

Essay

Seeking Liberation: Surveillance, Datafication, and Race

Roderic Crooks

University of California, Irvine, USA
crooks@uci.edu

Abstract

Critical data studies, a body of emergent research that draws on surveillance studies and other fields, investigates datafication, the increasing mediation of many forms of sociality by data-intensive, networked computation. Such research draws on well-trodden criticisms of the representational capacities of data and has recently offered the term “data justice” to direct this scholarly formation toward the harms of datafication. By failing to explicitly foreground the way that the capture and consultation of data constitutes a tactic by which the state sorts, controls, and limits the freedom of minoritized peoples, critical data studies substitutes an interest in describing forms of injustice for a commitment toward its undoing. I use McKittrick’s (2021) term “seeking liberation” to orient both surveillance studies and critical data studies scholarship away from mere description of the practices of data-intensive computation and surveillance and toward a shared project of justice for minoritized peoples.

Introduction

Over the past two decades, scholars of surveillance have produced a sophisticated body of multidisciplinary research, much of it focused on surveillance practices involving the capture, aggregation, or analysis of digital data (i.e., dataveillance). More recently, this interest in the many sites where data about people and their activities are captured, consulted, or resisted has contributed to a body of scholarship called critical data studies, an emergent approach to interdisciplinary research focused on the increasing mediation of many forms of sociality by forms of data-intensive computation (van Dijck 2014). Critical data studies research (including several influential works published in this journal) has engaged with the rhetorical, economic, political, aesthetic, and cultural significance of the heterogeneous practices, tactics, and logics of contemporary regimes of data capture, aggregation, and analysis (Iliadis and Russo 2016). But I want to insist here that in terms of its approach to data justice, a term meant to orient this research toward the harms of datafication, this scholarly formation has overlooked important contributions from surveillance studies. By failing to explicitly foreground the way that the capture and consultation of data constitutes a tactic by which the state sorts, controls, and limits the freedom of minoritized peoples, those populations “differentially valued by their ordered relation to capital,” critical data studies risks advancing an interest in describing forms of injustice rather than working toward their undoing (Allen 2021: 6). In what follows, I briefly describe how critical data studies questions power (and ultimately, state power) via critique of representation in data-intensive computation. Turning again to surveillance studies, I borrow McKittrick’s (2021) term “seeking liberation” to orient both surveillance studies and critical data studies scholarship away from mere description of the practices of data-intensive computation and surveillance and toward a shared project of justice for minoritized peoples all over the world.

From Dataveillance to Datafication

Surveillance has been a topic of intense scholarly interest since the turn of the last century, when media theorists like Mark Poster (1996) (echoing Foucault and others) predicted that electronic databases and networked computing would become a mode of power and control. Surveillance studies, via a longstanding interest in dataveillance, “data collection as a way of managing or governing a certain population,” has countered stubbornly utopian narratives about the place of digital technologies in contemporary life with empirical and theoretical description of the mechanics of social sorting (Browne 2015: 18; Clarke 1988). Such research, although it frequently takes up novel or emergent technologies or tactics of surveillance, has generally grouped data-intensive modes of surveillance with older varieties, emphasizing continuity with analog ways of watching, monitoring, and sorting people (Gilliom 2010). Empirical studies of dataveillance challenge canonical theories of surveillance, particularly theories that place human observers and agencies at one end of a surveillant assemblage (Crooks 2019; Haggerty and Ericson 2000): data are not only messy, ubiquitous, and peripatetic, easily moved here or there, but also easily separated from their evidential powers.

Critical data studies could be thought of as inhabiting the space where some of the confounding qualities of data exposed in studies of dataveillance abound, a way of working through the messiness of digital data and their representational entanglements. If dataveillance is about how data gets wrapped up in surveillance regimes, datafication names the way the world has gotten wrapped up in data. “Datafication,” the mediation of social life by data-intensive systems and the aggregation and analysis of digital data by human and algorithmic agents, describes a transformation of everyday life by digital technologies and a related set of beliefs about data (i.e., datism) (Mayer-Schönberger and Cukier 2014; van Dijck 2014). In their strongest articulations, these beliefs amount to an ideological commitment that data can represent the world mimetically and automatically, that digital data can serve as perfect, machine-readable proxies for any person, place, process, or thing in the world—or the world itself, for that matter.

From this perspective, data are merely a vehicle that turns a domain of sociality into something a computer can understand, such that manipulating data makes possible “the numerical governance of individuals and populations” (Beer 2016: 171). This proposition offers a rigid metaphysical egalitarianism: to a computer, everything is just data. Still, this conception, however tempting or useful it might be, rests on the tight coupling of data and things in the world and, most importantly, the bidirectionality of this relationship. The needles, charts, and dashboards of contemporary data work become spectral controllers, knobs, and dials that orient tech powers toward desired outcomes and away from undesirable futures (Horgan and Dourish 2018; Leurs and Shepherd 2017; Murphy 2017). But thinking of the whole world as a series of bounded domains ready for computational representations poses actual harms (Ribes et al. 2019).

However shaky the grounds on which these rather tired assumptions rest (boyd and Crawford 2012), the manipulation of digital data by organizations and institutions produces feedback loops with material consequences (Monahan 2016). In terms of public administration, datafication is fueled by bureaucratic imperatives to cut social welfare spending, to consult data in decision-making, and to reshape public institutions in the image of the tech sector (Greene 2021; Kitchin 2014). These taken-for-granted advantages to incorporating data-intensive technologies ignore the ways that algorithms, models, and data schema efficiently bring racist and sexist judgements to enterprise scale (Noble 2018). Data-intensive technologies of “automated inequality” in their various forms, though originally developed in the context of scientific and commercial environments, are hoisted upon minoritized communities via the forced incorporation of platforms and apps in government (Eubanks 2017): in provision of public services by public agencies (Kim, Trimi, and Chung 2014); in risk assessments or bail decisions by the criminal justice system (Hannah-Moffat 2018); in provision of food assistance and other social safety net programs (Rychwalska, Goodell, and Roszczynska-Kurasinska 2021); and in many other sites. In these public sites, “socially consequential mechanisms of classification and ranking” can include algorithmic prediction, automated analysis, facial recognition, artificial intelligence, and others, but certainly join with older and less glitzy forms of

accumulating and circulating data about people and their activities through bureaucratic circuits (Burrell 2016: 1).

Scholars working in the nascent space of critical data studies have responded to the seeming inevitability of datafication by attacking the “hubris of pseudopositivism and technological determinism” that give data-intensive computation its allure (Dalton, Taylor, and Thatcher 2016). These critiques connect contemporary technologies to the hermeneutics of professional judgement in the transfer and encoding of meaning (Passi and Jackson 2017); the centrality of context and positionality in interpretation (Boellstorff 2013; Borgman 2015; Hall, Evans, and Nixon 2013; Kennedy and Hill 2018); and the embeddedness of values in technical artifacts and systems (Knobel and Bowker 2011; Shilton 2012). Other scholars rightly dispute the novelty of datafication by depicting it as of a piece with the decades-long neoliberal project of privatization of the public sphere (Jarke and Breiter 2019; Kennedy 2018; Sadowski 2019). Datafication allows private interests to capture data (and capital) in new ways and at larger scales than previously possible.

Although it draws on these venerable lines of critique, research has done little to puncture the enthusiasm for public investment in data-intensive technologies among elites or to prevent their uptake in law enforcement and other critical sites of state power (Stop LAPD Spying Coaliton and Free Radicals 2020). More, the harms associated with data-intensive technologies follow known historical trajectories of violence, exploitation, and profit. As writings in radical Black feminist and queer of color critique have argued persuasively, public life is shaped by interlocking axes of oppression (Ferguson 2004; Muñoz 1999; Taylor 2017). As it concerns minoritized subjects in particular, the state itself is structured by laws, institutions, language, and norms that differentially value the lives of some for the benefit of others: access to citizenship itself is a field of racial differentiation—and therefore simultaneously a field of oppression structured by gender, sexuality, class, geography, and disability. For those communities differentiated from racially unmarked elites by overlapping, co-present identity differentials, datafication is a facet of state power. As Allen (2021: x) writes, “All minoritized and historically disenfranchised individuals and communities remain both dependent upon and vulnerable to state power, which has been steadily disinvesting from social welfare and reinvesting in various forms of police apparatus since at least the 1970s.” For those whose vulnerability to state power is enacted (and reenacted again and again) by criminalization, mass incarceration, segregation, redlining, and other forms of state power and state violence, datafication means harm, unfreedom, and ever greater precarity.

Seeking Liberation

The term “data justice” has popped up in critical data studies research, both as recognition of the ongoing harms at the intersection of state power and data-intensive technologies and the predictable social locations of such harm (Dencik et al. 2022). The increasing circulation of the term data justice indicates a worthwhile direction that intentionally keeps alive questions of power, social situation, and contingency: such work considers “democratic procedures, the entrenchment and introduction of inequalities, *discrimination and exclusion of certain groups*, deteriorating working conditions, or the dehumanisation of decision-making and interaction around sensitive issues” (Dencik et al. 2019: 874; italics added). Considerable scholarly attention has focused on thinking about data justice as an approach to the study of datafication, but this work has in some sense hesitated to advance an analysis that would center those *certain groups* that datafication harms. Put another way, one wonders if data justice is, like digital data, easily detached from that which it claims to represent.

How might research in data justice or critical data studies more broadly place those frequently unmarked groups whose harm is predictable (or even required) but who are themselves *certainly* present but *certainly* invisible toward the center of the analytical stage? Critical data studies (and, in fairness, most technology-focused research in general) frequently remains cool or indifferent to the significance of race to understanding what technology is. There certainly exists a rich body of work in other technology-focused disciplines and subdisciplines (authored chiefly by Black women and other scholars of color) that makes racial analysis central to the study of digital technologies and media (Brock 2019; Coleman 2009; McIlwain,

2020; Nakamura and Chow-White 2012; Noble and Tynes 2015). For example, Benjamin (2019) argues that race itself is a technology and that the study of technology must make racial analyses central. Benjamin (2019) accomplishes this by combining approaches from science studies and critical race theory. In separate works, Bliss (2013) and Nelson (2016) address surveillance via commercial genetic ancestry testing and, in very different contexts, examine the complexity and durability of race in its informational, genetic, affective, economic, and cultural complexity. McMillan Cottom (2020) points to the theoretical incoherence of scholarship at the intersection of sociology and internet studies and proposes racial capitalism as a conceptual apparatus for both contemporary sociological research and for technology-focused research. So certainly, there exists complex, varied, beautiful scholarship that understands what race and technology might have to do with each other, but these various approaches are only infrequently presented as central to the understanding of contemporary technologies, data-intensive or otherwise.

My caution is that critical data studies scholarship (and the early and promising signs of its successes at institutionalization) might, in its interest in describing the mechanics of data-intensive computation, obscure the role of technologies in processes of racialization. This is an unfortunate and eminently evitable path, particularly since research in surveillance has already provided a generative and useful blueprint for how critical data studies might address the workings of race through technology (and vice versa). As Simone Browne (2015) writes in *Dark Matters: On the Surveillance of Blackness*, for example, public-ness itself is predicated on strictures that apply differently to Black people, and, by extension, also to people and communities marked by any socially sanctioned form of difference. From this perspective, a minoritized community is not a special case of vulnerability to surveillance but is fundamentally structured by the racializing practices and tools of surveillance. Browne's (2015) work represents a deep and meaningful conversation between technologically sophisticated studies of surveillance and historically informed studies of Blackness, a bracing and powerful exchange that travels through foundational works in surveillance studies (Foucault, Lyon, Haggerty) by way of Frantz Fanon and Ruth Wilson Gilmore. Browne's (2015: 164) work creatively reconfigures the guiding theories of the field by reading "the archive of slavery and its afterlife to trouble and expand understandings of surveillance." Her work is celebrated—and perhaps more impressively, *read*—by academics and community organizers alike.

What I learn from Browne's (2015) work here is direct but not simple: we need new language to talk about the history that brought us here. For critical data studies (or any research program) to take a real interest in justice, its authors would first need to commit not to racial, methodological, or theoretical orthodoxy, but to getting free. I am arguing that critical data studies and surveillance studies alike, however they are formulated, can enlist themselves in a solidaristic project of "seeking liberation." McKittirck (2021: 48) uses this turn of phrase to describe an escape route from an analytical trap that reinforces Black objectification: "The process of seeking is one of inquiry and curiosity." Seeking liberation speaks to ongoing efforts by scholars to conceptually reintegrate the production of knowledge with the study of the implications of knowledge, particularly as these implications frequently manifest as harm in minoritized communities (Reardon et al. 2015).

In one way of thinking, the descriptive is a precursor to right action, especially as it pertains to matters of public concern. But as surveillance studies (and queer of color critique before it, and Black studies before it, and Black Feminisms before it) have established, public-ness itself is where the veneer of shared civic fate must be reconceptualized as the building of solidarities. Research that simply rehashes the antagonisms that constitute the public sphere risks reifying the political, rhetorical, and material domination that public life entails. Minoritized peoples are themselves experts in the forms of oppression that public-ness requires: any description of these dynamics would be redundant to people in these communities, whose daily lives subject them to many invasive forms of surveillance at school, at home, at work, and at play. We already know who will be harmed by data-intensive computation incorporated into public service because they have already told us they are being harmed.

As the field of Black studies has argued since the moment of its inception as a challenge to the university's monopoly on knowledge production, research can do more than merely describe (Ferguson 2012). Research

can forge concepts, categories, analytical frameworks, and language that can be used in sites distant from the university, to help people better understand themselves and the larger reality of US society (and in and across other contemporary nation-states as well) (Karenga 2001). “Seeking liberation” names that conviction, rearticulated so often, that the material conditions of minoritized people and knowledge production itself are shaped by struggle (Davis 2016). We might think of this struggle as a path toward unmaking the systems of oppression by which humanity and anti-humanity are forged and a remaking of some other space and time in which to live, not a utopic other place, but a different way of making place all together (Brown 2021). There may be technological aspects of this other space, place, and time if we chose, other modes of calculation beyond surveillance and extraction.

The concept of seeking liberation is a necessarily partial and tentative articulation of what data justice could look like, a data justice interested in working not only through scholarship but also through direct action, art, sitting quietly, and/or building relationships with other people. In this respect, seeking liberation orients data justice and datafication research away from normalization and description and toward efforts to “identify and dismantle those structures in which racism continues to be embedded” (Davis 2005: 29). These legal, artefactual, semantic, algorithmic, interpersonal, and, as this paper has argued, datalogical structures demand a response that is equally multifaceted and flexible, but one that does not allow the contemporary vogue for innovation to occlude historical precedent. Future directions of this work should focus on foregrounding the connection between knowledge production and collective action, integrating the expertise of community members in responding to datafication and, if possible, introducing this expertise to design and policy processes before harm to minoritized communities occurs (Kaba 2021). Seeking liberation demands *simultaneous* recognition of negative demands to stop a particular kind of harm and an open-ended, non-teleological process of collective introspection. It directs us to continue the hard work of reimagining the technological and social world, partially, step-by-step, by fits and starts, with no promise of resolution. This is a heady and dizzying challenge, one addressed by successive generations of thinkers, activists, scholars, and everyday people who together ask, “What shape is the world in and what shape will we give it?”

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