translational pathway for making sense of the publics that emerge in tandem with subjectivities. More importantly, these reading strategies demonstrate how the formal elements of attachment are enacted. Marked through a series of emotional affective connections, attachment is a key formal concern I attend to. While late liberalism provides a frame for identifying a set of affinities which subjects bring to their relations with objects, their attachments play out in the continual and sometime slavish commitment to protecting a revered interiority or protected space.<sup>117</sup> The rehearsal of these commitments across the broad field of the social as subjects realign to the world which emerges in the wake of perturbation announces the presence of attachment.

I also take a materialist approach to grappling with affect and publics. Maurizio Lazzarato explains how the very process of creating subjectivities is a material operation, as these material forms are now the commodity par excellence within advanced capitalist economies.<sup>118</sup> Similarly, Tung-Hui Hu demonstrates how the gap between the real effects of modern cloud computing technology (labor exploitation, resource consumption) is abstracted and displaced in favor of a specific and often tidy narrative of what happens.<sup>119</sup> In short, the ideational and the physical share an intimate connection. Lundberg suggests that it is in this gap where metaxy, a platonic term signaling an in-betweenness between the individual and a public where meaning making happens, performs the rhetorical work of providing discourse with its

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117. For a good example of this see Brunton and Nissenbaum's work on obfuscation. Their work provides both a functional and affective grip on privacy while also asserting its rapid collapse. Brunton and Nissenbaum, "Political and Ethical Perspectives on Data Obfuscation."

118. Lazzarato, *Signs and Machines*.

119. Hu, *A Prehistory of the Cloud*.



material qualities.<sup>120</sup> I use these insights to read the way the material qualities of the complex relations at work in the post Snowden era come together to construct material forms.

My analysis focuses the articulation of subjects into various apparatuses of governance and how specific modes of communication conjoin practice and discourse. Beginning with sites of affective attachment, I examine how specific subjectivities and public forms become the focus of governmentality. Whether “real” or not, publics are sites of significant material intervention. Communication (and the corresponding media ) are integral to the extension and imposition of technologies of governance<sup>121</sup>. For instance, when examining the regime of legal discourses, the materiality of the private legal subject is at the center of competing technologies of governance through its association to various legal regimes regulating concrete behavior.<sup>122</sup> In short, reading forms of attachment reveals the materiality of subjects as they are bound to specific forms of governance and affected by competing social forces within the publics in which they are situated. The turn to the production and engagement with public forms shines an analytical light on the material conditions of these forms by tracking the ideational shifts that influence how public forms articulate subjects into various regimes of power.

Embedded within this analysis is an understanding that the emergence of cultural forms and subjects happens within specific historical contexts. However, the lines of these historical contexts remain unfixed as the unfolding experience of the crisis is negotiated. Historized accounts of reactions against late liberalism fix the analysis of consequences within a temporal regime only after they have fully formed. The case studies and affective dimensions under examination here retain ephemeral qualities better comprehended as they shift into longer-term

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120. Lundberg, “On Missed Encounters: Lacan and the Materiality of Rhetoric,” pg. 166.

121. Greene, “Rhetorical Materialism: The Rhetorical Subject and the General Intellect.”

122. For example, this claim situates the right to freedom of speech as separate from freedom from unreasonable search. Yet both of these are forms of governance at stake for this mode of subjectivity.

strategies of endurance. Tracking the origination of these crises begins with reading changes in discourse for signs of small shifts in affective tone and form. This sensitivity demands a focus on small dynamics of expressed concern not of a past but of ongoing change in experience. A corollary can be drawn to rhetorics structured by shifting commitments to a shared vision of the future. Simply put, my approach in this project begins with the material formation of what some might conceptualize as degraded intimate publics, as if in the final stages of collapse, as yielding a changed account of the social horizon.

The result of my materialist approach is a form of critique that steps away from a historical account, focusing instead on how disruptions in the sensorium alter the experience of history as it unfolds. In the cases studies of this project I track how subjects form through interactions with a material infrastructure made up of specific communication technologies and practices and the emotional structure of privacy as experienced within an unfolding contemporary moment. My approach to *tense* and *duration* is indicative of scholarship examining subject formation in reaction to events that are read as crises. Described as “feeling historical,” these moments illuminate the complex and sometimes contradictory ways that historicity plays in feeling one’s way through a crisis.<sup>123</sup> Using this approach I understand requires attending to the moment of crisis independent of its origin. The methodological payoff for such a decision thus attends to the affective dimensions of an event without falling into the trap of a rigid or structural analysis that assumes a single historically derived event will always and necessarily result in a specific outcome. In short, focusing on the *ongoing present* allows for a clearer apprehension of the emotional content communicated by an event, even when it stands

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123. Feeling historical is a response to an unfolding moment that is removed from the smooth flow of interpreting how the durational present is transfigured into a historical account. In this account, moments of crisis present as events in terms of attachment allowing subjects to experience a temporary reprieve from history. For more on this type feeling see “Thinking About Feeling Historical” pg. 6.

apart from an historical reading of its unfolding. While I understand the utility of a traditionally historiographical approach capturing the unfolding and shifting landscape demands a close focus on events (or crisis) at the time of their origination.

I start by demonstrating how the Snowden leaks have precipitated a crisis for late liberalism and the social construction of privacy. Snowden's actions created a break in the affective and material regimes that are underwritten by the structure of privacy.<sup>124</sup> By upsetting the affective balance of forces – that is, in evoking discourses of dread, fear, panic, and paranoia, and connecting them to more positively-valenced senses of privacy – historical forms of liberal subjectivity have been thrown into disarray, producing a legitimation crisis. Unlike other moments of crisis, I argue, the effect of these leaks has been to rupture the logical ordering of the liberal world, thereby forcing a subjective reconfiguration whose reach exceeds the grasp of analytic models presuming a historical stasis.

Reading for privacy is a complicated endeavor, on account of the always morphing ways in which privacy is understood and enacted. Tracing its ideological function requires attending to how practices deeply connected to privacy materialize. In reading journalistic, legal, and economic texts, I capitalize on Lundberg's theoretical intervention which demonstrates the utility of comprehending publics as social forms containing a dualistic structure, comprised by the circulation of texts in conjunction with an economy of regularized practices.<sup>125</sup> This disposition

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124. This is demonstrated by the way too much of contemporary life is experienced through a set of mediated forms of communicative exchange conducted both on line and off and deeply intertwined with significant affective energy. For more on affect in the digital see Papacharissi, *Affective Publics*.

125. Lundberg's claims significant insight can be gained from concepts that are shared by psychoanalysis and rhetoric. In addition to the theory describing the formation of publics, this work details the long tradition in psychoanalytic thinking describing the process by which subjects are driven to invest in public forms. I bracket this conversation in order to focus on the specifics of a certain discursive structure namely, bio-politics. For more on the way that the drives are developed see: Lundberg, "Enjoying God's Death."

foregrounds the complex relationship between texts and practices, revealing how affects elicit certain attachments.

Within each of the networks I focus on, I propose to examine how privacy rhetorically operates to constitute a tropological economy interpellating certain manifestations of public attachment into existence. In each instance I explore how *privacy* is metaphorically recast in terms of *secrecy* and *anonymity*. In particular, I am after the assumed “we” or “us” advanced as the site of attachment, as such constructions reveal the liberal notion of the individual subject and the proper liberal public form. Focusing on these tropological economies brings into relief how subjects navigate and manage the mechanisms of identification between their individual circumstances and the public forms that will secure them from the (over)reach of the state.<sup>126</sup> Reading for privacy underscores how the preexisting affinity with the liberal identity marker of “private subject” is never released even as subjects engage with texts addressing multiple publics.

In the pursuit of privacy, I approach each set of texts and practices with a specific attentiveness to the metaphorical condensations<sup>127</sup> of privacy into a small set of other terms (or *tropes*, following Lundberg’s vocabulary) and practices (namely, secrecy and visibility) which demonstrate forms of attachment.<sup>128</sup> I will be reading to ascertain how these ideas are deployed and placed into different economies, accumulating meaning as they interact with signs

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126. Berlant’s essay on the feeling subject explains the relationship between state policies and sexual identity. While I do not trace out the sexual politics that she foregrounds I rely on her description of privacy. She describes how privacy is the articulated resource for securing marital relations from government intrusion. Berlant, “The Subject of True Feeling.”

127. This refers to Lundberg’s use of Laconian theorization of the tropes metonymy and synecdoche.

128. Beyond the vast literature on the role of metaphor, I turn to Lundberg’s intervention in this area. Given the resonance of his work with other theories affect, emotion, and publics his work provides my project a concordance not afforded by other takes on metaphor. For instance see: Burke, “Four Master Tropes”; Burke, *A Rhetoric of Motives*; Foley, “From Infantile Citizens to Infantile Institutions”; Jensen, Doss, and Ivic, “Metaphorical Invention in Early Photojournalism”; Lakoff and Johnson, *Metaphors We Live By*; Leff and Sachs, “Words the Most Like Things.”

(discourse), objects (material creations), and practices within the three networks I am investigating.<sup>129</sup> The goal is to map how privacy circulates, transforms into demands for visibility, and underlies the proclamation of public secrets.

Of special note are the ways that secrecy is often practiced within the context of the post 9/11 security state. A prominent cultural motif is to treat secrecy as mostly a state or security function, the deployment of secret spy assets, shadowing government groups meeting in darkly lit back rooms to plot the results of the next election, and so on.<sup>130</sup> However, this genre of theorization provides an incomplete picture of the relationship between secrecy and privacy.<sup>131</sup> The relationship of individuals to forms of secrets (public or otherwise) is mediated by, and filtered through, cultural imaginary circuits. Introduced through various narrative forms, secrets are leaked to a reading public, creating a public form of secrecy.<sup>132</sup> In part shaping the cultural imaginary, the rehearsal of dramatic forms of secrecy also displays an important mode of political resistance.<sup>133</sup> In the same way secrecy functions in the national security context to train subjects, privacy in the form of secrecy and visibility is already at work in public culture.<sup>134</sup> Identifying these cultural forms as they are embedded in specific networks is an implication of this method.

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129. This form of circulation is fundamental for grasping how affects never reside within a single point but can be articulated in certain forms. Ahmed, *The Cultural Politics of Emotion*.

130. I realize that this may have a conspiratorial tone. This is not to suggest that all government work is conspiratorial however, I cannot rule out the possibility completely. For the sake of this paper this knowledge remains in the unknown known quadrant. In lieu of a footnote I trust that the reader has been fully briefed into the Rumsfeld knowledge conspiracy.

131. Some have referred to a type of public formation called the secret sphere. This work explains the actions of various government agencies to engage in secret activity. For good examples see: Melley, *The Covert Sphere*; Bratich, "Public Secrecy and Immanent Security"; Bratich, "Adventures in the Public Secret Sphere Police Sovereign Networks and Communications Warfare."

132. Melley, *The Covert Sphere*.

133. This is in line with Bratich's claim that the tactics of the state can be used to engage in resistive politics. I suggest in this work the ways that this is already a part of being a private subject. For more on the resistive possibilities consult "*Public Secrecy and Immanent Security*."

134. Additionally, poker is an excellent example of the way that the relational matrix of secrecy, visibility and deception are utilized to discipline subjects. For more see : Andrejevic, *Infoglut*.

The networks (journalistic, legal and economic) on which I focus are not the only sites disturbed by Snowden's revelations but, I take them as uniquely important to the daily operations of late liberal governance. Within each of these domains of activity, concepts of privacy and secrecy structure possibilities for agency, to enforce the limits on what type of publics are possible, and in turn are recast by the introduction of media technologies. The three network domains I describe are thus central to modern forms of liberal governance, each network is a key site for the creation of specific bureaucratic institutions historically responsible for disciplining subjects and also dictate how bio-political control is enacted in the new technically mediated age.<sup>135</sup> My work is not alone in suggesting that these forms of social interaction – legal, journalistic, and economic – are key sites for understanding contemporary political life. These representative models are often leveraged as privileged sites for political as well as social action.<sup>136</sup> But it is also striking that each of these networks are uniquely related to the apparatuses of surveillance, and, taken together, form a triumvirate of social institutions necessary to the smooth functioning of liberal management.

My method prescribes reading certain source material. For the journalistic network, primary source material will come from popular press reporting on the Snowden leaks. These articles will be drawn from a wide array of circulated news outlets. Within each of these articles, the aim is to track how privacy is situated as politically necessary (or not) for the operation of a *healthy public*. It is also important to read the manner by which technology is described and situated. Specifically, I will be watching for specific technological interventions that are

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135. The role of institutions in the imposition of disciplinary norms is well documented in *Discipline and Punish*. In the later years of his career Foucault turned to the idea of bio-power to explain the relationship between new forms of governance and subjects within several contexts. The second lecture in *Birth of Biopolitics* begins laying out these distinctions.

136. Theories of deliberative action discuss similar representational models. Habermas and McCarthy, *The Theory of Communicative Action*, Volume 1.

positioned in terms of privacy. I will also be collecting secondary sources from popular press sites like *Wired* and *Arstechnica*, as these often provide useful counterpositions to mainstream news publications.

In the second case study I will be relying heavily on law reviews and legal decisions. These documents will also be limited temporally to dates after Snowden's initial leak. But the aim is also to glean contextual clues from articles published before the Snowden leaks. As this dissertation is concerned with security operations in the context of the post 9/11 state, I will also be consulting documents from the government sector (such as policy documents and think tank assessments). As a way to enhance my reading of these documents, the goal is to ascertain how this literature shapes the creation of subjects and publics. Similar to the first case study I will be attending to the specific forms of technological mediation that occurs here in order to account for its role in the formation of affective attachments.

Primary sources for the final case study will be drawn from the same time period but will be specific to financial policy. Additionally, I will be drawing on materials from speeches connected to financial policy. For instance, I will be collecting material presented by the Federal Reserve Bank and government officials who are integral to setting financial policy. Within these documents I will be reading for the relationship between economic activity and its role in developing ideas about private economic exchanges. This case study presents the biggest challenge for this dissertation as the relationship between privacy and economics is often murky. Just as with the previous two case studies I will be paying special attention to the myriad way that technology interacts with this sphere of human activity in order to mingle with the affective flows at work.

### 1.3 Chapter Outline

The first of the case studies, the journalistic network, is developed in chapter two. I begin with a brief description of the controversy that structures the network and how it is illuminated by the Snowden leaks. This controversy is connected to the role of journalism within liberal democracies. Specifically I focus on debates surrounding the power and role of various media producers in traditional forms of journalism and the role of a new group of citizen journalists and bloggers loosely grouped under the moniker *the fifth estate*. The next move in this chapter will be to analyze the formation of this network. I will generate an overview of the way that the different organizations I look at operate, with the goal of providing a clear picture of how their different institutional practices work and form a coherent network of discourse.

In demonstrating the importance of privacy within this network I will examine how tropes of visibility (in the forms of demands of transparency) and secrecy produce affective investments in privacy as a way to recoup or recreate a liberal order that includes active monitoring of governmental and bureaucratic organs. Examining the practices of “citizen journalism” and the engagement with the “fifth estate,” the aim is to produce a working image of how the Snowden leaks have precipitated new forms of affective attachment to public practices devised to reconfigure the liberal public and private sphere. Specifically, I will address how various actants configure secrecy around the language of privacy for the sake of defending (and in part creating) a special public form that needs to be protected from the scrutiny of governmental surveillance.

The second case study laid out in chapter 3 will center on the operations the legal network. Beginning with a description of the role of legal entities in the creation of subjects I will be tracing how both legal institutions invest in preserving privacy towards the end of



continuing the operations of the security state. I will then move into a discussion of how ideological investment in this trope in this network is uniquely integrated by the post 9/11 implementation of security practices, by focusing on the aspects of surveillance media most closely related to governance, for instance, distance policing and data driven algorithmic analysis.<sup>137</sup> At the core of this analysis is an investigation into the way legal subjects are constituted through particular legal discourses of privacy and secrecy. In a somewhat different nature from the first case study, chapter 3 backgrounds the question of publicity and public culture, while foregrounding the formation of a specific legal subject that becomes attached to the ways legal institutions have attempted to reconfigure the nature of private citizenship.

The fourth chapter is concerned with the role of privacy in economic interactions. Here I discuss the way that privacy plays out in the execution of economic policy and decision-making. Focusing on the way logics of governance structure modes of economic exchange, I will diagnose how privacy is re-articulated through economic interactions and digital currencies. This chapter seeks to establish the methods under which liberal privacy attempts to secure spaces for the market logics to be tailored and adjusted to the changing modes of agency. In brief, I hope to illuminate how agency is experienced through a type of paradoxical attachment that takes for granted the idea of individual attachment while enacting market discourses as the last place where a subject can experience any form of agency. This claim assumes a series of arguments that realize the anxiety of agency and world building, exhibited in many theories of sociality that have recognized how the frontier of politics reveals its illusionary nature and forces a close examination of the materiality of economic practices within late liberalism.

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137. Reeves and Packer, "Police Media."

The final chapter of the dissertation will offer a conclusion. In chapter five I provide an in-depth summary of the claims developed throughout the dissertation as a way to buttress its main claims, namely that in times of crisis the logic of late liberalism assert a renewed investment in privacy in an attempt to reconstitute a liberal order. The chapter will close with some specific implications of the project, laying the grounds for expanding the dissertation into a larger book project.

## 2 SECRETS OF INTIMACY

In this chapter I turn my attention to the formation of the public that evolves both as a prerequisite for and response to Snowden's release of classified documents. How is the voice of the professional journalist reconstituted as the proxy for the public? While never unified or complete in its attempts to construct and speak for the public, journalism's traditional role within liberal societies has been one of rhetorical importance, mainly given its institutional capacity both to speak *to* and *for* the people.<sup>1</sup> These dual purposes provide the profession of journalism with a unique vantage point from which it can act both as witness and agent of liberal governance.

Professional journalism is a key component for the execution of governance and a vital tool relied upon in the organizing logic of late liberalism. Traditionally thought of as the voice of the people, journalism as institution and enterprise fuels a circulation of discourses connected to the formation of publics. The public form most often connected to journalism is the reading public discussed in terms of a political body able and willing to engage in democratic practices.

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1. This comports with the idea of the people as a process and phenomena simultaneously. For more see: McGee, "In Search of 'the People'"; The idea of a national imagined body similar in concept to that of a public can be found in Benedict Anderson. Anderson, *Imagined Communities*. This influence of this book on theories of civic culture cannot be overstated.

The democratically engaged public is only one of the important forms to emerge from the circulation of news. Intimate publics similarly materialize as a result of the journalisms circulating economies. In both of these two cases the publics are organized by affect, particularly privacy.

Publics are imagined, evoked, and legitimated by collective talk about the role of “the people,” and the public sphere scholarship attends closely to these mechanisms. Who participates in the public and has influence, who is left out?<sup>2</sup> While the composition, character and operation of publics varies across social contexts, the theories accounting for those characteristics tend to bracket or ignore the role of affect and instead describe particular relational structures and the powers enjoyed by subjects residing within those structures. Here I explore an alternative conception, centered on how a shared experience of intimacy mixes with journalistic witnessing, to fashion subjects ensnared in the surveillance industrial complex.

Publics are thus more properly understood as affective assemblages and rhetorical practices that reflect the power of liberalism’s organizing logic. Read against journalistic norms and practices, an account of the public attentive to affect can better explain why the dominant liberal fantasy of individuated privacy fails to produce progressive results. By reading the Snowden controversy, I explore how structures of feeling interact with prefigured rhetorical tropes and practices to create and disrupt intimate publics in medias res. This chapter explores how the tropological economies of privacy are reorganized in the wake of Snowden’s efforts and how the reorganization deflects energy from publics that pose a threat to the liberal order.

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2. A small but incomplete list would include: Dewey, *Public & Its Problems*; Arendt, *On Violence*; Habermas, *The Structural Transformation of the Public Sphere*; DeLuca and Peeples, “From Public Sphere to Public Screen”; Enck-Wanzer, “Decolonizing Imaginaries”; Fraser and Nash, *Transnationalizing the Public Sphere*; Loehwing and Motter, “Publics, Counterpublics, and the Promise of Democracy”; Dahlberg, “The Internet, Deliberative Democracy, and Power.”

I start by describing the field of journalism, set against the controversy ignited by the Snowden revelations. Next I examine the resulting publics and the structures of feeling that today sustain them. I read journalistic coverage of Snowden to illustrate how the material practices of journalistic witnessing and journalistic metadebates reshape public sensibilities. Specifically, I examine a now infamous exchange between Glenn Greenwald and David Gregory. This interview anchors my analysis in this chapter. Admittedly an exceptional example, I suggest it presents the elements for methodologically reading intimacy and publics. Grounding my account is a reading of privacy as it is translated into secrecy within accounts produced by operatives connected to these networks.

## **2.1 Publics, intimate and otherwise**

The material form of publics exert pressure on the world and help organize the sensorium for liberal subjects. One might imagine this as a maelstrom of forces pushing and pulling, with the consequence that the direction of the relationship between a public and the subjects attached to it is always in a certain degree of flux. In his influential work on cultural theory, Raymond Williams suggested structures of feelings are manifested by circulating and interacting cultural experiences and aesthetic forms. This approach provides a vocabulary that helps ascertain how subjects interact with the world and experience the disruptive and disorienting events of liberal governance.<sup>3</sup> The feelings of a particular moment play a key role in how we experience and navigate daily interaction.

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3. The now classic theorization of a “structure of feeling” is the basis for this argument. While announced in Williams piece it has become a key element in thinking through how the felt world can be analyzed without falling into a historically unreflective framing. Williams’ original theory was offered in *Marxism and Literature*, pgs 128-135. Ben Anderson provides a clear description of Williams’ argument about an affective “solution.” His arguments provide the clearest definition for thinking about structure not in fixed terms but as a temporary fixation that is contingent on a myriad of interchangeable social factors. See chapter 5 of *Encountering Affect*.

There is, of course, more to the story: how do intimacy, witnessing, and surveillance coalesce to shape the political trajectory of liberal forms of life and, by extension, modes of public life and the creation of publics? One might conceive of the public as a specific manifestation, figured by the circulation of discourses and preexisting affinities that build attachments with specific moments of identification. Following such a logic, I am interested in intimate moments shaped by their constant complex tension with broader flows of power. Similar to other conceptions of a public or a counterpublic, my work describes these important elements of public culture as a critical element of liberal life.

While intimacy is often theorized in terms of affection or close interpersonal contact, I follow Lauren Berlant's formulation of intimacy and her conception of intimate publics, scenes of attachment structured by a shared understanding and emotional experience of the world. Intimate publics are best understood as a form that rises from a shared affective knowledge and experience of enduring a specific historical engagement affixed to promises of a route out of the impasse which marks life in late liberalism.<sup>4</sup> Nested within intimate publics are structured affinities that coalesce and make coherent subject formations possible. As individuals encounter obstacles (including impasses and crises), new forms of interconnection with others bound to the same set of conditions emerge. We might imagine shared modes of identification, where subjects grapple with their experiences in the world, in part to manage the persistent sense of a world that may not want you. Experienced as shared strategies for enduring the drudgeries of persistent precarity, experiential nodal points suture shared experiences to the skyline of larger public sentiment.<sup>5</sup> Moreover, they coalesce when various elements in circulation emerge to create legible forms, which form a backdrop against which subjects begin to see their own interests as

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4. Berlant, *The Female Complaint*, pg. viii.

5. Berlant, pg. 7.

capable of articulation, emerging from a cloud where affects and elements reside in cloud like composition. This is a core element of intimate publics.

Central to my thinking is the role of intimacy in the experience of being connected to a public form, more than the immediacy between two bodies. Intimacy in this sense is structural, a part of the background that manifests certain forms of power and political demands,<sup>6</sup> an organizing logic that guides privacy's transmission and transmutation into desire, including the wish for a differently configured polity.

Intimacy marks a mode of organization where certain arrangements of public and private life are articulated and then translated into demands for newly configured agency and identity. Demands articulate yearned-for worlds, organized around the expansion of intimate bounds and modes of interaction where privacy both marks a form of sociality and a boundary for the sovereignty of the subject. For example, when the specter of surveillance is roused the desire for a check on the surveillance complex in the form of a nationally circulating discourse emerges.

While the parameters of these affective and political forms will be an ongoing concern in my dissertation, I focus on how publicly galvanized intimacy is tied to the preexisting ideas and practices subjects bring to public encounters.<sup>7</sup> How do glitches or ruptures in the sensual infrastructure, when identities are momentarily compromised or buckle under the pressures of life, reshape public culture? And what affinities do subjects share with the broader operations of the state and the apparatuses purporting to speak for the public?

Publics are material and discursive sites for the enactment of relations of power. As Wittenberg notes, publics are indexical markers of specific places and times in which bodies

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6. Berlant, pg. 5.

7. Berlant, "The Commons."

necessarily have been in proximity to one other.<sup>8</sup> Publics are where subjects come together as they work to shape the world. This indexical trait grounds the public as a material form while simultaneously providing the launch point from which to examine their important aspects. In contrast to Warner's assumption of stranger relationality as a key characteristic of this important form, I suggest a less alienated version of public life.<sup>9</sup> This is to say, the public form is important as a manifestation of both material qualities and the shared sense of self and the world that subjects bring with them into the public experience. This shared sense is a byproduct of more than just the circulation of constitutive texts, but also results from encounters with the world and other subjects, resulting in identificatory affinities. In what follows I aim to track these affinities as articulated in journalism.

Affinities are not simply resemblances to ideas or places. Lundberg describes the affinity as a set of sympathies and connections to ideas circulating within economies of representational meaning. For instance, whether or not a journalist subscribes to the practice of objective journalism many who work in that field experience a connection with the idea of objective truth telling. These affinities are connected to previously articulated moments of subjectivity which exist prior to a new experiences as they traverse circuits of textual or cultural exchange. In short, these affinities prime subjects to be ready for new encounters while providing some material grounding from which subjects can make sense of their world.<sup>10</sup> Subjects thus enter into new tropological economies as they move through the different networks of social activity.<sup>11</sup>

Comprised of a combination of texts, investments and pre-existing discursive elements,

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8. "Going out in Public," pg. 429.

9. The idea of strangers coming together underpins Warner's reading of textual circulation as a condition of possibility for the formation of publics. *Publics and Counterpublics*, 2002, pg. 74. While the importance of this claim is clear, my work backgrounds the questions of stranger relationality. Clearly this form is at work in the circulation of journalistic texts but here it is subsumed by the affective elements I am tracking.

10. Lundberg, "Enjoying God's Death," pg. 388.

11. Lundberg, pg. 388.

tropological economies are the teeming bed where subjects perform the desirous work of figuring their social world. Within each tropological economy, subjects leverage the material resources available to identify with other subjects within the public, collaboratively forging collective chains of meaning.<sup>12</sup>

Public forms and the tropological economies that bind subjects to publics are neither unique nor transhistorical, but changes to the governing logic can have visible effects on the articulation of ideas which impede and vitalize subjects. For instance, the very metaphors of citizenship and participation are often put under normative pressure during times of crisis, morphing the very idea of what it means to be a citizen. While never really stable, these ideas are pivotal in debates over national identity.

Tracking crisis presents methodological challenges since it can be difficult to ascertain a breach in everyday affective flows. Because crises are registered as threats to neoliberal order, the state often labors to immediately normalize systemic challenges (though a wide array of rhetorical and material actions that might include downplaying environmental destruction and police brutality as one off anomalies not connected to the normal course of events) while simultaneously evoking external threats (e.g., international terrorism) as a diversionary tactic.<sup>13</sup> Whether one experiences the death of a loved one at the hands of the police, the destruction of their home from a super storm or the nearly existential threat of a supposed “imminent” terrorist incident, manufactured feelings of crisis initiates a disruption for the cohesion of the subject even

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12. This is a term that Lundberg takes from his reading of Lacan’s explanation of metaphor. Lundberg, pg. 388.

13. It is clear that the day to day felt experiences of the police and the environmental destruction register in different ways across populations. These felt experiences are more immediate than terrorism and often register both as crisis and ongoing endemic inescapable parts of life. However, the differences in the mobilization of these issues matters.



as they deflect attention from underlying systemic forms of oppression. The ordinary is thus regularly unsettled.

Many rhetorical tactics are available to those interested in managing public reaction. Consider the national reaction to the Snowden and Manning leaks of classified material. Daniel Ellsberg, famous for leaking the Pentagon Papers, is often cited as a national hero, while Edward Snowden and Chelsea Manning are demonized for shining the light on American intelligence gathering. It is tempting to point to the changing times as a way to account for this difference. However, what is more interesting is the way governmentality deals with surprise, a true enemy of American power. In the post-9/11 world, the most prevalent structures of feeling were more attuned to a low grade anxiety, sustained by the regular stoking of dread. And so the response to Manning and Snowden is directly connected to structures of feeling galvanized by the changing media environment and its particular modes of witness. *Wikileaks* and other models of public reporting were immediately subsumed into larger narratives of threat and fear which set individual privacy of subjects in opposition to the interests of the liberal state.

## 2.2 Eye witness vs. iWitness

The institutionalized American news media is today under enormous pressures.<sup>14</sup> Beyond the ramped up criticisms regarding the accurate retelling of facts, and the accusations of positional biases, contemporary journalism faces increased challenges from new online publishing platforms. Unlike previous era's context where journalism was dominated by institutional behemoths (the *New York Times*, CBS, AP, etc.), the contemporary journalistic

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14. The newest of these attacks have come in the form of Donald Trump's partisan refrain of "fake news" in response to every negative story published about his administration.

landscape includes newly influential independent online news and social media sites.<sup>15</sup> This crowded market is further complicated by the presence of news sites that operate in hybrid configurations of publisher and reporter. *Wikileaks* is perhaps the most famous and simultaneously controversial of the online platforms matching this description. Even popular social networking sites such as *Facebook* and *Twitter* provide snapshots of events and ideas important to the circulating flows of information within social organizational networks.<sup>16</sup> These sites further blur an already hazy and rapidly collapsing set of journalistic distinctions. Taken together, the new media outlets present tangled possibilities for data collection and news distribution, and mechanisms of influence that can be leveraged against a myriad of political and social institutions.<sup>17</sup>

No longer simple content delivery systems, new media platforms have taken on a mix of functions (including data collection) that enable increased pressure on traditional news outlets to (unsuccessfully) assert the importance of their formerly unassailable position as the authoritative voice of the public.<sup>18</sup> The relationship between these changes and acts of witnessing and bearing witness has thus been altered.

New media platforms have created new modes of information consumption. Dutton suggests these platforms facilitate a new and semi-formal institution of power - the fifth estate. Expanding on the classic understanding of the feudal division of institutional state power into

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15. Several important online-only news platforms produce significant amount of content. These sites can have very different relationships to facts. An incomplete list includes *Infowars*, *Buzzfed*, *The Intercept*, *The Daily Kos*, and *The Huffington Post*.
  16. This recent study demonstrates a massive upswing in news consumption on social networking sites like *Facebook*. Gottfried and Shearer, "News Use Across Social Media Platforms 2016."
  17. This is clearly evinced in the 2012 election of Barack Obama. Research clearly points to the dramatic effect online platforms had in the 2012 election cycle. Pilkington and Michel, "Obama, Facebook and the Power of Friendship."
  18. David Carr's acerbic exchange with Vice co-founder Shane Smith in the documentary "Page One" presents a perfect illustration of this idea. As the new media platform attempts to explain its mission Carr angrily asserts that the New York Times has been a long time witness to the events vice is reporting on. Rossi, Page One.

four main estates, Dutton's idea of the fifth estate suggests a loosely connected network of citizen witnesses committed to documenting the world around them.<sup>19</sup> In this new model, existing political and social institutions are held to new levels of accountability that break from established norms for checking state power.<sup>20</sup> The fifth estate erects new boundaries of acceptable political discourse and oversight.<sup>21</sup> And, access to highly sensitive information permits new informational networks to radically reconfigure power relations, sometimes in ways responsive to very personal agendas.

In contrast to the fourth estate, the institution of liberal democratic culture comprised of journalists, the fifth estate operates without a clearly defined legal mandate and sometimes within gray areas that make unavailable traditional First Amendment protections. Some players in the fifth estate lack devotion to the ideas of journalistic integrity or objectivity and sometimes skirt the legal regime governing journalists. New media actors are often less beholden to the older norms of reporting professed by established news publications. However, there is, Dutton notes, a shared commitment within this network to holding politicians and governments accountable through investigative reporting activities. Like journalists, actors within the fifth estate have created extensive distribution networks that reach beyond traditional institutional boundaries.

Furthermore, the social trust usually enjoyed by journalism is often eclipsed by the reliance on technology indicative of the internet age.<sup>22</sup> This combination of technology and

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19. Dutton, "The Fifth Estate Emerging through the Network of Networks."

20. Dutton, pg. 2.

21. Part of this claim is stepped in the way that Dutton is reading Manuel Castells. Much of Dutton's claims mirror the idea that certain nodes within any network can re-program the goals of a network. For more on network power and the specific nodes within a network see Castells, "A Network Theory of Power."

22. *The Intercept* is a fantastic example of these phenomena. *The Intercept* does adhere to some journalistic practices with the notable exception of the assumed and expressed position of their reporters to government, writ large. The debate between Bill Keller and Glen Greenwald lays out these arguments succinctly. See: Keller, "Opinion | Is Glenn Greenwald the Future of News?"

individual prerogative announces a desire to protect liberal democratic ideas while throwing off the institutional constraints that can hamper the independent investigative process.<sup>23</sup> Fifth estate actors are creating new antagonisms within the field of journalism. Julian Assange explicitly defends this position when he argues the main goal of his organization is its accountability to the citizenry, fulfilled in the work of holding politicians accountable by publicizing sensitive information through leaks and disclosures.<sup>24</sup> He claims by providing access to secret or classified documents the public is made aware of the actions of the government.

Perhaps chief among these antagonisms is the breakdown of the traditional roles of publisher and journalist. In traditional news media the role of the publisher is tied to the production of an entire publication, whereas a journalist operates as an investigator, doggedly dragging the truth out from the dark corners of government or corporate enclaves. By extension, journalistic enterprises are often thought of as institutions committed to a factually accurate public record of important events. A basic fulcrum on which journalistic work is judged has to do with credibility and the perceived organizational ability to accurately report the facts.<sup>25</sup> This commitment is certainly deeply embedded in professional journalists, seen as a guiding professional norm for actors identified with the fourth estate.

This is not to suggest that institutional actors with deep connections to the historically powerful news companies do not circulate within the broader network of the fifth estate while adhering to these professional norms. There is considerable overlap between these two networks of information operatives. However, unlike the other institutions connected to the traditional

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23. Here I am referring to the myriad connections between establishment media and the centers of American political power. For example the incidents connected to Judith Miller and the Bush administration's ceaseless drum beating leading up to the Iraq war.

24. Assange, *WikiLeaks* Founder Julian Assange.

25. Porlezza and Russ-Mohl, "Getting the Facts Straight in a Digital Era."

fourth estate, the new actors actively foreground their distance from the investment demonstrated by so called objective journalists. This position places *Wikileaks* into a uniquely liminal status, partly intelligence gathering organization, partly news production site. In either case the configuration of interests diminishes implicit commitments to single national governments, rupturing familiar modes of witnessing.

Both disruptive and indispensable, internet based communication platforms like *Wikileaks* have prompted dramatic changes in several fields of social interaction, not just journalism. Due in part to the infrastructural elements, the internet creates new communicative and affective user experiences. Mechanisms for trust formation and legitimation are differently cultivated.<sup>26</sup> This process comports with the idea that modern culture is mediatized<sup>27</sup> in such a way that the experience of using certain technologies can no longer be separated from other aspects of culture. Despite (or because of) what could be called a reputation gap, actors within the fifth estate have developed as an important factor in the emergence of publics.

Even when considering the reach and breadth of the internet, no agreement exists about the role of the fifth estate within the broader political context of American public culture. New media platforms undeniably have a leveling (and perhaps a democratizing) effect on the production and distribution of news and information. When considered against the deep integration of communication technology and the broader forces of dispersed production, the fundamentally altered relationship between journalism and the state comes into sharper relief. Underpinning both the fourth and fifth estates is also a set of structural elements that commonly govern the production and consumption of information.

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26. Trust is considered a foundational element in the preservation of main stream journalism for me see Dutton, "The Fifth Estate Emerging through the Network of Networks," pg. 7; Porlezza and Russ-Mohl, "Getting the Facts Straight in a Digital Era."

27. Hjarvard, *The Mediatization of Culture and Society*.

The edifice of the public is a key element in contemporary structure of feeling often thought an animating force for accounts of public life, participation in public life is circulated as moral virtue. This is especially true within liberal democratic societies where the idea of an energized and actively aware citizenry (in most versions of the democratic fantasy) provides a bulwark against irrational or populist forces. This plays out in the organization and delivery of information practiced by mainstream journalists, but differently within other forms of public witnessing. In both cases, the informed citizen subjects is seen as an important instrument in governmentality, even if only to give an air of legitimacy to the state.

Citizen reporting often presents details from individual events in ways that don't reflect the same positionality and efforts of established news outlets.<sup>28</sup> While professional journalists often adhere to norms connected to objective witnessing, norms developed over years of professionalization, citizen reporting often eschews established mores of conduct.<sup>29</sup> A refusal to adopt the mantle of journalistic objectivity in favor of a commitment to government transparency is perhaps the most visible marker of this new form of reporting in addition to other information management and data collection practices.

At its core the project of citizen-based journalism is disdainful of the power wielded by institutionalized journalism. While sometimes rooted in an irrational sense of the world order,<sup>30</sup> this disdain is fueled by an expanding narrative arc with deep roots in the Cold War cultural imaginary. The near-constant anxiety produced by the global antagonism between the United State and the Soviet Union meant that the period's cultural narratives were often tinged with paranoia. As Timothy Melley explains, this narrative arc both sustained and undermined the

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28. The use of divergent view points and sources being just two examples. Carpenter, "News Quality Differences in Online Newspaper and Citizen Journalism Sites."

29. Carpenter.

30. This is exactly the case with actors like Alex Jones and his site *InfoWars*

epistemological hold on culture formed in the wake of the creation of the new national security state.<sup>31</sup> Citizen reporting is a foil against which the power of the state is measured in terms of both legitimacy and knowledge production. This is especially true when the national debate regarding journalistic institutions are easily implicated in the broader strategy of the national security state.<sup>32</sup>

The cleavage between citizen journalism and institutionalized actors is not a new phenomenon, but it is most clearly seen in the gap between traditional journalists and citizen reporters and their relationship to the state. The division between these two groups of actors maps a growing concern within professional journalism. This gap is largely attributable to the now subverted but historical preference for privileging institutionalized voices over laypersons in the retelling of facts.<sup>33</sup> One exception can be found when looking to the role of leakers and the way their activities are seen by mainstream journalists. In these cases, leakers are treated as sources and necessary but not sufficient to holding power to account. Without the institutional ethos or the seasoned journalist analysis leaks are deemed as incomplete narratives. Meanwhile, the relationship between the news consuming public and citizen reporting is ideologically uncertain and unstable leaving room for leaks to stand on their own.

The distance between these two groups can be seen in episodic arguments made for adherence to the informational policies privileged by the security state.<sup>34</sup> Further troubling these

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31. Melley, "Security, Secrecy, and the Liberal Imaginary," pg. 151.

32. Despite the fact that this narrative device is a mainstay within certain fringe sites like Fox News and MSNBC there is more to these claims than partisan mockery. I discuss this in more detail later in this chapter.

33. In a seemingly paradoxical relationship the shared reliance on the internet by news institutions works to legitimize non institutional actors. For more see: Dutton, "The Fifth Estate Emerging through the Network of Networks."

34. Greenwald suggests it is this characteristic that often marks traditional forms of journalism, specifically the willingness to align publishing interests with state security interests. Greenwald, *No Place to Hide*; Despite Greenwald's comments it is clear that this relationship is sometime more ideological than deliberate. More specifically, there are times when we might consider popular media little more than the useful idiots of contemporary capitalism. Brid and Dardenne, "Rethinking News and Myth as Storytelling," pg. 209.

relationships are the market necessities of journalism. If journalists are to concern themselves with marketing their writing to consumers, in an ecosystem characterized by many nearly identical choices, these market conditions can exacerbate the tenuous relationship among the news consuming public, politicians and journalists.

The formation of the security state has a long history and is outside the scope of this project. But traditional journalism has played an important role in expanding the political rationale for the security state, as well as the connected affective regime. After 9/11, this relationship was magnified into a seemingly irresistible force. As the Bush administration made the case for two different occupying wars, journalists willingly crafted messages that constructed a receptive public, while presenting messages that would continue to resonate with them. Readers of the *New York Times* will remember the efforts by journalists like Judith Miller who helped make the case for the US invasion of Iraq.<sup>35</sup> Her articles (her motivations intentional or not) echoed the drumbeating politics of the Bush administration and their urgent desire to remove Saddam Hussein from power.

More than ten years after these events, we are able to more clearly see how the efforts of the *New York Times*, and particularly Judith Miller, connected to the broader efforts of the security state to respond to the ominous and threatening futurity inherent in arguments made leading up to the invasion of Iraq. Cast in the light that direct action would prevent terrorists from bringing the war home, the invasion of foreign countries was framed as necessary to secure the state from another catastrophic event which, had it occurred, would have held the further

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35. The NYT full-throated defense of the war in Iraq has become a source of discontent among many journalists. See Bonner, "After 9/11, We Were All Judith Miller"; "FROM THE EDITORS; The Times and Iraq"; Greenwald, "The Spirit of Judy Miller Is Alive and Well at the NYT, and It Does Great Damage."



potential to undermine the rhetorical fiction of its invincibility.<sup>36</sup> The unfolding news narrative drove citizen subjects into the waiting arms of the security state.

The tidy narrative provided by the *New York Times* in the lead up to Iraq pushed readers into a situation where the mandates of the security state irresistibly traded off with individual rights. Turgid predictions of dire chemical or nuclear weapons attacks perfectly accompanied a public imagination already shaped by the imperatives of national security policy.<sup>37</sup> This narrative mode privileges the individual while channeling the public imagination towards persistent accounts of highly detailed impending doom.<sup>38</sup> Such rhetorical gestures thus set the stage for public narrative forms familiar to most liberal subjects, and which gesturally refer to existing affinities. These moments should be read as exhibiting a partial form, held in stasis in the cognitive and affective solution brought together by the structure of late liberalism.

Without investing too heavily in the deterministic idea that a specific medium can possess its own affective structure, I suggest that the publics resulting from the circulation of and attention to the narratives made familiar by outlets like the *New York Times* cannot be divorced from the prominence enjoyed by the newspaper within existing discourses.<sup>39</sup> The readers of the *Times* already cohere into a well-formed public, that of the informed progressive good citizen

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36. The security state has gone to great efforts to maintain its ability to subvert radical security failures. While threats like global warming and water shortages are real, the state sets them aside to focus on more episodic threats. For more see the conclusion to *The Theater of Operations*.

37. The smooth operation of the security state requires a healthy and well-articulated set of threats in order to engender a specific set of desired reactions. Ben Anderson describes this a key part of theorizing the particularity of subjectivity within affect. For arguments about the security society see Melley, "Security, Secrecy, and the Liberal Imaginary," pg. 151. For affective atmospheres see "Affective Atmospheres," pg. 105.

38. This is a key part of how the security state manages the bio-political margins. Melley, "Security, Secrecy, and the Liberal Imaginary," pg. 153; Masco, *The Theater of Operations*.

39. While the *New York Times* is sometimes described as the newspaper of record there is now competition for this mantle from the *Washington Post*. In both cases this level of circulation underlays my argument regarding the rhetorical power of these publications.

reader.<sup>40</sup> This identity relies on a specific mediated form of witnessing that exerts a rhetorical and organizing force, figuring reading practices for subjects within that public.<sup>41</sup>

*Wikileaks*, by contrast, presents us with a new model of witnessing that troubles the mechanism of public formation essential to journalism and the affective order, by heightening the tension between liberal forms of subjectivity and journalistic efforts at public narrative consistency. Dependent on a set of tools that purport to provide anonymity for posters, *Wikileaks* follows the developing market rationality of late liberalism as it asserts itself, including those voices which, like traditional journalism, actively shape social collectives and mediating the experience of public culture.<sup>42</sup> As late liberal logics that organize governance attempt to smooth out endemic crises and infect subjects with the entrepreneurial spirit, *Wikileaks* and its DIY-structured commitment to governmental transparency appear almost as providence. Both leaker and publisher, the *Wikileaks* operations reconfigure the affective regime regulating journalism and the field of public discourse purporting to be the public. The *Wikileaks* operation is a perfect encapsulation of the DIY disposition fostered by the introduction of market rationality into almost every corner of life.<sup>43</sup>

As the organizing logics of liberalism collapse economic and political avenues for escape from the systemic violence of the world, the scenes of attachment that give rise to identity have failed to provide a feeling of control or sovereignty for subjects. In the wake of the collapsing social fields subjects have sought new affective economies to help them make sense of the world. Those economies are dressed in a patina of democratic power and necessity. *Wikileaks* leverages

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40. Clearly not every reader of the New York Times would fall into this category.

41. Here I follow Lundbergs claim regarding the identiearin and metaphorical power of certain tropes to organize affective investments. "Enjoying God's Death," pg. 388.

42. It is important to be skeptical of this claim given broad power wielded by the NSA. The Snowden files suggest that anonymity in internet communication is an ephemeral trait at best.

43. A good example of a consequence of the neoliberal principal of internalizing the risks of capitalism. This is described as the liberation of market values from capitalism. See: pg 77 of Povinelli an Di Frutti interview.

the liberal fantasy of a specifically educated public while at the same time vacating the political orientation of that subject: *Wikileaks* fills the void opened up by neoliberal rhetorics of educated individualism. Those whom engage with *Wikileaks* and support its mission reject the political inclination that journalism is designed to check state power without radically reconfiguring it. In many ways the mandate of disclosure adopted by *Wikileaks* presents a unique model of participation that counters the traditional model and assumptions of journalism while at the same time combating the side effects of narrative and civilly driven forms reporting that are connected to news publication.<sup>44</sup> In this way the actions of *Wikileaks* gestures towards the formation of an intimate public constituted by subjects mutually committed to upending liberalisms organizing efforts.

Journalism has been strongly associated with the practices of public witness to power, a relationship that provides a legitimizing centrality and unique institutional standing for its specific enterprises. Professional journalists have shrouded themselves in an ethos of detached authority on important issues of public value. This often takes the structure of a specific set of organizational dynamics and rhetorical moves.<sup>45</sup> Connected to this, the practice of journalism relies on a set of generic conventions that replicate the structure of expectations the liberal public has come to clearly recognize. These expectations have grown out of a century's work and reflect the struggles of journalists to establish a professional ethos connected to their role in the circulation of important political and cultural discourses.<sup>46</sup> Further still they are indicative of reading practices and the circulation. of tropes in the networks of circulation privileged by

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44. Thought an amalgamation of technical tools and strategic partnerships presents a version of disclosure that accords with Neo-liberalism. Birchall, "Radical Transparency?," pg. 84.

45. These moves are deeply connected to journalists claims of objectivity and independence from the market conditions that dictate the decisions regarding staffing, production, etc. Schudson and Anderson, "Objectivity, Professionalism and Truth Seeking in Journalism.," pgs. 92-94.

46. Ibid. pg 95.

liberalism. Models of appropriate witnessing, narrative structure, even physical layout appear as formal properties, priming readers to an affective response. For instance, the practice of websites to mimic the organization of traditional newspapers taps into a preexisting connection with a form that is tied to legitimate or mainstream news sites.<sup>47</sup>

Similar to works of art, films, and literature, journalistic production (either film or video) “provide an affective expectation of the experience of watching something unfold, whether that thing is in life or in art.”<sup>48</sup> These expectations are grounded in the ways public journalism is connected to models of witnessing.<sup>49</sup> When operating as the voice of “the public” journalists must do the difficult work of standing in for a broader set of actors and practices. Journalists must often report the insights of others in the form of leaked material and must report on their own experiences but abstract them so as to adopt a universalizable persona with which subjects can identify and leverage in their own efforts to alter the public experience of the world.<sup>50</sup> In linguistic terms we might understand this as a type of metaphorical slippage, where the act of witnessing becomes a form of trust. This is amplified in a media saturated environment where multiple channels are available at any time, each offering distinctive subjective experiences. As access to information increases, audiences are thus embedded in morphing affective networks. Building on the power of the medium<sup>51</sup> of the written word itself, newspaper journalistic work

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47. This is true in both print publication and digital. Comparisons of the front page of the NYT and Drudge reveals a shared formal element in terms of columns, headline structure and the strategic use of images.

48. Berlant, *Cruel Optimism*, pg. 6.

49. Peters, “Witnessing.”

50. This is described as type of sentimental humanism, or a sentimental approach to a standardized or routine operation that escapes structure. This is similar to the way that certain forms of witnessing can be restorative of sensations that may be degraded or muted in the process of turning experience in to discourse. For sentimental humanism see Chapter 4 of Berlant, *The Female Complaint*; For more on the prized evacuation of emotion or sensation from the act of witnessing see “Witnessing,” pg. 712.

51. While I understand that some journalistic enterprises rely mostly on visual forms of storytelling I use this to underscore the relational nature of writing and its ability to connect different social forms. For more on this see: Peters, *The Marvelous Clouds*.

builds new affective networks through the very act of inscription. Moreover, journalistic witnessing fuels the creation of new discursive networks laden with affective energy. Consider the example of the *Drudge Report*. Little more than an aggregator of news clips, this site is at the center of networks of anger and distrust fueling types of right wing populism. The layout of the site in addition to the short, punchy headlines present the website as an important medium and news site for right wing news.

Journalism's history in many ways is little more than a branch on the historical tree of writing itself. Designed to bridge time, witness events from the past while simultaneously bringing forward past events into the present, journalism presents a tie to the earliest technologies of community and public culture available.<sup>52</sup> Simply put, if one takes seriously the idea that writing can alter social relations, empower states, and extend collective memory, it follows that specific genres of writing will do this work in particular ways. Witnessing embodies the three components of the traditional communication triangle containing a witnessing agent, a text or testimony and an audience.<sup>53</sup> In the context of journalism, the relationship of the journalist to the institutions of power channel these avenues into specific aesthetic forms designed to convey either distress or detached objectivity.

The aesthetic markers of journalistic discourse are inextricably linked to normalizing modes of address. For instance many mainstream news publications adopt an abstract voice speaking from outside of a given situation offering a sober and detached view of events. Bearing the weight of the relationship to the field of the space of politics, journalistic discourse does its part to over-determine and saturate the political with the affinities subjects will embody in the

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52. Here again we can see Warners claims of circulation and the formation of publics. "Publics and Counterpublics," November 2002, pg. 414.

53. Peters, witnessing 709

process of desiring their own political world. Traditional journalists provide abstracted accounts that circulate through existing affective and ideological presumptions: who are the guilty or innocent? who merits mercy or judgment?<sup>54</sup> The very reach and scope of the internet distorts the idea that news is produced locally thanks in part to the way the internet obscures its means of transport and production.

One way to express this within the language of the affective turn is the suggestion that journalistic practice until the new media era relied on flat or recessive affect.<sup>55</sup> This affective register is partnered (albeit in over-determined form) with normative models of trust underwriting liberal governance. Because any linguistic representation of events will be constantly conveying a false vision of the world, journalism can only offer interpretations.<sup>56</sup> Expressed by the apparently cold transmission of fact and a professed lack of deep interpretive translation, journalism uses sterile facts and simple prose to represent the world. These reports attempt to and erase the subject position and associated desires of the reporter and *present* the world in its simplest form. The goal is ingestion by a public equipped to circulate the information into the various publics fueling the contest for world making resources which figures late liberalism.

The journalist who is questioned about her own subjective investment can absolve herself by simply pointing to the emotionally laden crisis at the heart of a story. While this deflecting logic comes at a time when the waning of genre and narrative<sup>57</sup> is undeniable, the transmission of feeling and action as connected to an economy of ritualized practices endemic to journalism

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54. For more on the collapsing horizon of public life within this moment see chapter 1 of *Cruel Optimism*.

55. In the realm of the social this type of recessive affect is described in terms of a withdrawal from an expected sensorium. Berlant, "Structures of Unfeeling," pg. 195.

56. Berlant, pg. 195.

57. Here I am thinking not so much of a waning of structure so much as its dissolution amid a fluidity necessitated by liberal economics. For a more on this liquid condition see Bauman, *Liquid Times*.

persist as a vessel for state legitimacy. Journalism thus plays a role in legitimizing the operations of the state. In this model we see how a recessive style is given shape by the possibilities of denial and disavowal, linguistic moves which relocate the journalist from embodied viewer to civil agent providing banal facts without emotional content.

While the old informational order has been underwritten by flat affect, in the fifth estate a new affective structure is emergent. This change reflects alterations in technical form and functionality.<sup>58</sup> As communication technology evolves, newsrooms worldwide work in the new media.<sup>59</sup> With each adoption of a new medium, journalists have confronted many concerning aspects related to the explosion of communication technology. Concerning from the point of view of working to protect liberal democracy.

The adoption of these technologies by journalists has followed historical patterns. Within the context of liberal democratic logics, the convergence of new media technology both reshapes the relationship of producers and consumers and expands the avenues available to audiences as they seek broader access to information. The convergence of different media technologies coupled with new forms of access have helped to facilitate the circulation of a new set of tropes.<sup>60</sup> Additionally, these tropes are identifiable by a set of aesthetic markers. These markers are both affective and structural. Taking seriously the claim that contemporary culture seeks new ways to represent the world then it follows that the media creations which attempt in new ways to transform data to information to news would present adhere to a set of generic markers.

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58. Here I am thinking of the myriad ways that technology has disrupted the market logics of procuring the news including the distribution of content and the theorization of reading publics.

59. For a good piece on the introduction of new communication technology in the newsroom see Witschge, "Transforming Journalistic Practice: A Profession Caught between Change and Tradition."

60. Zizi Papacharissi, *A Private Sphere: Democracy in a Digital Age*, pg. 130.

Fredric Jameson's insightful take on the conspiratorial aesthetic presents a compelling demonstration of journalistic transformations. His work points to the way narrative structures present a global totality, a closed loop where all the information is in and now facts can be discerned from the mix. These formal elements of conspiratorial narratives produce a totalized vision of the world. Like the conspiratorial narrative, new media enjoy a near infinite reach. Both the conspiratorial logic and the position of citizen reporting mobilize the political imagination to perform an allegorical suturing that enables sense-making. Jameson presents this condition as both subconscious and tied to the representations of media systems conveyed in popular texts.<sup>61</sup> However, when read against the backdrop of the Internet and its role in the figuration of the lived infrastructure, a conspiratorial aesthetics becomes pronounced.

Despite his many interesting quirks Julian Assange can be understood as the most manifestly clear example of this condition. On several occasions Assange has been placed in the position of asserting his role and power as a publisher. His releases through *Wikileaks* are global, from the data dumps on German Banks to the infamous *Cablegate* and *Collateral Murder* video. Assange has used the *Wikileaks* platform as a foil for traditional journalism by publishing the raw uninterpreted data used by traditional media operations to create news stories.

*Wikileaks* invites a figuration of world politics aligned with a conspiratorial narrative of world events while simultaneously eschewing the standard approach to conspiracy as massive singular event only representable in paranoid linkages. Instead, it leverages the framework of the internet to make available information that can be used to narrow down specific governmental abuses. In the pursuit of presenting a global map of the political world, *Wikileaks* presents single

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61. Here I follow Fredric Jameson's arguments about the relationship between certain forms of representation and aesthetics. He makes the claim that all of our objects are now in one form or another connected to a technology of communication. *The Geopolitical Aesthetic*, pg. 11.



actionable stories that receive purchase through the skillful deployment of secrecy and tied to a specific critique of the contents of the released secret. Additionally, this form of disclosure attempts to foist transparency on large global organizations by making their most coveted documents freely available in near unredacted form. This move (re)inscribes the feeling of privacy for subjects while countering the actions of corporations and governments to shroud themselves in secrecy. As subjects push corporate and governmental maleficence into the light their own subjectivity recedes from view. By imposing transparency subjects can obscure their own visibility.

Journalism is only one practice where the logics of privacy play out as an affective response to crisis. In contrast to the other networks discussed in this project, the journalism network over-determines subjectivity. That is, liberal subjectivity supposes a form of citizenship that generates avenues of agency for subjects as they are interpolated into reading publics tasked (or self-assigned) the role of checking institutional power. Transparency is a mechanism used in this network. By reconfiguring the imposition of transparency, journalist, whistleblowers and citizen reporters place standard conceptions of privacy under pressure and create structural antagonisms. Berlant describes a structural antagonism made acutely visible as controversies spread. In her estimation, affective structures cut across social worlds, binding subjects in a process generative of political unity – a unity achieved through the structure of demand.<sup>62</sup> In Berlant's accounting, citizens wronged by political outcomes express their pain in making demands on the polity, foregrounding the universally recognizable nature of their pain as a way

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62. This process bears some similarity to Ernesto Laclau's important work on populism. However, this process does not imbue the empty signifier with the same level of power that Laclau deems necessary for the manifestation of populist demands. For more on the logic of populist demands in general see: Laclau, *On Populist Reason*.

to build change coalitions.<sup>63</sup> The resulting national sentimental structures in turn sustain two models of citizenship, one protected by the abstraction inherent in representational government and the other a claim to recognition that must be addressed by the state to confirm its commitment to human well being and its own legitimacy.<sup>64</sup> Within this logic, the destruction of privacy operates as an affront to the national civic ideal and as something that disrupts the creation of new publics.

In both of the two models above, privacy is the mechanism that centers the individual subject. Both in terms of recognition and the abstracted relational structure of democratic politics, feeling secure and safe and able to retreat from the view of publics is a central component in the civic contract. Rescinding the ability for subjects to manage their participation within publics upends the contract. The destruction of privacy hinders the flourishing of subjectivities that develop in parallel, and sometimes in opposition to the dominant civic model. In short, with privacy under erasure in this network, the promise of a public capable of absorbing and responding to the desires of political engaged citizens to leverage the agency promised them through the liberal contract is left unfulfilled. Furthermore this vacuum creates the conditions for new demands for privacy and transparency.

The public outcry for privacy is an interesting phenomenon considering the expansion of social media sites inviting participation as a means of entering into the network. This is the model that is utilized by *Facebook* among others. Given that users of *Facebook* (un)willingly disclose information how then can we understand the demands for more transparency? The affective structures at work are malleable and responsive to changes in the discursive landscape.

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63. Berlant, "The Subject of True Feeling," pg. 52.

64. Berlant, pg. 53.

### 2.3 Who is the journalist now

The disruption created by Glenn Greenwald's reporting initiated a break in the historical logic of *the public* as typically constituted within the liberal imaginary. This disruption, a glitch, provided a momentary break in the historical present where the former affective structure – pieced together ideologically by an account of journalistic integrity, transparent publicity, visibility and the power of secrecy – gives way to a (re)articulated privacy delivered by new techniques of observation.<sup>65</sup>

How did secrecy become venerated in the post-Snowden world, and how was transparency made secondarily important for liberal democratic institutions? Consider a rather contentious exchange between long time Washington establishment reporter David Gregory and independent journalist Glenn Greenwald, which opened a broader controversy over secrecy, transparency, and the norms of publication.<sup>66</sup> The exchange between these two reporters transpired over the course of one episode of *Meet the Press* however, the response by other journalists demonstrates the importance of this debate. Indicative of the issues confronting journalism and witnessing within the highly mediatised, technology saturated network of public interaction in the post 9/11 security state, this interaction and the resulting coverage serve as interesting exemplars for the theory I have discussed.

Since the inception of broadcast television in the United States, debates concerning the media have played out on the set of *Meet the Press*. A traditional powerhouse in terms of influence and power in the contemporary field of journalism, the weekly roundtable conversation

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65. Johnathan Crary provides an excellent description of a historical antecedent to this condition in the turn of the century. Specially he traces how new technologies change not just the tools for observation but also the attendant social practices. Crary, *Techniques of the Observer*.

66. Of course I understand that Greenwald's status is no longer that of outsider given the popularity of *The Intercept* and the various awards given to him for his reporting of the document provided by leaker Edward Snowden.

is often populated with the most influential members of the Washington press corps. The show represents a vital figurehead in the debates about journalism and its role in shaping the exercise of state power. Few other outlets, apart from the *New York Times*, the *Washington Post*, the *Wall Street Journal* and *60 Minutes* demand the same level of prestige or notoriety. Nor do other outlets brandish the same levels of cultural cache. These are the outlets presenting themselves as guardians of the democratic necessity of journalism. This episode in particular is telling.

Throughout the segments on the show the relationship of journalists to the national security state is put on display providing a clear demonstration of the different modes of reporting discussed in this chapter. In addition to the importance of Greenwald for the national story regarding his efforts with Snowden, his appearance on *Meet the Press* is noteworthy for its rarity. This interview featured two representatives of seeming diverse institutional fealty. While it is normal for news outlets to scramble to talk to important newsmakers it is both his role as reporter and presumed outsider that makes this interview noteworthy.

On June 13, 2013, Glen Greenwald faced off with *Meet the Press*'s David Gregory. At the center of their exchange was the controversy created by the publication of documents Greenwald and Bart Gellman reported in the pages of the *Guardian* and the *Washington Post*, detailing the massive data collection and eavesdropping efforts undertaken by the security services of several countries, most notably the United States' NSA. What is revealed is details on specific programs used by the government, in partnership with large technology companies, to collect and analyzed the massive flow of data produced by trillions of transactional moments facilitated in part by the internet. The ten-minute interview was tense, as Greenwald and Gregory traded barbed comments, and each exchange seemed to increase the tension between the two.

After a brief discussion regarding the whereabouts of Edward Snowden the interview turned towards Greenwald and his actions. Treated as an outsider and as a self-serving ideologue within journalist circles,<sup>67</sup> Gregory accused Greenwald of committing a felony, because he aided and abetted Edward Snowden in his efforts to avoid prosecution. The accusation comes masked in a question where Gregory asks: “Final question for you... To the extent that you have aided and abetted Snowden, even in his current movements, why shouldn’t you, Mr. Greenwald, be charged with a crime?”<sup>68</sup> The response from Greenwald to this question is swift and forceful. Greenwald produces a vigorous defense of his work with clandestine sources and the production of hard-hitting reports of government activity:

I think it’s pretty extraordinary that anybody who would call themselves [sic] a journalist would publicly muse about whether or not other journalists should be charged with felonies. The assumption in your question, David, is completely without evidence, the idea that I’ve aided and abetted him in any way. The scandal that arose in Washington before our stories began was about the fact that the Obama administration is trying to criminalize investigative journalism by going through the e-mails and phone records of AP reporters, accusing a Fox News journalist of the theory that you just embraced, being a co-conspirator in felonies, for working with sources.

If you want to embrace that theory, it means that every investigative journalist in the United States who works with their [sic] sources, who receives classified information, is a criminal. And it’s precisely those theories and precisely that climate that has become so menacing in the United States. It’s why the *New Yorker’s* Jane Mayer said, ‘Investigative

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67. In this interview Greenwald is described as hating America by famed US security state apologist Alan Dershowitz. June 25 and 2013, “Dershowitz.”

68. “Meet the Press : KNTV : June 23, 2013 8:00am-9:01am PDT : Free Streaming : Internet Archive,” minute 8:09.

reporting has come to a standstill,' her word, as a result of the theories that you just referenced.<sup>69</sup>

This exchange is a telling moment in the ongoing crisis surrounding the institutional ethos and place of modern journalism. After the initial interview, Greenwald started a Twitter debate regarding attacks on journalists who work with national security sources.<sup>70</sup> In response to Greenwald's claim that David Gregory (and by extension the Washington press corps) is actively engaging in a war against investigative journalism, Gregory falls back to a position of simply inquiring about a shared assumption suggesting he is simply asking what many other reporters are wondering about.<sup>71</sup>

While Gregory's suggestion is he is simply pointing to a shared curiosity from other journalists and policy makers regarding the degree to which Greenwald acted as accomplice to Snowden, there is a more pernicious statement lurking in the subtext of his question that is directly connected to Greenwald's perspectives on transparency. By asserting that Greenwald has crossed a line, Gregory is able later to claim his work is somehow inaccurate or incorrect as it conforms to neither the direction of national security nor the ways transparency is sanctioned by the national security state. For Gregory, Greenwald and Snowden have altered the balance of privacy to transparency necessary for journalists to conduct "objective" inquiry. More importantly, Gregory's questions insinuate treason on the part of Greenwald.

Even before making contact with the disgruntled NSA contractor who would make him a household name, Glenn Greenwald was a controversial figure because of his sustained critiques

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69. Ibid

70. "Meet the Press : KNTV : June 23, 2013 8:00am-9:01am PDT : Free Streaming : Internet Archive," minute 14:09.

71. "Meet the Press : KNTV : June 23, 2013 8:00am-9:01am PDT : Free Streaming : Internet Archive," minute 8:011.

of journalism and his take on governmental transparency. His remarks have often been incendiary and divisive.<sup>72</sup> Once in contact with Edward Snowden, the focus of his criticism shifted to the Obama administration and how it was leveraging the national intelligence apparatus for the sake of widespread surveillance.<sup>73</sup>

The exchange with Gregory makes sense given the political environments these two journalists inhabit, and it also reflects the conditions of journalistic work. The affective structure comprised of privacy and mediated heavily by new media and online publishers is already maligned and difficult for subjects to navigate. Subjects are confronted by two competing sets of discourses that combine to create an affective structure vacant of political certainty. Massive efforts by the Obama administration to punish journalists who defy the standard accounting of governmental proceedings<sup>74</sup> and a robust rhetoric of government transparency present a form of palatable transparency that demonstrates a commitment to open government policies. These elements publicly circulate a form of reporting and witnessing stylistically legible, one that could not be more perfectly calibrated to avert the ire of the citizenry. Both the model of transparency and the form of government reporting rely on a similarly flat affective dimension, a detached mode of witnessing that is illustrative and warm that nonetheless presents painful disclosures in a broad and indeterminate way. If John Peters is right that pain is the boundary of witness testimony,<sup>75</sup> it is a boundary that journalistic coverage characteristically leaves under described, as if intending to minimally evoke an affective reaction. This is especially true when examining *Wikileaks*. Despite partnering with mainstream publications *Wikileaks* has consistently refused to

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72. Greenwald: Reporters Who Imply I Am A Criminal Are Doing The Dirty Work Of The U.S. Government

73. During several interviews Greenwald attacks the Obama Administration for being one of the most aggressive in history in the pursuit of whistle blowers.

74. "Obama's 'War on Leakers' Was More Aggressive Than Trump's So Far."

75. "Witnessing," pg. 716.

engage in significant or inflammatory analysis preferring to let archives speak for themselves. While the traditional journalistic standards have persisted for more than sixty years, the mediating effects of digital communication technologies are now a part of the affective structure of journalism. Moreover, the efforts of the post 9/11 security state have dramatically changed the way in which these publications reflect the style of witnessing used in their reporting efforts.

This impersonal mode of witnessing is legitimated by a discourse of transparency. Starting very early in his administration, President Obama promised to shepherd in a new era of transparency. His rhetoric reflected the standard account that transparency ushers in a more just form of government.<sup>76</sup> Central to his agenda was a mode of transparency that relied heavily on technological forms of disclosure, and witnessing connected to late liberalism's mode of regulating cultural politics.<sup>77</sup> The very bounds of technological data driven forms of transparency artificially constrict the type of visibility that can be imposed on the state. They lock in the impersonal practice of witnessing most closely tied to modernity and its assumption of objectivity.

This act of journalistic witnessing follows the model of legal witnessing used in other areas of social life. Journalists adopt a discursive distance from the population they cover so that the perspectives of the aggrieved, those hurt by state action, are formalistically downplayed.<sup>78</sup> Journalism thus becomes a translational maneuver, where witnessing reporters convert vivid pain into flattened affect. The fourth estate thus creates a mode of identification with which citizen subjects are expected to adhere. Given American national identity and the civic religion, the

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76. This is a central theme in his first inaugural address. "President Obama Delivers Remarks at Swearing-In Ceremony."

77. Clair Birchall provides an excellent account of data driven politics and their connection to Neo-liberal forms of governmentality. Birchall, "Data.Gov-in-a-Box."

78. Peters, "Witnessing," pg. 712.



result is an intimate public where subjects observe the pain of their neighbors but only at a remove. This is to say subjects are able to read these texts and identify as their preexisting affinity allow them to smooth out their own discomfort and necessity to testify. The journalists are able to bridge the gap for them as both witness and bearer of witness to an event. This effect is evident in the debates around the role of the press in responding national crisis.

The exchange between Greenwald and Gregory and the circulation of arguments following the episode in *Meet the Press* presents a series of competing claims on form that journalism should take both in terms of reporting activity and its relationship to privacy and transparency. For Gregory, the type of journalism he supports could be described as the traditional model. Gregory is committed to a form of reporting (or political story telling) which tends towards the traditional model of fourth estate journalism. During his interview he levels the claim that Greenwald is a polemicist and has an opinion and agenda. The statement reflects both Gregory's commitment to the state but also the limited version of transparency dictated by fourth estate journalistic practices. His commitment to this position is rearticulated later in the show when he asks congressman Mike Rogers "what should this administration do to capture Snowden?"<sup>79</sup> Gregory's performance is indicative of the flat affective style described earlier. His conversation with Mike Rogers and other politicians is quiet, calm and polite. In each exchange his tone is flat and devoid of passion. When not dealing with Greenwald (the embodiment of a threat to Gregory's professional aspirations) Gregory refrains from declarative sentences or questions containing the same loaded assumptions. Reflective of the print culture of the Fourth estate his performance is devoid of the antagonism that marked his interview with Greenwald.

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79. "Meet the Press : KNTV : June 23, 2013 8:00am-9:01am PDT : Free Streaming : Internet Archive," minute 8:19.

This flat style became a signature component of Gregory's on-air performance and stayed with him even after leaving *Meet the Press*.<sup>80</sup> Also, by invoking the idea of treason, both through his questioning of Greenwald directly and in the conversation that follows, Gregory is able to trigger the affective regime organized by liberalism during the cold war. This activation triggers the fear and paranoia that marked the cultural landscape until the shift resulting from 9/11. Similar to the ways McCarthyism target dedicated American seen as corrupted by soviet influence, Gregory's comments invoke the model of journalism where the journalists are presumed to be committed to the state due to their position as citizens.

In the face of Gregory's assaults Greenwald is also presenting a model of journalism that he implies is ideal. For Greenwald journalism requires a commitment to privacy as it manifests from the tropological economy of secrecy. Within the Greenwald model, journalists must tell an embedded truth. This position is committed to forcing government actions into a state of transparency while relinquishing an element of privacy in the act of reporting. Greenwald does little to refute Gregory's assumption regarding his individual relationship to his work. Greenwald is not interested in relinquishing his skepticism of government officials. In a published debate with *New York Times* editor Bill Keller Greenwald argues reporting must be grounded in the ability and desire to make judgments about the activities of the state such as calling out torture or drumbeating for the Iraq war.<sup>81</sup>

Between the worlds envisioned by David Gregory and Glen Greenwald is a third form of journalism imagined through the eyes of Snowden himself and informed by his experience. The perspective of this leaker is instructive not only for being timely but also because it underwrites

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80. Despite maintain high ratings for some time Gregory was released from *Meet the Press* after a significant ratings drop attributed to his lack of "likeability"

81. Keller, "Opinion | Is Glenn Greenwald the Future of News?"

his activities and the debate that comes from his actions. Snowden was not the first to leak information regarding the possibilities of the surveillance industrial complex to focus its operations on the population of the United States and make them the target of their data collection and monitoring regimes. In an interview given to Laura Poitras, NSA whistle blower William Binney explained how the system he designed to intercept soviet communications was being retooled for use within the United States.<sup>82</sup> Binney's claims were well articulated but lacked specific textual evidence that could be circulated. In the case of Snowden the presence of government authored documents made a difference.

Snowden himself notes this difference as being influential in the disturbance his actions created. He notes in one interview that the presence of documents in the reporting on the actions of NSA changed the affective experience. He argues changes happened because people now had *facts* regarding what the government was doing suggesting the evidence produced through his leaks was conclusive the experience of surveillance. His argument is telling in the creation of scene of attachment based on a feeling.<sup>83</sup> While unable to distinguish times and places where subjects are being watched, he is able to assert the imposition of surveillance across large segments of the population.

While not entirely new, the version of journalism is strongly rooted in the affective regime of an intimate public. The characteristics of this third type of journalism consist of the investigative components desired by both Gregory and Greenwald but are also placed against a larger infrastructure. The result is an intimate public consisting of a shared experience about life within the new media landscape and is driven by affective facts in ways not previously seen. The

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82. When Binney came forward to congress to voice his concerns he was placed under immediate investigation by the FBI despite having not leaked documents. Poitras, "The Program."

83. Snowden and Bell, "A Conversation with Edward Snowden," pg. 57.

intimate public suggested here presents a form of intimacy that is hinted at by Snowden and to some degree Greenwald. Greenwald does not necessarily disagree with the commitment to facts and clear analysis. When responding to Gregory regarding his actions Greenwald indicates a defense for investigative journalism that is tied not just to secrecy but also to a type of journalism steeped in the culture of the internet, a culture hinted at by Snowden. However, what is clear is the commitment to privacy for the individual and transparency for the government. Snowden for his part has a similar take.

In his defense of his actions Snowden begins with his ideas about what the internet is and what it should be and the reason why he took the action to leak all the documents. Much of his description is indicative of the new media environment. For example, the new media landscape has made it possible to reconfigure the practices of spectatorship in terms of news reporting and consuming. The formal traits of the leaking site create a terrain of subjectivity where the practices of witnessing are wrestled from the hands of far out individuals and diffused across the media consuming landscape. The result is the production of what might in other contexts be called subjugated knowledges. While it can sometimes bear a resemblance to conspiracy theories it does have one difference. Transparency operates as precursor to other forms of disclosure; it does so to preempt the rise conspiracy theory within political discourses. Therefore, affective model advocated by Snowden is one that engages in factualizing. Snowden explains this as the model he used when wanted to spur debate about surveillance. He explains factualization as series of mutual disclosures between leakers and the government designed to move the public from suspicion to fact.<sup>84</sup> However, this process is a felt experience for publics and indicative of

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84. Snowden and Bell, "A Conversation with Edward Snowden," pg. 58.

the way facts become felt once circulated in the same topological economies of privacy and transparency.

It is in these moments where transparency becomes the privileged mode of privacy, and secrecy. The moves of traditional journalism to make the government more transparent do little to disrupt the veil of secrecy actually projected by the government. By leaving intact these moments, the narrativized sense of privacy is able to remain undetected yet powerful in its ability to shape public life. These differences are visible in the Gregory Greenwald conflict.

Late in the *Meet the Press* interview, Gregory deflects Greenwald's angry pushback by insinuating the accusation of criminality is not Gregory's but simple reflect questions otherwise in the air.<sup>85</sup> While it is certain that his question embeds a pointed argument, Gregory is not incorrect about its wider circulation. Greenwald was asked several times by other journalists about the sincerity of his commitment to journalism and the state.<sup>86</sup> Several of these interviews insinuate that Greenwald's account is biased and unfair to the state. Each time, Greenwald is forced to defend his decision not to take the official government account at face value. These traditional journalists already recognize the relationship to transparency that Greenwald exhibits. In the debate with *Keller*, this position became clear when Keller claims Greenwald is too ideologically committed to his arguments to provide an accurate account.<sup>87</sup>

At issue in much of this debate is the idea that journalism can and should operate in contradictory function to government activity despite the shared investment in democratically inclined activity. Greenwald makes the argument that this is facilitated not by hiding one's bias

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85. "Meet the Press : KNTV : June 23, 2013 8:00am-9:01am PDT : Free Streaming : Internet Archive," minute 8:09.

86. "Greenwald."

87. Ironically this is a condition that Keller himself suffers from. He is however not the only person to accuse Greenwald of this. Gregory does so as well in his interview calling Greenwald a polemicist.

or subject position but by foregrounding it. What his claims point to are the formation of an intimate public that identifies with the subject position of actor outside of the national security complex.

In the first publication based on content provided by Snowden, Greenwald's opening sentences point to an existing public order under assault. Starting with cell phone records, Greenwald invokes a cultural practice of assumed secrecy within telephonic communications. Despite the use of the third party legal doctrine Greenwald asserts phone communication are surreptitiously monitored by US security services.<sup>88</sup> Greenwald insinuates that exchanges between the NSA and the phone companies are both secretive and somehow indicative of a mode of surveillance.

These claims are made more explicit when Greenwald offers a full throated defense of the idea of privacy, this following a year of steady publication of information from the Snowden archive. More importantly this relationship to privacy is acknowledged by Gregory when he asserts that Greenwald may not in fact be doing journalism: "Well, the question of who's a journalist may be up to a debate with regard to what you are doing."<sup>89</sup>

While Gregory asserts the claim that Greenwald is not practicing journalism, what is being circulated a commitment to a balance between privacy and transparency favored by the security state. Even within mainstream journalists circles this assumption was understood. Gregory and his approach leveraged the affective desire of the security state to limit both privacy and transparency in favor of more government secrecy. The assertion in his question is that any actions attempting to reconfigure the balance of privacy and transparency is counter to the

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88. Greenwald, "NSA Collecting Phone Records of Millions of Verizon Customers Daily."

89. Meet the Press : KNTV : June 23, 2013 8:00am-9:01am PDT : Free Streaming : Internet Archive," minute 8:10.

interests of the security state.<sup>90</sup> The questions of the role of journalism ignited by Snowden and enflamed by Greenwald continued to energize journalists. In the pages of Jay Rosen's NYU based news blog the author claims Gregory attempted to encourage a specific form of news reporting by "turning *Meet the Press* into a seminar on who is a journalist."<sup>91</sup> *The Los Angeles Times* published a similar set of claims lamenting the loss of traditional journalistic standards and denigrating "point of view journalism" arguing that Greenwald "misrepresented parts of his story because he's loyal to a particular view of government, not the truth."<sup>92</sup>

Soon after his appearance on meet the press Greenwald found himself at the center of a debate about journalistic standards. Due in some part to the polemic nature of Greenwald's response to Gregory's attempt to diminish his efforts, describing them as something less than journalism, several discussions about journalism erupted. Besides the defense of "objective journalism" proffered by Keller news publications echoed concerns about the changes licensed by Greenwald and by Snowden.<sup>93</sup> The Columbia journalism review characterized this debate as being tied more to questions of access than questions intent.<sup>94</sup> In a follow up piece to the growing conversations the CJR suggests that the subject position of the reporter is not the crucial fulcrum of the debate but instead what should be considered is the outcomes of reporters efforts in terms of more or less transparency.<sup>95</sup> According to the CJR accountability results from a less established personal expression but focuses on the actions of those in power.<sup>96</sup> Even with a

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90. Wemple, "David Gregory Whiffs on Greenwald Question."

91. Rosen, "David Gregory Tries to Read Glenn Greenwald and The Guardian out of the Journalism Club."

92. The debate between Keller and Greenwald was specific to the competing versions of Journalism discussed in this chapter. Keller, "Opinion | Is Glenn Greenwald the Future of News?" The Atlantic also published a milk toast take on this supporting the position exposed by Gregory Simpson, "Glenn Greenwald Spars with David Gregory."

93. Mueller, "What's Bugging David Gregory about Glenn Greenwald?"

94. Forbes, "Glenn Greenwald against the World."

95. "The Right Debate."

96. Ibid.

generous reading of the position, classic “objective” journalism and its flat or recessed affective style has become fully ingrained with the national security state. In addition to the traditional resistance to statements of personal subjective experience, this mode of production is often responsive to government disclosures as opposed to producing government disclosures. This arrangement allows for the preservation of the balance of privacy, secrecy and transparency preferred by the state. Gregory’s continual and veiled comments, suggesting Snowden’s inflated disdain for secrecy and over commitment to transparency, displays these truths.

#### **2.4 Conclusion**

Taken together, the controversy stoked by Greenwald and Gregory including the resulting debate within the pages of major newspapers and the models of journalism suggested by the three figures discussed here is that the crisis created by the actions of Snowden provide a window into how the felt experience of privacy is altered within the publics that form at the nodal points of journalistic modes of expression. The crisis fomented by Snowden accelerated the already expanding reach of the fifth estate’s characteristics of news production in form and feeling. In striking fashion, Greenwald reveals the waning of affect characteristic of late liberalism and often understood as a normative common sense. His publications suggest a form of private life that is embattled and under siege. Suggesting that the most intimate moments we experience are now prosecuted online, Greenwald argues we are losing control of these moments to an ever encroaching federal government. What makes these claims resonant is the idea of control or circulatory management of our discourses. Greenwald sees real harm being done to subjects as malformed publics arise from choked off and hampered communication circuits impaired by surveillance.



The disruption cause by Snowden has altered the feeling of privacy within the formation of publics through the imbalance between secrecy and transparency, to practices that operate in a tropological economy with privacy. In the creation of the crisis and his response to it Snowden's preferred model of journalism is designed to be the corrective to the issues plaguing the fourth and fifth estate. His model reconfigures the experience of witnessing through a staggered approach to transparency where both the news media and the government disclose elements in order to maintain the affective regime tied to the national security state. In his interview with Poitras Snowden's expresses his commitment to protecting national security while forcing a debate. He notes that his motivation is not to threaten American power but instead to demand oversight on the surveillance complex. His desire to maintain the power of disclosure as a tool of mutuality is geared to protect the experience of privacy.

What can we make of the media's role given the persistence of the national security state? Journalists whose action has been legitimated by the idea of a fourth estate create narrative worlds and affective structures that sustain contemporary, and often unquestioning, subjectivity. When Snowden disrupts all this, the institutions of late liberalism (of government, of traditional journalism, etc.) deploy arguments in the press that invite citizens to affirm the idea of the secret they must not know. And the national security secrecy state is thereby reproduced. This is why journalists like David Gregory and others from the NYT are doing things lambast Snowden for lawbreaking and leaking documents because he has not vetted them through the normal process.

The role of the state press and secrecy is the form of privacy that is finally reasserted. And in the practice of citizen journalism and the fifth estate, we can begin to see the outlines of new and emergent intimate publics. The crisis set in motion by the release of documents by Snowden rippled most clearly through the field of journalism touching the most influential

actors. Given the case I have laid out here, I suggest this interaction serves as a unique demonstration of the ways in which journalism is leveraged by liberal logics to re-invigorate privacy towards the goal of constituting publics committed to the efforts of the national security state.

### 3 SOVEREIGN IN NEUTRALITY

The liberal subject is constituted by a specific relationship to privacy, and the impact of legal policy about privacy that plays a key role in governance. The circulating discourses and policies of liberalism enact different concerns and differently array power when the subject is placed in the theoretical foreground of the analysis of an existing structural relationship. In this chapter I examine how the state leverages legal reforms and debates to create the conditions of possibility for the surveilled subject by repeatedly reconfiguring attachments to privacy and the sovereign figure of subjectivity. Liberalism, because it must manage populations through a diverse framework of techniques, renders privacy as a site of attachment so as to sustain a political field immune to multicultural identity struggles or pain narratives. I argue that an institutional network comprised of national bureaucratic organs, incorporate public policy and legal action into a resilient organization of affect and material substance. The resulting organization facilitates a distribution of resources that solidify along lines connected to social location and reproduce discrimination and violence in ways indivisible from the national security state.

The state plays a pivotal role in shaping subjectivity. From political associations to communicative practices to specific linguistic and rhetorical practices, legal and policy rhetorics cohere to create discursive technologies guided by an overarching organizational goal - a subject form responsive and beholden to liberal power. Within the network examined here the groundwork is laid for identity and other expressions of lifeworld. For instance, the interrelated citizen subject is a vital instrument and precursor for insuring the uneven distribution of social

resources, including the consequences for those choices. As with other forms of social spacing<sup>1</sup> (such as sexuality) the conceptual boundaries of citizen subjectivity are hotly contested, and yet foundational for policy priorities at both local and national levels.<sup>2</sup> Within the model I am advancing here, state power organizes the fields of human relations (social and political) leveraging familiar technologies along the way. For example, the bifurcation of citizenship within the American context is used to segment communities into political maps which can then guarantee political victories for a ruling governing party.<sup>3</sup> Without a recognized form of citizenship, efforts such as this flounder. Moreover, these efforts point to a formation of power buttressed by historically construed apparatuses.

Lecturing on the shifts between historical formations of power (sovereign, disciplinary and bio-power), Foucault turned his attention to technologies instrumental within those forms, and, which often transcend the collapsing frontiers of those formations. For example, he provides an analysis of health inspections as nascent forms of surveillance that marked bodies. Birthed in the wake of the plague, these practices are modernized through successive political regimes. Unlike the political structures reliant on these technologies, these technologies of power often survive past the form of government thought to usher them in. While knowledge is often thought to play the most significant role, Foucault suggests the sovereign subject form may be more consequential to late liberalism. Sovereign subjectivity is thus characterized by normalized attachments to representations of the world.<sup>4</sup> Following a logic described as *Cruel Optimism*, the

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1. I take this term from Elizabeth Povinelli's analysis of social structures as resulting from a underlying organizational logic which sets the ground for categorical forms of oppression. Povinelli, *The Empire of Love*, Chapter 1.
  2. The question of citizenship is at the heart of the current administration hyperbolic and racist immigration rhetoric.
  3. Gerrymandering is currently being adjudicated by the Supreme Court and is being closely followed in a number of areas. Coy and Stohr, "The Supreme Court Is Finally Tackling Gerrymandering."
  4. Berlant and Edelman, *Sex, or the Unbearable*, pg. 65.

sovereign subject clings to affects despite the damage they do. The sovereign form is a mode of subjectivity which continues its attachment to affects it understands may not be able to provide a way out of enduring the agonies of life within late liberal organizations. Long understood to be a key form of power, sovereignty suggests a rigidity and fixedness that is indicative of a form of self-awareness and agency amenable to the forces of the market. The risk is that sovereign subjects remain dedicated to an affective infrastructure that precludes long term resistance to the expansive claims of the liberal order.

As with all experiences of subjectivity though, sovereign subjectivity is a temporary and always fragile achievement. This is especially true in the era of crisis-ridden capitalism and the endemic social illnesses disrupting the flows of capital and social forms and political unity so deeply desired by liberal subjects. Despite its ephemerality, this fleeting form is preferable to the alternative for liberal power. The non-sovereign subject, one characterized by its disorganized and unbalanced and seemingly unstable constitution might be imagined as able to withstand the imposition of some forms of state power. Within the non-sovereign form thus lies the latent capacity to challenge the affective frameworks by refusing certain attachments. This fact makes non-sovereign subjectivity an “enemy of the state,” as it resists efforts to make subjects into perfect neo-liberal consumers. However, a trait shared across these seemingly antagonistic forms is the relationship of affect to their reproduction. Affect, specifically the feelings connected to privacy, is key to the organization of subjectivity.

It is thus important to examine how the logics of liberal governance (re)enforce mechanisms of subjectivity integral to its mandate of totalizing bio-political control vis-a-vis the surveillance industrial complex. Citizenship practices vary by refiguring race and gender and can

play out in contradiction. Refiguring national ideologies, boundaries create limit cases for who and what counts as citizenship and which performances are legitimated by the state.

Between the felt experience of privacy and the enactment of liberal organizations is a set of ideas, practices and feelings that sustain the world and make it predictable by suggesting a clear vision of the world. Situated in a specific moment and responsible for managing the constantly changing landscape of relationality, infrastructures appear in moments of crisis only to disappear again, indispensable to sustaining the daily terror of liberalism.

Without delving into the debate about identity based demands both on a polity sustained by the normalized practices of citizenship and the failure of those demands to form radical life worlds and projects capable of recuperating the sliver of hope for the creation of sustainable alternatives to the horror of liberal subjectivity, I wish to move in parallel fashion to a mode of thinking that recognizes how specific affective forms shift the terrain of subjectivity. This chapter tracks this process through a set of events within the context of the surveillance industrial complex, and the disturbance in liberal governmentality generated by the Snowden leaks. The following section describes the investment in privacy by the national security state. This description leads to my discussion of particular technological advancements and the impact on debates regarding transparency and state power. I follow up these arguments with a description of the debate surrounding net neutrality and the affective power of privacy and its projection through policy initiatives.

The net neutrality debate reflects the tensions inherent in the felt experience of privacy as it plays out on the internet. The concept of neutrality hints at a specific configuration of power, visibility and privacy. In the wake of the Snowden crisis this debate provides the basis for grasping the relationship between specific government actions and the impacts on the affective

landscape especially as they travel from the material forms hardwired in the technology itself and experienced in the abstracted and rarefied field of social relations. Net neutrality presents an economy of terms tainted by privacy creating a resonance for subjects tied to mechanisms of the security state.

### 3.1 Defining Privacy

When considered through the lens of affect, privacy takes on the dimensions of a technology of biopower. That is, privacy is a technology of dominance, a method for replicating the social order across diverse fields of life and managing the various projects emerging from within these fields.<sup>5</sup> Privacy is a translating technology, since it provides mechanisms of rationality and lays the groundwork for the creation of social order. Our shared sense of privacy soothes turbulent moments of identification when subjects are confronted in a way that challenges the fragile and tenuous grasp they hold on world and when the desire to be left alone is a powerful tonic. The felt experience of privacy is flexible and accommodating to the underlying infrastructure. It provides to social norms a pliable and labile membrane that protects them against radical disruption. Once in place these membranes respond to demands without absorbing the radical substance by diffusing the affective energy that leads to the fracturing of the normative logic either through deflection or appropriation of the demand.<sup>6</sup>

To understand how the feeling of privacy is made legible the concept must be read alongside other technologies and within a larger constellation of tools, especially rationality. An

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5. Povinelli describe “projects” as a thick subjective background of experiences. Similar to the formation of counter publics a project describes a particular type of life, usually at the margins, lived in the spaces neither benefit from the implicit benefit of liberalism or suffer from the explicit probation governmentality. For more on projects see *Economies of Abandonment* pg 32.

6. This is also described as a key impasse within the social fabric of liberal societies. Mainly, how does the logic of liberal rationality stand up to and change modes of recognition in the face of forms of life thought to be intolerable or monstrous. *The Cunning of Recognition*, pgs. 35-40; While somewhat different in tenor from the description of affect proffered in the previous chapter this description comports with idea that affect can also be understood as a regularized economy of tropes. Lundberg, “Enjoying God’s Death.”

account of the rational underwrites liberal governmentality. Consider the work of Thomas Hobbes on the formation of the sovereign ruler. Citizen subjects are enjoined to cede to the sovereign a set of rights and benefits bestowed on them by their creator.<sup>7</sup> As subjects, we relinquish a degree of our sovereignty to be part of a political body. For Hobbes, sovereignty is steeped in a form of agency and subjectivity derived entirely from self-awareness and rational self-interest. The process of releasing a modicum of agency is key to the liberal social contract. By relinquishing agency and upholding this line, subjects are freed from anxieties endemic to very fabric of life. The bargain provides an escape from the morass of social relations marked by fear of abuse and death at the hands of others.<sup>8</sup> This arrangement is replicated as subjects experience or understand themselves, and in the organizing logic regulating governments. In the classic accounts of liberal government acceptance of this contract is requisite to recognized citizenship.

The model of citizen sovereignty is central to liberalism. In addition to the necessary self-recognition, accepting the social contract centers the individual as the locus of political importance and recognition. How subjects (attempt to) exercise control over who they are and what they want is the enactment of liberal agency. By leveraging agency, subjects are induced into the belief they can control their fate based on their experience in and understanding of the world.<sup>9</sup> There is little agreement about the applicability of these ideas to the field of the social. Several debates regarding the subject still speak to the panic experienced when it comes to

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7. For Hobbes this is both a specific physical and rhetorical act. While I understand his distinction I find it unhelpful and suggest instead that is easiest to simply think of this as a material action. Hobbes, *Leviathan*, 1994, pg. 83.

8. The conclusions of Hobbes treatise is the necessity of a liberal social order that ensures peach and a version of domestic tranquility.

9. I am well aware that full agentic model subjectivity has been thoroughly debunked by the field of communication. This is placed here simply to suggest that there is still some remnant of the way in which these modes of sovereignty are still discussed and theorized.



agency and the ability of subjects to overcome the forces of interpellation.<sup>10</sup> When considered in the context of the linguistic turn, the problem of the subject is complicated by the vexed relation of power to language, specifically, the problem of interpellation and the constitution of subjects as the central mode of experience.<sup>11</sup>

The relationship between the execution of the political social contract and the individuated experience of the subject within late liberalism's atmosphere of governmentality is not completely determined. However, a clear metaphorical relation reflects the balance between the universal and the singular, and the resulting mediating tension.<sup>12</sup> The tension between these poles presents a space where the messiness and undecidability of the language is expressed in the arc of liberal subjectivity. Grappling with these tensions has motivated detailed criticisms of ideology. However, ideology alone is insufficient for understanding the rise of new political structures. By shifting the analysis we are able to glimpse the spaces where ideologies fail to do their work and affect fills in, specifically in the case of the infrastructures guiding social reproduction.

The history of the subject within liberalism is tied to enlightenment modes of understanding and its account of how subjects come to know their place in the world. This view assumes a cognizant subject whose identity is shared by networks of discourse and mediated by structures of feeling. Taking identification into account recognition is a process fueled by desires internal to the subject and modes of political legitimation. Political theories leveraging

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10. One example of these debates can be found taking place between Žižek, Butler and Laclau. For example see: *Contingency, Hegemony, Universality*.
  11. This line of thought is more about drawing attention to the myriad stresses facing the subject and the complex ways this process is both layered and permeable resulting in the refusal of a singular historical narrative explaining the subject. The debates between Žižek, Butler and Laclau plumb this debate. Žižek, Laclau, and Butler.
  12. This process is theorized in terms of the empty signifier by Laclau, namely the way that this linguistic relationship is the enactment of political struggle. Laclau, *On Populist Reason*, pgs. 67-71.

recognition imply active agents, deftly utilizing language and other modes of social engagement to establish a coherent individual.<sup>13</sup> However, only recently have theorists begun to expand the scope of inquiry past the subject/ language divide relied on by early theories of subjectivity. The inclusion of surrounding environmental and ecological elements has given rise to theories attuned to the impact of the built and natural environment.<sup>14</sup>

While assertions about the dialogical dimensions of subjectivity are correct often these assertions overly privilege a form of agency theoretically blind to the role of power within the formation of the subject. In short, it is true that the political subject within liberalism has historically been understood as able to manage a form of agency, this management is not without issues.

The disciplining role of power calls into question modes of social life which stem from moments of recognition that animate accounts of the political subject within liberalism. The contrast between recognition and the disciplinary mechanisms of liberalism cast suspicion on the usefulness of recognition. Most notably, a significant critique demonstrates the weakness of positions which too closely tie agency and identity.<sup>15</sup> The binding together of agency and the expression of identity often rely on a type of “bootstrap performativity” where the liberal individual asserts their subjectivity based on a set of identity forms that seemingly stem from a set of internal desires as opposed to external discourses of power.<sup>16</sup> More importantly, critiques of recognition as a political force foreground the role of power as a significant factor in social relations.

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13. Taylor, *Multiculturalism*, pgs. 28-30.

14. This is a key claim of Rickert's. Attunement opens up new possibilities for comprehending affect as a condition of the environment. Rickert, *Ambient Rhetoric*.

15. *Against Recognition*, pg. 69.

16. DiFruscia, “Shapes of Freedom. An Interview with Elizabeth A. Povinelli.”

Apprehending the centrality of apparent privacy guarantees to the liberal subject requires first addressing how this mode of being is relationally animated. And, situated within a configuration that demands a form of recognition, privacy is an enactment of an affective state. Privacy is a mode of social interaction that is deceptively public. Privacy operates both as a binary for public(ness) and as an assertion reinforcing the liberal contract through a routinized performance connected to recognition. This performance is the very assertion of an individuality and a demand of recognition of the boundaries of a subject barrier. While its main attraction is the promise of autonomy within liberalism's Faustian bargain (when I give these powers to the sovereign I can take them back later), privacy contains a distinctly shared tenor. Privacy appears as a binary that refuses singleness or completeness. Some *other* is always out there from whom we wish to secure ourselves away, protecting ourselves from violent intrusions into our carefully crafted world. But the binary is not real and is merely a result of the social orderings tied to liberalism.<sup>17</sup>

Without the social, or other subject(s), privacy loses its applicability. In short, privacy is always a social relation, a codex of actions for managing the social worlds that one must traverse. Once the subject is self-secured, it moves forward to create the world it desires by taking part in the myriad publics which liberalism both vitalizes and requires. Managing privacy requires the subject to interact with and retreat from others in a continual moment.<sup>18</sup> This relational mode of collective possibility requires an imagined community and a desired interiority in a form that mimics sovereign subjectivity.<sup>19</sup> Despite the focus on the construction

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17. Povinelli describes the appearance of this form through a distinction is more defined by power than ordered by liberalism's logic DiFruscia, .

18. I see this as a materialist act, one that bears some resemblance to Nancy's conception touch in withdrawal. For more on this withdrawal see: *Being Singular Plural*.

19. Sovereign subjectivity is discussed in several arenas but most often in terms of its relationship to love. For instance "Nomorepotlucks » No One Is Sovereign in Love"; This concept is given further explanation in Berlant and Edelman, *Sex, or the Unbearable*.

of a fully manageable interiority administered with immutable control,<sup>20</sup> the sovereign subject is an impossible achievement.<sup>21</sup> To brace oneself against the impact of the field of the social is to recognize the condition of impossibility for sovereignty of the subject giving birth to a disavowal, a recognition of one's inability to accept the reality that subjectivity is always necessarily incomplete. This desire itself stands as testament to the insecurity plaguing the subject, guaranteeing it will never be secure in the world, never fully free from the contamination of other discourses/practices/logics which impose on the processes of articulation into a fully self-realized form. And while privacy hints at a form of completion, it cannot ever fully make good on its proffer without underwriting its own irrelevance. Specifically, if one were ever to be able to fully avail her or himself of perfect privacy, there would be little room left for reading the world.

This claim is a fundamental element in most contemporary theories of the subject. Readers familiar with psychoanalysis will undoubtedly recognize the echoes of Lacan's lacking subject. That is, the split subject irrevocably fractured by the immersion into language. Similarly, the account I advance here recognizes both this contribution to the idea of the subject and also the way in which subjects are confronted by the power of circulating discursive logics straining the very bonds of their subjectivity. In this register, privacy can be understood as an apparatus embedded within the broader logic of liberalism's governing technologies.<sup>22</sup> Of key interest is the way that this apparatus presents itself as a feeling.

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20. Here I am thinking of poor Descartes and his poor stable subject and its murder at the hands of critical theory. Please observe a moment of silence.

21. Specifically, the dynamics of the social make an uninterrupted inhabitation of this position impossible.

22. I use the term apparatus here to describe a tool located at the intersection of power relations and knowledge. Agamben, *What Is an Apparatus?*, pg. 3; Agamben's work expands on Foucault's thinking on the formation of a dispositif described in detail in chapter 11 of Foucault, *Power/Knowledge*.

The ability to make demands on the polity from specific subject positions reflects an ingrained notion of subjectivity as a foundational necessity for government. The history of the investment in a specific legal subject can be traced back to the inception of liberalisms thinking on the division of political power. This division locates political power as housed within specific wings of governance. For early liberal political thinkers the single individual is the epicenter of political concern. This is, such theories located within the sovereign individual a divine set of protections which warrant a political structure capable of respecting the unique conditions inherent in the singular person.<sup>23</sup> While the history of liberal thought is varied and diverse, what is clear is the commitment to this principal despite challenges. Due in part to the long practice of private interactions, liberalism's reliance on the individual is tied to a commitment to practices and processes which adhere to a separation of powers that includes limits on the power of government. In conjunction with the protection of a privileged space for the flourishing of liberal subjects this division has created a fertile ground for material practices that lend themselves to the prescriptions of biopolitical control. Within liberal organizations the privileging of individuals as the locus of thought has been developed and deployed in the biopolitical regime.

The liberal individual is a function of privacy as a felt experience. Experiences of privacy have given rise to liberal organizational structures that arise in tandem to liberal regimes. The liberal structures are managed by the power affect plays in soothing out the incongruities in ideological transmission. Affective attachments complete the picture of what happens to subjects when a rhetoric fails to do the work necessary to stabilize a regime of knowledge. From the perspective of creating a hermeneutic for understanding how subjects navigate the myriad

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23. This is a major concern in liberal political thinking. The main these of Hobbes treatise on human nature suggests the necessity of this concern. Additionally, John Locke makes similar claims when marshaling his theory of human nature. See: Locke, *Second Treatise of Government*; Hobbes, *Leviathan*, 1894.

discourses working on and through subjects, affect is a necessary component that supplements the sometimes under described *process* of subjectivity.

Rhetorical theorizing on political subjectivity has a well elaborated and complex history<sup>24</sup> When new political regimes come into being in the wake of the shifting forms of power of liberalism, each new iteration opens insight onto the complex interaction of rhetorical force and internal workings of the subject. Privacy alone cannot sustain the liberal sovereign subject. Affects and in particular privacy always interact within larger structures of feeling and when the role and power of technology is introduced what becomes clear is the necessity for a stable infrastructure within which subjectivity can grow. And, without these new technologies, the liberal infrastructure falters in maintaining the spacing of social resources.

### 3.2 Liberal Neutrality

In the prisoner's dilemma, the quintessential test in game theory and a parallel for decision-making in terms of privacy, two suspects are arrested for a crime and interrogated separately.<sup>25</sup> Each suspect is given the opportunity to confess to the crime in exchange for leniency. The permutations of the game's outcome are described in terms of wins and losses. The example is interesting since the ways in which game theory envisions the idea of confession is paralleled by broader practices of privacy.<sup>26</sup> Game theory also roots of some legal conceptions of privacy. In both cases, theories of privacy unfold as a social practice aimed at securing information away from a field of visibility that constitutes a further danger to the current set of precarious political possibilities.

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24. A brief and incomplete list includes: Bush, "Rhetoric, Psychoanalysis, and the Imaginary"; Lundberg, "On Being Bound to Equivalential Chains"; Gunn, "Refitting Fantasy"; Foucault, "The Subject and Power"; Silverman, "From Sign to Subject"; Rickert, *Ambient Rhetoric*; Gunn and Treat, "Zombie Trouble."

25. This type of agenticized fully rational actor also roots much of the ideological content of economic activity.

26. Sandra Petronio presents a series of excellent writing about privacy as a sophisticated decision engine. See: *Boundaries of Privacy*.

The decision for one of the two suspects to confess (or defect in terms of the game theory) forces a rational process of cost benefit analysis. A prisoner must weigh the consequences of each option before deciding on the correct course of action. This process is mimicked by procedural accounts of privacy. In buying a house or seeking a job a consumer must weigh the social consequences of divulging too much information against the negative outcomes (not getting the job, you want, potential arrest, pushing away a current or potential sexual partner).<sup>27</sup> The choices become more salient when questions of surveillance are added to the calculations, since one has to imaginatively map potential vectors of information.<sup>28</sup> Once one is aware of the diminished capacity to keep information secret, one must reconsider their persuasive capabilities.

Privacy and its corollaries of secrecy and anonymity are primary interests for the state. Many forms of insecurity result from liberalism's rapacious efforts to expand the scope of consumption, and these are often channeled into a state apparatus concerned with the project of protecting against terrorism. For example, consider how information and secrecy management strategies have taken center stage within recent years as part of a broader effort to mobilize secrecy *as an apparatus itself* in order to check expansion of knowledge across domains.<sup>29</sup> The revelation that the national security complex has trained its eavesdropping and data collection tools on the US population has percolated a crisis within fields of social interaction with a different valence at the level of the state. This revelation is tied to the way that national emergencies can ripple through populations.

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27. Petronio, pg. 20.

28. The claims made by big data enthusiasts do call into question this practice as they purport to have found a method for supplanting the problem of incomplete knowledge.

29. Masco, *The Theater of Operations*, pg. 122-124.

The determination of what gets considered a national crisis is a core tool for liberal governance. While the top priority of the security state is to protect against national catastrophe in the form of violent destruction, a similar concern is given to key concepts that underwrite the dominance of the US security state. These often take the form of attacks on sacred forms or ideas seen as central to the US experience. Attacks on core fundamental rights like free speech and the protections against unreasonable search and seizure are often issues eliciting intense reactions, creating a break in the structures governing the circulation of affect. Unfortunately, contention over what might justify concern or crisis is inconsistent and episodic. Forms of life that might seem abhorrent or radically different often do not threaten the state, partly because they can and are often coopted. When attacks are made against marginalized communities dominant affective infrastructures often fail to register them as system wide threats. The failure to raise to level of crisis is thus connected to the content of the political demands being made.

Political demands can begin with pronouncements of individualized and collective forms of suffering as justification for recognition. The articulation and circulation of these demands sustains the fantasy of both individuated and universalizable forms of pain as able to disrupt the organizing mechanisms of liberal democracy. In terms of alternative life projects, project not considered normal, these formulations conform to a pernicious pattern in the cultural politics of late liberalism, especially, the idea that claims based in experience of pain and agony can move a polity towards more equitable distribution of resources.<sup>30</sup> These claims can end up providing action inimical to the flourishing of radical political life. Aiming to accommodate and dissipate challenges to established norms, liberal polices disarm radical cultural struggles to maintain the

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30. This idea is at the root of Michael Warner's idea of a counter public. Povinelli presents a similar formation in her discussion of life worlds and their relation to human agency. For more see *Publics and Counterpublics*; *Economies of Abandonment*.



preferred biopolitical ordering. The first step is to mark non-normative forms of life as abhorrent and outside of the penumbra of citizenship practices deserving legal protections.<sup>31</sup> Then, these forms are rendered politically feeble by legal actions that on face seem liberatory but damage protracted struggles to counter the firm grip of social norms.

This later move is a distillation process that empties oppositional practices of their political potency and robbing them of their radical potential to reconfigure liberal governmentality at its core. Both moves described above are poisonous to the full flourishing of subjects as they grow from the same diseased tree - sovereignty. This helps to explain why forms of life that challenge the configurations of liberal governance are the first to be (re)articulated in nostalgic terms that assimilate and pacify difference.<sup>32</sup> This move serves a dual purpose in the execution of liberal governmentality. When connected with other disciplinary apparatus' sovereignty facilitates a form of subjectivity fitted to the unequal distribution of resources and spacings desired by liberalism.

What I have hoped to show is how privacy operates as an affective structural element in the creation of legal polices designed to further late liberal logics of governmentality. Privacy gets translated into a policy tool facilitating the construction of both subjects and specific material forms of biopolitical management, via modes of citizenship that manage populations through the national security state. This strategy culminates in a form of appropriation that saps radical potential away from the liberal distances of social life.

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31. Giorgio Agamben would refer to the state of exception. A legal state where certain forms of subjectivity are necessarily excluded and this exclusion is a requisite condition of possibility for the legal system to exist. See: *State of Exception*.
  32. This is often a process that is described in terms of recognition. Povinelli, *The Cunning of Recognition*, pg. 3.

### 3.3 Private Technologies

A reading of politics through the lens of affective activity creates a new paradigm for understanding how liberalism's organizing logic gives rise to political and social structures. In this section I demonstrate how privacy plays in creating affective infrastructures connected to the field of politics. I explore how subjects develop styles of endurance capable of weathering collapsing horizons of possibility and the encroachment of precarity. Exacerbated by financial and political crisis a transitional infrastructure emerges to reshape important spheres of relationality, including politics. In this chapter I focus on the constellation of practices tied to the felt experience of privacy. The attachment to privacy produces the obliteration of agency for subjects navigating the horrors of capitalism's collapsing world, and subdues the temptation to abandon it. Privacy creates a feeling of security as one retreats (and even disappears) from view.

Affect and privacy are vital tools for reworking the regime of visibility without altering the underlying system that gives birth to control technology in the first place.<sup>33</sup> Privacy defines and preserves the relations between the viewer (as a site of power) and the viewed (as a site of powerless) and creates the condition of possibility for a form of discipline foundational to governance. The experience of privacy, even in moments of reconfiguration, stabilizes the culture. In addition to technologies of control and in light of the ways late liberal social organizational demands sap radical potential from identity formations and discourses, the experience of privacy stabilizes the logical system of meaning making construed by affective transitional infrastructures.<sup>34</sup>

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33. Working through the distinction between Rancière's distinction between policing and politics Povinelli argues that affect plays a key role in remaking the underlying distribution of visibility. *Economies of Abandonment*, pg. 50.

34. The transitional infrastructure is a configuration of services and practices that smooth change and movement. For more see: Berlant, "The Commons."

The logic of transparency also plays a role. Here I use this term to think through government efforts to conduct operations in public view so as to maintain a specific set of political achievements (such as institutional legitimacy), as opposed to the imposition of transparency vis-a-vi investigative actions (as in the case of a detailed investigation by a citizen journalist). When theorized in this way transparency appears as a form of disclosure or confession. And thus, grounded in a specific arrangement dictated by the formation(s) of power, visibility and transparency are inseparably tied to scenes of subjectification.<sup>35</sup>

Delivered through the release of data, transparency inverts privacy and this insures the practice of attachment. While there have been debates over the reliability of data collection for a hundred years, the new datafication movement provides a different approach than former efforts to transform social life into data. What I want to stress is how datafication relies on absolute trust, and a tacit belief in the ability of data to speak for itself. That is, big data analytics and collection programs hold onto and spread the idea that data on its own provides a clear and objective view of the world, ostensibly leaving behind the problems of metonymic representational methods in favor of a more accurate depiction of the world. For example, an important initiative in the Obama administration was the creation of the [Data.gov](http://Data.gov) platform, a repository for data collected on and about the government made available the public with the goal of creating a shared resource to render government activity more accountable.<sup>36</sup> The visibility created by these new systems of data collection coupled with new and exceedingly less accessible algorithmic tools sets up a social relation resonant with liberal thematics of governance. The release of data allows apparent civic transparency to stand in for democratic accountability, while providing a nodal point where the sovereign subject is recognized as a good

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35. Crary, *Techniques of the Observer*, pg. 15.

36. "Technology Transformation Services."

citizen.<sup>37</sup> Bound to this nodal point is the feeling of privacy as it mediates the market form of rationality underpinning the ontological claims of data.

Confronting the form of disclosure in transparency, privacy discourse renders these confessions legible. Building on the rationality of privacy, transparency is the antidote to forms of discourse that could muddy debates regarding actions taken against the state.<sup>38</sup> In this way transparency is a technology for constraining discourse in order to structure the release of factual data. The feeling of privacy is marked by retreat and constriction of fields of visibility, in contrast transparency is the inverse marked by process of opening or revealing. This is especially true in cases of forced transparency through exposure, defection, or confession. Consider the idea that threats become self-fulfilling by provoking insecurity. Sometimes referred to as the affective fact, this is a powerful force within social networks. Affective facts rely on the palpable feeling of insecurity, not on specific events but on a generalized sense of fear and danger. Moreover, savvy political actors modulate feelings of insecurity to gain compliance for specific state actions. The creation of actionable facts relies not on specific realities but on felt experiences, highlighting the importance of feeling in the maintenance of political imaginaries.<sup>39</sup> In a circular process, the national security state requires dread create specific policy regimes designed to insure the continuation of a specific affective structure.<sup>40</sup> This reciprocal relation between the political structure and the organizing affective logic is key site of ideological translation and reproduction. Transparency, once deployed by the state through data dumps etc takes the shape of an affective fact.

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37. Birchall, “Data.Gov-in-a-Box,” pg. 191.

38. Transparency as a discursive strategy pre-empts the circulation of conspiracy theory and other forms of public disclosure capable of subverting a desired political fact. Birchall, “Radical Transparency?”

39. Massumi, “The Future Birth of the Affective Fact,” pgs. 52-54.

40. I understand the tension of this claim when considered against the arguments made by Berlant and others about the difference between the structure of an affect and its reception. Namely that the structure of an affect does not necessarily dictate its reception. Berlant, “Thinking about Feeling Historical.”

While the specific manifestations of this process are unique, the marriage of national security and affectively charged discourses has followed a specific trajectory in US security context. A fundamental part of this system blossomed out of the existential and material terror caused by the creation and deployment of nuclear weapons.<sup>41</sup> The reliance on the horrors generated by the destruction of Hiroshima and Nagasaki in August 1945 underwrote the formal creation of the U.S. national security state. Strident forms of national security ideology relied on the Soviet Union as a consistent and stable foil. This stability normalized the affective regime allowing for periodic modulations in order to achieve difficult policy goals.<sup>42</sup> Within the context of the Cold War, the bomb presented a powerful object from which structures of feeling could be erected.

Given that the terror and fear created by the bomb are central aspects of the national security state, an important parallel component is how visual tropes and discursive artifacts created the conditions of possibility for the emergence of a public committed to two opposing but mutually constitutive affective facts. The imminent destruction of the world through full scale nuclear exchange was evoked on one side and the salvation of humanity through a slavish commitment to liberal democracy in the form of a national security apparatus controlled by elected officials was elaborated on the other.<sup>43</sup> These two poles represent a singular and unified strategy on the part of government functionaries and are indispensable to the legitimacy of the national security project.

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41. The existential terror unleashed by the mind bending destruction of nuclear power has been a genesis for understanding the very arrangement of visibility that developed in its wake. While my arguments enjoy a parallel to this line of reasoning it is only a secondary concern. For more on the construction of new technologies of visibility see: Lippit, *Atomic Light*.

42. These policy goals shift over the course of the Cold War. For specific examples see chapter one. Masco, *The Theater of Operations*.

43. Masco, pg. 48.

The marriage of nuclear destruction images and a palpable sense of crisis at home created a network of discursive and material objects insuring the continuation of liberal power. These efforts crossed several spectrums of social life from political organizations to civic society projects.<sup>44</sup> Moreover, each new network touched by the feelings of crisis and dread further ensured the expansion of liberal governmentality. Steeped in the paranoia of the Cold War antagonisms, each of the projects birthed by and beholden to the security state tapped into the larger infrastructure of bio-political control. What was clear is that the state would help foster a sense of instability and seek to assuage some of its effects through a series of government policies.

The collapse of Cold War antagonisms created the conditions for the emergence of an affective regime aimed at bio-political management for the new world.<sup>45</sup> In response to rapidly changing geopolitical circumstances a new political genre gained traction. Enlarged by the events of 9/11 (but not necessary created by these events), melodrama as an affective form shifted from popular cultural genre into a structure for organizing political discourse. This shift occurred as the genre that emerged during the early years of the Cold War began to collapse. New within the context of American political discourse, the generic composition of melodrama had already built a foothold in the cultural struggles of American culture.

The burgeoning melodramatic form in political discourses adapted its conventions to the rearticulated national security state, so that the felt experience of American life could be channeled by the circulation new structures of feeling. Chief among the formal elements in the emerging political genre was a renewed relationship to violence, specifically the states' use of

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44. For more on the development of these projects see Ghamari-Tabrizi, *The Worlds of Herman Kahn*.

45. This is the world(s) emerging as the American dream is wearing out in the political imagination and threats to the liberal order begin to take the shape of multicultural challenges. This also sometimes thought of as a marker for the beginning of the "late" period for liberalism. Povinelli, *Economies of Abandonment*, pg. 16.

violence in the battle against evil, where a moral economy equates victimhood with virtue. As a result, injury against the state (like the unprovoked injury of 9/11) becomes both proof of virtue and justification for enlarged state operations in surveillance and advanced warfare techniques.<sup>46</sup> Also connected to the generic conventions of this moral economy is the standard for what kind of pain rises to the level of national injury - a key marker of late liberal logic.<sup>47</sup> Providing a tremendous amount of flexibility in terms of how and when to react to crisis, this new framework introduced a set of processes for determining how national injury gets framed and whether or not it demands intervention by the state. Inevitably the justification would only be legible when the superiority of the national security state was challenged.<sup>48</sup> This helps to explain why poverty and incidents like the ones taking place in Flint Michigan do not qualify as a crisis for the national security state. As the moral economy of violence is leveraged to justify military actions, other forms of state intervention have been directed towards the creation and distribution of insecurity and precarity along the axes of race and gender.

The conventions of melodramatic political discourse thus adopt the normative assumptions of the existing civil imagination before transforming them to respond and help make sense of international politics. Two norms (re)articulated in the genre of melodrama include sovereignty and transparency. Inherent in both liberal orthodoxy and the American civic identity is a form of self-determination and self-realization that undergirds the subject. Similar in tone to the stable subject so often critiqued by contemporary social theory, melodrama supplants the experience of the American individual fantasy with a promise of a subject form unbound and

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46. Anker, *Orgies of Feeling*, pg. 34.

47. This is why social decay and the deconstruction of public welfare programs can be legitimized despite their ill effects on vulnerable sectors of the population.

48. This is why crumbling roads, poor schools, malnutrition and the sprawling private prison system fail to rise to the level of crisis for the security state.

capable of experiencing “freedom” by identification with heroic and moral action in defense of the state.<sup>49</sup> This form justifies a version of privacy that acts as a fulcrum for self-reliance. In addition to rooting privacy with the discursive circuits of the subject, melodramatic discourse facilitates the experience of privacy within other contexts. For instance, melodramatic feelings facilitate calls to dismantle invasive data collection efforts as the mode of visibility imposes transparency consistent with an experience of victimization.

Throughout the evolution of the national security state notions of privacy have been built into each new organizational layer. Bureaucratic layers build on the sensation of privacy and develop those sensory attributes into legal and policy implementations. Consider the constitution of the United States. While never mentioned specifically, the absence of privacy as specific legal term is eclipsed by a set of rights enumerated along an axis of specific behaviors. Early writings on privacy from American jurists near the turn of the century attempted to enumerate new boundaries of political intervention that are now considered to be the realm of the private.<sup>50</sup> These boundaries have received revisions in the 20<sup>th</sup> and early 21<sup>st</sup> centuries, most often by court cases where privacy is derived from rights implied by the first ten amendments to the constitution.<sup>51</sup>

Within arguments about the role of privacy in American social relations is the idea of a citizen taking specific action within the bounds of the law. While not universal, many of the cases taken up in this regard are tied to the presentation of citizenship and its enactment as a form of rational decision-making. These cases legitimate demands made to the state. The rational

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49. Anker, *Orgies of Feeling*, pg. 37.

50. The most famous of these is the article on individual privacy authored in the late 1800’s Warren and Brandeis, “The Right to Privacy.”

51. The scope of these cases is beyond boundaries of this work. However, there are some notable cases that remain relevant today. Most notably is the Brandeis decision in 1890. Warren and Brandeis.



form of decision making required for citizens to express claims for relief require the adoption of the sovereign subject form, this is the mode of subjectivity produced by the infrastructure I have described.

The sovereign subject is an indispensable condition for the recognition of citizenship. The ability to avail one self of the rational form of subjectivity is the hallmark of managing the precarity of late liberalism. Baked into this form is a set of affinities which attaches subjects to a specific object (in the case of the Cold War) or regime of control (in the case of the post 9/11 security state), priming subjects to the state of endurance necessary for late liberalism.

An added benefit of this infrastructure is the state's ability to align subjects with the various bureaucracies at work in the maintenance of the overall affective structure, even when the operations of the organization may be counter to the person's interest. For example, commitment to the national security state can often forgive the flow of weapons and technology to local police departments that inevitably use to kill unarmed citizens. When a crisis erupts, unsettling the infrastructure with enough force to wedge open the relation of attachment subjects have to the world they inhabit, the result is a realignment of action that draws subjects back to the foundational affect holding the structure together. While the underlying framework is laid bare in these moments, when subjects are confronted with the totality of the world in which they are residing the sensorium guides subjects through the experience of losing confidence in the future and the trust that tomorrow can be better than today.<sup>52</sup> In order to relieve this pressure the underlying organizing logic of late liberalism redirects attention towards the state organs in order to obfuscate the underlying layers of the infrastructure. By attenuating privacy and directing

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52. This is described as feeling historical when crisis unfold in the ongoing present and disrupt the sensorium of action. Berlant, "Thinking about Feeling Historical."

struggle towards operations within the mixture of political antagonisms the liberal order remains under examined.

### 3.4 The Sovereign FCC

This section examines a specific policy initiative and its relationship with the current form privacy takes. I explain how the contemporary version of the sovereign subject comes into existence and trace its connection the 9/11 security state. I track the appearance of this subject as the formalized and structured agreement at the heart of liberal techniques of government. Resulting from the web of discourses and actions connected to surveillance it is a form that provides coherency to individuals and their experience of the world as they confront the various spacings designed to disrupt subjectivity.<sup>53</sup>

Net neutrality is a short hand way for speaking about a legal injunction against monitoring and regulating what kind of material traverses the internet. Coupled with idea that the internet is a public space where subjects come together in material ways to discuss political and social concerns of the body politic, the net neutrality debate sits at the nexus of several important conversations around surveillance, privacy and governance. While the debate preceded the events of the Snowden leaks I suggest it is useful to read the debate in wake of the Snowden revelations as a way for understanding how privacy is structured and experienced. Reading this debate through this moment provides a window into attempts to reassert privacy designed to stabilize the mode of subjectivity desired by the national security state. These moves are accomplished not just through specific policy announcements but through reading strategies made available to subjects as they navigate changing dynamics of unfolding political dramas such as with the disruption caused by Snowden.

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53. Berlant and Edelman, *Sex, or the Unbearable*, pg. viii.

In addition to the effect Snowden's actions have had, the net neutrality debate is connected to the role internet use plays in daily life for many in the US. More than just the applications that utilize the deep compression of time and space afforded by the internet, a growing recognition of the vital role played by the internet in mediating the field of social interactions has dominated discussions of net neutrality.<sup>54</sup> It was this fact that motivated Snowden to come forward in the way that he did.<sup>55</sup> Understanding the internet in this way is hardly unique however, it is indispensable for any analysis of internet activity.

The technical specifications of data flows across the internet preview the cultural implications for policy initiatives seeking to curtail forms of data packet inspection. Integral to the process of digital communication monitoring and surveillance is the ability to read the contents of data packets while they are in transit. Known as packet filtering, this technique is at the heart of most forms of digital surveillance. The technical realities of these surveillance practices were at the heart of the reporting on programs like *XkeyScore* and *Tempora*. In order for information to be passed across the internet it must first be encapsulated into data packets. Fixed with a header (similar to a mailing address on an envelope) the packet contains the information being transmitted from one party to another. Since its creation, the protocols and technology governing the transfer of packets across the internet have remained agnostic regarding the content of data packets.<sup>56</sup> This agnosticism is what underwrites the idea of neutrality on the internet. Underlying the cultural crisis fomented by Snowden is a set of technological concerns regarding the physical construction of the internet. The documents reported on by Greenwald and others demonstrate that several government programs are engaged

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54. I do not mean to suggest a single field only that this mediating factor is ever present.

55. Poitras, *CITIZENFOUR*, 1:27.

56. Sprenger, *The Politics of Micro-Decisions*, pg. 22.

in deep packet inspection in violation of the norms governing the transfer of data across the internet. What is also made clear by these articles is that these technologies are built into the existing infrastructure making the *current* instantiation of the internet amenable to data collection efforts.

Moreover, it became clear large corporate tech giants were facilitating the data collection efforts either through direct action or by tacit approval. In both instances it is clear technology companies have created the necessary technical components to facilitate this action. The technical specifications of internet transmission are obscured by cultural norms. Interactivity is seen a fundamental norm in this case. Since the tech boom of the late 1990's digital communication companies have invested in rhetorics of democratic participation. Conflating customization with control, tech companies labored to convince users of the myth that engagement with a specific technology performed an equalization of power, giving the user the ability to shape the expertise of power by corporations.<sup>57</sup>

The prevalence of the internet has given rise to several discourses that center the internet as an important tool for social change.<sup>58</sup> As the uses for the internet have become intensified and diverse many have begun to realize how the rhetoric of technological solutionism has shaped ideas of the internet as a space for positive political change.<sup>59</sup> This rhetoric often suggests the internet presents a space where subjects can interact to achieve political as well as social goals.<sup>60</sup>

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57. Mark Andrejevic does an excellent job of tracking how the rhetoric of participation and democratization converge into a form of peer-to-peer monitoring. Andrejevic, *ISpy*, Chapter 2.

58. Mark Andrejevic provides a compelling criticism of the concept of interactivity. See chapter 3 of *ISpy*.

59. I borrow this term from Evgeny Morozov *To Save Everything, Click Here*. This book also contains a well developed critique of the idea that the internet can achieve the lofty goal of solving major issues plaguing society.

60. Several scholars have made claims about the internet as a space for instance: Shklovski and Valtysson, "Secretly Political"; Dean, "Why the Net Is Not a Public Sphere"; Benkler, *The Wealth of Networks*; Dahlgren, "The Internet, Public Spheres, and Political Communication."

While the spatial content of the debate for net neutrality has been important, equally important is the form of public deliberation as it shifts to the digital realm. Magnifying this debate are arguments about self presentation and identity that have become paramount when thinking about protecting the internet. The infrastructure of the internet is thought to be transparent, thereby facilitating anonymity. As the internet has developed the barriers to access of have been leveled resulting in perception of ease of access and control. Similar to the way internet communication is described in the previous chapter, I note this development to draw attention to the intersection with theories of privacy and the subject.<sup>61</sup> However, the FCC debate is tied to the status of transparency within the cultural landscape. Preceding the actions of Snowden a debate in the US transpired regarding the role and nature of governmental transparency especially as it relates to privacy. Despite the many promises made by president Obama to usher in a new era of transparency, the actions of his administration engaged in a fierce and unrelenting campaign of terror against reporters, leakers and whistleblowers. For instance, the Obama administration created a program to proactively stop the leaking of government information through an intensified monitoring system. Authorized by executive order shortly after Chelsea Manning leaked the pentagon papers the “insider threat program” was also designed to thwart whistleblowers from imposing unsanctioned transparency on government activities.<sup>62</sup> This program is just one of the many ways the Obama administration terrorized anyone connected to public transparency efforts. Most often the target of protracted legal

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61. In the previous chapter I deal the with the form(s)of the public materialized in the wake of the Snowden affair. Here I describe this only as it pertains to the idea that places operate along a similar legal register, making them susceptible to legislation of a specific type, specifically that spaces can be managed in order to ensure a specific delineation between ownership and that this relationship is one that is connected to sovereign forms of governance. This is to say that they regulation of space in this way mimics an understanding of how divisions within liberalism follow a model of control.

62. Landy and Taylor, “Experts.”

struggles whistleblowers during the Obama administration received harsher treatment than in any other presidential administration.<sup>63</sup>

Symptomatic of the melodramatic political form in action Obama's future threat program is a perfect example of the affective structure at work. By mobilizing anxiety regarding leaks the government is able to create policies and activities that capitalize on the perceived threat to US interests. In tandem with these efforts, the administration was continuing to issue statements on the necessity of net neutrality in order to protect specific already established norms of data transport. Once the Snowden crisis swept across the social field it became clear that despite rhetorics of transparency and interactivity that the fundamental part of the internet that insured privacy and transparency was critically undermined. As privacy became threatened net neutrality became legible as an antidote. Several international actors with significant stakes in the regulation of internet issued a statement suggesting a commitment to net neutrality could alleviate the concern of digital privacy advocates.<sup>64</sup> The head of ICANN argued the issue of net neutrality took on a new importance after the Snowden disclosures.

### **3.4.1 Regulating the Internet**

Designed as a decentralized network of interconnected nodes the organization of the internet has been characterized as lacking a central command structure, an extension of the space governed by the laws of the United States. The lore of the rise of the internet is steeped in the legend of a untamed frontier of speech and action resistant to government intervention. Conceived of as digital manifestation of the liberal public sphere, free speech and free

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63. Taylor, L, and Bureau, "Obama's Crackdown Views Leaks as Aiding Enemies of U.S."

64. Scola, "ICANN Chief: 'The Whole World Is Watching' the U.S.'s Net Neutrality Debate ; A Q&A with Fadi Chehadé, the Head of ICANN, the Organization Charged with Keeping the Global Internet Running."

association have been seen as immutable in the very infrastructure of the internet.<sup>65</sup> The reality of internet governance is a different story. While certain types of “free” speech have enjoyed protection, the truth is that within the United States, regulation of the internet has been a persistent concern. Since its explosion in the early 1990’s government agencies have attempted to regulate the internet through a variety of tools.

The main tool the federal government uses in the regulation of the internet is derived from the 1996 Telecommunications act, which changed dramatically the scope of regulatory possibilities for the Federal Communications Commission (FCC), the body responsible for regulating telecommunications within the United States.<sup>66</sup> Building on the authority granted by this act the 2015 open internet order released by the FCC made the dramatic move of listing internet service providers(ISP’s) as common carriers. In the context of telecommunications providers this description designated ISP’s as utility companies responsible for transmitting data in a uniform manner, independent of the content of that data.

The common carrier designation was a result of a protracted debate regarding the proper way to regulate the internet. For instance, in 2002 an article laying out several key claims regarding the proper regulation of the internet joined a chorus of concern regarding the status of the internet as place for the free exchange of speech and ideas. Key among the authors concerns is the ability to check the implementation of discriminatory policies that would shut out innovative devices that could alter the flow of communication signals according to the desires of end consumers.<sup>67</sup> A key technology cited and one that is now commonplace if not almost

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65. Despite many of the utopian assumptions following this line of reasoning, there are some who critique these very qualities. Jodi Dean provides an excellent critique of the idea of the internet as a public. Dean, “Why the Net Is Not a Public Sphere.”

66. “Telecommunications Act of 1996.”

67. It is no coincidence that one of the key litigations mentioned in this document was the Hush-a-Phone a device marketed to increase privacy for its users. Wu, “Network Neutrality, Broadband Discrimination,” June 5, 2003.

mandatory for any privacy minded internet user, was the VPN. In 2002 VPN users issued several complaints to ISP and government bodies regarding the throttling and filtering of secure traffic.<sup>68</sup> This early example set a persistent tone for how net neutrality would be read. Namely, neutrality provided the ability to use tools *designed to ensure privacy*. In this way, from the state Net Neutrality is linked to the practice of privacy.

This early concern over the control of the internet continued to fuel debate regarding the best way to stimulate growth in the technology industries propelling growth and expansion in internet technologies while balancing concerns over individual freedom. Opponents of net neutrality regulations often presented a conservative set of arguments painting regulations as spurious and dangerous to the winds of innovation. Moreover, they derided these regulations as unnecessary and unwarranted given the evolution of the internet.<sup>69</sup> Arguments against the creation of net neutrality regulations were also advanced by organizations seeking a specific type of injunction against digital content that ran afoul of copyright law. This was especially true of advocates connected to the Recording Industry Association of America. Concerned with the rampant unauthorized reproduction of material the RIAA issued warnings against net neutrality that suggested it would embolden individuals circulating stolen material, and would also assist in the distribution of child pornography.<sup>70</sup>

While the earliest arguments marshaled during the pursuit of a uniform set of regulations related to the need to provide for anonymity for internet users, the tenor of the debate regarding privacy and internet access changed. The debate explicitly engaged privacy. To be clear,

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68. Wu, "Network Neutrality, Broadband Discrimination," June 5, 2003, pg. 143.

69. For instance : Gattuso, "Net Neutrality Rules," February 12, 2014.

70. Admittedly, this argument was much more prevalent during the debate over SOPA. However, it was periodically advanced during the net neutrality debate. Klurfeld, "RIAA Speaks Out Against Net Neutrality (Again)."



regulators and those with an interest in the expansion of the communication technologies underlying the internet have long been concerned about privacy. But by 2010 the issue had changed. President Obama indicated his commitment to the open internet citing that citizens needed to be able to create new business and that the internet should not hinder that through toll roads and paylanes.<sup>71</sup> Additionally, Obama and his temporary allies were concerned regarding perceived technologies that might limit free speech. He refers to the spirit of openness, a short hand reference that proponents of net neutrality use to discuss the ability to shroud oneself in anonymity and speak out against a political or social trend without fear of reprisal. Often linked by the idea of maintaining the injunction against filtering traffic based on content, openness stands in for the current operation of data routing practices, specifically, the ability of users to pass traffic across the network without inspection by third parties. The refrain of openness and anonymity as core to smooth function of the internet is often repeated in many of the arguments circulated in this debate. Tied to the controlling one's state of visibility the arc of the net neutrality debate centers on the idea of privacy as a gradient, a spectrum of possibilities, each one creating a new affinity for liberal subjects.<sup>72</sup>

However, it is no accident that the defense of the status quo does not include technological fixes to hard code protection from content filtering. Instead only policy fixes are advanced leaving the technological capacity for monitoring (at every level) intact. Indicative of the model of crisis discussed above, the endemic technical problems do not rise to the level of crisis for the state. This is to say the technical infrastructure, like the crumbling physical infrastructures of many major cities, does not rise to the level of threat for the national security

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71. Free Press, *Obama*.

72. "Why the ACLU and the Government Are Teaming Up."

state. In line with the interests of the state actions to monitor and punish journalists, maintaining the technical functioning of the internet falls in line with the administration's larger agenda.

Crucial to the idea of net neutrality is the concern that large players in the internet service game will leverage their market position to silence particular forms of speech that they find objectionable. Opponents of net neutrality echo these arguments. However, these echos lack the same future orientation underwriting the concerns of neutrality proponent opting instead for a singular historical instances.<sup>73</sup> Throughout the lifespan of this debate the question of openness has been an issue. Considered against the backdrop of the disruption cause by Snowden, a new dynamic begins to present itself. Namely, one of the most often cited arguments for the preservation of an open internet is the ability for users to be able to engage in speech and interactions which may be deemed less than desirable by the federal government. Another example how preexisting affinities create a salience for messages that are re-circulated after experiencing a glitch or disruption to a discursive network.

Obama's anxiety over the direction of internet regulation also fueled his reiterated commitment to governmental transparency. After the Snowden crisis several global actors came together to suggest a more distributed version of internet governance, including controls on data collection efforts.<sup>74</sup> His campaign promises of transparency and openness presented a clear and definitive statement regarding what he thought the role of the internet is in promoting civic public discourse. Promising to counter the practices of the previous administration Obama decried the status of the government as being overly and unnecessarily opaque and promised to release information whenever and wherever possible with the clear exception for national

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73. Klurfeld, "RIAA Speaks Out Against Net Neutrality (Again)"; Gattuso, "Net Neutrality Rules," February 12, 2014.

74. Scola.

security matters. Upon entering office he instituted policy reforms to reverse the preference for secrecy enjoyed by the Bush administration in the processing of FOIA requests and the release of information. Included in these reforms was the mandate that the branches of the federal government adopt a “presumption of disclosure.”<sup>75</sup> This attitude towards preemptively releasing information was to be the guiding principle of the Obama years. Shortly after the memorandum declaring this new disposition Obama instructed the Office of Management and Budget to create a new portal within each agency for the release of data to be processed by the public.<sup>76</sup> This was seen as major step to making good on his promise of governmental transparency. Designed to limit the barriers to access these new sites were seen as definitive proof that Obama would follow through on his promise to open a window into the inner workings of his administration.<sup>77</sup>

Despite these intentions as his administration took up its own version of the war on terror the commitment to transparency waned. Halfway through his administration civil liberty groups grappled with Obama administration as FOIA requests were delayed or outright denied. By the second year of his administration the federal government had denied more requests than Bush had in the entire second term of his administration.<sup>78</sup> Citing risks to national security, the Obama officials invoked the often used exception that had been built into his transparency declaration.

Early in 2010 Chelsea Manning leaked hundreds of thousands classified documents to *Wikileaks*. Embarrassed and incensed by this leak, Obama quietly directed the national security apparatus to begin harsh crackdowns on suspected leaker and to begin an intensive and sustained campaign of harassment and intimidation against journalists, even after publicly supporting the

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75. For example, Obama issued a memorandum instructing the government to adopt a clear presumption towards openness and disclosure. “Obama Ushers in an ‘Era of Openness.’”

76. Orszag, “Memorandum for the Heads of Executive Departments and Agencies.”

77. “Obama Ushers in an ‘Era of Openness.’”

78. Malcolm, “A Little Secret about Obama’s Transparency.”

national shield enacted to protect journalists whom report on government secrets.<sup>79</sup> In the midst of their public assertions of transparency and openness, several employees of the NSA were being vigorously prosecuted for their role in leaking information about top secret surveillance and data collection practices of the security state.<sup>80</sup> Several investigations were undertaken against whistleblowers even as the President continued to espouse his belief in transparency.

When Snowden delivered his payload of documents to *The Guardian* reporters in June 2013 the national debate over privacy had become bogged down, with much of the public attention having been focused on the case of *Wikileaks* founder Julian Assange and his confinement to the Ecuadorian embassy in London.<sup>81</sup> Once the floodgates were opened and the flow of articles documenting the actions of the NSA became a daily occurrence the issue of governmental transparency became hotly contested. Lawmakers and policy makers began to discuss the nature of Snowden's actions and if it qualified as leaking or actual treason.<sup>82</sup> Fueling the accusation of treason was a constellation of claims orbiting around a central thesis namely, that these disclosures would put intelligence-gathering efforts at risk. In a public debate with Barton Gellman of the *Washington Post*, Michael Hayden, former director of the NSA and CIA, described the programs detailed in the leaked documents as both legal and fully authorized by all three branches of government suggesting the data collection efforts were immune to the type of transparency advocated so heavily Obama in the early days of his administration.<sup>83</sup> Hayden

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79. Isikoff, "Classified-Info Crackdown."

80. The most well known of these prosecutions is Thomas Drake. He eventually agreed to a Plea Deal with the justice department ending a several year effort to punish him for releasing classified information. Nakashima, "Prosecution of Ex-NSA Official Thomas Drake Was 'Ill-Considered,' Former Agency Spokesman Says."

81. Addley and Woolf, "Julian Assange Seeking Asylum in Ecuadorean Embassy in London."

82. On both sides of the political isle lawmakers and politicians were labeling the actions of Snowden as treasonous and demanded Snowden return to the US for trial. Both former speaker of the house John Boehner and then Secretary of State John Kerry liberally tossed around the idea that Snowden was a traitor. French, "Boehner."

83. *National Security Agency and Privacy Debate Michael Hayden and Barton Gellman Debated the Role of the National Security Agency (NSA) and Privacy Laws.*

suggested the intelligence community had a legitimate claim to some forms of secrecy especially in light of the dangers facing the national security state. The gravity of the risks to national security, argued Hayden, justified an exemption from transparency efforts. These comments are instructive as they do the work to realign conceptions of privacy and transparency. His invocation of the need for secrecy creates the expectation and the understanding that transparency in any condition must have a limit point.

Rupturing the process by which the government conducts secret activities, the actions of Edward Snowden revealed the intertwined connection between privacy and transparency. As part of the transformational infrastructure responsible for insuring the formation of sovereign subjects, privacy is felt as a counterweight to the imposition of transparency. This feeling is exacerbated as the logic of liberalism engages agents to restore the functioning of the affective regime necessary for the distribution of social resources. Embedded in these concerns are two familiar objects, the form of a sovereign subject able to engage in the rational decision making process necessary for liberalism, And, second, the attenuation of privacy along the axis of future action. Arguments of openness present a futurity rife with danger, replicating the danger of a precarious future and igniting active attachment to this idea.

As subjects become aware of the affective disturbance in the infrastructure around them, the feeling of sovereignty, a sense of totalized control how one experiences and engages with visibility becomes less and less tenable. In this moment the underlying logic of liberalism attempts to reassert itself through the invocation of privacy as a way to alleviate the discomfort created by the affective fact. Soothing this movement is a metaphorical condensation of privacy into two practices that leverage a complimentary affinity of the sovereign subject form - preemption. Baked into the very DNA of the national security state is the reliance on

technologies of discipline refined to new degrees of precision within the digital context. In contrast to privacy the technological innovations of the early 21st century have altered the influence that technology has on the infrastructure emerging in the wake of late liberalism. While many of these changes have come in the form of new communication technologies the surveillance capacities inherent in them give rise to a thriving data market. As the quest to collect, store and analyze data as fast as possible is the new mantra for business (both digital and analog) the expansion and adoption of communication technology has created a new set of pressures brought to bear on the transitional infrastructure.

One of the key changes in the national security state tied directly to new communication technologies is embodied in the policy of preemption. Preemption is a rarified version of risk management operating through a model of future behavior. Connected to the massive data collection efforts facilitated by innovations in storage and algorithmic processing, preemption displaces reactive decision-making based on judgments regarding causation in favor of predictive actions based on data processing.<sup>84</sup> Similar to the affective fact with its future facing orientation, preemption justifies action on the basis of a potential for violence. In addition to concerns of individuated risk management and surveillance both of which have deep connections to governmentality, preemption is now a tactical prerogative of the national security state.<sup>85</sup>

The logic of preemption underwrites predictive policing efforts by the state in addition to foreign policy actions that utilize violence. Arising from the same logical and affective structures fueling the actions of the security complex, preemption relies on the one percent risk doctrine to justify its activities.<sup>86</sup> The result is an imbedded logic of one percent risk of attack requiring the

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84. Andrejevic, "Digital Citizenship and Surveillance| To Pre-Empt A Thief," pg 880.

85. This move to preemption is exemplified by the technology of the drone which embodies this change perfectly. Andrejevic, pg. 882.

86. De Goede, "Beyond Risk," pg. 157.

assumption of one hundred percent certainty due to the severity of the consequences against the state. As the feeling of an imminent attack is circulated, the necessity for deliberation is dissolved freeing the state to focus on economies of scale which deliver efficient forms of violence.<sup>87</sup>

This orientation is only legible to subjects stabilized to the practice of living through attenuated affective facts. In short, what is required is a sovereign subject form in order to legitimate this action. In a parallel to other ways subjects are encouraged to take on more risk in order to be a good consumer the sovereign subject attaches to the feeling of privacy while it translates risk calculation into privacy.<sup>88</sup> The sovereign form renders the rationality of the one percent doctrine into a legible felt experience.

When disrupted the affective infrastructure rebuilds itself through by turning to new policy initiatives capable of restoring the previous equilibrium. When considered against the practice of preemption FCC regulations on the internet are a form of preemption. The idea that subjects can and should use anonymity present preemption as a specific tactic aligned with the goals of the security state. In this way the attachment to privacy generates a connection to preemption as the ability to move through networks of public discourses veiled from public view.

An animating concern of the net neutrality debate is the ability of internet service providers to censor content, either voluntarily or as a result of regulation, effectively stifling the ability for subjects to engage in behavior thought to be at the heart of American citizenship. Proponents of net neutrality cite the power of ISP's to delineate between types of content as the main mechanism by which censorship of important ideas is conducted within the digital

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87. Andrejevic, "Digital Citizenship and Surveillance| To Pre-Empt A Thief," pg. 880.

88. This is a central claim in chapter 4.

context.<sup>89</sup> While this argument lists towards a technical discussion a key element at work here is the functional ability of actors to deploy secrecy and anonymity within the context of internet communication. The operative fulcrum in these claims is balancing on the ability of users to avail themselves of the ability to rationalize and deploy a strategy which facilitates a continued mode of secrecy.

Understanding the impact of the net neutrality debate and its relationship to privacy and secrecy requires placing these arguments alongside the discussions over government transparency. The trend towards less public accountability and the reversal of visibility indicative of governmental transparency preceeded the Snowden leaks. When placed against the practices of surveillance the idea that the federal government would open access to its inner workings seemed on its face to challenge the idea that transparency was possible much less desirable. Surveillance efforts authorized by the Bush administration had already set the standard for managing the balance between citizen visibility as against governmental visibility.<sup>90</sup> The NSA program known as *Stellar Wind* instituted after 9/11 had begun the process of domestic spying and coupled with the administrations efforts to expand the regime of classification of documents (some of which had been available to the public for decades) the early years of the post 9/11 security state were a pronounced embracement of secret and opacity. This attitude towards government secrecy continued unabated into the early days of Obama's ascendancy to the White House.

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89. The role of packet monitoring and filtering based on type of content is discussed in these locations. Morrison, "Net Neutrality"; Gattuso, "Net Neutrality Rules"; "Why the ACLU and the Government Are Teaming Up."

90. While there is no doubt tension between these two practices I do not mean to suggest that these two poles exist in a binary or zero sum relationship however, there is an indirect relationship especially in terms of public perception.



However, in 2016 Obama reiterated his support for net neutrality. His administration coupled with ACLU and the EFF engaged in a campaign to maintain the common carrier designation of the internet.<sup>91</sup> Obama's alignment with this act signals a larger realignment of privacy as a mechanism for the creation of the sovereign subject emerging from the surveillance industrial complex. Privacy, openness and anonymity are all tied to the ability to recess from the world. They are indicative of a feeling of sovereign control. Privacy balances transparency, secrecy and anonymity allowing subjects to exert agency over their perception of visibility. However, this perception does little to change the social order connected to the regime of visibility.<sup>92</sup> Privacy absorbs preemption by allowing subjects to manage to marshal a sense of control. Most importantly privacy restores the affective order by relieving the dread of being watched. By following through with net neutrality and circulating it as a win for privacy advocates Obama is able to continue with the liberal agenda while perfectly preserving the physical components partly responsible for the initial crisis.

### 3.5 Conclusion

The desire to reassert privacy as a unique and powerful tool based in rationality is fueled not only by the debate over transparency and net neutrality, it is a force moving through other important arms of the government. In the wake of crisis, the liberalism ordering logic dictates strategic moves in order to recalibrate the experience of living in the national security state. The strategy examined in this chapter, the sovereign form of subjectivity arises from a configuration of the sensorium in order to facilitate the ability of liberal governance to realign its directives. This trend has spread beyond the policy world.

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91. "Net Neutrality."

92. Rancière describes this as a "policing", a way or rearranging the sensorium that leaves intact the logical ordering responsible for the sensorium in the first place. *Disagreement*.

In the midst of the crisis fomented by Snowden another important event takes place with the structures of government. While the intelligence communities is actively defending a right to privacy in their operations, a right that is a direct tradeoff with the individual claims to privacy, the Supreme Court handed down a ruling suggesting that data collection interfere with ones rational decision making practices. In the case 2009 David Riley, an accused gang member of a San Diego faction of infamous Bloods gang was detained on a traffic stop. Riley was subsequently arrested and his phone was searched by the arresting officers, absent a court-sanctioned warrant. After appealing his arrest and resulting conviction, Riley's case was granted a 2014 hearing by the Supreme Court.<sup>93</sup> In a rare unanimous decision the court ruled that a warrantless search of Riley's phone was a clear violation of the prohibition against unreasonable search. The logic of the decision rested on the notion that searches of mobile phones were no longer contained to a single environment or location. The court understood the content of the device (more than just metadata) presented a comprehensive picture of an individual life and that there existed no analogous form of search in real life that did necessitate a warrant or exigent circumstances presenting a clear and present danger to health and well being of the officer. More than just restringing the actions of the police this court decision signaled a broader understanding of the power that privacy played not just the material safety of citizens but in a broader strategy of protecting the operations of the security state.

The decision presented a clear grasp of the total of information that can be stored on mobile devices. In addition to call records the search of Riley's devices yielded pictures and contact information that was presented during his trial in furtherance of the claim that Riley was a gang member. Through the recognition of these facts the court was able address the contents as

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93. "Riley v. California."

being a substantial form of expression. More importantly this gave credence to the idea that privacy could do much in the way of alleviating concern regarding the impact on the national security state. This decision became a way to ease concerns over governmental transparency, a rhetorical thread that threatened to undermine liberal control. Yet again we see the affective infrastructure doing the work of maintaining the physical necessities of the political infrastructure.

#### 4 PUBLIC DEBT, PRIVATE OBLIGATION, SECRET SPENDING.

The previous two chapters argued that public forms, operate at different levels of what is best understood as the genealogical society, a discursive construction that informs the way agency can be and is unevenly distributed across social fields.<sup>1</sup> Privacy, I have claimed, stabilizes the affective infrastructure so the world comes into focus for subjects caught between the collapsing frontier of late liberal possibilities and their own attachment to the fantasy of a better life.

Here this investigation continues along a different axis. I detail the how privacy is transmitted into tropes of secrecy and trust, thereby reasserting the liberal imaginaries of economic futurity and indebtedness. I turn to the domain of cryptocurrency and economics to explain how privacy discursively restores a temporary stasis. In contrast to my focus in chapter two the journalistic network, and the chapter three focus on legal and policy networks, this chapter examines networked economic activity. I explore the economic practices that combine with a structure of feeling to create a regime of binding actions and feelings that is antithetical to healthy subjectivities.<sup>2</sup>

*Economic freedom* appears as an empty signifier, capable of suturing a field of antagonisms.<sup>3</sup> But such an account is incomplete. I prefer a wider sense suggesting a form of freedom that does not stem from wealth from a continued identification with mode of subjectivity directly traceable to an affective infrastructure. Economic freedom is better

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1. Povinelli, *The Empire of Love*, pg. 4.
  2. Here I do not mean bureaucratic organization. Instead here I am suggesting an arrangement of elements, a conglomeration of different forces with which subjects interact, shaping the experience of relationality. Berlant, "The Commons."
  3. My understanding of this term is derived from the work of Ernesto Laclau and the way that this discursive operation plays in the growth of political orders. Laclau and Mouffe, *Hegemony and Socialist Strategy*.

understood a feeling than an ideology that helps reveal how the promise of privacy relies on and redistributes a futurity when deployed in economic concepts.

#### 4.1 Affect and Rationality

The power of economics to shape subjectivity is almost without parallel. Tied to specific practices, rhetorical networks and technologies of power, the tentacles of economic calculation reach into every key area of social life. Every passing year, new social irregularities emerge resulting from some economic blunder on the part of far away faceless actors wielding immense power in unknown offices.<sup>4</sup> While politicians and journalists focus on the bankers and their secretive trading practices, the best unified theory for explaining these system shocks is rooted in the critique of neoliberal economics, especially the critiques of liberal subjectivity that account for how economic logics permeate the expressions of agency at the level of the individual.

Workers and consumers are interpellated by discourses of economic opportunity and advancement, a strategy that comports with the broader project of governmentality. More than managing difference and dissipating the power of alternative forms of life projects from fracturing the boundaries of liberal society, these tactics also push subjects into specific social arrangements governed by affect and mediated by communication technologies promising economic freedom. *Save for the future, keep some money stashed away for a rainy day* are among the mandates handed down by economic experts<sup>5</sup> to consumers hoping to keep ruin at bay. The fantasy that money will stop the rain, is imbedded in the idea that personal security springs from financial certainty whose enjoyment must be deferred. The work of the good

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4. The examples of this are too numerous to name but the housing collapse in 2009 will serve as a good example for this claim.
  5. It is of course no accident that the most often touted way to save for this rainy day is to invest money in the speculative market of stocks and bonds. This fits with the concept that individuals need to remake themselves in the image of market.

citizen/consumer always hovers on the edge of failure and is constantly at risk of deeper precarity, as the security provided by one's financial investments evaporates.

Like other affective facts,<sup>6</sup> economic (in)security evokes a threat and feelings of anxiety, a sense of foreboding that radiates across social divisions. As economic resources are concentrated in fewer hands, the feeling of future financial insecurity quickly multiples. Economic uncertainty is inherent to capitalism but continual predictions of economic collapse help uphold cultural anxieties of financial ruin. Fantasies of simultaneous fulfillment and peril are so engrained that we are unable to think outside capitalism.<sup>7</sup> In tandem with the threats posed by a vague and dangerous future, the promise of economic agency as a relief mechanism is simultaneously reiterated. The result is an affective circuit where the poison flows in lock step with its antidote, producing interlocking feelings of nausea and euphoria.

The market is thus constituted as a swirling matrix of fear, anxiety, and hopelessness.<sup>8</sup> Despite the power of these charged states we, as good economic subjects, are led to believe that within the economy these states are mere echoes of the past economic organization. And yet, rationality is the organizing logic of economics. Built through multiple overlapping rhetorics and institutions is the idea that rational choice structures economic activity. Debates over supply side vs. demand side economics, price theories, stock investing, etc.; all of these ongoing conversations presume the rational actor. However, this phantasmic projection of rationality is simulacra of a sovereign figuration of subjectivity.<sup>9</sup> The materialization of the figure of the

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6. The felt threat of a perilous future is the foundation for the affective fact. Massumi, "The Future Birth of the Affective Fact."

7. Jameson, "Future City."

8. Massumi, *The Power at the End of the Economy*, pg. 2.

9. While it is tempting here to collapse the distinction between rational choice and sovereign forms of subjectivity, I draw the distinction that the former is only made possible by the latter. Without the fixity and resilience of the sovereign subject the rational economic actor is an impossibility.

sovereign economic subject cannot fully resolve the presence of capitalism's natural affects and the resulting tension, namely that of anxiety and reoccurring systemic crisis.

The neoliberal subject is thus gripped by a reflexive notion of incongruity and inconsistency. It is not that subjects cannot resist these conditions, just that strong affective headwinds push them into ever morphing disciplinary networks. Feelings, ideologies and the material deprivations of debt and attenuated risk coalesce to reproduce the economic order.

Meanwhile, rationality and privacy discourses merge to suggest that following the advice and actions of the rational financial advisor, who presumably acts always in her best interest, is the clearest and easiest way to secure oneself against the chasm of affective horror barely covered up by the market.<sup>10</sup> Practices and arrangements professing to provide a way out of the anxiety inherent in market economics stabilize the world so that life can carry on. On its face, stability would seem to be a desirable outcome; however, on closer inspection this stability reveals itself as little more than precarity, a perpetual condition where the impacts of crisis-laden capitalism are only dimmed but never fully muted.

Perhaps the most horrific element of this arrangement is that the economy, from the top to the bottom is little more than this field of circulating affect. Yes, money does have material importance but without a feeling of privacy and stability the economy flounders. This becomes clear as one examines the development of social classes. The formation of middle class America, the middle class subject is formed on the heels of expanding economic resources, but also on the understanding that access to wealth rests on one's ability to manage his or her emotional affective interiority by sustaining a hard division of public and private identity forms.<sup>11</sup>

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10. Massumi, *The Power at the End of the Economy*, pg. 2.

11. Illouz, *Cold Intimacies*, pg.4.

Economic freedom is thus experienced as one is able to manage the precarity of economic uncertainty by rigidly complying with the sovereignty of the financial engine.

In the previous chapter I detailed the formation of the sovereign subject within discourses of internet freedom. Understanding how those traits of the surveilled subject come to the fore explains how it can be readied for (disciplined to) the economic practices of late liberalism. The key is how affect and in particular privacy play a crucial role in contemporary capitalist interactions and have been a central component to capitalism as it creates circuits of exchange. Emotional appeals have always been connected to economics from its inception.

Affect enjoins subjects into relational forms requiring adoption of a particular imagination and a type of rational decision making. This expression of rationality provides an amplification of individual choice experienced as a form of agency giving subjects a way of out of the anxiety produced by rapidly changing market conditions.<sup>12</sup> A key property of the economy is that “what is most intensely individual is at the same time most wide-rangingly social. The smallest scale and the largest scale resonate as one, in a quasi-chaos of mutual sensitivity.”<sup>13</sup> This property exposes a central condition of governmentality. Namely, how biopower creates and organizes a totalized social field. Specifically, a social field that appears to subjects as total and all-encompassing as opposed to different regimes of control.<sup>14</sup>

Biopower leverages the creation of the sovereign subject through the imposition of the social contract. Within the structure of that bargain, the ruler demands subjects relinquish rights to be protected by the law. Within the field of economics such a demand falters in the face of the demand that subjects engage in rational decision-making guided by self interest, a key condition

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12. Massumi, *The Power at the End of the Economy*, pg 4.

13. Massumi, pg 4.

14. This is the problem facing neo-liberalism. In order to retain its totalized character it must reconcile the art of governing the economy with the art of governing through the law. Lazzarato, pg. 125



of a liberal economy. Neo-liberal economic policy situates public good as only achievable by collective self-interest. Similar to the classic theorization of Adam Smith, neo-liberal economic theory rests happiness on the shoulders of the consumers acting in their own self interest in aggregate.

The failure of the demand to relinquish self-interest is the condition of possibility for privacy. Between the regulation of the economy and the political structure a new social organization was created. Known as the welfare state, this system altered the technologies of power intrinsic to biopolitical regimes. The welfare state bridged the work of managing separate fields of interaction (economic and political) into a single enterprise. And, it introduced social debt as a way to distribute and manage the feeling of obligation as an individuating experience. Through a reconfiguration of the interpersonal imagination<sup>15</sup> a new form of sociality was rooted within the national subject<sup>16</sup> it took shape at the confluence of the germinal stirrings of late capitalism's reliance on Fordism and the new managerial sciences developed in the late 1920's and the increasing popularity of psychoanalytic theorizing within fields of social influence<sup>17</sup>. United across these seemingly diverse disciplines was an understanding that in order for economics at both ends of the production/consumption line required a robust affective infrastructure which could support and sometimes supplant normative economic conditions. These affective states coincide with liberal subjectivity and its structured logics of governance in circulation throughout the 20<sup>th</sup> century. In these early moments, the coupling of feeling economically secure begins to get a foothold as market rationality and political rationality become linked in a felt experience of obligation. In this way privacy became transmuted into a feeling of obligation and

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15. While different in tone and content this term shares a resonance with Charles Taylor work on the social imaginary. Taylor, "Modern Social Imaginaries."

16. Illouz, *Cold Intimacies*, pg. 7

17. For an excellent example of this burgeoning field of study see Bernays and Miller, *Propaganda*.

indebtedness. Specifically, privacy became the mediator of public responsibility and individual subjectivity. Despite arguments about a form of rationality often uncontaminated by raw emotion, economics does not exist without a flowing exchange of affective experience culminating in a perceivable social totality.<sup>18</sup> As debt and obligation became indispensable tools in expanding governmentality, new forms of monitoring became necessary. Simplifying the myriad possibilities developing as technological achievements push past the horizon of practicable forms of monitoring, new tools of surveillance emerged to create new forms of subjectivity. Meanwhile new monitoring technologies make it harder for citizens to know how their experience of privacy is being violated.

Unable to map the totality of surveillance systems at work, subjects are ensnared by the expanding matrices of visibility.<sup>19</sup> While the security state derives new forms of visibility to be deployed, a parallel structure is erected in which the subjects' relation to communication media forms continues to ramp up anxieties. *Google's* Eric Schmidt speaking about the possibilities of big data analytics, predicted it would soon be possible to harness artificial intelligence track where someone has been but more importantly, predict where someone is going.<sup>20</sup> This predictive analysis presents subjects with a situation in which agency is often restricted and thrown into question as algorithms voraciously capture more and more information. To grapple with the techniques of data capture subjects accede to affective fantasies so their anxiety can be managed. These fantasies come in the form of adopting obligations connected to forms of entrepreneurship and self-management.

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18. This idea has its roots in Jameson's theoretical treatise on the role of conspiracy theorization and its appearance in the contemporary moment. For more see chapter 1 of *The Geopolitical Aesthetic*.

19. A central claim of both this chapter and the larger dissertation project is the idea that the surveillance industrial complex has exponentially multiplied the avenues from which a subject made be rendered visible.

20. Kirkpatrick, "Google CEO Schmidt."

## 4.2 Debt and Risk

Debt and privacy are affectively interlinked so that public norms of financial respectability can be sustained alongside the secret undisclosed levels of debt.<sup>21</sup> Market initiatives rely on and shape affective forms as liberalism utilizes the material execution of economic decision making in the form of obligation. Obligation sits at the heart of a complicated structure where the anxiety of economic interactions is not so much resolved as deferred with a remainder. Formed out of modes of economic exchange and political rationality, affective regimes constituted in the wake of conflicting discourses prime subjects for the discursive and material practices serving a broader logic of control.

Digital subjects are managed through complex webs of interaction, material economic practices and rhetorical addresses that tie obligation to virtue and passivity.<sup>22</sup> Mediated by digital communication technology and recursive economic loops, the resulting moderation of surveilled subjects is a robust tool deployed in the management of the population. Foucault, to take one example, understood how the totalizing forces of the market operated at both the individual and more abstract social level. Generative of a specific subject he recognized the figure *homo economicus*, a specifically neo-liberal form of a consuming subject. In the same way that discipline has been supplanted (but not replaced) by control, *homo economicus* has been supplanted by *homo debitor*.<sup>23</sup> This form emerges as the impasse between liberal governance and economic freedom intensifies. Created by the failure of market rationality to totalize control of subjects and manage the systemic crisis confronting the economy. With this turn to the

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21. The creation of emotional capitalism is distinctly tied to cultural practices that ask subjects to turn inwards. Similar to the power exercised in disciplinary societies, liberal market based culture relies on a similar set of tools. Illouz, *Cold Intimacies*, pg. 8.

22. Deleuze makes this claim in his reading of the control society. Written in response to Foucault's lecture series on governmentality his argument is that control societies must find new (digital) ways to enclose subjects. "Postscript on the Societies of Control."

23. Lazzarato, *The Making of the Indebted Man*, pg. 126.

individual and the collapse of social institutions tasked with creating and disciplining docile bodies, *homo debitor* emerged as a new dispositif of subjectivity and control.

Of particular importance to my claims here is the role played by debt in the unfolding drama surrounding the operations of the security state and the affective order. Creating the indebted subject is assisted by a two step move including the inculcation of economic anxiety and the imposition of financial debts (both public and private), combined with dramatic technical changes that continually shape the bounds of economic enclosures. The indebted subject is rooted in the model of privacy forged by the monarchical regimes of the seventeenth century and the regimes of discipline regimes developed and deployed in conjunction with dynastical power. These regimes of power relied on form of private relation that tethered property ownership and economic power to concepts of self-realization. Underwriting claims to power and land ownership was a concept of self-realization and self-sovereignty. In what can be understood a metonymic relationship, self-possession took on the rhetorical power of sovereignty within the individual. Mimicking the manner in which the sovereign ruler asserted possession of their subjects, self-control became connected to self-possession. The result was to circulate self-possession as a nascent form of privacy that could reflect both the experience of sovereignty and the articulation of property rights, thereby linking the logic of economics with the rhetoric of the subject. In short, self-possession is a key expression of privacy in liberalism. Included in this shift is the change in publicity and visibility and the social stratification attached to each of these ocular regimes.<sup>24</sup> The changing power of visibility worked hand in hand with new technological advances to maintain stratifications. Moreover, new digital technologies, including

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24. In "The Rhetoric of Self Ownership." Torrey Shanks provides a compelling claim for understanding rhetorics of self ownership as powerful tool for combating liberal forms of dispossession. For a good description of changes to modes of publicity and visibility see Mirzoeff, *The Right to Look*.

communication and currency technologies have altered the experience of visibility to include the mode of visibility tied to data.<sup>25</sup>

Even though its appearance in the digital age has significant consequences, the indebted subject grew up with changes in global capitalism. The figure of *homo debitor* begins to take shape with creation of speculative capitalism. However, it is not until 1970's and the imposition global trade networks tied to financial austerity programs that subject position is fully realized. Tied to the growing relationship between state actors and private sector monied interests, knowledge production acquired a new significance. To deal with the changing dynamics of social struggles, surveillance expanded into digital data collection efforts so that a usable map of social interactions could be imposed. Governmentality adapted to the challenges posed by dramatic financial ripples produced by shifts in global production.<sup>26</sup> As the population increased in size and density, social and political institutions experienced crises of legitimacy as their abilities to ensure social coherence were disrupted. The effects of these crises lead to a new logic of control that touched all realms of social interaction.

Debt took on a new importance in the changing dynamic of liberal governance. At its core, debt expresses a specific social relation, one that is indispensable to neoliberal markets. It has historically played an integral role in the formation of subjects always already subordinated to modes of governmentality. A hallmark invention of the long twentieth century, speculative credit and its corollary debt, positions subjects to keep them subservient to the organizing logics of the market.<sup>27</sup> The power of debt cannot be overstated. It is a clear and powerful technology in

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25. Many modern conceptions of visibility run on this assumption. For a good description of this move see: Haggerty and Ericson's Deleuzian inspired article outlining the data double. "The Surveillant Assemblage."

26. Foucault, *Security, Territory, Population*.

27. For an excellent history of the role of speculation and debt and its accumulative power see Arrighi, *The Long Twentieth Century*. and Baucom, *Specters of the Atlantic*.

construction of both subjectivity and an affective infrastructure.<sup>28</sup> Debt is the archetype of social relations within capitalism. Similar to other elements of liberal power debt always structures power relations unequally, striating the circuits of exchange creating nodal points of attachment for subjectivity.<sup>29</sup>

Moreover, debt as a financial instrument does double duty as a disciplinary tool. It requires one to be less risk averse and less mobile in terms of making economic decisions, even while promising a path away from economic serfdom. Debt accustoms people to assuming risks inherent to economic transactions while promising vague returns in the future.<sup>30</sup> The vagueness of these promises becomes more pronounced when considered against the sense of obligation that is transmitted with the assumption of debt. For instance, as consumers are enjoined to take on credit debt, little beyond access to lifestyle goods are promised. While the obligation is not totalizing in its reach (some are always able to avoid credit cards), it resonates with the larger structure in which subjects are bound up. Reframing the foundational elements of the liberal social contract, debt replicates the practices of privacy tied to the promise of security.

While debt creates obligation, these obligations are filtered through a mode of speculation. Speculation often serves to lubricate global flows of capital and has a tremendous and profound impact on networks of power that subjects are imbedded in. Debt as a relation ties social subjects to liberal notions of visibility. Specifically the new liberal subject is continually enjoined to take on market risk through the creation of entrepreneurial activities. This is just one of the ways in which the tentacles of debt and credit touch nearly every facet of social life.<sup>31</sup>

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28. Brown, *Undoing the Demos*.

29. Lazzarato, *The Making of the Indebted Man*, pg. 29.

30. This is most clearly true of student loan debt. And while business loans and social programs provide some promise of success these claims are extremely limited in scope.

31. Deville and Seigworth, "Everyday Debt and Credit," pg. 4.

Furthermore, subjects are told to exercise caution and diligence in tracking this debt through a combination of tools including credit scores, a topic I will return to shortly.

The assumption of risk as a material practice is nearly inescapable if one is to succeed in the digital era. This problem is compounded by the assumption of market volatility, an underlying reality of global precarity as the new normal.<sup>32</sup> The current economic topography brings adults into existence as already obligated and in debt. They are placed in a discursive loop where breaking free of obligation amounts to being a successful entrepreneur, an achievement both a structural necessity and constantly receding horizon. And, as economic shocks become more prevalent, the indebted subject must privatize social risk through the integration of possible adverse consequences into their own portfolio of responsibility.

Within the field of political discourse this process is manifestly apparent. Significant rhetorical resources are poured into marrying the idea of the “American” identity with one that is tied to a certain form of economic flexibility buoyed by crippling debt. To be a good person is to be committed to gaining economic freedom and security and of course to be someone whom always pays his or her debts.<sup>33</sup> This attitude about debt is the very instrument being leveraged to secure subjects into cycles of accumulation.

All forms of debt create problems for the prospect of human agency. This reality stretches across the social field from subject to corporation. Debt creates a system of untenable and unrealizable agency. While individuals are encouraged to spend beyond their financial means through credit, nation states are turning to deficit spending as a way to enact national policy agendas. Because deficit spending merely defers the inherit obligation tied to the weight

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32. This assumption obviously alters the perception of crisis and what rises to the level of crisis.

33. This of course begs the question as to whether or not the Lannisters are the quintessential proto American as they are quick to violence and always pay their debts.

of debt, one of the circulating discourses within neoliberal publics is the obligation pay to off deficits whether or not one agrees with the justification for their initiation in the first place. It is understandable how this situation gives rise to unresolvable tensions.

The main tension expressed in the intersection of public debt and the requirements of liberal subjectivity is tied to visibility. The indebted subject is bound to privacy, as economic transactions benefit from a rhetorical gesture that presents consumer choice as a mode of economic freedom and expression of rational choice free from public coercion. Often, privacy and freedom are interchangeable within economic discourses reinforcing this myth through a metaphorical slippage. Of course this is not surprising as privacy and freedom are tied to information flows and circulate within the same metaphorical economy. Within the broader scope of neoliberalism, privacy is the mechanism that translates obligation into a form of positive power accessible to a regime of psychopolitics. Described as a set of techniques that train the psyche, psychopolitics does the work of directing mental efforts primed by an affective structure.<sup>34</sup> This becomes evident when we consider the way that privacy decisions involve a judgment extending from economic transactions to more intimate moments, all the while striving to maintain a level of opaqueness.<sup>35</sup> Also, both these terms ignite attachment as they benefit from strong sympathy with other liberal affinities such as security and prosperity.<sup>36</sup> In the transposition of intimacy into privacy we can glimpse how the move to leverage the feeling of obligation into a political regime works through a recursive emotional loop.

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34. Han, Byung-Chul. *Psychopolitics*, pg 25.

35. While not all decisions related to privacy are about intimacy, it is clear that this decision set in central to a common idea about debt. For more see: Petronio, *Boundaries of Privacy*.

36. These are clearly tied to central ideographs of the American civic religion. McGee, "The 'Ideograph': A Link between Rhetoric and Ideology," pg. 11.



Credit surveillance has become a major factor of knowledge production and risk management. Modern data collection efforts provide the backbone for the most sophisticated forms for financial surveillance and monitoring. Despite reliance on a digital data collection infrastructure, these practices are rooted in standards and regulatory regimes preceding their new computerized form. Credit tracking has a long history in economics, as obtaining and managing a clear picture of a person's financial history has long been a dictate of banks and governments. The process has become more efficient and important as computer technology has streamlined data collection and storage, making it possible to hold onto more information and for longer.<sup>37</sup> Furthermore, as data becomes more valuable, even in abstract and unanalyzed contexts, these data points become a speculative commodity. The importance of credit monitoring for systems of control cannot be ignored. For instance, the Federal Trade Commission, the government organization responsible for the rules governing credit surveillance, describes credit reporting as a tool for determining "character and mode of living."<sup>38</sup> These traits have been a key element in credit scoring since its inception<sup>39</sup> and are part the definitional categories driving economic surveillance namely, creating a consuming subject who relies on more than just income as a way to exercise freedom.

Surveillance has also become a market initiative. Consider the ways in which supermarkets have transformed into hubs of surveillance for consumer activity. Fueled by efforts to entice customers into ongoing interactions supermarkets have begun to collect information on the buying habits of their customers through the deployment of multiple measures such as sensors

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37. In addition to the problems posed to data scores and financial information there are a host other issues connected to the problem of remembering. For more see Mayer-Schönberger, *Delete the Virtue of Forgetting in the Digital Age*.

38. "Fair Credit Reporting Act."

39. Lauer, "The Good Consumer," pg. 10.

and shopper loyalty cards. Loyalty cards capture spending habits and preferences for goods and services regularly accessed. The resulting collection of data not only allows for customization of product offering to consumers it also fuels a tremendous growth in markets for any form of data.<sup>40</sup> These cards and other similar consumer surveillance mechanism flourished with advances in big data and powerful analytics.

These innovations are not without concerns of risks to individuals. Fueled by a mosaic set of skeptics and conspiracy theorists and coupled with the fact that corporations have a long history of acting almost entirely without any form of accountability, some privacy advocates have warned of the power of these loyalty cards. And, while companies create and publish privacy policies detailing how information will be stored once collected, often it is the promise of privacy and trust which consumers cling to when accepting the faustian bargain demanded by these programs.

There is little doubt about the way that these consumer monitoring programs both record and discipline the behavior of consumers. Companies use both metadata from online communication and real time hard data collection tools based on consumption patterns.<sup>41</sup> Transferred into databases and processed by powerful algorithms, this data is then transformed into information that can be used to craft careful intervention strategies. The example of shopping reward cards present just one example of how companies have significantly increased the vectors from which data can and is collected regarding consumers. These new data collection mechanisms span the gamut of creative monitoring practices. In addition to loyalty cards super markets are beginning to investigate the possibility of lining their shelves with sensors to track and collect consumer

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40. Pridmore, "Consumer Surveillance: Context, Perspectives and Concerns in the Personal Information Economy," pg. 323.

41. Gandy Jr, "Surveillance and the Formation of Public Policy," pg. 160.

preferences regarding products browsed by customers.<sup>42</sup> Perhaps more remarkable, researchers are developing tools to track and identify individuals using data models of their posteriors.<sup>43</sup> These examples are but a few of the many ways in which data and data collection are now a paramount concern for business across most sectors, not just surveillance.

While the current value of the data collected by these efforts is unknown the driving force behind these efforts is a familiar market principal - speculation. Data speculation is a mode of collection that attempting to preempt future data needs and position companies as stakeholders in newly forming data markets.<sup>44</sup> Known as datafication these maneuvers have become a key part of contemporary surveillance practices especially when considered in the context of the way that (meta) data is used to predict or worse, prescribe action.<sup>45</sup> This is especially true when we consider the way that big data and digital communication tools have progressed. Initiatives touting the benefits of smart spaces and smart cities attempt to create ambient environments where needs and movement can be sensed prior to taking the actualization of either.<sup>46</sup> These new forms of data collection have ushered in monitoring schema fortified by near totalized modes of visibility - namely that of datafication. Datafication is not a new process. The drive to quantify social phenomenon has been underway for some time now. However, the current operations of datafication represent a central component to contemporary surveillance techniques.

A similar trend is present in many communication platforms. For example, social networking websites and their connection to big data markets provide a distorting effect on the moral

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42. Lisota, "The Supermarket of the Future, Driven by Kinect Sensors, Touchscreens & Digital Displays."

43. Smith-Strickland, "Butt Identification, and Other Awkward Biometrics."

44. Raley, "Dataveillance and Countervailance," pg. 124.

45. Raley, pg. 124.

46. This is the central concern of Mark Andrejevic's article on smart cities. See: Andrejevic, "Ubiquitous Surveillance."

economy in which national tragedy is situated. The presence of these media forms present visibility as a practice all ready in circulation. To put it another way, as subjects approach the emotional economy connected to tragedy they bring with them a set of affinities that help to translate the affective elements of the economy into nodal points of identification.<sup>47</sup> Similar to the formation of a public, when entering this affective economy the current media presentation and consumption practices temper the experiences of subjects placing pressure on the interpolative mechanisms that facilitating identification with national suffering. Specifically, sites like *Facebook*, *Twitter*, and *LinkedIn* condition subjects to cross-contextual forms of visibility. These sites prime subjects to the state of visibility connected to the feeling of being subjected to surveillance, creating a relation to visibility, an inoculation almost to the dire claims of perpetual visibility ushered by the most ardent opponents of the NSA's activities.

I am in no way attempting to suggest that the two forms of visibility on the table in this disagreement are the same. I recognize the material realities of the data collection regime vary in shape and form. Instead, this distinction is made to underscore the disruptive nature of these claims as experienced within the affective economy. Within the moment of disruption, when subjects are cast back into the orgy of feeling, seeking out a form of sovereign subjectivity, a form capable of pulling them from the morass of the affective economy in which they are cast, economic discourses connected to the larger concept of privacy create a new opening. More importantly, as the logics of liberalism seek to assert the effectiveness of the exchange of affective energy in order to ensure its ability to create a feeling of legitimization for its execution of force a new strategy emerges. As is often the case, subjects turn to familiar concepts that

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47. Lundberg, "Enjoying God's Death," pg. 388.

register with existing frameworks. While technology is clearly operating counter to the interests of my users some tech tools remain viable options.

The tracking inherent in credit tracking serves a dual purpose when considered against the intersecting logics of national security and the imposition of neoliberal logics, underwriting social projects. At its heart the contemporary FICO score is a brief history of a person's economic transactions. The score monitors large purchases like cars and houses, and tracks vectors of debt to which a person is connected. Student loans and credit cards are but a few examples of the type of debt tracked by the credit bureaucracy. Individual readings are performed in order to determine how/when/where one is spending resources. These readings are then amalgamated into a large pool from which a set of standards is derived.<sup>48</sup>

Once individual scores are aggregated and placed into hierarchical categories, credit scores became a management tool leveraged in the management of the US consumer population. Access to important resources like jobs, housing, even the ability to open a bank account becomes dependent on one having the correct score. This categorization and sorting is both a tried and true method of surveillance and also a mechanism for conditioning the subject for a regime of indebtedness. Solidifying the role of the indebted subject, the credit score signifies good citizenship and good subject. For instance, the FTC lists the actions reported in the FICO score as indicative of personal behavior, it judges how well citizens have adapted to the economic system.

This organization is tied to the ways governmentality organizes the social order. In the face of economic crisis, the organizing logic realigns the imposition of personal debt to mirror the imposition of public debt. While austerity programs distribute state initiated financial

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48. Lauer, pg. 12.

obligations widely across the most vulnerable sectors of social life, access to credit and its use mark and track debt. Moreover, consumers are encouraged to incur more debt as a way to demonstrate their desirability to lenders. This also helps reflect a subject's acceptance of risk, demonstrating a level of risk tolerance encouraged by various social and political actors.

As consumers continue through their lives consuming goods and services and taking on more debt their financial activities are precisely recorded. Credit scores are especially sensitive to small changes in spending and saving patterns. Driving this sensitivity is the eruption of markets for any and all forms of data. Following the pattern of datafication, the pattern of transforming human interactions into transactional data exchanges, credit scores are now the purview of startup companies looking to monetize the analysis of any behavior into an indication of credit worthiness.<sup>49</sup> The amalgamation of these patterns in turn reinforces the rhetorical idea that good citizens are risk takers, striking out on their own and confronting the risks of modern life head on. When these practices come together in the form of *homo debitor* the result is a datafied record that takes on the value of any other speculative commodity and circulates with other forms of debt. Subjects are now fully imbricated in the surveillance matrix unable to extricate themselves from the competing fields of visibility.

Few technologies of surveillance have been as effective at managing populations as the instrument of debt. Building a complex set of social norms of responsibility and obligation debt has been used to build a structure of feeling capable of responding to the endemic crisis of capitalism and the social crisis which ripple out from specific efforts of multicultural cries for

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49. Datafication follows the predictable pattern of turning all forms of interaction into single data points. Mayer-Schonberger and Cukier, *Big Data*; Additionally, proliferation of resilient inexpensive sensors contribute to this data production and collection. Andrejevic and Burdon, "Defining the Sensor Society." For more on the rise of credit evaluation startups see Hurley and Adebayo, "Credit Scoring in the Era of Big Data."

inclusion.<sup>50</sup> The structure of governance forms in the intersection of market initiative which incur debt in the name of the polity and individual discourses and practice that create the incentives for individuals to take on private debt. The result is a social debt where obligation for the social welfare is considered immutable in conversations about national security, and also become points of inescapable attachment for individuals. At this intersection is where the idea of a good citizen is born, namely one whom assumes their part of the collective obligation. This is made more manifest by an affective regime directly tied to the economy.

In order to conceal the affective structure of fear and anxiety that the economy is built, a discourse of rationality is simultaneously constructed and married to practices of risk management which promise agency. And, a comprehensible experience that actively excludes the possibility of needing to confront the artistry that covers up the immaterial core of the economy. *Homo debitor* is a nodal point where fear and anxiety are traded in for, agency. Distributed via the discursive economy of the entrepreneurial self, this new economic subjectivity is folded into the larger configuration of the surveilled subject. The tools for monitoring this new surveilled subject come in the form of data collection and credit monitoring. The imposition of debt is inseparable from the detailed monitoring intrinsic to credit scores. This pair of tools actively obscures the power they wield over fields of visibility and regimes of power.

The aggressive social organization connected to neoliberalism has coupled with rhetorics of privacy which “breed the emergence of politicized identity rooted in disciplinary productions but oriented by liberal discourse toward protest against exclusion from a discursive formation of

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50. Lazzarato, Jordan, and Lazzarato, *Governing by Debt*, 2015, pg. 24

universal justice.”<sup>51</sup> In short, liberal subjects are constituted by power relations that actively obscure their own originating force. The dissonance of this tension is soothed through a form of affective attachment to secrecy and invisibility, a transformation of privacy facilitated by new media technologies and practices. Technologies promising privacy or secrecy allow subjects to assuage their concerns by providing a modicum of control over their state of visibility.<sup>52</sup> These experiences both disable collective politics and focus individual rational choices. As subjects attach to privacy the felt experience of sovereignty continues to obscure the infrastructure at work - a structure that deeply effects how subjects experience liberalism itself. The disruption to this foundational affect set in motion by Snowden created the conditions of possibility for a shift that only reasserted the liberal order.

### 4.3 Snowden’s Crisis

In the worldwide aftermath of the Snowden disclosures, All over the world attention was drawn to the actions of the US surveillance industrial complex and its relationships with global technology companies. Beginning with the initial publication by the *Guardian*,<sup>53</sup> other news outlets published details about the inner workings of security agencies in countries throughout the globe, drawing special attention to their efforts to monitor citizens in their own country.<sup>54</sup> The reporting of these events created a sense of palpable anger across the political spectrum. Left leaning pundits praised Snowden for his bravery while right wing talking heads decried Snowden as a traitor.<sup>55</sup> While there was no agreement about how to respond to Snowden, the debate itself

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51. Brown, “Wounded Attachments,” pg. 393.

52. Digital mediums are themselves release valves for affective energy. Han, *Psychopolitics*, pg. 42.

53. Greenwald, “NSA Collecting Phone Records of Millions of Verizon Customers Daily.”

54. While most articles were about the NSA efforts to monitor US citizens several included the efforts of other intelligence agencies.

55. Congressman Mike Pompeo suggested that Snowden should be executed for his crime. This congressman later went on to helm the CIA. Washington Journal: Representative Mike Pompeo KS, Feb 11 2016. C-SPAN.Org. Washington Journal. c-span, 2016.



propelled a larger narrative of national injury that circulated widely. This narrative recognized citizens as victims of government overreach and simultaneously advanced claims that the national security state had been irrevocably harmed. This rhetorical circuit laid the foundation for a picture of victimization to take shape.<sup>56</sup> At the center of the privacy debate is more than just a question of privacy, each new argument presents a competing claim of moral or ethical injury.

This victimization is important for understanding how the affective structure was ruptured. As described in chapter three, victimization does important rhetorical work within political discourses. More specifically, victimization is a key mode of identification within the melodramatic genre of political discourse.<sup>57</sup> This genre produces and leverages a feeling of national injury. The felt experience of victimization creates an affective point with which citizens identify and take on the desire for a release from their suffering. This is especially true when the disruption caused by Snowden drives the competing claims on victimization as stemming from the actions of the security state itself.

While public reports of civilian spying create a sense of victimization it does not always result in the justification of violence. With the Snowden disclosures the creation of a disturbance to the structure of victimization was distributed across the sensorium. However, it did not rise to the level of national trauma, since it proved unable to totalize the expression of suffering within the moral economy of national politics.<sup>58</sup> Totalized regimes of feeling pull subjects into a

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56. The already discussed interview between Glen Greenwald and David Gregory exemplifies this condition perfectly. LeakSourceNews, *MSNBC's David Gregory to Glenn Greenwald*. Further, Michael Hayden's pr campaign provided the rhetorical footing for the claims of injury against the state. For instance: *National Security Agency and Privacy Debate Michael Hayden and Barton Gellman Debated the Role of the National Security Agency (NSA) and Privacy Laws*. Through news publications the idea that the citizens interested had been harmed with circulated continually. These articles present these claims. "The NSA Is Building the Country's Biggest Spy Center (Watch What You Say)."; Greenwald, "The NSA's Mass and Indiscriminate Spying on Brazilians."; Greenwald, "Obama's NSA 'reforms' Are Little More than a PR Attempt to Mollify the Public."

57. Anker, *Orgies of Feeling*, pg. 19.

58. Anker, *Orgies of Feeling*, pg. 149.

sovereign state priming them to fall in line with the policy actions of the state. Between the identification of victimhood and the promised freedom of supporting the national security state is a flood of feelings which disorient subjects priming them to accept discourse that promise relief from the morass of trauma. Here the victimization is not from national tragedy but instead the violation of core tenant of the social contract - privacy. The source of the moral injury alters the process and the conjoined moral economy of affect.

The Snowden crisis created a rift in the moral economy responsible for the creation of a totalized affective regime. Through this rift, subjects are delivered into an orgy of feelings, where normal expectations and experiences are overwhelmed by an onslaught of conflicting emotion. Unlike a crisis resulting from a national trauma caused by foreign actors (such as with 9/11) the affective structure is unable to orient subjects towards a specific action. Similar to the experience of non-sovereignty attempts to connect responses to a larger ethical framework fail.

Further frustrating this cycle is the mediating force of technologies of data collection. Here the role of the FICO score as frustrating element provides an important insight to the failure of governance. While certainly a technology of financial surveillance the FICO score is also a public media device shaping daily experience and contributing to the conditions of precarity. As precarity shapes the formation of subjectivity, it also hampers the possibilities for mobility and flexibility, especially for consumers plagued by intense economic insecurity. Hierarchical in the staging of visibility for consumer (credit companies get word of all your economic transactions) and an easily visible structure of economic surveillance, FICO scores play an important part in the material structure of surveillance. Coupled with the experience of victimhood produced by the recognition of the aim of the surveillance regime the felt experience of precarity is overwhelming.

In the wake of Snowden actions there was a swell of activity and debate regarding the role of cryptography and protecting data integrity while it was in transit. This theme is heavily foregrounded by Snowden himself. In *Citizenfour* Snowden is seen at several times engaging in what might seem to be eccentric behavior including hiding under a blanket in order to type into a computer containing the documents he copied from the NSA file storage.<sup>59</sup> As ridiculous as his behavior may appear on screen we should view this action as a manifestation of a broader set of concerns that demonstrate how crypto-currencies represent a growing anxiety related to a new found concern over monitoring. For Snowden this action is a tactic designed to thwart inspection from the possibility of overhead cameras.

This scene is indicative of a general disposition that was adopted by many inside and outside the crypto currency community once information regarding the NSA's capabilities and activities became common knowledge. During the initial reporting done by Greenwald several classified programs were exposed to eager crypto enthusiasts. With names like *Boundless Informant*, *XKeyScore* and *Prism* readers scoured articles for signs of government intervention into the blossoming network of *Bitcoin*. While early reports lacked direct mention of the digital currency a borderline concern swept over the community. The concern regarding an impending response from the government soon materialized in an actual threat.

In August of 2013 Ladar Levison, owner and administrator of the encrypted mail service Lavabit.com published a letter on his webpage explaining that he was shutting down his mail service. Concerned with be complicit with what he called crimes against American citizens he shuttered his service. The letter contained some vague references to action taken against him by federal authorities and a veiled criticism of the renewal of the USAPATRIOT act but, no

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59. Poitras, *CITIZENFOUR*, 37:40.

definitive claim was provided to *Lavabit* users for his decision.<sup>60</sup> It was not until May of the following year that a complete rationale was provided as to why Levison was forced to the action of closing his business.

Convinced that Snowden had been using *Lavabit* federal agents services Levison with a national security letter demanding that he turn of the encryption keys to his entire system. In addition to providing access to Snowden's email these keys would have given authorities unrestricted access to every user account on the *Lavabit* system, effectively negating the techniques that the users had engaged to conduct secret communication. Further complicating the issue, the tool used by the federal agents to demand these keys forbade Levison from engaging legal assistance or explaining to anyone what the government was doing to coerce his compliance.<sup>61</sup> Ultimately, Levison's actions were noticed by *Bitcoin* users who began to experience the anxiety of what was perceived as a "witch hunt" against any mainstream technology touting privacy.<sup>62</sup> Amplifying this anxiety was the understanding that physical infrastructure of these technologies provided an unresolvable point of failure. Levison's small business leveraged the technical capacities of the United States with the assumption that the political establishment would protect his business interests. However, as his situation and other more established companies became known, anxiety spread across the community of communication technology companies.

In addition to the anxiety produced by the awareness of the NSA's information gathering techniques supporters began to leverage the power of *Bitcoin* to enable the escape of Snowden

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60. Levison's letter contained a complaint about congress acting against the interests of the American people. Estes, "Edward Snowden's Email Provider Shut Down Rather Than Comply With Feds."

61. Levison, "Secrets, Lies and Snowden's Email."

62. In addition to *Lavabit* companies like *Silent Circle* and *Microsoft* were targeted by federal agents. Spaven, "Lavabit and *Silent Circle* Shut down Encrypted Email Services."

from Hong Kong. While Snowden was long familiar with the digital currency having taught public classes on the currency *Wikileaks* became a main conduit connecting Snowden and the currency.<sup>63</sup> After having many of the large monetary tools refuse to work with *Wikileaks* supporters began to flood the online publisher with BTC as a way to continue to fund their operations.<sup>64</sup> Once identified as the leaker Snowden's digital asserts were seize and movements severely constrained. On June 13<sup>th</sup> Julian Assange gave a speech praising Snowden as a hero precipitating a dramatic influx of donations designed to aid Snowden on his travel to Cuba. Worried that Snowden would be forced into destitution donors also lamented ways to donate to him directly.<sup>65</sup>

The use of bitcoin to fund Snowden was more than just coincidence. Assange, having already established his relationship with a community familiar connected to crypto currency provided some fuel but many saw an opportunity for the digital currency to take on a unique role within economic circles. Jon Matonis the head of the non-profit advocacy group for Bitcoin recognized the potential of the situation stating 'Payments should be separate from politics.'<sup>66</sup> Matonis' quote is instructive, as he proceeds to defend the currency as a mechanism by which users can assert a form of privacy while simultaneously preventing exposure of their identity.<sup>67</sup> More importantly, he asserts BTC is tied not to any organization but instead to the principal of secrecy.

It is impossible to ignore the connection between the uptick in BTC circulation and the events connected to Snowden's action. The very fact that this currency was leveraged as a

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63. Szoldra, "Edward Snowden Was Teaching Strangers How To Beat Government Spying Months Before His NSA Leaks."

64. Simser, "Bitcoin and Modern Alchemy," pg. 157.

65. Ross, "How to Help Pay for Snowden's Getaway Without Being Caught?"

66. Ross.

67. Ross.

material resource for Snowden suggests its growth and power becomes all the more potent as it is recognized as integral effect of the Snowden crisis.

#### 4.4 Private Currency

In the last section I explained how the publication of documents by Glen Greenwald participated a change in the composition of the elements that make up a structure of feeling that is explicitly connected to the economy. Using the Snowden disruption I argue that a momentary break occurred for the production of subjectivity within economic circuits. As individuals are brought into the economy and participate in transactions, their actions are curtailed and directed into the form of the proper economic subject. Taking shape at the intersection of practices of debt and consumption digital data collection efforts that underlay consumer activities shift the production of visibility and the felt experience of privacy.

In this section I trace the recalibration efforts pursued by logics of late liberalism. As I have noted the condition that differentiates late liberalism from neoliberalism is understandable in terms of the tactics used to assimilate difference.<sup>68</sup> Within the realms of cultural politics and cultural struggles, this approach takes on efforts of assimilation tied to elements of identity formed in the wake of liberal divisions.<sup>69</sup> This process gives rise to an initial layout for creating a social terrain which culminates in a cultural map, a map that remains true to the preferences of market directives. In order to show this process I look to the circulation of crypto currencies and their role in the recalibration of privacy as the key affective dimension for stabilizing experiences connected to privacy and economics.

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68. Neither Neoliberalisms or Late Liberalism are specific nor *wholly* unique structures. Here, as in other places they are simply markers that note specific orientations towards the complex relationship between the economy and the governing of the population.

69. Povinelli takes on this process in a meticulous fashion in *The Empire of Love*.

Cryptocurrencies are a relatively new innovation in terms of the exchange of value between parties. They are a marker of value that can be and are exchanged across social and political boundaries. Crypto currencies are almost entirely digital<sup>70</sup> and most importantly do not receive backing from any state organization of any kind. As of this writing no state backed crypto currency exists.<sup>71</sup> Despite the lack of state backing (or maybe because of it) crypto currencies have exploded in popularity since their inception. While the number of distinct instruments expands everyday, *Bitcoin* remains the most relevant and widely circulated. One of the most important markers of its popularity is its value. From November 2017 to March 2018 BTC has fluctuated in value in excess of ten thousand dollars.<sup>72</sup> Theories explaining the swings in value are not yet definitive, but one potential explanation is scarcity. What is clear is *Bitcoins* value is entirely dependent on a set of social agreements. Within the code of *Bitcoin* itself is a set of conditioning mechanisms facilitating agreements of this sort.

In 2009 Satoshi Nakamoto released the first section of *Bitcoin* software to the internet, the first step in the creation of the new digital currency. Built into the initial architecture of the software is a hard limit number of coins that can be minted in the network. The practicality of this limit is directly tied to incentivizing against attackers from counterfeiting transaction processing.<sup>73</sup> The mining process for the currency and the hard limited number of coins are programmatically enshrined as mechanisms to ensure its exchange value.

The digital currency was designed to provide a new vehicle for exchanges of goods and services. *Bitcoin* is billed as a solution for parties interested in conducting commerce without the

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70. Several attempts have been made to mint a physical Bitcoin. However, none of these efforts have solidified authority taking on the role of a central bank. For examples see: “10 Physical Bitcoins.”

71. This is by no means a stable claim and changes from day to day. As more forms of crypto currencies are developed it almost inevitable that a state backed crypto currency will emerge.

72. “Bitcoin.Com.”

73. Nakamoto, “Bitcoin: A Peer-to-Peer Electronic Cash System.,” pg. 6.

presence of a trusted third party such as a bank or credit card company. While it is purported to be a network of exchange that eschews the necessity of trust in a central party in favor of competition between peers, what is clear is that similarly to other forms of money *Bitcoin* and the network supporting it is defers and centralize the object of trust while distributing the assumption of risk through the connected nodes of users.

The architecture of the software powering the *Bitcoin* network excludes the possibility of a central agent taking responsibility for the correct processing of transactions between users. Instead the BTC protocol relies on a cryptographically signed register of transactions in order to facilitate the exchange of value from one party to another. Each transaction is written to a distributed public ledger known as the “block chain.” Housed across multiple servers the block chain serves as the ultimate authority over BTC exchanges. Each transaction is encrypted into discrete blocks and time stamped to ensure against forgery and double spending.<sup>74</sup> The BTC network verifies the block chain transactions through the mining process whereby cryptographically signed blocks are verified through the application of mathematical proofs.<sup>75</sup> This process verifies transactions and acts as the dispute resolution mechanism when conflicts arise over how and when coins are exchanged. Within the network the users are enjoined to engage with trust in highly rationalized way.

These engagements are hallmarks of the power of technology. The marriage of cryptographic signing with a distributed computational infrastructure is a testament to the hard coding of liberal social values directly into the operating logic of the network itself. Like innovations in cloud computing, the distributed nature of *Bitcoin* physically realigns specific

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74. There exists some disagreement regarding how secure this process is. Most disagreements derive from the concept of Byzantine fault tolerance developed here Lamport, Shostak, and Pease, “The Byzantine Generals Problem.”

75. Nakamoto, “Bitcoin: A Peer-to-Peer Electronic Cash System.,” pg. 4.



distributions of power. By decentralizing the processing of transactions the *Bitcoin* network is able to deflect attacks designed to reroute traffic and other attempts to centralize processing for the purpose of interfering in favor of one actor, a key element for fiat currencies.<sup>76</sup> The flexibility provided by the distributed is reflects a broader social concern with mobility. Similar to the way the *homo debitor* strives for mobility, distributed networks refuse a localization of control outside of a single area. In these terms, the distributed network mimics a larger social concern with adaptability and the necessity of preparation for new and risky opportunities created by the contracting horizon of neo-liberal economic policy.

Another characteristic of the *Bitcoin* network is the adoption of cryptographic signatures. These signatures encode data using a key pair that is inaccessible to all users except those directly involved in a trade. However, in order to facilitate exchange a transactional record is announced to the network. Encoded using a strong encryption scheme this record contains the necessary information to transfer coins from one user to another. Veiled by the cryptographic encoding these announcements are declarations of a secret that cannot be broken. Each announcement cloaks itself in aesthetic markers of secrecy. Transaction broadcasts announce the clandestine nature of an activity and present the form of a secret where the contents are inaccessible. These pronouncements avail themselves of the aesthetic form of the secret without fully engaging hermeneutics of the secret. The announcements are made to ensure compliance with a community standard but only the presence of a puzzle to be solved is released. This configuration allows for both transactional data and identity information to remain obscured. Here is yet another way that we see a set of social characteristics coded into this technology.

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76. A key problem with Fiat currencies on the global market is the ability for one government to interfere with the value of their currency versus other currencies. China has been accused of this practice on several occasions. Macauley and Macauley, "China Has Unexpectedly Devalued Its Currency in an Attempt to Boost Exports and Revive Its Economy."

Unlike transactions that operate outside the *Bitcoin* network, only a small record of any information movement exists within the *Bitcoin* network. A driving anxiety behind the architecture of the *Bitcoin* network is that transaction records provide an undue level of visibility and force a relation of trust that is undesirable. For instance, contemporary consumer interactions are routed through any number of intermediaries that may be even tangentially related. A simple purchase from *Amazon* for example can involve their predictive pricing engine, the consumer (with all of their information, social media accounts, etc.), the consumer's bank or credit card agency, both of which will report to an external credit reporting agency. At any point in a transaction it is possible to have information exposed to any number of industries or actors. *Bitcoin* transactions upend the process of data stream collections and surveillance. By circulating encrypted data the surveillant assemblage and its organizing logic are disrupted in a mimicry of the social process of public secrecy. When data are secreted into the circulation of a discursively fluid public it interrupts the technologies of identification by forcing subjects to both know and not know at the same time.<sup>77</sup> I want to suggest that, like the economy itself,<sup>78</sup> *Bitcoin* relies on a circulation of affects for its value to be materialized in transactions. While the circulation of affective dissonance is the beating heart of the economy, a mimicry of rational choice and decision making masks this fact.<sup>79</sup>

Underlying all of these transfers is still a simple affect—trust. A robust data collection regime, including a flourishing data commodity market, has developed to extract value from the data produced by these transactions. This forms one element of the concern over trust as it is

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77. Birchall, "Aesthetics of the Secret," pg. 33.

78. Massumi, *The Power at the End of the Economy*, pg. 17.

79. Massumi, pg. 21.

normally experienced in the economy, namely that the value generated from trust is not distributed in a way that is proportional to the assumption of risk.

Within the *Bitcoin* network trust is deferred to the medium of exchange itself. Subjects are forced to place trust is a systematic expression of rationality in the form of competition. Because it is competition that governs the mining process (verifying transactions through mining increases total number coins and the total number of available coins does not increase) users in the network must assume that a rational decision making process will govern the actions of users such that they will not attempt to counterfeit coins or transactions. This approach to rationality also demands that users place an element of trust in both other users and the underlying technology to operate without being susceptible to a transactional roll back like one would be able to achieve in other transactions. In short trust is not eradicated from the *Bitcoin* network, instead its expression is deferred to other locations and further abstracted from view. This process also obfuscates the value creation process from the exchange of data between users.

Despite some of its shortcomings, Bitcoin presents a specific technological resolution to the disturbance created by Snowden. Both as digital technology and a disciplinary technology *Bitcoin* reconfigures the affective regime. The deployment of cryptographic signing presents a model of secrecy read as a version of trust. The very infrastructure of the technology advances claims that trust in the technology will result in a new experience of privacy for the user.<sup>80</sup> The deployment of privacy in this way goes a long way to recuperate the affective infrastructure desired by liberalism and necessary. Participation with *Bitcoin* provides a platform where subjects can engage with privacy in meaningful ways - ways that stabilize experience subjectivity and ready subjects for the broader market forces confronting them. It is no mistake

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80. Nakamoto, "Bitcoin: A Peer-to-Peer Electronic Cash System."

that a primary use for this technology is the exchange of goods and services. In what might be called gross material terms, adoption of *Bitcoin* further prepares subjects for their role in the global market. Of course, this condition neither unique to *Bitcoin* nor is it surprising.

*Bitcoin* also imposes new risks. While *Bitcoin* leverages its technological resources to make claims about trust, it removes the traditional safeguards of economic exchange. While technical safeguards exist to prevent against double spending, engaging in economic transactions using *Bitcoin* lacks any central authority for arbitrating claims and disputes. If a buyer sends a payment to a vendor she has no recourse if the vendor decides to keep the payment and refuses to send the product or perform the purchased service. Activated by the preexisting affinity to risk inherent in the liberal subject, this quality of *Bitcoin* transactions provides a complement to the experience of privacy once processed through the metaphorical economy of sovereign subjectivity.

More than the doubling down on the assumption of risk participation in the *Bitcoin* network creates a routine series of practices that thrusts subjects into an reconfigured affective structure. The BTC network generates a feeling of privacy that allows users to claim a moment of economic freedom, an ability to conduct commerce and the other necessary behaviors of liberal subjectivity. The discourses of privacy tied to *Bitcoin* create an affective economy where subjects both take on risk in one form while disavowing it in another. This inversion of the relationship to risk sutures the rift created by crisis. By reasserting the necessity of the liberal economic behavior it reforms the experience privacy by allowing subjects to recast their economic activity in a way that sidesteps the visibility of debt. While often held out as a subversive form of economics, what is clear is that *Bitcoin* does little to destroy the liberal

economic mode of exchange and realigns the affective experience of privacy in order to further restrict the political possibilities of the surveilled subject.

## 5 CONCLUSION

The quote from former president Obama that opened this dissertation presented the tensions between the feeling of privacy and the post 9/11 security state. Delivered shortly after Greenwald's first article described the actions of the surveillance industrial complex, the speech was an initial response to the crisis created by Snowden's actions. In 2015, the president signed the USA FREEDOM act into law. The law required the NSA and other security services to discontinue the bulk data collection efforts and to consult with the FISA court before collecting data on wholly domestic communications. On its face this law seems a victory for privacy advocates. Some have said it vindicates Snowden and serves as justification for his actions.<sup>1</sup> No doubt it is a small victory for privacy advocates and for those concerned with the surveillance practices of the national security state. But the law does little to address the overall surveillance complex, the large web of state and private actors involved in various forms of data collection and data processing. Despite a prohibition on bulk collection communication of intercepts, executive orders regulating the formation of partnerships with private actors remain fully intact. The relationships between the tech giants and the national security state have faded from public consciousness, allowing these companies to expand in size.

More importantly, this law and others like it passed in the wake of the Snowden crisis have done little to change the experience of privacy. As I have tried to demonstrate throughout this project, the contours of the affective structures in which privacy gets embedded have continued to impact life for subjects in late liberalism. In the preceding chapters I sketched the formal properties of the surveilled subject. Emerging from within the three networks I analyzed,

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1. Schwarz, "Snowden Effect' in Action."

the political frontier for this subject form seems to remain trapped by the boundaries of liberalism organizational prerogatives.

The exercise of power within the contemporary moment remains connected to specific techniques of power birthed in overlapping regimes. For instance, the wide disparities between the felt experience of surveillance suggest two conclusions important for this project. First, because sovereign power, disciplinary power and bio-power operate in a mixture of concentrations at any one time, it is not possible to exclude previous (historically speaking) forms of power from relevancy today. However, as the communication technology facilitating surveillance has evolved, the affective regime has put significant pressure on privacy and the forms of subjectivity it underwrites. Second and more importantly, the relationship between the competing forms of power and the spacing of social resources and negative consequences emerging from those spacings enjoy a co-constitutive relationship. Social spacing(s) depending on these three forms of power leverage different elements in a manner not necessarily dependent on a temporal fulcrum. Either through the curtailment of agency or the creation of new social projects, liberal governmentality has significantly handicapped the possibilities for challenges to the political regime capable of creating arrangement of power. My work has attempted to demonstrate how the recourse feeling private does little to reconfigure the feeling enduring late liberalism. Similar to the bi-directional relationship present between what Marx referred to as the base and superstructure, the relationship I trace in this dissertation suggest interlocking layers where the late liberalism's deployment of power influences the expression of social relations.<sup>2</sup> Even in moment of disruption and crisis the underlying framework of liberal governance is able to isolate itself from significant alteration or deconstruction.

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2. This relationship is described as a bifurcation between the autological subject and the genealogical society. It also gives rise to certain expression of power. Povinelli, *Economies of Abandonment*, pg. 13.

With the rapid and expansive reach of new communication technologies and social media sites, it is near impossible to gauge who and what is collecting data and exactly what data is collected. The result of this complex is a tension which has reached a near fever pitch. In short this is the felt experience of privacy as it comes into conflict with the interests of national security.

This tension is the animating force behind the two questions that fueled my work in this project. How does the surveilled subject as a form emerge from within the surveillance industrial complex? And once emerged, what are its political entailments? These questions point to a larger contribution I hope to provide to the growing debate regarding the scope and power of digital surveillance technologies. As communication technologies intensify their data collection efforts, scholars and theorists concerned with privacy and surveillance concentrate their investigations on the disembodied and digitized effects of data collection. Rich in understanding and analysis of the consequences of those efforts, much of the scholarship nonetheless leaves the embodied consequences under-examined. This dissertation is an effort to bridge a growing divide between scholars of surveillance and digital media and social theorists focusing on the experience of those technologies within specific moments. The networks I examine in this work are saturated with communication innovations that create new avenues for data collection and actively attempt to abstract the social impacts of their actions. Tracking the diffusion of these consequences has paid dividends in terms of understanding how the social consequences of these technologies reach past databases and contribute to the experience of enduring liberalism at its worst. My hope in future efforts to fully explore how re-centering metaphors of the social field and body politic enrich our understanding of the technology as liberal governmentality seeks to makes



surveillance and data collection invisible. More importantly, each of my case studies is a unique take on these efforts.

Within the realm of journalistic reporting and witnessing, the interactions between citizens and those holding power are heavily mediated by reporters and active individuals who enact a form of witnessing coveted by the state but at odds (in content) with the structure of power. Within this network the term transparency is circulated as a metaphorical condensation of privacy. Felt as a promise of the power of the social contract, transparency is leveraged by actors within both the fourth and fifth estate. Throughout this network of activity the formation of a specific intimate public takes shape, as subjects are enjoined to attach to a specific incarnation of sovereign subjectivity. Once interpellated into the sovereign subjectivity, the radical potential of witnessing is vacated.

Connected by a shared understanding how the importance of bearing witness to the unfolding drama of journalistic accounts presents subjects with the opportunity to reconnect with a feeling of privacy. Damaged by the actions of Snowden, the cultural practice of privacy can no longer suture the formation of publics committed to national security. Due in part to damage done to the idea of transparency by the actions of the Obama administration, the balance between privacy, transparency and secrecy is no longer arranged to forestall the formation of intimate publics committed to resisting liberal governance.

Within the field of national policy and government, the actions of Snowden foregrounded the national conversation on Net Neutrality. While the concerns over a free and uncensored internet were already commonplace, the Snowden crisis evoked a new affective regime. In response to this regime the government articulated a desire to reestablish privacy through a commitment to internet transparency despite parallel efforts to confront other non governmental

actors efforts to create more transparency, including efforts to punish leakers and whistleblowers. The cynical approach to internet governance reflected by the Obama administration is symptomatic of the moves mandated by the logic of late liberalism.

When brought into conversation with ideas surrounding market practices and rationality, privacy sutures the topological economy of economic freedom. The imposition of debt through market rationality has given rise to the formation of the indebted subject. Similar to the *homo economicus* theorized by Foucault the figure of *homo debitor* is a product of the marriage of market rationality and privacy working together within the broader transitional infrastructure. Once created this figure is subjected to the various mental aspects of neoliberal and late liberal politics. Distributed by the actions of Snowden the figure of economic freedom was dislodged from its place within the affective infrastructure. No longer able to do the work of insulating subjects from the endemic crisis of capitalism, economic freedom is conceptually impotent to suture systems of meaning. In the breach created by the Snowden disruption the late liberalism logic was able to reassert the experience of privacy through the circulation of digital currency. The discourses surrounding *Bitcoin* created an affective lever through the realignment of privacy. Tapping into preexisting affinities to individual experiences of privacy these discourses were able to reassert privacy as an important nodal point for identification. Responding to the crisis of Snowden created a moment for privacy to reassert itself and reinvigorate the structure responsible for sovereign subject and *homo debitor*.

Within this dissertation a key aim has been to account for the relationship between privacy and the surveillance industrial complex as they coalesce to shape the surveilled subject and limit its political possibilities. Moving through three networks central to American culture I have demonstrated how the felt experience of privacy creates a soothing effect for the form of

subjectivity desired by liberal governmentality. The sovereign form of subjectivity, marked by surveillance, is situated to the flows of liberal life. Attachment to privacy creates wholeness for the subject and fosters identification to and participation with the political imaginary as it takes shape from the organizational efforts of liberal logic. This form of the subject replicates a commitment to agency and stability mirrored in the logical ordering of the world.

This project has attempted to map the formation of the surveilled subject as it emerges from the competing fields of power within the temporal plain of late liberalism. Each of the networks analyzed are situated within the intersection of liberalism's three formations of power namely, sovereign, disciplinary and bio-political. These formations of power are productive in terms of the creation of subjectivities arising through the alignment of factors while overlapping in their regulating function of bodies, forms of knowledge, and methods of mental self-optimization. The methodological and theoretical framework attached to the critiques of these forms of power have maintained a centrality within scholarship concerned with late liberalism and its efforts of social ordering.

Following this line of theoretical inquiry has been fruitful, and provided important insights into the role affect plays in the creation of subjectivity and, once formed, how subject positions can later be further managed through affective regimes. Additionally, it has shaped not just my analytical focus, but also shaped my selection of objects. The objects of analysis for this dissertation are seemingly indirectly tied to privacy and the events that transpired in the wake of Snowden's action. However, the selection of objects is follows the idea that the effects of power reveal their structure where they require less affective power. It is often in these places where the seeds of radical action takes place. The objects of the case studies of this dissertation are all

indicative of areas where the potential for radical action germinates. Moreover, the case studies are places where affective disruptions are easily observed.

The impetus for my investigation has been the eruption of the affective order precipitated by the actions of Edward Snowden. Several years after his event it is easier to see how the disturbance caused by his actions have changed the affective landscape. Despite a series of possible arguments about the status of crisis assigned to his action what is clear is a shift in several areas of social and political act. This dissertation has argued that the world post Snowden is markedly different. Some readers may find this argument difficult however, a glance at the changing landscape of news production and the subsequent debates over encryption point to a large shift in the nature of the cultural attitudes towards technology. In mapping the affective aftershocks of Snowden's actions a clear line can be seen between the ways privacy functions and the changing dynamics of liberal governmentality.

A central over-arching concern of this project has been the relationship between privacy and liberal logics of governmentality. In grappling with this relationship, I employed a methodology of investigation that drew me to what some might consider outlier phenomena. My decision to follow this path was no accident. While seemingly disconnected from the initial crisis, these case studies present an intriguing avenue of exploration for examining the infrastructural consequences of moments of crisis. When confronted by crisis the logic of late liberalism attempts to reconfigure the affective infrastructure towards reasserting a social order that mollifies radical dissent before it gains the ability to fracture the existing political order. Along the margins of liberal activities are where these efforts are most easily visible. In the marginalia of social relations affective infrastructures, the subtle markers of aftershocks provide insight into the variable techniques deployed to reinstate a specific regime desired by the security

state. Considered against the backdrop of the larger set of tools used by the national security state, the subtleties I turned to in this project are powerful elements used to help make render the larger process opaque upon initial examination.

In refining my approach to reading affect and infrastructure I have been able to draw out elements of the affective regime that often go unseen or are under-examined. Once foregrounded, the subtleties of edge cases enrich our understanding of how to address crisis (both endemic and episodic) as rupture points that provide important resources for subjects as they determine how to endure the ongoing present. While much more work remains to be done in this vein, attention to the specific ways that affective infrastructures use, and remake tropes is an important and exciting area which an expansion of this work might explore. Similarly, other important analytical avenues touched on in this project such as *visibility* and *aesthetics* present possibilities for further and deeper accounts of late liberalism's organizing logic. These categories are briefly explored in the cases studies, however, each term remains under-theorized in the overall scope of this project. Connecting to the larger debate over visibility as it unfolds within conversations about visual culture will enable a new approach to placing the subtle markers of surveillance as a form of experiential media.

With these conclusions in hand the next iteration of this project is beginning to take shape. The arguments presented so far are incomplete in their critique of power and the affective regime necessary for late liberalism to continue and flourish. Given the nature of the surveillance efforts taken by the state and private corporations it is clear that more work is necessary to map the changes to the affective regime and the political consequences of those changes. As corporations reach further to grip consumers the relevance of Snowden's actions will take on new meaning. Additionally, as the drive to artificial intelligence gains momentum new

theoretical frameworks will be necessary for establishing how communication technology is integrated into the human experience. These developments will require new theoretical approaches.

One approach would be to connect this project with scholarship on the anthropocene. The term anthropocene operates in similarity with the term late liberalism deployed in this dissertation. Anthropocene acts both as a theoretical disposition and important chronotope. When considered as a marker of time, anthropocene describes a change in epochs. Most often used to describe the epoch of time following the holocene, a 1700 yearlong period preceded by the last ice age. In this regard the changeover is meant to signal the massive efforts undertaken to pulverize, pollute, poison and otherwise punish the earth to the point where total environmental collapse is all but inevitable. Within many disciplines scholars have begun to situate their work within this period of time for the purpose of marking how changes in epochs represent a difference in thought regarding the approach taken by science and scientists towards the effect of human activity on the environment. When deployed in this way the anthropocene works to describe a set of relationships and activities with emphasizing the effects on the environment. In scientific disciplines the ascendancy of this epoch can be tied to specific environmental concerns like global warming or the eradication of biodiversity.<sup>3</sup> Sometimes these debates produce suggestions for managing the environmental impacts of human activity.<sup>4</sup> When focused on the temporal aspects of this term scholarly work can be inventive and insightful in the treatment of environmental destruction.

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3. The journal *Anthropocene* is dedicated to the issues of environmental collapse and the affect of human activity on the face of the earth. Debates over the beginning point of this chronotope often play out in the pages of this journal. The journal can be found here. <https://www.journals.elsevier.com/anthropocene>
  4. Pincetl, "Cities in the Age of the Anthropocene."

Complementing this branch of inquiry is work done within this theoretical trajectory that reads the anthropocene as a structural element providing important considerations within social relations. A growing body of literature is invested in the potential of using theoretical precepts from the anthropocene as a grounding claim in their work. One approach in this area has been to focus on a series of ethical claims raised by the impending collapse of the environment. With a rich vocabulary and deep vein of intellectual work, this field of study has pushed into provocative and important areas for advancing critiques of power and social order. In the previous century, the intellectual rigor of work done to detail the effect of bio-power has been constant. However, one fact is starting has been made clear into sharp relief, decline of the four figures of power thought to be of central concern for those engaged in the critique of power.

I am not suggesting the work on bio-power or the exercise of bio-political control has reached its conclusion, only that a new vocabulary and lexicon of terms will be necessary to account for the new ways liberal power is organizing the fields of social and political activity. Within the three regimes of power theorized by current critiques of liberalism the fixation on the bio-political has produced a singular focus on human activity. This is neither accidental nor without significant benefit. The critique of bio-politics has open productive explorations into various social organizations of power and its consequences. By attending to way the bio-power organizes the social field, the inner workings of gender as a social construct has revealed how power to let live and make die is produced with and through sexual and gender divisions. The impact of this work cannot be quantified in its important. Gender divisions present just a single instance of how this way of thinking has enabled fields of study to unpack the ethical relationships that have calcified over time and how those ethical moors have become translated into social and political norms.

Within the *dispositif* of bio-power the centering object within every study is the body or experience of the human. Linked all the way back to primary argument within this body of thought about the production of docile bodies.<sup>5</sup> This foregrounding reveals the ever-present claim to supremacy of the human in critical theory. Or to follow in the theory of the anthropocene, what this demonstrates is the presence of a distinction between life and non-life a difference that has serious consequence for both the organizational efforts of liberalism and the market and also for the kind of theory that wishes to take on the resulting distribution of resources from these organizations.<sup>6</sup> Work situated in this area locates the role of the division between life and non-life as an important ontological marker and not just a formation of power. Within these contexts the foregrounding of human condition sets the stage for an ethical determination where the human experience becomes the focus of analysis. While foregrounding is important, the turn to the anthropocene presents an opportunity to explore the power of surveillance and subjectivity within a different underlying logic.

Placing my dissertation in the context of the anthropocene is an ambitious task but one that can ultimately be fruitful. One of the contributions of this dissertation has been to examine the role specific disruptive crisis plays in the management of structures of feeling, and specifically, how the Snowden revelation disrupted late liberal structures. Rooted in the theoretical framework of biopower the dissertation recognized how Snowden's actions presented a perturbation in the affective regime that both underwrote and was utilized by the national security state. Tracking the ripples of this action provides insight to the structuring logic of liberalism. The outcome is a diagnosis of privacy as a vital affective resource in marriage of

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5. This is certainly foregrounded heavily in Foucault's early works on the formation of disciplinary and bio power such as *Discipline and Punish*.
  6. Povinelli, *Geontologies*, pg. 8.



feelings and material practices fitting under the umbrella of liberalism. These claims have been developed within the matrix of power constituted by the three formations of power connected to halocene. Moving forward one might explore how that crisis come to be felt when read from a different metaphorical prospective. Reading the Snowden crisis through a different lens, a lens that places the primacy of human experience under scrutiny, can be helpful for unpacking the power of placing the ontology of the human condition as a central structuring condition. The Snowden crisis and the recalibration of the transitional infrastructure can be insightful in diagnosing these structuring conditions.

In order to engage this new concept two theoretical steps are necessary. The first is to place the surveillance industrial complex within the context of the three figures of geontological power emerging as central to the anthropocene namely, the desert, the animist and the virus.<sup>7</sup> Specifically, it is necessary to read the Snowden crisis against the anthropocene's figure of the virus. Within the framework of the anthropocene geontological power, or geontopower is the dominant formation of power and its figurations provide the scaffolding for upholding the difference between life and non-life. When set against the construct of geontopower, the surveillance industrial complex can be seen as a vital organism loosely organized and animated. Like a virus, the surveillance industrial complex is mobile and fluid. While often associated with the terrorist and the environmentalist, the virus is a figure of contagion, a site of infection. Theoretically this would entail describing this complex as more than just a simple conglomeration of companies and state actors working in concert to exert market pressures onto a population for purposes of control and monetization, both of which are clearly manifest in their

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7. These three figures are seen as symptomatic not generative of the anthropocene. They are meant to serve as diagnostic tools. Similar the four figures described by Foucault in *Society must be Defended* the three figures of anthropocene are windows into and manifestations of geontopower. Povinelli, pg. 16.

operations now. More importantly, when viewed through this theoretical assemblage the inner workings and the resulting configurations of visibility present their underlying methodology for managing populations, bodies and setting up scenes for attachment for privacy to continually restructure the possibilities for endurance as the drama of liberalism reaches the final acts. This theorization would connect to several disciplines working through the concepts of vitality and materialism to reveal the forms of agency and activity operating at the behest of, and independent from, human intervention.<sup>8</sup> Through this re-centering the actions of the surveillance industrial complex become a new source of knowledge about how liberalism attempts to continue shape the reproduction of life. It also provides a glimpse into the expressions of agency tied to geontopower.

A second theoretical move would be to reevaluate the expression of agency in this new organization. Understanding agency as not unique to or innate to humans is not a new concept however, each passing day bears witness to breakthroughs in data processing, algorithmic sorting, and artificial intelligence advancing arguments that humans are no longer the sole intelligence on earth. These developments have definitely answered Alan Turing's famous question regarding the ability of computers to think and have now forced a new question, how do machines feel and how do these feelings give rise to new structures. As with political arrangements derived from within the regime of biopolitics, reading the surveillance industrial complex as an anthropogenic organism creates a new terrain of knowledge. Using this backdrop

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8. Several scholars have mapped this trajectory. Much of the work in this direction includes rethinking the critique of "making live vs. letting die." However, the selected works take up the project of liberal biopolitics cast against the destruction of the environment. Gildersleeve, "The Neoliberal Academy of the Anthropocene and the Retaliation of the Lazy Academic"; Farrier, "Disaster's Gift"; Haraway, "Anthropocene, Capitalocene, Plantationocene, Chthulucene"; Povinelli, Coleman, and Yusoff, "An Interview with Elizabeth Povinelli"; Dalby, "Biopolitics and Climate Security in the Anthropocene"; Alberts, "Responsibility Towards Life in the Early Anthropocene"; Hamilton, "The Measure of All Things?"; Schuilenburg and Peeters, "Gift Politics"; Richardson et al., "Careful Surveillance at Play"; Lövbrand, Stripple, and Wiman, "Earth System Governmentality"; Clark, "Geo-Politics and the Disaster of the Anthropocene."

provides a lens from which it is possible to unsettle former conclusions about the drive to total informational awareness assumed by critics of surveillance. More importantly, within the milieu of the anthropocene unpacking the arrangements of agency, structure and liberal spacing reflect the strategies for endurance now assumed for subjects facing head on the collapse of the environment and the market driven tactics used to create the new normal in this situation.

The result of this is a remapping of bio-power in conjunction with the prospect of geontopower is a new set of political and ethical questions regarding not just the social distributions that accumulate and dissipate as the underlying liberal logics congeal and calcify but also how privacy works as a key affect and practice upholding the liberal contract. Furthermore, how upholding this contract facilitates the liberal organizations that necessitate both a critical vocabulary for apprehending the configurations of domination inimical to liberalism and how now, maybe more than ever before, it is necessary to adopt a disposition to endurance primed to capitalize on moments of resistance. I do not wish to suggest that liberalism will see its end before the planet is reduced to a smoldering ash pile, to advocate that is to truly embrace the fantasy of capitalism. Instead I wish to prime subjects enduring the misery of liberal spacing to reject calls for an overarching strategy of resistance at the expense of catching a momentary regime. If it is true that we as a species have doomed both life and non-life than a myopic focus on the future obscures the momentary breaks in the form of extra breath in which new universes of feeling are birthed. It is towards these moments that this project lists towards.

What I hope to have made clear in this work is the feeling of privacy, the experience of retreating back to a preferred mode of interaction does little to shield subjects from the impending foreclosure on the mode of agency with the potential to rework life within late liberalism. Similar to the surveillance driven media systems and constrained forms of public

discourse, privacy does little in the way of providing a systemic corrective to the encroachment of political possibilities demanded by liberal governance. Of course this is not a new claim, Foucault's works on bio-power suggests similar conclusions. In his later writings Foucault made clear his ethical commitments lay not necessarily in the restructuring of civil society or the bureaucratic organs of power instead, ethics are a realignment of the subject to the truth. His later lectures on truth telling and confession are springboard from which Foucault's ethical turn is directed at the subject and its ability to recognize the limitations of understanding of the world.<sup>9</sup> More specifically, these concerns refocus the critical impulse drawing attention to the power of affect in grappling with the truth.

In each of my case studies I have explored how subjectivity has been curtailed vis-a-vis the crisis ridden logic of late liberal of governance and the imposition of a mode of subjectivity which prescribes a form of sovereignty on the experience of subjectivity. In each of the three networks I analyze sovereign subjectivity is the result of subject's experience with the feeling of privacy as liberalism attempts to distribute this feeling across the social spectrum. This deployment happens through the construction of a structure that leverages elements of technology while simultaneously asserting an attachment to and identification with the experiential feeling of being in private will dislodge the paralysis felt by the evacuation of stability. In the aftermath the discovery of a surveillance apparatus once legitimated as an insensible tool for revival of American virtue after the tragedies of the early 2000's including of course the events of 9/11. Through participation in an affective economy saturated by generic markers of melodramatic identification national forms of subjectivity were equipped with a

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9. Foucault concept of truth and truth telling is developed to some extent in his later lecture though it is never fully addressed due to his death in 1984. For more see *The History of Sexuality, Vol. 3; The Courage of Truth*.

intuitional understanding of disruption which presented itself as an affinity for privacy in several forms.

Non-sovereignty is a place where subjects make friend with the inconsistencies of their world. It is a mode of being that allows subjects to begin to Marshall a challenge to liberal relationality that can rupture its underlying organization without relying on identity-based demands or arguments stepped within a social location. As liberalism has begun to run out of tools for managing challenges that threaten to run out the clock on liberalism or break it through undissolvable demands the non-sovereign subject can situate it self where living in a crumbling structure will activate the inner strength of the subject allowing them to leverage the extra breath they get in moments of disruption to find a way out. Non-sovereignty can map a way through broken engagements to rupture the order of liberalism. We know identity and pain don't work but maybe these other forms can work.

The main concern of this dissertation has been to outline the possibilities for the surveilled subject. Unfortunately, the obvious conclusion is that there does not exist many possibilities. This is a bleak conclusion to be sure, one devoid of an optimistic reading of the world. As the current trajectory of technology and privacy continues on the path it is on than we can say that there are few possibilities that will make themselves felt for subject.

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