



KADİR HAS UNIVERSITY  
SCHOOL OF GRADUATE STUDIES  
COMMUNICATION STUDIES DISCIPLINE AREA

**RESISTANCE IS AN INSIDE JOB: LIQUID  
SURVEILLANCE WITHIN THE CONTEXT OF  
DISPOSITIF, SUBJECT AND LINES OF FLIGHT**

MESUT UÇAK

SUPERVISOR: PROF. DR. BÜLENT DİKEN

MASTER'S THESIS

ISTANBUL, JULY, 2020

**RESISTANCE IS AN INSIDE JOB: LIQUID  
SURVEILLANCE WITHIN THE CONTEXT OF  
DISPOSITIF, SUBJECT AND LINES OF FLIGHT**

MESUT UÇAK

SUPERVISOR: PROF. DR. BÜLENT DİKEN

MASTER'S THESIS

Submitted to the School of Graduate Studies of Kadir Has University in partial fulfillment of the requirements for the degree of Master's in the Discipline Area of Communication Studies under the Program of Communication Studies.

ISTANBUL, JULY, 2020

DECLARATION OF RESEARCH ETHICS /  
METHODS OF DISSEMINATION

I, MESUT UÇAK, hereby declare that;

- this Master’s Thesis/Project/PhD Thesis is my own original work and that due references have been appropriately provided on all supporting literature and resources;
- this Master’s Thesis/Project/PhD Thesis contains no material that has been submitted or accepted for a degree or diploma in any other educational institution;
- I have followed “Kadir Has University Academic Ethics Principles” prepared in accordance with the “The Council of Higher Education’s Ethical Conduct Principles”

In addition, I understand that any false claim in respect of this work will result in disciplinary action in accordance with University regulations.

Furthermore, both printed and electronic copies of my work will be kept in Kadir Has Information Center under the following condition as indicated below:

- The full content of my thesis/project will be accessible from everywhere by all means.

MESUT UÇAK

KADIR HAS UNIVERSITY  
SCHOOL OF GRADUATE STUDIES

**ACCEPTANCE AND APPROVAL**

This work entitled **RESISTANCE IS AN INSIDE JOB: LIQUID SURVEILLANCE WITHIN THE CONTEXT OF DISPOSITIF, SUBJECT AND LINES OF FLIGHT** prepared by **MESUT UÇAK** has been judged to be successful at the defense exam held on **20/07/2020** and accepted by our jury as **MASTER'S THESIS**.

APPROVED BY:

Prof. Dr. Bülent Diken (Advisor)

Kadir Has University

Assoc. Prof. Levent Soysal

Kadir Has University

Dr. Zehra Nurday Atalay

Bandırma Onyedi Eylül University

I certify that the above signatures belong to the faculty members named above.

Dean of School of Graduate Studies

## TABLE OF CONTENTS

<b>ABSTRACT .....</b>	<b>iv</b>
<b>ÖZET .....</b>	<b>v</b>
<b>INTRODUCTION.....</b>	<b>1</b>
<b>1. FROM DISCIPLINE TO CONTROL: SURVEILLANCE AS AN OMNI-PRESENT DISPOSITIF.....</b>	<b>5</b>
<b>2. THE USUAL SUBJECT: LAST MAN .....</b>	<b>14</b>
<b>3. LINES OF FLIGHT: COUNTER-INFORMATION .....</b>	<b>26</b>
<b>CONCLUSION .....</b>	<b>33</b>
<b>REFERENCES .....</b>	<b>37</b>
<b>CURRICULUM VITAE .....</b>	<b>42</b>



## ABSTRACT

UÇAK; MESUT. RESISTANCE IS AN INSIDE JOB: LIQUID SURVEILLANCE WITHIN THE CONTEXT OF DISPOSITIF, SUBJECT AND LINES OF FLIGHT, MASTER'S THESIS, Istanbul, 2020.

Despite the growing human rights and privacy concerns, liquid surveillance machine is now capable of moving with lightning speed in all areas of our lives. Governments and huge transnational companies exploit the data that are gathered from our physical and digital activities with highly questionable methods and purposes. While governments legitimize their efforts by relying on national security discourse and companies on so-called customer satisfaction, now we face an unprecedented privacy crisis which also generates ethical and ontological concerns about human dignity. However, ordinary people who voluntarily participate in liquid surveillance machine, especially within the consumer realm, are as responsible as afore-mentioned actors since they provide the required data and make that machine work and expand. That's why it is meaningless to attribute all the responsibility to the Big Brother who sees everything. Hence, the thesis argues that liquid surveillance is a dispositif of the societies of control and the subject that is the product of the relationship between that dispositif and living beings is the nihilistic last man. The study tries to explore lines of flight from the societies of control within the context of liquid surveillance. In the light of that theoretical framework, the thesis analyzes activities of the Electronic Frontier Foundation (EFF) which is a non-profit, anti-surveillance organization that promotes digital privacy, free speech at digital platforms and innovation. The study builds a theoretical methodology that enables a comprehensive analysis of the EFF's activities within the contexts of liquid surveillance as the dispositif, nihilistic last man as the subject and counter-information as incarnation of lines of flight.

**Keywords:** liquid surveillance, societies of control, dispositif, subject, lines of flight, counter-information, Electronic Frontier Foundation.

## ÖZET

UÇAK; MESUT. DİRENİŞ İÇERİNİN İŞİDİR: DISPOZİTİF, ÖZNE VE KAÇIŞ ÇİZGİLERİ BAĞLAMINDA AKIŞKAN GÖZETİM, MASTER TEZİ, İstanbul, 2020.

Büyüyen insan hakları ve mahremiyet endişelerine rağmen, akışkan gözetim makinesi artık hayatımızın her alanında ışık hızı ile hareket etme kabiliyetine sahip. Hükümetler ve devasa ulus-aşırı şirketler, fiziksel ve dijital aktivitelerimizden topladıkları verileri son derece şüpheli yöntemler ve amaçlar ile istismar etmekte. Devletler bu girişimlerini ulusal güvenlik, şirketler ise sözde müşteri memnuniyeti söylemine dayandırırken, insanlık onuru hakkında etik ve varoluşsal endişeler üreten eşi benzeri görülmemiş bir mahremiyet krizi ile karşı karşıyayız. Ancak, bu makinenin çalışması için gerekli verileri sağladıkları düşünüldüğünde, akışkan gözetime, özellikle tüketim alanında, gönüllü olarak katılan sıradan insanlar da önceki aktörler kadar sorumludur. Bu sebeple, tüm sorumluluğu her şeyi gören bir Büyük Birader'e atfetmek anlamsızdır. Bu yüzden tez, akışkan gözetimin denetim toplumlarının bir dispozitifi, bu dispozitif ve canlı varlıklar arasındaki ilişkinin ürünü olan öznenin ise nihilist son insan olduğunu iddia ediyor. Çalışma, akışkan gözetim bağlamında denetim toplumlarından kaçış çizgileri keşfetmeyi amaçlıyor. Bu teorik çerçevenin ışığında tez; dijital mahremiyet, dijital platformlarda ifade özgürlüğü ve inovasyon savunucusu, kar amacı gütmeyen bir gözetim karşıtı kuruluş olan Elektronik Sınır Vakfı'nın (ESV) çalışmalarını analiz ediyor. Çalışma, inşa ettiği teorik metodoloji ile ESV'nin çalışmalarını bir dispozitif olarak akışkan gözetim, özne olarak nihilist son insan ve kaçış çizgilerinin tecessüdü olarak karşı-enformasyon bağlamlarında inceliyor.

**Anahtar kelimeler:** akışkan gözetim, denetim toplumları, dispozitif, özne, kaçış çizgileri, karşı-enformasyon, Elektronik Sınır Vakfı.

## INTRODUCTION

One of the most important questions will concern the ineptitude of the unions: tied to the whole of their history of struggle against the disciplines or within the spaces of enclosure, will they be able to adapt themselves or will they give way to new forms of resistance against the societies of control? Can we already grasp the rough outlines of the coming forms, capable of threatening the joys of marketing? Deleuze, 1992, p. 5

In early June 2013, a former National Security Agency (NSA) employee Edward Snowden has leaked hundreds of thousands highly classified documents that show the details of the NSA's global surveillance program. Within a close co-operation with private telecommunication companies, like American multinational Verizon, and Five Eyes intelligence alliance (comprising New Zealand, Australia, Canada, United Kingdom and United States' intelligence agencies), NSA turned out to be conducting illegal surveillance activities against the U.S. citizens, foreigners and some foreign presidents like Germany's Angela Merkel and Brazil's Dilma Rousseff. Despite the official statements which generally try to assure U.S. citizens that they have nothing to worry about, like former President Barack Obama' "there is no spying on Americans", disclosures have shown that the NSA was conducting illegal surveillance program that spies on citizens' phone calls, e-mails and digital activities (Henderson, 2013). When documents were undeniably proven to be official, statements from the state agencies have started to hire counter-terrorism discourse one more time, like former NSA general counsel Stewart Baker did. He was repeatedly claiming that such intelligence activities are vital efforts for preventing possible terror attacks and they've proven to be necessary when the U.S. has lost three thousand people in 9/11 (MacAskill and Dance, 2013). On the other hand, what makes NSA's surveillance program enable to collect vast data from the fibre-optic nets was close co-operation with huge private companies like Google, Microsoft and Yahoo. Microsoft, for example, has claimed "Microsoft only discloses customer data when served with valid legal orders" in addition to NSA's statement on "legally compelled" co-operation between the state agencies and private companies (MacAskill and Rushe, 2013). Moreover, both Google and Microsoft have uttered their concerns about transparency. What is more, no matter that surveillance program is legal compliance or not, the NSA leaks have revealed the enormous surveillance machine that is functioning around the globe with a huge technical capacity to reach information and close relationship and co-operation between the state agencies and private sector. Hence, the subject has been the topic of numerous studies in various disciplines. However, contemporary surveillance machine gains new features, implementation strategies, extent and purposes in each day and therefore requires new approaches and perspectives. This

thesis is an attempt to contribute to the considerable body of literature and provide a new approach in order to comprehend the multifaceted nature of the surveillance. The originality of the study lies in the trilateral investigation of the contemporary surveillance machine. First, the thesis examines that machine in its operation; by hiring several concepts from the literature, I aim to describe the implementation techniques and purposes of it. When one considers the unprecedented speed which that machine has, it is a necessity to trying to catch the new techniques. However, again, because of that speed, it also seems highly difficult to draw an institutional picture of the contemporary surveillance machine. That's why, with reference to Zygmunt Bauman (2013), I use the concept of *liquid surveillance*, which “is less a complete way of specifying surveillance and more an orientation” (Bauman, 2013, p. 9). Moreover, with reference to Gilles Deleuze (1992), to stress the different *governmentality* logic between the surveillance *dispositifs* of *sovereign* and *disciplinary* societies and contemporary *dispositifs*, I describe the *liquid surveillance* as a *dispositif* of the *societies of control*. The *disciplinary* societies “initiate the organization of vast spaces of enclosure” (Deleuze, 1992, p. 3) like prison, factory, hospital, clinic and each have their own laws. However, within the *societies of control* “these institutions are finished” (Deleuze, 1992, p. 4), and now we see a constant demand of reforms for each one of them. New, “ultra-rapid forms of free-floating control” (Deleuze, 1992, p. 4) take the place of old disciplining methods; from institutionalized panoptic surveillance to *liquid surveillance* that moves in lightspeed. Despite the vast amount of studies that examine surveillance, it is hardly possible to talk about the works that do this by considering the changing *governmentality* logic. The concept of *control societies* has been overlooked by the surveillance scholars. This study, in that respect, also aims to draw attention to this gap in the surveillance literature. Second, the thesis highlights the reciprocal relation between the *liquid surveillance* and the *subject* that is the product of the relation between the *living beings* and *dispositifs*. While rejecting the general orientation that attribute the responsibility of surveillance activities to the Big Brother, I claim that ordinary people who participate to that machine, in one way or another, are as responsible as governments and private companies. Constitutive role of the ordinary people within that machine takes its ideal form in fear and consumerism. On the one hand, ordinary people who are filled with the fear of the enemies, fear of a new 9/11, demand extensive surveillance precautions from their governments to feel safer; and on the other, lose themselves into the garish world of consumption which is equal to getting higher positions in *social sorting*, fulfilling the hedonistic desires and providing data for the surveillance machines of the companies at once. With this assertion, I aim to reveal the constitutive role of the ordinary people within the surveillance machine through current

consumption habits and politics of fear. Third, the thesis investigates *lines of flight* from the *control societies* in context of *liquid surveillance*. In that respect, I propose the concept of *counter-information* as incarnation of *flight*. With a reference to Deleuze (2006), I define *counter-information* as anything written, verbal or visual which may occur from any medium that discloses control aspect of the information which propagated by the power holders.

The empirical part of the thesis focuses on the activities of the Electronic Frontier Foundation (EFF) which is a non-profit civil organization that promotes digital privacy, free speech at digital platforms and innovation are being analyzed in reference to the theoretical framework that is established in the first part. The reason that I've chosen the EFF is, unlike most of the other institutions that are active in the same field, the Foundation's strong stress on the innovation and growing use of technology.

The thesis consists of three chapters. The first chapter introduces the main concepts and approaches that shape the theoretical framework of the thesis. Within the first chapter, titled as From Discipline to Control: Surveillance as an Omni-present Dispositif, I chase the traces of the surveillance from the sovereign and disciplinary societies by giving reference to the works of Michel Foucault and Zygmunt Bauman. Then, as Bauman was already proposed, I prefer to use the concept of *liquid surveillance* which refers to changing nature, purpose, implementation and extent of the contemporary surveillance machine. Rather than approaching to *liquid surveillance* as a universal measurement, which would constitute a paradoxical view by considering its liquid nature, the chapter defines *liquid surveillance* as a *dispositif*, which is taken from the studies of Foucault and Giorgio Agamben, that meets the "interplay of shift of positions" (Foucault, 1980, p. 194) within the contemporary surveillance machine. With an extensive discussion about the changing *governmentality* logic, the chapter argues, as Gilles Deleuze states, that "a disciplinary society was what we already no longer were, what we had ceased to be" (Deleuze, 1992, p. 1) and defines the contemporary societies, that current *governmentality* logic creates, as *societies of control*. Then, I introduce several concepts and examples from the literature to show to what extent and purposes, liquid surveillance functions as a *dispositif* of the *societies of control*. After conceptualizing the *liquid surveillance* as a *dispositif* of the *control societies*, Electronic Frontier Foundation's Surveillance & Self-Defense project is being analyzed under the light of the theoretical framework that is established in that chapter.

The second chapter, titled as The Usual Subject: Last Man, begins with the rejection of the idea that assigns all the responsibility of surveillance to the Big Brother and stresses the constitutive

role of the ordinary people. Then, with an elaborative discussion on the nihilism and the nihilistic *last man*, I show how the *last man* who is filled with the fear and fascination becomes a constitutive figure within the *liquid surveillance* machine. The chapter continues with correlating the *last man* and the *subject* that is the product of the relation between the *dispositifs* and *living beings* with reference to Agamben. After that, EFF's activities will be analyzed within the context of politics of fear and consumerism. Foundation's responses to the *Intelligence Reform and Terrorism Prevention Act (IRTPA)* that is published after 9/11 attacks and works on net neutrality form the body of analysis of the chapter.

The final chapter titled as Lines of Flight: Counter-information begins with the argument about the *end of the history* which conceptualized by Francis Fukuyama (2000) after the collapse of Soviet Union and discloses the paradoxes within that axiomatic logic. After rejecting the idea which negates the possibility of social change, the chapter uses Deleuze's motional ontology of the social which argues the two poles within it; *actual* as of the realized practices and stratifications and *virtual* as the realm of potentialities to indicate the reality of the *event* that occurs at the *surface* between these poles. There I use the concept of *lines of flight*, from Deleuze and Guattari's work (1987), to conceptualize that argument. Finally, *counter-information* from Deleuze is introduced as incarnation of *flight*. After that EFF's response on the location surveillance system which is used in the United States to contain the Covid-19 pandemic will be analyzed in the light of the concepts of *lines of flight* and *counter-information*. The study tries to find out if the EFF has an answer to the Deleuze's question at the beginning or not.

## FROM DISCIPLINE TO CONTROL: SURVEILLANCE AS AN OMNI-PRESENT DISPOSITIF

Information is the oxygen of the modern age. It seeps through the walls topped by barbed wire, it wafts across the electrified borders. ... The Goliath of totalitarianism will be brought down by the David of the microchip.

Ronald Reagan

As information itself becomes the largest business in the world, data banks know more about individual people than the people do themselves. The more the data banks record about each one of us, the less we exist.

McLuhan and Watson, 1970, p. 13

As can be seen from the quotes above, surveillance is a source of hope for the ones, like Reagan, who claim to be the enemies of tyrants while others, like McLuhan, would call it a way of building tyranny. These quotes are highly interesting not only to show how a particular concept can be understood so differently, but also to indicate the uncanny nature of surveillance. For that reason, it is meaningless to try to attribute a universal meaning to the concept. Instead of that, this study uses the concept of *dispositif* that is taken from the works of Michel Foucault and Giorgio Agamben to analyze the surveillance machine.

Deleuze says, “Foucault’s philosophy is often presented as an analysis of concrete ‘dispositifs’” (Deleuze, 2006, p. 338). Indeed, Foucault was able to make detailed analyses of the *environments of enclosure*; prison, hospital, clinic, factory, school and their governance function. Even though he avoids to make a clear definition of the *dispositifs*, he states three features of the concept. Firstly, “a thoroughly heterogeneous ensemble consisting of discourses, institutions, architectural forms, regulatory decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions” and “the system of relations that can be established between these elements” (Foucault, 1980, p. 194). So, *dispositif* is an assemblage of the discursive and non-discursive elements and the heterogeneous system of relations between them. Secondly, “between these elements there is a sort of interplay of shifts of position and modifications of function which can also vary very widely” (Foucault, 1980, p. 195). By stressing the nature of that relation between these elements, Foucault rejects the universals and states the changing nature, purpose and implementation of a particular *dispositif*. The same police measure can serve to prevent an attack on a bank, for instance, or to provide security at a production field. Lastly, the concept “has as its major function at a given historical moment that of responding to an urgent need. The *dispositif*, thus has a dominant strategic function” (Foucault, 1980, p.

195). Hence, more than being a system of relations between elements, it also has the function of intervening in them, “to develop them in a particular direction or to block them, stabilize them and to utilize them” (Agamben, 2009, p. 2). Agamben, on the other hand, stresses two classes: “living beings and *dispositifs*”. What a *dispositif* does is creating *subjects* that are the products of the relation, the “relentless fight”, between the living beings and *dispositifs*; “The term ‘dispositif’ designates that in which and through which, one realizes a pure activity of governance devoid of any foundation in being. This is the reason why *dispositifs* must always imply a process of subjectification. That is to say, they must produce their subject (Agamben, 2009, pp. 11-15). Without a process of subjectification, *dispositifs* cannot function as governance apparatuses; rather than that they’d “be reduced to a mere exercise of violence” (Agamben, 2009, p. 19). That’s why, Agamben proposes a further expansion of Foucauldian *dispositifs* and states: “I shall call a *dispositif* literally anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions or discourses of living beings” (Agamben, 2009, p. 14). Herewith, the concept *dispositif* goes beyond the *environments of enclosure* since their relation with power too obvious. In addition to these, “pen, writing, literature, philosophy, agriculture, cigarettes, computers, cell phones and language itself” are functioning as *dispositifs* (Agamben, 2009, p. 14). The following lines try to explain to what extent and purpose *liquid surveillance* is functioning as a *dispositif* of the *societies of control*.

Foucault has described the notions, tools and implementations of the *disciplinary societies* and the history of punishment. He follows the paths of punishment: from the spectacular murder of Damians the regicide that the punishers stand in front of the crowd statuesquely; to an order that must be followed during a plague epidemic in a town in which “the gaze is alert everywhere” and people must stay at their home (disobey causes death penalty) and “observe their actions” while the attendants at the streets organize order; to the panoptic prison (or school, hospital and factory) in which “a madman or a patient or a schoolboy” stay in the cells which are placed at the peripheral building surrounding the central tower from which the supervisors can watch every action of the captives while the captives cannot see them (Foucault, 1995). That paradigmatic change among the ordering methods indicates the changing nature of the surveillance: from the attendants that are in sight to the supervisions at the panoptic prison who stay in the dark. In a panoptic prison, the captive can never know when the eyes of the supervisor are on him/her. While the side walls prevent captives to make contact with each other, supervisors can maintain the order. “Hence the major effect of the Panopticon” Foucault writes:

To induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power. So to arrange things that the surveillance is permanent in its effects, even if it is discontinuous in its action; that the perfection of power should tend to render its actual exercise unnecessary; that this architectural apparatus should be a machine for creating and sustaining a power relation independent of the person who exercises it; in short, that the inmates should be caught up in a power situation of which they are themselves the bearers. (Foucault, 1995, p. 201)

According to Foucault, the Panopticon serves in various ways: “to reform prisoners, but also to treat patients, to instruct schoolchildren, to confine the insane, to supervise workers, to put beggars and idlers to work”. That’s why it shouldn’t be understood as a “dream building”; “it is the diagram of a mechanism of power reduced to its ideal form” (Foucault, 1995, p. 205). It is a regulation and arrangement machine to create and maintain order at space and time. “The pyramid of power was built out of velocity, access to the means of transportation and the resulting freedom of movement” (Bauman, 2000, p. 10).

However, what Foucault has described was not the permanent fate of the society. Deleuze states that, “what Foucault recognized as well was the transience of this model” (Deleuze, 1992, p. 3). The Panopticon was an expensive and inconvenient model which also restrains the movement of the supervisor at space. Bauman (2000) draws attention to tension between the two tasks of the supervisors: to guard their own volatility and routinizing the flow of time of their subordinates. “The routinizers were not truly and fully free to move: the option of 'absentee landlords' was, practically, out of the question” (Bauman, 2000, p. 10). It was inefficient in various manners: necessity of physical existence of supervisors, hiring and paying them, building required architectural spaces as well as administrative difficulties like taking responsibilities (Bauman, 2000, pp. 10-12). The bound between the action and actor was still on the stage. What made order sustainable and operative was efficient administration, necessary buildings (prison, hospital, school, factory) and a huge amount of money.

In search of less expensive and more efficient ways, power holders managed to free themselves from the ties of the space thanks to the technological apparatuses. They realized that new technologies like security cameras, data banks that are formed from the biometric measurements and credit card histories would conduce enough to their purposes. Bauman indicates that the power has been rescued from the bound of space and become truly *exterritorial* because of the mentioned practical purposes. It moves at the speed of electronic signals now. The necessity of the physical existence of the power holder is no longer required as it was. “This gives the power-holders a truly unprecedented opportunity: the awkward and irritating aspects of the panoptical technique of power may be disposed of.

Whatever else the present stage in the history of modernity is, it is also, perhaps above all, post-Panoptical.” (Bauman, 2000, p. 11).

In other words, the surveillance machine no longer works in the old manner. We are witnessing a paradigmatic change, from panoptic surveillance to *liquid surveillance*. “Capitalism is no longer characterized by panoptic, place-bounded discipline forcing people to overtake given subject positions, but by a permanent movement, in which the subject is always in a state of becoming” (Albertsen and Diken, 2006, p. 246). Power doesn’t need to build environments of enclosure (hospitals, clinic, prison), hire and pay attendants, even being physically exist anymore; and it saved itself from the physical bounds of the inconvenient methods of the Panopticon:

There is no need to ask which is the toughest regime, for it’s within each of them that liberating and enslaving forces confront one another ... in their turn the disciplines underwent a crisis to the benefit of new forces that were gradually instituted and which accelerated after World War II: a disciplinary society was what we already no longer were, what we had ceased to be. (Deleuze, 1992, p. 3)

As a matter of fact, *environments of enclosures* have spread throughout every cell of the social in the *control societies*. Education doesn’t consist of just school buildings, just like the production went beyond the factories. One does not go into an *environment of enclosure* by leaving the other behind: “In the societies of control one is never finished with anything--the corporation, the educational system, the armed services being metastable states coexisting in one and the same modulation” (Deleuze, 1992, p. 5). In contrast to the *disciplinary societies* where the order tried to be realized via *environments of enclosure*, in the *control societies*; “We are witnessing the revenge of nomadism over the principle of territoriality and settlement” (Bauman, 2000, p. 48). Conditions that were promoted with the solid modernity -having a fixed address, territorialization, great factories- are not coin of the realm anymore. As Marx says, “all that’s solid melts into air” (Marx, 2002, p. 46). Social regulation, enlightenment or social welfare are not the concerns of the *contemporary global elite*. In contrast “It can rule without burdening itself with the chores of administration, management, welfare concerns, or, for that matter, with the mission of 'bringing light', 'reforming the ways', morally uplifting, 'civilizing' and cultural crusades” (Bauman, 2000, p. 13).

Under these circumstances, old surveillance of the Panopticon –which main object was arranging everything to the ‘normal’- became much more *liquid*. Surveillance has gone beyond the panoptic methods; with other methods of control, Panopticon is, now, one of the models of the surveillance (Lyon, 2006). Thomas Mathiesen’s (1997) *synopticon* refers a major

change within surveillance: now the many watch the few –via new digital communication technologies-, in contrary to the panoptic surveillance which the few used to watch the many (Mathiesen, 1997). “Spectacles take the place of surveillance without losing any of the disciplining power of their predecessor” (Bauman, 2000, p. 86). Ordinary people join to the surveillance both by being attracted to the promised great lives (celebrities, for example) or by agreeing to the governments with their deep concerns about the national security (9/11). On the other hand, Didier Bigo (2006) has produced the concept *ban-opticon*, which refers to profiling technologies that determine who is going to be the subject of what kind of surveillance. He defines three futures of the *ban-opticon*; “practices of exceptionalism, acts of profiling and containing foreigners, and a normative imperative of mobility” (Bigo, 2006, p. 6). “This dispositif is no longer the Panopticon described by Bentham. It is a Ban-opticon. It depends no longer on immobilizing bodies under the analytic gaze of the watcher but on profiles that signify differences, on exceptionalism with respect to norms and on the rapidity with which one evacuates” (Bigo, 2006, p. 44).

By differing from the old manner of surveillance; “as we shall see, *social sorting* is primarily what today’s surveillance achieves, for better or for worse” (Lyon, 2003, p. 21). The surveillance machine has gained new features during the great transformation of the society. Instead of panoptic surveillance, for which force was the main drive, *liquid surveillance* has the feature of not forcing but calling the ordinary people to gain a higher position in social sorting. “If the freedom that envisioned by the Enlightenment and promised by Marx was a suit for the ‘ideal producer’, market-supported freedom was designed with the dimensions of the ‘ideal consumer’” (Bauman, 2000). The more you consume, the more you get in a *society of control* and consuming is at the paths of the *liquid surveillance*. “So, surveillance works at a distance in both space and time, circulating fluidly with, but beyond, nation-states in a globalized realm” (Bauman, 2013, p. 11). The surveillance that has expanded to every corner of daily life: from the security cameras to the biometric measurements, from the ID cards (Lyon, 2009) to the hospital records, from the filter bubbles (Praiser, 2011) to credit cards histories... It is significant to comprehend that *liquid surveillance* has the feature of voluntary involvement of the ordinary people. “Everything moves from enforcement to temptation and seduction, from normative regulation to PR, from policing to the arousal of desire; and everything shifts the principal role in achieving the intended and welcome results from the bosses to the subordinates, from supervisors to the supervised, from surveyors to the surveyed; in short, from the managers to the managed” (Bauman, 2013, p. 53).

What is one of the new features of the *liquid surveillance* is sharing the responsibility. Old panoptic regulations -which needed detailed plans, great money, too many people- were the responsibility of the managers. Managers used to force the subordinates to catch up the plan. Now, ordinary people voluntarily join the surveillance machine in order to get a higher position with *social sorting*. “The current ‘great transformation mark two’ (to borrow Karl Polanyi’s memorable phrase), the emergence of the widely lauded and welcome ‘experience economy’ drawing on the totality of personality resources, warts and all, signals that this moment of ‘emancipation of the managers from the burden of managing’ has arrived” (Bauman, 2013, p. 64). As Bauman brilliantly states, if Etienne de la Boetie was alive, he would say it is a “do it yourself servitude” (Bauman, 2013, p. 25).

In the remainder of this chapter activities of the Electronic Frontier Foundation on the *liquid surveillance dispositif* of the *societies of control* will be analyzed in the light of the *dispositif* theory that was established above.

Electronic Frontier Foundation (EFF), produces several contents about surveillance practices of both governments and digital corporates, and self-defence suggestions for people against these practices. Under the project Surveillance & Self-Defence (SSD) at its website, the EFF reveals how governments and digital corporates watch, control, manipulate and direct the digital behaviors of the users (EFF, SSD). The motto of the SSD project is, “tips, tools and how-to's for safer online communications”. Foundation’s purpose within the project is to disclose the surveillance practices as well as to provide self-defence suggestions to the users.

Zygmunt Bauman’s views on the power and politics would be a good starting point to make a general evaluation of the SSD project. Bauman states that, at the current phase of the modernity, power and politics are splitting apart. While “power exists in global and extraterritorial space”, politics remain local and “unable to act at the planetary level” (Bauman, 2013, p. 11). On the other hand, both side conduct several surveillance practices for several purposes; while local power -governments- uses it, generally, in order to prevent possible ‘threats’ to it, global power -Google, Facebook, Amazon- makes the same thing in order to control the marketing and consuming world. In that sense, as it was stated in above, a particular *dispositif* can serve for different purposes with different methods. However, that doesn’t mean these two power structures are totally diverged in the manner of surveillance. Surveillance practices cannot be separated into two like that are conducted by local and global power. On contrary, there are lots of cases that the local and global power’s interests reciprocally coincide with one another. That is the thing that gives surveillance machine its liquid characteristic. In that respect, it is very meaningful and

important for the EFF to not approach to the surveillance problem with focusing just to the one side while most of the organizations that are active at the same field generally focus to the surveillance of the governments.

For instance, within the SSD project, there is this title: “Things to Consider When Crossing the U.S. Border” (EFF, 2018). Under that title, the EFF usually generates practical precautions for the ones who planning to cross U.S. border like; “Reduce the amount of data you carry over the border”, “Encrypt your devices”, “Power down your devices”, “Don’t rely on fingerprints” or “Don’t lie to the border agents”. The Foundation’s purpose within that title is to protect you, but essentially your digital data against the border agents. Such measures might be helpful for certain cases. On the other hand, what EFF forgets is, sooner or later, border agents will accomplish to reach digital data of the users, if they see it necessary. They may not allow someone to enter the country or detain a passenger for several hours. What the EFF unable to see within that case is the liquid surveillance’ ability of moving in lightning speed. The concept *ban-opticon*, refers to certain profiling technologies that determines who will face to what kind of measures in that respect. Without controlling one’s digital devices, border agents have the possibility of labelling one as ‘risky individual’. Moreover, the EFF’s suggestions within that title is designed for the international airports and avoids thousands of people who try to cross U.S. borders with illegal ways; migrants.

Another title within the SSD project is “Facebook Groups: Reducing Risks” (EFF, 2019). The EFF suggests several precautions to the users who want to have safe communication at the Facebook groups. The EFF seems to be aware about how Facebook groups algorithmically works and how Facebook has a bad reputation on changing privacy policies and settings in unclear ways. Considering the Cambridge Analytica (CA) crisis, which Facebook has sold information about over 50 million users to a data analysis company which has really unclear activities, it is obvious that Facebook doesn’t hesitate to violate digital privacy of the users. The information that has been sold to CA is thought to be used in the USA and UK elections. As Bauman indicates, “Surveillance softens especially in the consumer realm. Old moorings are loosened as bits of personal data extracted for one purpose are more easily deployed in another” (Bauman, 2013, p. 9). The EFF, on the other hand, aware of the fact that the information that is shared at Facebook is not safe. In order to provide a safer communication sphere within the Facebook groups, the EFF suggests; choose your privacy settings by thinking about your purposes and goals, establish safe group rules, know your group’s admins and moderators, block unwelcomed users, know what happens to content on Facebook when it is deleted. These precautions are highly useful in order to protect the data on

Facebook. However, it is also clear that the Facebook will be able to reach any kind of data at its website. On the other hand, this data, as it was seen in the case of Cambridge Analytica, can be exploited in unknown purposes including serving them to government agencies. The EFF needs to generate a course of action that is aware of the fact that local and global power structures tend to work together in that sense.

Furthermore, negating use of the digital technologies or recommending not to use them at all would constitute an unreal course of action. As Agamben states, dealing with the problem of the *dispositifs* is not “simply to destroy them” (Agamben, 2009, p. 15). Moreover, negating the digital technologies for the sake of digital privacy or intimate sphere “against the onslaught of instrumental/objectivized 'alienated' public exchange, it is privacy itself which becomes a totally objectivized 'commodified' sphere” (Žižek, 2002, p. 85). In that manner, it can be said that the EFF has a realistic course of action on participating to the digital world. The Foundation is far from the negating digital activities. On contrary it has a strong stress on innovation.

On the other hand, advising a proper use of *dispositifs* or “to use them in a correct way” would be a naïve suggestion at the best. “Those who make such claims seem to ignore a simple fact: If a certain process of subjectification corresponds to every *dispositif*, then it is impossible for the subject of a *dispositif* to use it ‘in the right way’” (Agamben, 2009, p. 21). Since anyone who’d encountered with a *dispositif* would be a passivated *subject* that is the production of that relation, its being manipulated is taking for granted. Therefore, a possibility of proper use would be out of question. In the light of that, it can be said that the EFF mostly falls into trap of being a conscious consumer. When it is come to the digital activities and surveillance machine that works within them, one is unable to provide a proper use. No matter how many precautions one takes, it is the use of digital technologies itself that manipulates the *subject* of that *dispositif*. That’s why the Foundation should understand how and to what extent and purpose does a *dispositif* function.

Moreover, as it was quoted from Lyon above, it is important to understand that what today’s surveillance primarily does is *social sorting*. “The surveillance system obtains personal and group data in order to classify people and populations according to varying criteria, to determine who should be targeted for special treatment, suspicion, eligibility, inclusion, access” (Lyon, 2003, p. 21). That means the data that is collected from various sources like the digital activities, travels, credit card histories, biometric measurements and so on, is being used in order to sort people. The ones who consume more, since “the consumption is an investment in anything that matters for individual ‘social value’ and self-esteem”, would get higher positions in *social sorting* while the ones who labelled as risky individuals would probably face with

police measures (Bauman, 2013, p. 33). The EFF has detailed course of actions against almost each practice of surveillance. One can learn from the website of the Foundation what to do for each case. On the other hand, there is not a single evidence that proves the EFF aware of the fact that what *liquid surveillance* primarily does is *social sorting*. Most of the contents that are produced against the surveillance by the Foundation stress to the digital privacy and risk management. In that respect, it can be said that the EFF fights against the right enemy with a wrong cause. Digital privacy, or privacy at all, seems to be easily discarded in the age of *obscenity*.

To sum up this chapter, it can be said that the Foundation comprehends the fact that the *liquid surveillance* machine is not a simple mean to spy on people but is a multifaceted problem which comprising several actors. The EFF seems to be aware of the fact that the *liquid surveillance* is being extensively implemented by states as well as by multinational companies, and the potential of these actors to engage in high-scale cooperation with each other. Moreover, by promoting digital innovation the Foundation develops a realistic approach to the problem. However, the Foundation's suggestions usually fall into trap of being a conscious consumer and neglect the impossibility of a proper use when the subject is a *dispositif*. It should also be noted that although the Foundation is able to define the extent of this machine, it is not possible to say the same for the purposes of *liquid surveillance* when considering its failure to produce discourse against the *social sorting*.

## THE USUAL SUBJECT: LAST MAN

Nihilism stands at the door: whence comes  
this uncanniest of all guests?

Nietzsche, 1967, p. 7

When to discuss about the surveillance, it is easy to explain it with the Big Brother that watches every move, every step, every action of people. Nothing can escape from or stand against to him because of the great surveillance machine that sees everything. On the other hand, such an explanation takes all the attention to an external subject; just like washing one's hand of and blaming another one, taking no responsibility. Such an explanation ignores two major features of the contemporary *liquid surveillance*: First, it cannot see the role of the ordinary people, that strengthens the surveillance machine. That interpretation "puts all the stress on tools and tyrants and ignores the spirit that animates surveillance, the ideologies that drive it forward, the events that give it its chance and the ordinary people who comply with it, question it or who decide that if they can't beat it, they'll join the game" (Bauman, 2013, p. 14). Second, it understands surveillance as the surveillance of states and governments. However, as Bauman clearly states, power and politics are diverging now (Bauman, 2000). While the politics are stuck to the local, power has expanded to the whole globe, especially via trans-national huge companies (Facebook, Google, Amazon...). Apart from the great financial capacities of these companies, they are, now, one of the main actors of the contemporary *liquid surveillance*.

As in the case of surveillance, the marketing of goods becomes more and more a DIY job, and the resulting servitude becomes more and more voluntary ... Whenever I enter Amazon's site, I am now greeted with a series of titles 'selected especially for you, Zygmunt'. Given the record of my past book purchases, the high probability is that I'll be tempted ... And as a rule, I am! Obviously, thanks to my dutiful, even if inadvertent, cooperation, the Amazon servers now know my preferences or hobbies better than I do (Bauman, 2013, p. 106).

Surveillance machine of such companies works with the data of the users' searches and shopping histories. By using the *filter bubbles* (Praisner, 2011), companies make users see related commodities to their interests at every step they take on digital platforms. So aside from the surveillance practices that are conducted by governments and companies, users also become a constitutive figure within the surveillance machine. Users, by providing the required data, make that machine work and expand. Even though much has been written about the surveillance practices of governments and companies, the responsibility of ordinary people has often been overlooked by surveillance scholars. This study claims that passivated and *reified* subject of the *liquid surveillance dispositif* of the *societies of control* is the nihilistic *last man*. The following lines try to explain the concept *last man* from a Nietzschean perspective.

Although it's not something easy to do, it is significant for this study to define the concepts of nihilism and the *last man*. While Nietzsche calls nihilism as the “uncanniest guest”, Diken states that it is “perhaps the most misunderstood concept in history” due to its distance to common sense (Nietzsche, 1967; Diken, 2008, p. 2). Deleuze, on the other hand, begins his definition from the word itself and says, “In the word nihilism, nihil does not signify non-being but primarily a value of nil” (Deleuze, 1983, p. 147). According to him, one should not think that the nihilism is about non-existence but about the life which takes a value-free appearance (Deleuze, 1983). Moreover, it is also not a theory or ideology that someone defends or stands against but, “thought in its essence, is, rather, the fundamental movement of the history of the West” (Heidegger, 1977, p. 62). Therefore, it can be said that it is the main drive that shapes the Western civilization; a drive of being unable to accept the world as it is.

In its origin, nihilism is an inability to accept pain, conflict, and antagonism. But since these are parts of life, the search for a pain-free life amounts to the denial of the world as it is. As such, in its origin, nihilism is the invention of another illusory world in which pain, conflict, and antagonism cease to exist, a transcendent heaven. (Diken, 2008, p. 2)

Nihilist is the one who cannot accept the chaos within the world and tries to find a divine aim, truth and unity in it and there, negation of the world as it is begins; “Depreciation always presupposes a fiction: it is by means of fiction that one falsifies and depreciates, it is by means of fiction that something is opposed to life” (Deleuze, 1983, p. 147). The nihilist that depreciates the life as it is starts to imagine a fictitious, imaginary, “ideal” and “real” life that transcends this world and a transcendent figure, God, who is the creator and arranger of the system of the two worlds. “God is the name for the realm of Ideas and ideals” (Heidegger, 1977, p. 61). When this world becomes the reflection of the “real” one, “the whole of life then becomes unreal, it is represented as appearance, it takes on a value of nil in its entirety” (Deleuze, 1983, p. 147). Hence the nihilist starts to produce values that are superior to this life. According to him this world isn't worth living for it, instead he would arrange his whole life around these values and consolidates them in a transcendence sense, a will to nothingness. “If one shifts the centre of gravity of life out of life into the 'Beyond' — into nothingness — one has deprived life as such of its centre of gravity” (Nietzsche, 2005, p. 155). The world that takes the value of the nil, becomes a world that is not the source and centre of life, but just the reflection of the ideal world. Thus, the nihilist assigns the essence of life to the “real” world above, and this world becomes just an appearance. When the world “above” has the feature of being the real and absolute one, the world down here becomes “the changeable, and therefore the merely apparent, unreal world” (Heidegger, 1977, p. 62). Up until

here, the first sense of nihilism was tried to be defined. This sense refers to a *ressentiment* to the fact that “the world is devoid of a goal, unity or meaning” and an escapist attempt to endure the meaninglessness of the world (Diken, 2008, p. 15). To sum up the primary sense of the nihilism, Deleuze’s definition of it would be a good point; “in its basic sense, nihilism signifies the value of nil taken on by life, the fiction of higher values which give it this value and the will to nothingness which is expressed in these higher values” (Deleuze, 1983, p. 148).

However, nihilism has a second meaning; *reactive nihilism* as Deleuze calls it (Deleuze, 1983). There is this complicity between the reactive forces and the negative nihilism. Because of the will to nothingness of the negative nihilism, “universal life becomes unreal, life as particular life becomes reactive” (Deleuze, 1983, p. 148). In a reciprocal attempt to depreciate the world, while the will to nothingness tolerates the reactive forces, since it is the source of a reactive life in particular, reactive forces need the will to nothingness as a mean of negating the world. This complicity continues until the triumph of the reactive forces (Deleuze, 1983). “In this way victorious reactive forces have a witness, or worse, a leader” (Deleuze, 1983, p. 149). Reactive forces could not be the only triumphant as long as the will to nothingness accompanies, or worse leads, to them. However, they want to be alone at the scene because of the fear that the will to nothingness may use them for its own purposes or turn against them at a point (Deleuze, 1983). “The reactive life breaks its alliance with the negative will” and there, nothingness of the will, the absence of the will itself occurs (Deleuze, 1983, p. 174). Although will to nothingness refers a fictitious world that transcends the one down here, it still signifies a will. Reactive nihilism, on the other hand, negates the will itself. Thus, the world turns into a value-free state, devoid from the values that are superior to life. “Now that the shabby origin of these values is becoming clear, the universe seems to have lost value, seems ‘meaningless’” (Nietzsche, 1967, p. 11). “The sensational news spreads” Deleuze says, “there is nothing to be seen behind the curtain” (Deleuze, 1983, p. 148). What begins to disappear is the thought that presupposes the world is not a chaotic but a united place that is arranged around a divine *telos*. “The feeling of valuelessness was reached with the realization that the overall character of existence may not be interpreted by means of the concept of ‘aim’, the concept of ‘unity’, or the concept of ‘truth’” and “God is dead!” (Nietzsche, 1967, p. 13; 1964, p. 151). Reactive forces could not stand a witness, a leader anymore and kill the God with his own weapons; *ressentiment* and ascetism. At this point, it is important to indicate that the God is dead but not because of natural reasons, “‘we’ have killed him” (Diken, 2008, p. 22). But who is ‘we’ and why did we kill the God? It is the *man of ressentiment* that kills the God (Diken, 2008). Reactive forces could not stand a witness that sees every action, hears every

word, senses every sentiment and more importantly feels sorry for the humankind. “God died of pity”, because “his pity knew no shame: he crept into my dirtiest corners. This most curious, most over-impudent, overcompassionate god had to die” (Nietzsche, 1961, pp. 273-278). The pity to the reactive man in the name of values that are superior to the life and a merciful God would still contain a will that hasn’t a place anymore in the world of the *man of ressentiment*. That’s why the God must have died and he did. When this happens, “if the suprasensory world of the Ideas has suffered the loss of its obligatory and above all its vitalizing and upbuilding power, then nothing more remains to which man can cling and by which he can orient himself” (Heidegger, 1977, p. 61).

Reactive forces, that killed the God, maintain the negative nihilism in a sense. But since the God is dead there is nothing else for them to react against. Hence, the final outcome of the reactive nihilism begins; passive nihilism (Deleuze, 1983). Passive nihilism denies all kind of values whether they are superior to life or not. There is not a supra-sensual world or an aim, truth and unity anymore. “One no longer tries to find a telos in the world and concludes that such an attempt is the cause rather than merely a consequence of the disappointment, of meaninglessness” (Diken, 2008, p. 23). While higher values are being denied, this world is preserved as a world without values (Diken, 2008). Now we have a value-free world instead of values that do not belong to this world; from the will to nothingness to the nothingness of the will.

Therewith the *last man* comes to the stage. Although the complicity is over, there is still a common drive between the passive nihilism and the preceding forms of nihilism which is negating the world as it is. Since pain, conflict and antagonism are parts of the world, the *last man* continues to exclude them from his life. “Whereas the ascetic suffers because of his will, the passive nihilist avoids suffering through the ‘narcotization’ of the will. His is a reactionary life, in which happiness is separated from action and reduced to passivity” (Diken, 2008, p. 23). He prefers “to have stagnant herds than the shepherd who persists in leading us too far” and “to fade away passively” (Deleuze, 1983, p. 149). The world loses its virtual and metaphysical pole; now “there are only bodies and languages” (Badiou, 2009, p. 1). What Badiou calls as *democratic materialism* refers to idea of an individual fashioned by contemporary capitalism which only knows the objective existence of the bodies (Badiou, 2009). “Who today would speak of the separability of our immortal soul, other than to conform to a certain rhetoric?” he asks (Badiou, 2009, p. 1). This individual is the *last man* who would not think of a different world to live in or a great cause to fight for. “Weakened by hedonism and consumerism”, “immersed in stupid daily pleasures”, the *last man* cannot imagine a

political cause to fight for (Diken, 2008, p. 79; Žižek, 2002, p. 40). There is nothing else but his pleasures for him that worth to live. The *last man* who negates all the values and aims falls into the blessings of contemporary capitalism. Being a good believer to the God and spending an ascetic life in the name of the kingdom of heaven, give way to the earthly pleasures. “Now, fascination (in contrast to seduction, which was attached to appearances, and to dialectical reason, which was attached to meaning) is a nihilistic passion par excellence” (Baudrillard, 1994, p. 152).

On the other hand, “the only way to introduce passion into the world of passive nihilism, to mobilize the hedonist, becomes a politics of fear” (Diken, 2008, p. 85). However, this passion or mobilization should not be understood as a demand for the higher values or a telos. Politics of fear imposes images of the enemies, like radical Muslims or communists, to the civilized Western societies. With the fear of a new 9/11 or an October Revolution, people of these societies allow their governments for more security tools and surveillance practices. Fear, on the other hand, has an ability to do more than that for each individual. The old panoptic nightmare - “I’m never alone”- turns into a fear of exclusion in the *societies of control*, fear of being indistinguishable from the others. “The condition of being watched and seen has thereby been reclassified from a menace into a temptation. The promise of enhanced visibility, the prospect of ‘being in the open’ for everybody to see and everybody to notice, chimes well with the most avidly sought proof of social recognition, and therefore of valued – ‘meaningful’ – existence” (Bauman, 2013, p. 26).

But what happens when the fascination, that Baudrillard (1994) speaks of, and the fear concomitantly coincide with each other? Here, the constitutive role of the *last man* within the *liquid surveillance dispositif* of the *societies of control* starts to appear very clearly. The *last man* begins to support governments to enhance the surveillance practices in order to procure protection against the imagined enemies on the one hand; and on the other, loses himself into the garish world of consumption which is equal to getting higher positions in *social sorting*, fulfilling the hedonistic desires and providing data for the surveillance machines of the companies at once.

Technology, here, plays an enormous role in respect to produce such a passive individual. Foucault, for instance, explains the four characteristics of an individuality that is created by the *disciplines*: “it is cellular (by the play of spatial distribution), it is organic (by the coding of activities), it is genetic (by the accumulation of time), it is combinatory (by the composition of forces)” (Foucault, 1995, p. 167). That kind of individuality is created by implementing the four techniques: “drawing up tables”, “prescribing movements”, “imposing

exercises” and lastly “in order to obtain the combination of forces, arranging tactics” (Foucault, 1995, p. 168). What *disciplines* accomplish with that process is creating *docile bodies* that are shaped in order to be useful for the purposes of *environments of enclosure*; healing patients at hospitals, normalizing captives at prisons, instructing children at schools. The body that is the subject of that operation now becomes a useful wheel within the machine of the disciplines. Most of the time, *docile bodies* don’t need to hear commands from the supervisors; they complete the duties that are assigned to them without a notification.

Deleuze, on the other hand, marks the different use of technologies between *disciplines* and *control societies*. “The disciplinary societies have two poles: the signature that designates the individual, and the number or administrative numeration that indicates his or her position within a mass” he says and states that *societies of control* function with “codes” (Deleuze, 1992, p. 3). Codes that determine the access or rejection from information form the numerical language of *control*. Individuals become *dividuals* that are divided between the corporations of the *control* in a never-ending journey. One position cannot be preserved for a long time nor it can be valid for every corporation. “What counts is not the barrier but the computer that tracks each person's position -licit or illicit- and effects a universal modulation” (Deleuze, 1992, p. 4). The *dividual* that shuttles between the barriers, always tries to improve his/her position in the numerical language of the *control* and leaves traces for the data banks. “Just as the ancient slave-instrument incarnated the abuse of use, the manufacturing of free will, the mechanism of voluntary servitude, is animated here by technology” (Diken, 2019, p. 20).

Inasmuch as the concept *last man* is clearly defined, now it is time to correlate it with the theory of *dispositif*. As Agamben states, what a *dispositif* does is creating *subjects* that are the products of the relation, the “relentless fight”, between the living beings and *dispositifs* (Agamben, 2009). However, when it comes to contemporary *dispositifs* of the current phase of capitalism, the story changes. “A desubjectifying moment is certainly implicit in every process of subjectification. ... But what we are now witnessing is that processes of subjectification and processes of desubjectification seem to become reciprocally indifferent, and so they do not give rise to the recomposition of a new subject, except in larval or, as it were, spectral form” (Agamben, 2009, p. 21). So, contemporary *dispositifs* don’t function like the ones within the *disciplinary societies* in respect of the *subject* production. “He who lets himself be captured by the ‘cellular telephone’ *dispositif* cannot acquire a new subjectivity, but only a number through which he can, eventually, be controlled” (Agamben, 2009, p. 21). What contemporary *dispositifs* produce, hence *liquid surveillance* too, are passivated and *reified subjects* that can only become the objects of the statistics or target audience of the

marketing strategies. That subject, obviously, is the nihilistic *last man* who has completed his transformation from reactive nihilism to the state of total passiveness.

In the remainder of this chapter, the activities of the Electronic Frontier Foundation on the *subject*, which is the product of the “relentless fight” between the *dispositifs* and *living beings*, will be analysed in the light of framework that is established above (Agamben, 2009). In order to constitute such an analysis, the *subject* will be examined from two perspectives: the fear that mobilizes *subject* to demand more surveillance practices from governments against the imagined enemies that is imposed to consciousness of ordinary people by politics of fear; and consumerism which is equal to getting higher positions in *social sorting*, fulfilling the hedonistic desires and providing data for the surveillance machines of companies at once. As it is repeatedly stated, this study names this subject as the nihilistic *last man*. This chapter will try to figure out whether the EFF is aware the responsibility of the *last man* within the *liquid surveillance* machine.

As it was stated before politics of fear imposes imagined enemies into the consciousness of the Western people. “Americans remain caught between terror and fear, trapped in the psychosocial space defined by the once and future promise of nuclear ruins” (Masco, 2009, p. 52). While it was the nuclear threat during the Cold War in the 20<sup>th</sup> Century, 21<sup>st</sup> Century is filled with the fear of a terror attack to the capital cities of the West. “The major impact of the discourse of fear is to promote a sense of disorder and a belief that ‘things are out of control’” (Altheide, 2009, p. 57). Therefore, in order to re-establish the alleged lost ground of control, governments find a chance to augment surveillance practices by taking the consent of the people which are startled from the discourse of fear. “Fear becomes a controlling mechanism for the maintenance of the social order and any element of non-conformity is construed as a threat” (Hörnqvist, 2004, p. 30). This chapter will, firstly, analyze the Electronic Frontier Foundation’s response to the post-9/11 surveillance programs of the United States. The thing that will be tried to find out is, whether the EFF shares the concerns about national security and legitimizes the surveillance precautions against the terror or the Foundation’s perspective on the problem sustains a critical evaluation about surveillance demands.

Former President of the United States, George Bush, signed a bill that called *Intelligence Reform and Terrorism Prevention Act (IRTPA)* on December 17, 2004. The Government has stated its importance as “Proponents of the new act believed that only significant reform could address problems such as the inability of the Intelligence Community (IC) to detect and prevent the attacks on 11 September 2001 or to assess accurately Iraq's weapons of mass destruction (WMD) program” (Office of the Director of National Intelligence, 2009, p. 1). As it is

understood from this statement, supporters of the bill claim that if former intelligence program would be more extensive, then 9/11 attacks could be prevented. While correlating extensive surveillance precautions with homeland security on the one hand, on the other the statement addresses more authorized intelligence programs as the answer to the possible, more importantly imagined, threats like Iraq's alleged mass destruction weapons. The *IRTPA* defines extended authorities of the intelligence agencies, increases their budget and clarifies the practical precautions that will be taken at borders, airports, inland and abroad. For instance, Information Sharing Environment (ISE) that was established after the bill, refers to a network between the "Federal, State, local, and tribal entities, and the private sector" for sharing terrorism information (congress.gov, 2004). In a total state of mobilization which is embedded between each components of the society, "the American population is encouraged to imagine itself in the front line of a hidden war" (Kundnani, 2004, p. 118). There lies the significance of the *IRTPA*, by considering all US citizens as active attendants in the war against terror as well as signifying the liquid characteristic of the surveillance *dispositif* of the contemporary capitalism by indicating the shifting positions among the components.

Electronic Frontier Foundation, on the other hand, has produced several contents about the *IRTPA*. The first one was published just after three days of the sign of Bush, under the title of "9/11 Legislation Launches Misguided Data-Mining and Domestic Surveillance Schemes" (EFF, 2004). The EFF takes a critical evaluation at the beginning; claims that the security precautions are "flawed" and states it "has long opposed" to them (EFF, 2004). Within a detailed analysis of some sections of the bill, the Foundation indicates that the *IRTPA* "trades basic rights for the illusion of security" (EFF, 2004). Referring the measurements that took place right after the 9/11 attacks as an "illusion of security" is taking a critical position par excellence. Within the impact of hugely conducted propaganda efforts of the discourse of fear by the mass media and the Government, security –hence more surveillance- was thought to be one of the most needed things for the US citizens. Therefore, witnessing to rising demands for more surveillance practices in order to establish a safe atmosphere is not something unexpected. As Altheide states, "it was not evidence that drove Bush supporters; it was emotions consonant with the mass mediated politics of fear" (Altheide, 2009, p. 54). Therewith, a demand that relies on the emotions instead of facts which is constantly taken place within the news gains a fetishistic feature. Hence, people who support, more importantly prompt, such demands are, now, "guided by the fetishistic illusion" (Žižek, 1989, p. 28). When one thinks all the propaganda efforts "that help mobilize the populace against an enemy" since the attacks and endure up until today, it is not something easy to stand against such a hugely

supported public opinion with elaboratively formed reasons (Herman and Chomsky, 2002, p. 29).

Moreover, the EFF maintains its position on defending the digital privacy and freedoms in this article too. By referring to the ISE program which gives private databases to the exploitation of the Government, the Foundation urges people against the coming threat to privacy. The EFF states that the term 'terrorist information' within the *IRTPA* is "frighteningly broad" and would cause the violation of digital privacy as well as constituting an atmosphere of fear (EFF, 2004). Secure Flight section within the *IRTPA* that improves former passenger-screening system and forms an uncertain exchange relation between the public and private sector was harshly criticized by the EFF. The Foundation indicates uncertainty within the mentioned section and asks, "how the government would use the travel patterns of millions of Americans to catch the small number of individuals worldwide who are planning terrorist attacks" (EFF, 2004). Furthermore, stating the ineffectiveness of the program on the one hand, on the other, the EFF criticizes the nature of it by rising a question about what would happen when a citizen "flagged" as terrorist by mistake which is highly possible with the evaluation algorithms of the *IRTPA*. As it is stated in the law, "recognition of travel patterns, tactics, and behavior exhibited by terrorists" will be the core of measurements that is going to decide whether a certain citizen is a terrorist or not (U.S. Congress, 2004). One might wonder how a certain travel behavior can be associated with the terrorists. Having the right to scrutinize normal daily activities under the doubt of terrorism enlarges the atmosphere of fear by enhancing the suspicion among people and therefore gains more support from the people who seek protection against the ones who are just like themselves. As Agamben brilliantly states, "in the eyes of authority ... nothing looks more like a terrorist than the ordinary man" (Agamben, 2009, p. 23). By disclosing the ineffectiveness of the program and being aware of the fact that this is just an illusion of security which, actually, enables the travel data mining, the EFF proves its comprehension on to what extent and purpose do politics of fear function.

As it was stated before, the *last man* becomes a constitutive figure within the *liquid surveillance* machine in two ways; via politics of fear which come into existence with demand of more surveillance practices from governments against the imagined enemies and via consuming which strengths that machine in operation and extent. Now, this chapter will try to find out the perspective of the Foundation on the latter. Thusly, the chapter will be able to evaluate the Foundation's approach on the consumerism and will figure out if it comprehends the other side of the constitutive role of the ordinary people.

As Bauman states, “ours is a consumer society” (Bauman, 2004, p. 23). Rather than referring the mere consumption activities of people or quantitatively high amounts of consumption, this claim is based on the fact that the contemporary society shapes its members primarily as consumers. “The way present-day society shapes up its members is dictated first and foremost by the need to play the role of the consumer, and the norm our society holds up to its members is that of the ability and willingness to play it” (Bauman, 2004, p. 24). That’s how consumerism goes beyond to the actual consumption of the goods and services. In contrary, the one who refuses to consume is doom to stay at the lowest strata of the social sorting. “If he forgets to do so, he will be gently and insistently reminded that he has no right not to be happy” (Baudrillard, 1998, p. 80). On the other hand, as it was quoted from Baudrillard above, fascination -as a nihilistic drive- is the main motive that attracts people to the garish world of consumption. Instead of forcing or menacing people, as it was within the *disciplines, control societies* function via temptation, with the “joys of marketing” (Deleuze, 1992, p. 7). Moreover, while consumers need to be fascinated it is important to notice that this fascination is the outcome of a systematically organized surveillance. Filter bubbles, Amazon’s wish lists (this feature allows you to make a list of the products that you want to buy later or to receive them as a gift and anyone who wishes can see it), Google’s and Facebook’s advertising algorithms receive data from the consumption habits, credit card histories, digital searches of the people and make it possible to form more effective marketing -hence fascination- strategies.

From that perspective we have, now, a bilateral course of analysis of the EFF’s activities on the topic; first, the Foundation’s views on the consumerism itself which shapes up the members of the society essentially as consumers and the surveillance practices of the above-mentioned companies which are designed in order to aggrandize the fascination.

To begin with the first side, the chapter will try to find out the approach of the Foundation to the consumerism. However, I regret to say that there is almost nothing on the topic that the EFF produces. The only thing that could be found (although I’ve contacted them via e-mail) is an announcement of an event that called “Digital Rights and Anti-Consumerism” (EFF, 2017). Nonetheless, the content of the event could not be found. Whereas the contemporary capitalism creates a fascination that is directed towards mentioned purposes, it is essential to take a critical position on consumerism in order to disclose the main drives of the consumer society. Even though the current society shapes its members as consumers, it is the *last man* himself who falls into the blessings of consumption. Therefore, such position is definitely required in order to reveal the consumption *dispositif* of the contemporary capitalism as well as to remind the

responsibility of the ordinary people who lost themselves within it. However, the Foundation is not able to take such a position against consumerism itself.

On the other hand, the EFF's efforts on defending the net neutrality, "the idea that Internet service providers (ISPs) should treat all data that travels over their networks fairly, without improper discrimination in favor of particular apps, sites or services", are suitable for the second part of our analysis (EFF, Net Neutrality). As it was stated above, fascination which is created through effective marketing strategies, is the outcome of systematically organized surveillance activities of huge trans-national companies. "Below the surface there is an enormous hinterland of undiscovered surveillance practices based on use of the internet ... the vast trail of electronic signs that we leave behind as we go about our daily affairs – in banks, shops, trade centers, and everywhere else, every day of the year" (Fuchs et. al, 2011, p. xix). That's why defending the net neutrality, trying to protect the data of the users in digital platforms, in contrast to mere negation of the digital technologies, becomes equal to stand against the nihilistic drive of fascination.

The Federal Communication Commission (FCC), which is an independent agency of the United States Government that regulates the communications by radio, television, wire, satellite, and cable; published a bill called as Report and Order on December 23, 2010 (FCC, 2010). Within that bill the FCC was describing the main principles of the open internet and net neutrality and supposed to prohibit ISPs from blocking or slowing down legitimate internet traffic and require them to allow users to use their choice of devices, applications and online services. While the bill was harshly criticized by the Republican members of the Congress as "The FCC's hostile actions toward innovation, investment and job creation cannot be allowed to stand", it also suited against by the Verizon, American multinational telecommunication company (thehill.com, 2010; wired.com, 2010). On the other hand the EFF claimed that it is far from meeting the requirements of a nation-wide net neutrality program (EFF, 2010). In addition to ineffectiveness of the bill, the Foundation states that the bill would give "the FCC pretty much boundless authority to regulate the internet for whatever it sees fit" and would cause a "Trojan Horse" effect (EFF, 2010). In that respect, it can be said that the EFF has a strong stand on defending the net neutrality and hence cutting the source of the fascination and manipulative marketing strategies.

To conclude this chapter, we have three exact things to say on the activities of the Foundation on the subject. Whereas the *last man* becomes a constitutive figure within the *liquid surveillance* machine through politics of fear and fascination, it requires a trilateral reflection on the responsibility of him. The EFF has proven its comprehension on how politics of fear

cause more surveillance practices on the one hand, and on the other, the Foundation is unable to accept the responsibility of the ordinary people in context of consumerism. Although the Foundation is aware that the companies in question are creating more sophisticated marketing strategies by stealing data and preventing this lies on going through net neutrality, it seems unaware of the fact that consumerism itself is the source and origin of the situation.



## LINES OF FLIGHT: COUNTER-INFORMATION

If we have learned nothing else from the twentieth century, we should at least have grasped that the more perfect the answer, the more terrifying the consequences. Incremental improvements upon unsatisfactory circumstances are the best that we can hope for, and probably all we should seek.

Bauman, 2013, p. 130

When Soviet Union collapsed and actualized socialism had a defeat in the state sense, neo-liberal theoreticians did not delay to declare the ultimate victory of capitalism. Socialism, according to them, has had its chance and failed to accomplish what it has promised which is creating a classless society, that is free from the exploitation, by expropriating the means of production. Moreover, when Soviet Union, the vexillary of socialist society, has dissolved the idea of socialism too was supposed to disappear. Francis Fukuyama, one of the most known theoreticians of the neo-liberal victory, has gone further and announced the end of the history. By updating the classical Marxist notion of historical progress, which also envisages an end to history but after a world-wide communist revolution, Fukuyama evaluated the collapse of the Soviet Union as “the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government” (Fukuyama, 2000, p. 1). Hence, possibility of a radical transition from capitalism and the age of the revolutions vanishes, as he claims. What meant to be expected is, global proliferation of neo-liberal politics and a world order that will be shaped around it. Politics as the scene of clashing antagonisms and the mean of radical thought loses its potential, reduced to mere daily activities of the politicians. Hence the society becomes a post-politic one that cannot imagine a radical change; a ‘one dimensional’ one where the politics turns into the hyper-politics (Diken, 2012). What is wasted in one dimensional society where the mankind’s ideological evolution has reached to an end, are potentials which would provide the thought of change. The outcome is *one-dimensional man* that is “enslaved” by the “real universe of ordinary language” which tries to hide other possible dimensions (Marcuse, 2002, p. 203). Therefore, metaphysical and virtual dimension of the social being denied in the name of the one dimension that practically exists.

However, this axiomatic logic of the neo-liberal theoreticians is problematic in two senses. First, even though the vexillary of the socialism has collapsed and socialism had a practical defeat that doesn’t mean the antagonisms, conflicts and contradictions within the social are also disappeared. In contrary, expanded neo-liberal politics cause more intensified divisions among the society. When Margaret Thatcher declared that “There is no such thing as society. There

are individual men and women”, she prognosticates a near future where the states get rid of the responsibility of the public services like free education and health (Guardian, 2013). While trans-national companies reach an enormous wealth and power, it is getting harder for ordinary people to get basic needs including education, health, accommodation and for a quite large part of the world even food and clean water. In order to provide these, people must rely upon the long-term loans which is taken during the education period, to buy a house, to get health service and even to go on a holiday. Such a way of life forms the group, as Hardt and Negri (2012) names it, *the indebted*. “The social safety net has passed from a system of welfare to one of debtfare, as loans become the primary means to meet social needs” (Hardt & Negri, 2012, p. 11). In addition to intensifying the income gap, such politics cause mental break-downs, ruin lives and more importantly take them. As Alline Collinge (2010) shows with examples, a growing number of people who suffer from the student loans commit suicide because they couldn’t find a way to get rid of them. Arab Spring, which continues in various forms, that occurs from the “depths of social and economic crises characterized by radical inequality” is one of the recent symptoms of such politics (Hardt & Negri, 2012, p. 1). Hence, denying the truth of antagonisms and conflicts, after the victory of neo-liberalism, is a nihilistic drive par excellence.

Second, claiming the world we live in is the only possible one, negating the potentiality of change is an attempt to reduce the social in its actual aspect. Everything and every society have an actual existence; in one way or another, they are layered and stable, but they also have a virtual dimension that includes the potential of change (Diken, 2012). Virtual is an indicator that signifies the changeable nature of social relations and stratification (Diken, 2012). The virtual is the source of the Idea that makes impossible to comprehend the social just from the actual existence of relations. Idea of democracy, freedom, revolt and revolution, hence, have a virtual and timeless origin. Therefore, negating these in an axiomatic logic is just considering the actual. So, what is in question is the *surface* between the actual and virtual, the place of the event that occurs from the virtual Idea and actual empiricism since the social cannot be thought just from the virtual Ideas nor actual aspects (Diken, 2012). And freedom, in its basic sense, is making experiments between what exists and what is possible (Diken, 2012).

To sum up the argument about the mentioned logic of capitalism; what should be said is even though the Soviet Union has collapsed and neo-liberal politics seems to gain a hegemonic basis, one cannot think that the world is free from antagonisms and conflicts nor it can be reduced to mere actual existence. On the other hand, radical change as an Idea and possibility remains. The following lines try to conceptualize the concept of *counter-*

*information* as incarnation of *lines of flight* from the *liquid surveillance dispositif* of the *societies of control*.

As it is stated above, the society is not a state of total completeness nor all potentials are actualized within it, but it also includes a virtual pole. Virtual collectivity of unknown potentials are always more than known aspects of actual (Diken, 2012). Moreover, “there is no social system that does not leak from all directions, even if it makes its segments increasingly rigid in order to seal the lines” (Deleuze and Guattari, 1987, p. 204). It doesn’t make any difference how many discipline or control apparatuses are established in order to hold people together in the borders. *Lines of flight* are always there. “It is clear that the line of flight does not come afterward; it is there from the beginning, even if it awaits its hour, and waits for the others to explode” (Deleuze and Guattari, 1987, p. 205). The *line of flight* signifies the virtual pole of the social, evokes a world of possibilities. It moves through actualized things, touches them and when its hour arrives mutates them. Hence, it is the *line of flight* that makes possible the social movement. “That is why a social field is defined less by its conflicts and contradictions than by the lines of flight running through it” (Deleuze and Guattari, 1987, p. 90). In contrast to abovementioned neo-liberal logic which reduces politics into shallow international relations, false antagonisms or daily governing activities, *line of flight* is a pure possibility of politics. “It is on lines of flight that new weapons are invented, to be turned against the heavy arms of the State” (Deleuze and Guattari, 1987, p. 204). This study conceptualizes the concepts of *counter-information* as incarnation of *flight*.

In his text *What is the Creative Act?* (2006), Deleuze makes a definition of the term communication. “Primarily, communication is the transmission and propagation of information” he says and continues with the definition of the information as “a set of imperatives, slogans, directions, order words” (Deleuze, 2006, p. 320). Thereby, Deleuze associates the term with the activities of power holders. When they inform or communicate with the people, what they do is, actually, giving orders. “Information is communicated to us, they tell us what we are supposed to be ready to, or have to, or be held to believe. And not even believe, but pretend like we believe” (Deleuze, 2006, p. 320). It doesn’t matter whether people believe in the information or not but must act like they do, they are expected to act like they believe. That’s why, indicating an opposite opinion can be labelled as manipulation or provocation even if one just utters a concern. Hence information occurs as “exactly the system of control” (Deleuze, 2006, p. 321). However, as it is stated in the previous paragraph, a *line of flight* is always there and within that context, it can be drawn via *counter-information*. What he states for the counter-information, which is “there are

countries ruled by dictatorships where, under particularly cruel and difficult conditions, counter-information exists”, is highly compatible with the sense of *flight* (Deleuze, 2006, p. 321). He claims that the Jews, who fled from Nazi Germany and informed people about the existence of concentration camps, were performing *counter-information*. But he also gives a warning about it and states that *counter-information* is not capable of doing all by itself. “Counter-information only becomes really effective when it is -and it is by nature- or becomes an act of resistance. An act of resistance is not information or counter-information. Counter-information is only effective when it becomes an act of resistance” (Deleuze, 2006, p. 322). However, there is a slight contradictory and vague core in his definition for the concept. It is hard to understand whether it is or it is not an act of resistance when considering his saying “Counter-information only becomes really effective when it is -and it is by nature- or becomes an act of resistance” (Deleuze, 2006, p. 322). Even though he states that act of resistance is neither *counter-information* nor information later, the part he writes as “it is by nature”, causes a confusion. As Mark Poster also argues, “It is hard to imagine what ‘counter-information’ might be, for example. Does he mean that critical content is resistance? Or does the form of the critical content constitute resistance?” (Poster, 2006, p. 60). When considering these, it becomes obvious that the concept needs a clearer definition. Therefore, I propose an expansion to the Deleuzian sense of the concept and claim that; I shall call the *counter-information* anything written, verbal or visual which may occur from any medium that discloses control aspect of the information which propagated by the power holders. In addition to this, *counter-information* will be regarded as actualization of *flight* that may carry the subject to the act of resistance by considering its potential of revealing the leaks of the stratified societies.

In the remainder of this chapter, activities of the Electronic Frontier Foundation will be analyzed within the context of the framework that is established above. While regarding the concept of *counter-information* as incarnation of *flight*, subject of the analyze aims to reveal such points within the activities of the Foundation. As it is stated in the relevant chapter, *counter-information* will be used as anything written, verbal or visual which may occur from any medium that discloses control aspect of the information which propagated by the power holders. Moreover, its connection with the act of resistance will be regarded as a potential since it displays the leaks within the social. However, the stress within the analysis is on the disclosure of the control aspect of information -about surveillance- and the practices of *counter-information* even though the act of resistance is an afterward possibility. As Deleuze and Guattari argue (1987), “lines of flight, for their part, never consist in running away from

the world but rather in causing runoffs” and since *counter-information* has direct links to the things that it deals with rather than merely negating them, hence direct bonds with *flight*, using this concept within the mentioned aim is believed to be a way of sophisticated analysis of the anti-surveillance action (Deleuze and Guattari, 1987, p. 204).

As is seen one more time within the ongoing Covid-19 pandemic, surveillance is one of the primal answers of the governments for the crisis times. Aside from the debates about the effectiveness of these surveillance practices, it is obvious that such times enable governments to increase intensity of the discourse of fear, as it was also argued in Case II within the context of 9/11 attacks. Moreover, intensifying that discourse and emphasising the “deadly” threats too often is a way of legitimizing the reckless practices that will not be under the “gaze” of the laws. Instead, laws would be suspended, accountability would be postponed and any action of the governments would seem legit by considering the “extraordinary” circumstances and finally the state of exception occurs. As a term, state of exception does not refer to a special kind of law but the suspension of the law itself (Agamben, 2005). Any right that is taken under the protection of laws; freedom of expression, privacy, travelling and etc, can be suspended until a further order is made. Excuses are always grotesque; putting freedom on the shelf in the name of the freedom. Thanks to the highly skillful governmentality of capitalism global crises might occur from anything and hence a permanent culture of exception takes the place of the law. Since there are no laws that can arrange the extent and the purposes of the notorious precautionary practices of governments, like increasing the surveillance in maximum level, implementation of these practices is enormously strong. As Foucault has shown with an instance of plague-stricken town, these exceptional surveillance practices are “perfect, but absolutely violent; to the disease that brought death, power opposed its perpetual threat of death; life inside it was reduced to its simplest expression” (Foucault, 1995, p. 207). Intensely propagated information, as the exact “system of control” (Deleuze, 2006), directs and manipulates the masses about the current situation and therefore plays an enormous role within forming the conditions of state of exception. Therewith *counter-information* gains much more importance for the ones who are willing to struggle against that discourse.

While more people become infected with Covid-19, governments rely more to the extended surveillance practices. Location surveillance system, for instance, is being used in almost every country to spot the Covid-19 patients’ whereabouts. State agencies justify these practices with several excuses, just like Centers for Disease Control and Prevention does, “to monitor spread and intensity of Covid-19 disease in the United States, to understand disease severity and the spectrum of illness, to understand risk factors for severe disease and transmission, to

monitor for changes in the virus that causes Covid-19” (Centers for Disease Control and Prevention, 2020). On the other hand, as CNN reports, Google and Facebook already confirmed that “they are exploring ways to use aggregated, anonymized data to help in the coronavirus effort” in a co-operation with the Government (Fung, 2020). Jared Kushner, current White House senior adviser, on the other hand states that "what we're trying to do is make informed, data-driven decisions” (Cancryn, 2020). Therewith, he defines aim of the location surveillance system as just to help them to constitute a new front in the war against the Covid-19 pandemic. He also doesn't forget to assure the people about their intense attention to the privacy.

Electronic Frontier Foundation, on the other hand, utters concerns about effectiveness and privacy. To begin with effectiveness, the EFF states that “governments must explain to the public how these systems would be effective in stopping the spread of Covid-19” (EFF, 2020a). While stressing the need for far-reaching public health measures, which the Foundation claims that the U.S. Government is far from meet that standards, the EFF questions the alleged contributions of the location surveillance system in containing the pandemic. The EFF reminds the prevalent usages of the system, which is “for law enforcement to place suspects at the scene of a crime”, and stresses that the system is useless in containing the Covid-19 pandemic because even though the system is capable of showing the individuals' spots, it is unable to narrowing down these spots to the requirements of social distancing which is six feet or two meters. That is to say, people cannot know whether they have crossed the social distancing line when they encountered with an infected person even if they use location surveillance system. Furthermore, since the system functions via the data that is taken from the cellular network and since everyone has not a cell phone nor the ones who have are not always connect them to that network, the Foundation emphasizes the representation problem of that system. To say more about the ineffectiveness of the location surveillance system, the Foundation states that people would alter their movements and even avoid Covid-19 testing in order to prevent “embarrassing revelations” (EFF, 2020a). With the fear of being labelled as “infected”, one might refuse to participate the testing. Therefore, the location surveillance system, as the EFF argues, inoperative and ineffective in contrary to the propagated information by the government agencies, and even harmful to struggle against the pandemic when considering the last argument of the Foundation.

Second concern the Foundation utters about the location surveillance system is possible threats against the privacy. The EFF takes a firm stand on defending privacy in that case too and states that “governments around the world have been adopting intrusive measures in their quest to contain the pandemic” (EFF, 2020b). Aside from the inoperative nature of the system, the

Foundation states that it “can turn our lives into open books for scrutiny by police, surveillance-based advertisers, identity thieves, and stalkers” (EFF, 2020a). By referring the Government’s notorious transparency history, the EFF states that the data which will be collected within that system would be used for police inspections, intrusions on vulnerable groups, deterring free speech and association and commodification of the personal information. To conclude, what EFF sees at the location surveillance system is an ineffective system in practice and a mean of control in intention. The way that the Foundation utters these two concerns on the location surveillance system discloses the control aspect of the information that is propagated by the Government, points the leaks within the stratified system and has potential to trigger an act of resistance. Therefore, what the Electronic Frontier Foundation does within that case is creating *counter-information* in a way that leaves no doubt.



## CONCLUSION

I'll not lose my faith. It's an inside job today!  
Pearl Jam, 2006

The thesis has tried to conceptualize a new approach to the problem of surveillance in order to comprehend the rough outlines of that machine. Examining the *liquid surveillance* machine through the theory of *dispositif*, *subject* and *lines of flight* is believed to be a way to do so. As it is repeatedly stressed, stating the responsibility of us within increasing the extend of surveillance, as ordinary people, as nihilistic last man and woman, is crucial to address that problem. On the other hand, throwing the book at ordinary people, determining them as the only responsible actor is as problematic as the previous one. What should be done is to acknowledge the responsibility of self, while developing struggle strategies against the others, the governments and trans-national companies which have exceeded the power of the countries. While they claim, over and over again, that “if you have nothing to hide, you have nothing to fear”, the ones who are willing to struggle against the surveillance should always remember the threat that is directed towards our very existence and too many things to be feared of. And as Deleuze and Guattari impressively tell us, “we must invent our lines of flight, if we are able, and the only way we can invent them is by effectively drawing them, in our lives” (Deleuze & Guattari, 1987, p. 202).

### **Profanations?**

When the subject is a *dispositif*, as it was clearly explained, a proper use is out of question. Since all *dispositifs* include a *subjectification* and *desubjectification* process, it becomes harder to imagine how we can invent *lines of flight*, how we can “effectively draw them, in our lives” (Deleuze & Guattari, 1987, p. 202). One concept from the works of Agamben can be inspirational in that context: *profanations*. However, it would be useful to remind the argument about *dispositifs* before explaining the *profanation*. As it was stated in Chapter I, what a *dispositif* does is creating *subject* which is the product of the relation between the *living beings* and *dispositifs* (Agamben, 2009). While *dispositifs* have the capacity to “capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions or discourses of living beings”, these actions refer a *subjectification* and *desubjectification* moment (Agamben, 2009, p. 14). Through these moments, *living being* that has encountered with a *dispositif* is being altered and mutated. Hence the one who is, is not the one who was anymore. On the other hand, as it is also

stated before, *dispositifs* don't function like the ones in the *disciplinary societies* in respect to the *subjectification* process. In contrary, within the *societies of control*, "processes of subjectification and processes of desubjectification seem to become reciprocally indifferent, and so they do not give rise to the recomposition of a new subject, except in larval or, as it were, spectral form" (Agamben, 2009, p. 21). Therewith, *dispositifs* of contemporary capitalism produce passivated *subjects* in an irrevocably form. There lies the key point of the question which asks; how to deal with *dispositifs* then? "If a certain process of subjectification (or, in this case, desubjectification) corresponds to every *dispositif*, then it is impossible for the subject of a *dispositif* to use it 'in the right way'" (Agamben, 2009, p. 21). Hence as some would suggest, the possibility of a proper use, being a conscious consumer is out of question, it is literally not possible.

Agamben proposes the concept *profanation* as an answer to the question of how to deal with the *dispositifs*. He chases the traces of the concept in Ancient Rome in his book *Profanations*. He states that, what is sacred or religious was belong to the gods and was removed from the free use of humans (Agamben, 2019). They couldn't be sold nor consumed and held by the religion. He defines the religion as "which removes things, places, animals, or people from common use and transfers them to a separate sphere" (Agamben, 2019, p. 74). What was being consecrated was separated from the common use. Moreover, he gives reference to Walter Benjamin's *Capitalism as Religion* and defines capitalism as a religion in following manners:

First, it is a cultic religion, perhaps the most extreme and absolute one that has ever existed. In it, everything has meaning only in reference to the fulfilment of a cult, not in relation to a dogma or an idea. Second, this cult is permanent; it is 'the celebration of a cult' ... there is a single, uninterrupted holiday. ... Third, the capitalist cult is not directed toward redemption from or atonement for guilt, but toward guilt itself. (Agamben, 2019, p. 80)

Hence, capitalism too separates things from the common use via its means of *dispositifs*. It assigns a *use value* and *exchange value* to the things and therefore the possibility of free use vanishes.

So, what should be done while dealing with *dispositifs* is, "the liberation of that which remains captured and separated by means of *dispositifs*, in order to bring it back to a possible common use" (Agamben, 2009, p. 17). If the consecrate was referring to remove things from common use, then "'to profane' meant, conversely, to return them to the free use of men" (Agamben, 2019, p. 73). But how something sacred, something captured from the use of the common through the imposing of an *exchange value* can be *profaned*? Agamben claims it can

be done by *play*, “by means of an entirely inappropriate use of the sacred” (Agamben, 2019, p. 75). “The power of the sacred act lies in the conjunction of the myth that tells the story and the rite that reproduces and stages it. Play breaks up this unity: or physical play, it drops the myth and preserves the rite; or wordplay, it effaces the rite and allows the myth to survive” (Agamben, 2019, pp. 75-76). So, what does *profanation* make to separated things is turning them to pure means which are emancipated from an obligatory relationship to an end and open up a new possible use. “The creation of a new use is possible only by deactivating an old use, rendering it inoperative” (Agamben, 2019, p. 86). To sum up the concept, *profanation* means recapturing the things that have been separated by the means of *dispositifs*, returning them to the common and free use, saving them from an obligatory use that directed to an end.

At that point, it would be useful to exemplify the concept in order to comprehend the paths of actualization. As Agamben states, not all attempts, which discard the religious or sacred aspect of one thing, are means of *profanation*. As it can be seen in the case of secularization, what secularization does is simply moving the power from one place to another (Agamben, 2019, p. 77). While divine power is being secularized and grounded in the earth, the essence of the power remains intact. Even though the actors of the power have shifted (from church to modern institutions, from popes to presidents), power itself as a form of repression endures. On the other hand, *profanation* “deactivates the apparatuses of power and returns to common use the spaces that power had seized” (Agamben, 2019, p. 77). A traffic signal, for example, has an obvious relation with control. Traffic signs inspect movements, arrange speed, regulate directions; in short control individuals within the public space. Therefore, it can be said that they are means of control which designed towards an obligatory end and separated from the common use of the people. That’s why there are penalties in the laws of every country for the ones who damage these signs. *Profanation*, in that case, writing “RAPE” just under the “STOP” on a sign. So, “STOP” which prevents one from doing something, becomes “STOP RAPE”. The traffic sign, which is a mean of control, that is taken from the free use is being recaptured, being introduced as a pure mean. Power that is assigned to it being neutralized and a new use occurs. Bülent Diken, once, gave reference to the movie *Independence Day* (1996) while talking about *profanation*. In the movie, people cannot find out how to destroy a huge spaceship which has a very strong weapon that is capable of killing thousands of people at once (Emmerich, 1996). Every attempt to destroy it, even a nuclear attack, fail. At the end, a pilot who was flying a warplane directs his plane into the hole where the weapon was placed, and huge spaceship explodes. A warplane itself, that normally designed in order to

bomb people, becomes a weapon. Just like the 9/11 attacks where a passenger plane turned into a bomb. A commercial flight, that is assigned with a *use value* and *exchange value* and therefore separated from the free use, becomes the mean of one of the most symbolic attacks of human history. If Bin Laden has seen that movie, he might get inspiration from it while planning the 9/11 attacks.

The Electronic Frontier Foundation, on the other hand, has proven its adequacy within that resistance. However, that doesn't mean that the Foundation meets each obligation of the struggle as it has shown within each case study. According to the theoretical framework I've tried to built within that thesis, it can be said that the major problem of the Foundation's course of action against the surveillance machine is being unaware of how *dispositifs* work and therefore being stuck in the limits of conscious consuming; unwillingness to acknowledge the responsibility of ordinary people and how consumerism intrinsically embedded to that machine. Moreover, it also underestimates the basic dynamics, fascination for example, that animates the surveillance and hence unable to detect one of the constitutive actors. Hence it is licit to say that there are some major spots that need to be filled at the paper of the Foundation which it presents as an answer to the Deleuze' question at the beginning.

## REFERENCES

- Agamben, G. (2005) *State of exception*. Illinois: University of Chicago Press.
- Agamben, G. (2009) *What is an apparatus? and other essays*. California: Stanford University Press.
- Agamben, G. (2019) *Profanations*. New York: Zone Books.
- Albertsen, N. and Diken, B. (2006) 'Society with/out organs' in Fuglsang, M. and Sørensen, B. M. (eds.) *Deleuze and the social*. Edinburgh: Edinburgh University Press.
- Altheide, D. (2009) 'Terrorism and the politics of fear' in Linke, U. and Smith, D. (eds.) *Cultures of fear: A critical reader*. London: Pluto Press.
- Badiou, A. (2009) *Logic of words*. London: Continuum.
- Baudrillard, J. (1994) *Simulacra and simulation*. Michigan: University of Michigan Press.
- Baudrillard, J. (1998) *The consumer society*. New York: Sage Publications.
- Bauman, Z. (2000) *Liquid modernity*. Cambridge: Polity Press.
- Bauman, Z. (2004) *Work, consumerism and the new poor* (2<sup>nd</sup> ed.). London: Open University Press.
- Bauman, Z. (2013) *Liquid surveillance: A conversation*. Cambridge: Polity Press.
- Bigo, D. (2006) *Illiberal practices of liberal regimes: The (in)security games*. Paris: L'Harmattan.
- Cancryn, A. (2020) *Kushner's team seeks national coronavirus surveillance system* [Online]. Politico. Available at: <https://www.politico.com/news/2020/04/07/kushner-coronavirus-surveillance-174165> (Accessed: 16 May 2020).
- Centers for Disease Control and Prevention. (2020). *Covid-19 data and surveillance*. Available at: <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/faq-surveillance.html> (Accessed: 16 May 2020).
- Collinge, A. (2010) *The student loan scam*. California: Beacon Press.
- Deleuze, G. & Guattari, F. (1987) *A thousand plateaus. Capitalism and schizophrenia II*. Minnesota: University of Minnesota Press.
- Deleuze, G. (1983) *Nietzsche and philosophy*. California: Columbia University Press.
- Deleuze, G. (1992) 'Postscript on the societies of control', *October*, 59(1), 3-7.
- Deleuze, G. (2006) *Two regimes of madness. Texts and interviews 1975-1995*. New York: Semiotext(e).

- Diken, B. (2008) *Nihilism*. London: Routledge.
- Diken, B. (2009) 'The (impossible) society of spite: revisiting nihilism', *Theory, Culture & Society*, 26(4), 97-116.
- Diken, B. (2012) *Revolt, revolution, critique*. London: Routledge.
- Diken, B. (2019) 'The despotic imperative: From Hiero to The Circle' *Cultural Politics*; 15(2).
- Electronic Frontier Foundation. *Surveillance & self-defense* [Online]. Available at: <https://ssd.eff.org/> (Accessed: 24 November 2019).
- Electronic Frontier Foundation. *Net neutrality* [Online]. Available at <https://www.eff.org/tr/issues/net-neutrality> (Accessed: 25 May 2020).
- Electronic Frontier Foundation. (2004). *9/11 Legislation Launches Misguided Data-Mining and Domestic Surveillance Schemes* [Online]. Available at <https://www.eff.org/tr/deeplinks/2004/12/9-11-legislation-launches-misguided-data-mining-and-domestic-surveillance-schemes> (Accessed: 4 April 2020).
- Electronic Frontier Foundation. (2010). *Part I: FCC "ancillary" authority to regulate the internet? Don't count on it* [Online]. Available at: <https://www.eff.org/deeplinks/2011/02/part-i-fcc-ancillary-authority-regulate-internet> (Accessed: 27 May 2020).
- Electronic Frontier Foundation. (2018). *Things to consider when crossing the U.S. border*. [Online]. Available at: <https://ssd.eff.org/en/module/things-consider-when-crossing-us-border> (Accessed: 14 December 2019).
- Electronic Frontier Foundation. (2019). *Facebook groups: Reducing risks* [Online]. Available at: <https://ssd.eff.org/en/module/facebook-groups-reducing-risks> (Accessed: 25 November 2019).
- Electronic Frontier Foundation. (2020a). *Governments haven't shown location surveillance would help contain COVID-19*. [Online]. Available at: <https://www.eff.org/tr/deeplinks/2020/03/governments-havent-shown-location-surveillance-would-help-contain-covid-19> (Accessed: 16 May 2020).
- Electronic Frontier Foundation. (2020b). *International proposals for warrantless location surveillance to fight COVID-19* [Online]. Available at: <https://www.eff.org/tr/deeplinks/2020/05/global-contact-tracing-international-proposals-track-covid-19> (Accessed: 16 May 2020).
- Federal Communications Commission. (2010) *Report and Order* [Online]. Available at: [docs.fcc.gov › public › attachments › FCC-10-201A1\\_Rcd](https://docs.fcc.gov/public/attachments/FCC-10-201A1_Rcd) (Accessed: 25 May 2020).
- Foucault, M. (1980) 'The Confession of the Flesh' in Gordon, C. (ed.) *Power/Knowledge: Selected Interviews and Other Writings*. New York, NY: Pantheon Books.

- Foucault, M. (1995) *Discipline and punish: The birth of the prison*. New York: Vintage.
- Fuchs, C. et al. (2013) *Internet and surveillance: The challenges of Web 2.0 and social media*. London: Routledge.
- Fukuyama, F. (2000) 'The end of history?' In O'Meara P., Mehlinger H., Krain M., and Newman R. (eds.), *Globalization and the Challenges of a New Century: A Reader* (pp. 161-180). Indianapolis: Indiana University Press.
- Fung, B. (2020). *Trump administration wants to use Americans' location data to track the coronavirus* [Online]. CNN. Available at: <https://edition.cnn.com/2020/03/18/tech/us-government-location-data-coronavirus/index.html> (Accessed: 15 May 2020).
- Hardt, M. and Negri, A. (2012) *Declaration*. London: Argo-Navis.
- Heidegger, M. (1977) *The question concerning technology and other essays*. London: Harper.
- Hendersen, G. (2013). *Obama to Leno: 'There Is No Spying on Americans'* [Online]. National Public Radio. Available at: <https://www.npr.org/sections/thetwo-way/2013/08/06/209692380/obama-to-leno-there-is-no-spying-on-americans> (Accessed: 14 May 2020).
- Herman, E. S. and Chomsky, N. (2010) *Manufacturing consent: The political economy of the mass media*. New York: Random House.
- Hörnqvist, M. (2004) 'The birth of public order policy', *Race & Class*, 46(1), 30–52.
- Independence Day (1996) Directed by Roland Emmerich [Film]. USA: Twentieth Century Fox.
- Jerome, S. (2010). *Republicans say net neutrality 'cannot be allowed to stand,' promise fight in 112<sup>th</sup>* [Online]. The Hill. Available at: <https://thehill.com/policy/technology/134725-upton-net-neutrality-cannot-be-allowed-to-stand?page=3> (Accessed: 27 May 2020).
- Kundnani, A. (2004) 'Wired for war: military technology and the politics of fear'. *Race & Class*, 46(1), 116-125.
- Lyon, D. (eds.) (2003) *Surveillance as social sorting: Privacy, risk, and digital discrimination*. London: Psychology Press.
- Lyon, D. (eds.) (2006) *Theorizing surveillance*. London: Routledge.
- Lyon, D. (2009) *Identifying citizens: ID cards as surveillance*. London: Polity Press.
- MacAskill, E. and Dance, G. (2013). *NSA Files: Decoded* [Online]. The Guardian. Available at: <https://www.theguardian.com/world/interactive/2013/nov/01/snowden-nsa-files-surveillance-revelations-decoded> (Accessed: 15 May 2020).
- MacAskill, E. and Rushe, D. (2013). *Snowden document reveals key role of companies in*

- NSA data collection [Online]. The Guardian. Available at: <https://www.theguardian.com/world/2013/nov/01/nsa-data-collection-tech-firms> (Accessed: 15 May 2020).
- Marcuse, H. (2002) *One-dimensional man* (2<sup>nd</sup> ed.). London: Routledge Classics.
- Marx, K. and Engels, F. (2002) *The communist manifesto*. New York: Penguin.
- Masco, J. (2009) 'Engineering ruins and affects' in Linke, U. and Smith, D. (eds.) *Cultures of fear: A critical reader*. London: Pluto Press.
- Mathiesen, T. (1997) 'The viewer society: Michel Foucault's panopticon revisited', *Theoretical Criminology* 1: (2), 215–234.
- McLuhan, M. and Watson, W. (1970) *From cliché to archetype*. New York: Viking Adult.
- Nietzsche, F. (1961) *Thus spoke Zarathustra*. New York: Penguin.
- Nietzsche, F. (1964) *The joyful wisdom*. London: Russell.
- Nietzsche, F. (1967) *The will to power*. London: Vintage.
- Nietzsche, F. (2005) *The Anti-Christ, Ecce Homo, Twilight of the Idols: And other writings*. California: Cambridge University Press.
- Office of the Director of National Intelligence. (2009). 'The passage of the intelligence reform and terrorism prevention act' [Online]. Available at: <https://www.hsdl.org/?abstract&did=24001> (Accessed: 2 April 2020).
- Pearl Jam (2006) *Inside Job* [CD] New York, NY: Universal Records.
- Poster, M. (2006) *Information please: culture and politics in the age of digital machines*. North Carolina: Duke University Press.
- Praiser, E. (2011) *The filter bubble: What the internet is hiding from you*. London: Penguin UK.
- Rule, S. (1989). *Reagan Gets A Red Carpet From British* [Online]. NY Times. Available at: <https://www.nytimes.com/1989/06/14/world/reagan-gets-a-red-carpet-from-british.html> (Accessed: 13 December 2019).
- Singel, R. (2010). *Verizon Files Suit Against FCC Net Neutrality Rules* [Online]. Wired. Available at: <https://www.wired.com/2011/01/verizon-sues-fcc/> (Accessed 27 May 2020).
- The Guardian. (2013). *Margaret Thatcher: a life in quotes* [Online]. The Guardian. Available At: <https://www.theguardian.com/politics/2013/apr/08/margaret-thatcher-quotes> (Accessed: 4 May 2020).

U.S. Congress. (2004). *Unfunded mandates reform act of 1995*. Available at:  
<https://www.congress.gov/104/plaws/publ4/PLAW-104publ4.htm> (Accessed: 3 April 2020).

Žižek, S. (1989) *The sublime object of the ideology*. New York: Verso.

Žižek, S. (2002) *Welcome to the desert of the real: Five essays on September 11 and related dates*. New York: Verso.



## **CURRICULUM VITAE**

### **Personal Information**

Name Surname : Mesut Uçak

### **Education and Training**

Bachelor Degree : Kadir Has University, Faculty of Communication, Public Relations and Information Department (2014-2018)

Master Degree : Kadir Has University, Communication Studies (2018-2020)

Other language(s) : English

### **Work Experience**

Workplace and Date of Employment : Kadir Has University, Teaching Assistant (2018-2019)

### **Contact Details**

E-mail : mesutucak13@gmail.com