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Only the Envelope: Opening Up Participation, Surveillance, and Consent in Performance

Vahri McKenzie

Like many Australians, I was distressed with the passing of the Data Retention Act in 2015, and like many Australians, I did nothing actively to object. The Australian Government's Telecommunications (Interception and Access) Amendment (Data Retention) Act 2015 requires telecommunications companies to retain and secure certain records for a period of two years. Then-Prime Minister Tony Abbott memorably defended this new depth of data gathering by using the analogue-era metaphor of the personal letter; the material to be gathered is the metadata, akin to the material on the front of the envelope, while the contents of the letter remain private ("Interview with Michael Brissenden, *ABC AM*" 2014). We need not worry about invasions of privacy, the metaphor implies, because it is only the envelope that is gathered. In the Channel Nine interview in which the proposed legislation was first explained, Abbott made an error, later clarified, by referring to web-browsing history as metadata when it is in fact content. "It is not what you're doing on the internet, it's the sites you're visiting. . . . It's not the content, it's just where you have been, so to speak" (cited in Griffiths 2014). Abbott's confusion is indicative of the limited understanding the public has about large-scale data gathering, so-called big data, with which most of us are now involved, more or less unwittingly.

As an artist and scholar, I did continue to reflect upon the agenda that sees us all included in the social contract as long as we comply with the ubiquitous surveillance interventions in our lives, regardless of whether we understand their implications. The social contract builds on the Enlightenment ideal in which members of a community give up some individual freedoms in exchange for the common good—up to a point. It might be argued that digital surveillance and big data, as fundamental components of the twenty-first-century social contract, push this point in troubling new ways because digital surveillance mechanisms produce conditions that suggest transparency while, in fact, actively obscuring full access to information. A sense of collective complicity was the main impetus for the research project *Only the Envelope: An Artistic Exercise in Data Retention*, which combines research methodologies to investigate the ways in which we share personal information in the public sphere. The performance stage of the project was a work of live art (McKenzie 2016) that offered visitors the intimate experience of viewing an original video while being monitored by a "scientist"—both performer and research assistant—who invited viewers to be involved in an "experiment": viewing a video while wearing Tobii Pro Glasses 2, a wireless eye-tracking device. The performer, as laboratory technician, explicitly gathered demographic information and captured data about where the participants looked, who they looked at, and how long they looked. These processes are analogous to those typically required for website membership forms that gather demographic details and log users' navigation on the site. In addition, the research assistant performed close observation and note-taking during the period of participation, enacting a version of the twenty-first-century social contract in which participants are offered a free experience if they consent to surveillance.

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Publicity image for Vahri McKenzie, *Only the Envelope*, live art installation shown in the Archive Room, Bunbury Regional Art Galleries, Western Australia, March–April 2016. Photograph by Vahri McKenzie.

Taking *Only the Envelope* (*OTE*) as the key example, in this paper I will describe and discuss three performance works (*OTE*; McKenzie, *Sleep Disorders* 2010; McKenzie and Russo, *Fool Asleep* 2012) in the context of applied and participatory contemporary performance paradigms. I will contextualize my practice that performs a version of neoliberal faith in “science,” which might be described as scientism, a belief that empirical science constitutes the most authoritative worldview, to the exclusion of other approaches. In *OTE* this tendency is apparently enhanced by powerful technologies: Tobii Pro Glasses 2 and its interpretive software. My recursively playful performance troubles a distinction between the apparently private experience of viewing art with the apparently public experience of being surveilled by rendering visible the surveillance occurring within an artistic space while viewers are engaged in a solo viewing of a video. In this live and participatory work I hoped to invite resistance, or reflective decision making on a personal level, where participants could try out different ethical positions—be more or less compliant—as a way of discovering their own feelings on the matter of data retention in the “low stakes” context of viewing art. There was little evidence of resistance among those who gave their consent to participate in the work, though a greater freedom of response was observed among those who implicitly participated by observing the work or refusing to be involved.

OTE’s participatory element offered a provocation that challenged and potentially informed viewers of the work; at the same time, the structured process of gaining consent is not dissimilar to online surveillance in its inauthentic presentation of choice that obscures a competitive corporate agenda. Kirsty Best’s 2010 study “Living in the Control Society” uses qualitative data to investigate public understanding of surveillance in the online world, revealing a scenario characterized more by pragmatism than understanding. Democratic citizenship is increasingly constrained by authority and discipline, and by power imbalances between corporate and state bodies and “data subjects”:

Information is ritually and relentlessly extracted from those who wish to participate in almost any form of citizenship or consumption. The market for this data is an extremely lucrative one, and although information can be said to undergird the participatory, collaborative democracy of Web 2.0, its generation is also often private and often obligatory. (Best 2010, 8)

OTE may serve as a timely reminder that refusing to comply by opting out of digital surveillance is extremely difficult to accomplish; raising awareness around the illusion of choice and the facts of surveillance is a more realistic goal. Within this complex picture, where power is held in the combined forces of structured participation, institutional authority, and technoscience, an artistic exercise in data retention can make a valid contribution to understanding participation, surveillance, and consent in performance.

Applying Science and Participation: Contexts of *OTE*

Only the Envelope: An Artistic Exercise in Data Retention was funded by Edith Cowan University (ECU) via its eResearch Technology Funding Scheme (ETFS), which funds pilot research projects that employ information technologies held by the University. According to the ETFS webpage, “The overall aim of this program is to stimulate and facilitate the uptake of eResearch technologies by ECU researchers” (“eResearch Technology Funding Scheme (ETFS)” n.d.). This aim provokes me to suggest that the Scheme encourages and supports technology-led research, which in turn reflects the power accorded technoscience and research that employs sophisticated technologies. I was sufficiently provoked to create a work in response, building on previous works that took sleep science as a subject; these will be glossed in the next section. *OTE* adds to this body of work and includes a collaborative encounter between participants, performers, and technology that takes place in a gallery setting.



Rachelle Rechichi as “Svetlana” in *Only the Envelope*, 2016. Photograph by Vahri McKenzie.

OTE can be described as delegated performance. I hired a research assistant, Rachelle Rechichi, to attend the gallery in my stead, playing the role of a laboratory technician and collecting data. Rechichi is a writer and musician who received training in the use of Tobii Pro Glasses 2. Together we developed a character, Svetlana, who engaged with the viewers of the work. She wears a white lab coat and allows participants to see her donning surgical gloves. As a character, Svetlana represents a playful personification of institutional control that compromises individual liberty as a trade-off for greater collective security. She developed stark contrasts between verbal directives that offered information and clear choices, with body language and tone that implied invasions of privacy, such as standing to the side of the participant, very close but not touching,

and using the participant's name more often than is customary. The performance deliberately plays up the invasive inauthenticity that is suggested by transactional engagements with medical professionals and the managerial state.

According to Claire Bishop, delegated performance is “the act of hiring nonprofessionals or specialists in other fields to undertake the job of being present and performing at a particular time and at a particular place on behalf of the artist, and following his or her instructions” (Bishop 2012, 91). Bishop's paper is situated in the discourse of the so-called “social turn” in contemporary art and focuses on the potentially ethically questionable practices of delegation. I am more interested in her taxonomy of delegated performance, where *OTE* falls into the second type, the use of professionals from other fields of expertise, which is far less controversial than the use of nonprofessionals hired for their representations of particular identities (Bishop 2012, 95). In keeping with the commodification of culture, Bishop observes that the delegated performance tendency coincides with managerial changes in the economy such as outsourcing (Bishop 2012, 103-4), such that “Presence today is arguably less a matter of anti-spectacular immediacy (as was the case during the 1960s) than evidence of precarious labor, but artists are more likely to sustain this economy than to challenge it” (Bishop 2012, 105).

Delegation is consistent with broader social trends that foreground participation; furthermore, delegated performance is an apt way of framing big data, which requires delegated performances of labour through private individuals inputting personal data online that is surveilled and monetized by commercial entities. *OTE* is fundamentally participatory, but it troubles where delegation is happening because Svetlana delegates the labour of data acquisition to the participant, while Svetlana is herself a delegate for the artist. Bishop provides some useful markers within the social dimension of participation in contemporary art, where there are two tendencies: “an authored tradition that seeks to provoke participants, and a de-authored lineage that aims to embrace collective creativity; one is disruptive and interventionist, the other constructive and ameliorative” (Bishop 2006, 11). *OTE* can be seen to fit the former category, albeit in a playful way, where the delegated aspect of the work undermines any authorial heavy-handedness. Moreover, Svetlana's performance on behalf of the artist draws attention to scientific norms that distinguish labour from authorship.

OTE can additionally be described as applied performance that, according to Nicola Shaughnessy, includes works that are collaborative, participatory and socially engaged (Shaughnessy 2012, xiv), where such performances are to be found across a variety of practices including devising, performance art, durational, site/place responsive, intermedial and live art (Shaughnessy 2012, xv). This range gives a sense of the breadth of contemporary art practices that can be viewed as applied performance, such that “the dualisms of the aesthetic and non-aesthetic” (Shaughnessy 2012, xvi) are increasingly redundant. Other important contributions in this area have been provided by Jen Harvie in *Fair Play: Art, Performance and Neoliberalism*, who questions whether the turn to social engagement in art and performance may in fact be “complicit with the agendas of neoliberal capitalist culture” (2013, 3), while maintaining critical space for participatory works that offer “constructive engagement” through “pleasurable fun” (10). Contributors to *Performance and Participation: Practices, Audiences, Politics* continue to investigate the paradox of participation, recognizing that “Participation is politically pliable, and it can no longer be taken for granted that its dramaturgical strategies carry specific political meanings or social imperatives” (Harpin and Nicholson 2017, 3).

It is not uncommon in this participatory neoliberal context to find science-themed artworks. Art-science collaborations can be traced to cultural shifts of the 1960s; the best examples illustrate both the creativity of scientific research and the rigour of artistic practice (see for example De

Oliveira, Oxley, and Petry 2003 on installation). More recently, Shaughnessy (2012) illustrates the extent to which cognitive science has infused performance studies, challenging the doxa in both fields:

Cognitive neuroscience has reconceptualised our understanding of how we learn, the way we think and how we engage with our environment. Perception, memory, identity and subjectivity, agency, relations and interactions with others, emotions, empathy, embodiment, affect are prevalent themes of both applied theatre scholarship and cognitive studies. (2012, xvii)

New findings arising out of these collaborations theorize mind and body, and self and other, as “dynamic, iterative and integrated” (Shaughnessy 2012, xviii). But there is also room for concern in the artistic adoption of observation, measurement, and data accumulation. In a review essay on contemporary approaches to curation, Hal Foster sounds a note of caution, observing that while 1960s conceptualism permitted anything to be art, which opened the field to interdisciplinary collaborations—“the Gestamtkunstwerk, the library, the archive, the collection, the laboratory” (2015, 14)—he questions whether this opening up offers new agency or merely heightened administration: “As ‘cognitive labourers’ we manipulate information, which is to say we curate the given, and this compiling often presumes a good amount of compliance” (13). Perhaps the seeds of this caution were seen by Foster as early as 2004; in a note accompanying the influential essay “An Archival Impulse,” Foster speculates that archive art may be bound up with “archive reason”; implicated

with a “society of control” in which our past actions are archived . . . so that our present activities can be surveilled and our future behaviours predicted. This networked world does appear both disconnected and connected—a paradoxical appearance that archival art sometimes seems to mimic. (2004, 22)

This “society of control” is a Deleuzean notion whose characteristics are tested by Kirsty Best’s study that uses qualitative data to investigate public understanding of digital surveillance, which I will explore below. But first, I will turn to the findings of *OTE* in order to examine the operations of participation and consent in this artwork that engages with technoscience at several levels.

Participation and Consent: Data and Meaning in *OTE*

I have long been drawn to a performance practice that engages with technoscience through a playful subversion of its norms. *Sleep Disorders* (McKenzie 2010) enacted invented sleep pathologies, using performance art to explore scientific incursions that problematize a “natural” state and to interrogate tensions between sleep science and art. I made the work for Lisa Carrie Goldberg’s installation *Perth Institute of Sleep Behaviour* (2010), which recreated a sleep laboratory; Goldberg invited me to become a “subject” in her lab and to respond with an original work after immersion in her process. The installation created a laboratory space within an artistic space, where the authenticity of the installation was supported by Goldberg’s MA in Biological Arts with world-leading research centre SymbioticA at the University of Western Australia (UWA), which gave her access to UWA’s sleep lab. I spent long periods of time within the installation, read medical literature, and viewed authentic surveillance footage; surveillance of sleeping subjects is fundamental to sleep science. My performance within the installation was videoed in low resolution and posted on the Internet, suggesting a troubling equivalence between surveillance footage of sleep science subjects and work that “passes” as such.



Publicity image for Vahri McKenzie and Hellen Russo, *Fool Asleep*, in *Fringe World Festival 2012*. Perth, Australia: The Treasury, 2012. Photograph by Lisa Carrie Goldberg.

Fool Asleep (McKenzie and Russo 2012) was the culminating work of two years' research in performing sleep pathologization, a one-act play that used spoken text, original video and dance (choreographed by co-creator Hellen Russo) to present the complex relationship between a subject of a sleeping disorder and an examining sleep scientist, within a narrative frame. I wrote and performed the original script based on lay and scientific sleep science texts, which reframed scientific discourse and so questioned the assumptions that have rapidly created a new medical specialty. Surveillance footage featuring Russo and me was acquired to contribute to *mise-en-scène*, which was itself part of an original site-specific work that juxtaposed the pervasiveness of surveillance technologies with the vulnerability of the state of sleep (McKenzie & Russo 2011). The ubiquity of CCTV in public spaces demands a compliance of individuals that reflects the relationship between subject and scientist.

Sleep Disorders and *Fool Asleep* reflect my ongoing interest in the performance of technoscience, beginning with the aesthetic choice to recreate laboratories complete with white-coated technicians and powerful technologies. Moreover, these works' interest in "gazes" finds fruitful material in scientific scenarios and discourses. The scientific method that employs close observation in order to generate a hypothesis is deeply entangled with the power of looking that is fundamental to drama. I have included brief descriptions of these works to contextualize my response to the provocation of ECU's eResearch Technology Funding Scheme. Initially, I

approached *OTE* as an explorer, seeking to gather data for a purpose unspecified, to better reflect the Australian Government's Data Retention Act, which gathers metadata indiscriminately. But institutional feedback indicated that gathering data for purposes unspecified would not meet the requirements of ECU's Human Research Ethics Committee (HREC), so I ensured my application made some clear claims about the "hard data" to come. Namely, when viewing a video and wearing eye-tracking glasses, who do the participants focus on? Where do they look? How long is their attention span? These data were duly gathered, within the context of an arts-based research inquiry in which the use of the eye-tracking technology was exploratory; key findings show that participants tend to focus on the eye, nose and mouth areas of faces depicted, in accordance with expectations.

However, the insights regarding participant behaviour produced by the eye-tracking technology are incomplete for (at least) two reasons. Firstly, the interpretations were made from a small sample. The second, and more interesting, reason that this data picture is incomplete is that the richest information came from the studio notes made by Svetlana while observing participants engaging with the work, which leads to two further points. Uncontroversially, we are reminded of the importance of context and qualitative research in understanding data, which undermines a model that imagines that technologies can provide accurate or complete pictures and impartial data.

The other point is vital for my argument about responses to participation and consent in *OTE*'s performance of science and suggests that the process of gaining consent is associated with a loss of power and knowledge. There was nothing deceptive about Svetlana noting her observations: "informed consent" was gained via a script that had the approval of ECU's HREC, where the first line stated: "This project, *Only the Envelope*, contrasts the private experience of viewing art with the public experience of being surveilled, to contribute to a public dialogue about data retention and sharing private information." But how well understood was this process? How seriously was it taken? Svetlana's notes suggest that the consent process was taken with the same seriousness with which we routinely give our consent to online "agreements." For example:

English was a problem for my next participant. . . . The verbal consent was read and the participant agreed by saying "yes" at the conclusion. Following the consent script recording, I asked the participant for his full name. At this point he got out his translator, which suggested that the verbal consent script would have been mostly not understood.

As Hal Foster reminds us, "Who among us considers what is signed over when we click 'I agree?'" (2015, 13).

For the purposes of ECU's HREC, "participants" in *OTE* were defined by wearing eye-tracking glasses, but as the project progressed the value of "non-participants" became evident. Although consent was collected from sixty-five participants, almost as many can be said to have participated without consent, by either declining to participate when approached or participating as a companion to the one who gave consent, and observing the whole process, including viewing the video, if they chose. As the project unfolded, it became clear that interesting observations could be made about these viewers, who, in effect, participated in an unanticipated way and expanded my understanding of "participants" and "participation," so Svetlana began gathering notes on a number of these companion-observers. Svetlana's studio notes distinguish between "participants," those who formally gave consent, and "observers," who are companions to "participants." It is an ironic and telling fact in a paper about participation, surveillance and consent in performance that I cannot report further on these findings in detail, as the

requirements of the University's HREC prohibit it. I cannot quote from Svetlana's studio notes, nor can I state the number of these non-consenting participants. It can be seen here that the HREC process provides protections to participants in *OTE* that are not extended in other modes of surveillance and data acquisition, and yet the perfunctory nature of the HREC becomes absurd in its consequences when it limits discussion of low-risk activities and de-identified data.

I can note general tendencies: the key finding is that different behaviours are observed between those watching the performance as observer and those taking part in the performance as participant, where the least compliance in behaviour is observed among those who did not give their consent. For example, reactions to Svetlana from those who declined to participate when approached varied widely, from emphatic resistance to playful engagement. Svetlana's studio notes reveal a wide range of responses to the work among companion-observers, some of whom exhibited freedom of movement in the installation space that enabled them to observe—and disrupt—Svetlana's surveillance activities. The range of responses among observers suggests something of the reflective decision making on personal levels I had anticipated with the staging of scientific space in an artistic space.



Installation view of *Only the Envelope*, 2016. Photograph courtesy of Bunbury Regional Art Galleries.

In *OTE* a contrast is evident between the variety of responses observed among those who did not formally give their consent and the general compliance of those who did. Two observations can be made here. It is remarkable that, of the sixty-five participants who had their viewing behaviour recorded, none refused to give consent after indicating interest in participating in the “experiment,” although one refused to give her name, and in general, Svetlana was unable to tell whether participants gave false information. The second remarkable finding is the length of time for which participants who formally consented submitted to surveillance. Forty-four eye-tracking recordings, that is, over 70% of total recordings, ran the length of the entire video (ten and a half minutes). Watching the whole video was not required, nor was it anticipated; in fact, participants were explicitly informed they could watch as much or as little as they wished. Viewers were explicitly reminded of their freedoms, yet most chose to stay and appeared to engage deeply, or apparently *wished to appear* to engage deeply. Svetlana reports:

Some participants take the “test” very seriously and focus intently on the screen, because that’s what they’ve been asked to do. They ignore Svetlana’s invasive observation techniques, becoming more intent at those times.

This may be interpreted as an example of the operation of self-surveillance identified in Foucault’s metaphor of the Panopticon. Applying Foucault’s familiar adaptation of Bentham’s architectural prison model to *OTE*, Svetlana stands in for the guard in the central tower; she is sometimes visible and sometimes not. The participants, like the prisoners, are always visible to her and so internalize the norms of behaviour established by her apparent power over them. Foucault shows that the major effect of the Panopticon is “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” (1991, 201). Analysis of the recordings offers ambiguous support for Svetlana’s observation above: on the one hand, it is notable how little people seem to be distracted by Svetlana when she appears in the viewers’ line of sight, which may suggest they are studiously *avoiding* looking at her. However, of the two scenes selected for analysis, there are only a few points where she appears in front of the participant.

What is it that participants are submitting to when they consent? Is it the power of instructions, no matter how silly? Of institutions, that of the art gallery, or the university, whose HREC gives its experts’ mark of authority to the consent script? Is it “science” and its manifestation in the unfamiliar-looking Tobii Pro Glasses 2? When viewed from the perspective of the companion-observers, Svetlana’s performance of the process of gaining consent is read as a performance, and these participants, for the most part, do not limit their freedom to engage with the work as they wish. The different behaviours seen when watching this performance as a companion-observer or taking part in this performance as a “participant” suggest that being inducted into the work leads to a compliance not seen when not formally inducted into the work, despite both roles being played out within the same delimited space.

In staging a “laboratory” in an art gallery, *OTE* fits within the twenty-first-century trend toward the dramatization of science described in the context section above (for further examples, see Shaughnessy 2013; Kirby 2010; Blecker 2008). Svetlana’s observations suggest that viewers have become accustomed to the interpenetration of science and art. On the one hand, one participant critiqued the work for its lack of scientific rigour, discounting the aesthetic dimension:

Svetlana got grilled. A research scientist asked way too many questions and offered advice on how to improve the quality of the data capture. . . . The scientific image presented confuses people. Many don’t know how to respond, or

respond by fitting the scenario into something that they are familiar with, an existing schema.

On the other hand, there are those who take their duties as citizen scientists very seriously and wish to make a valid contribution:

My last participant, an older woman, appeared to see this project as a scientific rather than artistic project, believing, in her innocence, that Svetlana was a real scientist. . . . Following her session, the participant was apologetic and concerned about the accuracy and usefulness of her data as she “zoned out a bit, so it might not be that good.”

This participant exhibits the implicit trust in science and technology as neutral and beneficial and beyond social and financial influence that *OTE* aims to critique. Although my older works *Sleep Disorders* (2010) and *Fool Asleep* (2012) did not explicitly gather data on audience responses, all three works seek to generate a response to the surveillance gaze of technoscience. *OTE* takes this interest further by foregrounding the participatory element but paradoxically finds that this may in fact work against resistance, reflective decision making, or even playful engagement. Participants are encouraged to actively engage in an entangled science-art context, but it would seem that the process of gaining consent positions participants as needing protection, after which they assume the position of passive subject of the scientific gaze.

Interpretations from the Control Society Thesis

This paper’s final section employs findings from studies in cultural understandings of digital surveillance and big data to illuminate the findings of *OTE*’s qualitative and interpretative insights regarding participation, surveillance, and consent in participatory performance. Useful interpretive clues for the participant responses to *OTE*, that is, compliance on the part of those who have given consent to participation and surveillance, can be found in Kirsty Best’s “Living in the Control Society: Surveillance, Users and Digital Screen Technologies,” which looks at the three theses of Deleuze’s “control society” and compares these theoretical constructions with evidence from a qualitative study of digital screen users’ perceptions of the relative harms of surveillance. Best (2010) finds that, despite growing academic and political concern with data surveillance, users appear unconcerned, accepting greater usability for decreased control. The first of the three characteristics of the control society model interrogated in Best’s research is the dispersion of surveillance that leads to convoluted and inaccurate circulation of personal information. Despite this, most people believe information gathering is transparent and accurate, and that only wrong deeds are punished. In Best’s study, this belief persists in spite of a significant proportion of respondents acknowledging that they give false information as a way of gaining a sense of control (2010, 13). The second claim of the control society thesis is its lack of limits; “Surveillance is thus freed from spaces, and found instead at mobile, ever-present sites” (14). However, users express belief in place-specific surveillance, such as the workplace, and context-specific surveillance, especially pertaining to financial matters; Best notes that fraud is often misunderstood as a surveillance concern (16). She concludes, “Apart from these two context-specific belief patterns about surveillance, which localised anxiety within a confinable space or information domain, respondents were generally nonchalant about surveillance” (16).

The third area investigated reflects a commonality between the control society thesis and users’ perceptions, where the control society concept describes surveillance as “participatory,” in that “contemporary discipline is in fact self-discipline . . . part of what motivates such participation is that information transactions involve a seemingly worthwhile trade-off for consumers and

citizens” (Best 2010, 17). The “trade-off” is rationalized as a system of rewards and punishments, or as a process over which users have no control; fewer respondents identify a need to balance care and control, “most often voiced as a belief that surveillance will result in heightened security” (17). Overwhelmingly, the “idea of *being able to use* the technology is a key idea in respondent attitudes” (18, emphasis in original). The study’s findings support other research which shows that “personalization and privacy are independent constructs. Users value each of these separately, and the former higher than the latter” (20). This is borne out in *OTE*: while some gallery-goers declined to participate in the work, none of those who expressed interest subsequently declined to participate, even though they were made aware that they would be subject to surveillance as a condition of viewing the work.

Best’s findings run against the control society model, which does not necessarily suggest the model is wrong, she argues, but that publics have difficulties conceptualizing the abstractions of surveillance:

If the control society thesis is a good representation of contemporary surveillance practices and their repercussions for the distribution of resources and power, then the fact that people do not internalise such maps, but instead understand surveillance in terms of localized spaces, realism and truth, means that there is a gap that hasn’t been closed through public initiatives such as fair information principles. It seems, in fact, that abstract concepts of the flows of power in a complex networked, information dense and globalised society are not salient for users. (2010, 21)

Furthermore, Best’s study suggests a degree of wilful ignorance regarding users’ awareness of surveillance, and when inconsistencies are pointed out, respondents immediately refer to the trade-off. “Their attitude toward surveillance thus becomes a pragmatic one, where if participation in surveillance is a precondition to participation with technology, then as the latter is either desired or mandatory, it only makes sense to comply” (Best 2010, 20). However, Best forms a final conclusion, in the form of a question, suggesting that the complexities and lack of public understanding of digital screen users’ perceptions of surveillance cast doubt upon the *existence* of consent: “If the majority of users are faced with a trade-off that can be described as expedient at best and as inevitable at worst, can consent truly be said to exist?” (21). Best’s study offers support for my observations in *OTE* that, despite my intentions to invite resistance to the conditions of the “experiment,” participants who consented to involvement were largely compliant.

A distinction is revealed at the heart of my artistic exercise in data retention, in which consenting to the work leads to a compliance not seen when the issue of consent is not addressed. *OTE*, however, was clearly delimited by the space of the Archive Room in which it was installed, while it is difficult to be beyond the reach of digital screen technologies if one wishes to participate in society. The very ubiquity of surveillance in our lives demands individual compliance such that the choice to consent or not to consent, to participate or not to participate, is always already marked by systems of power and control. Under such circumstances, it is tempting to claim that consent disempowers, and that informed consent is a kind of ignorance; even that consent does not exist. While participation in the research was defined, for the purposes of ECU’s HREC, by the wearing of eye-tracking glasses, looking back at this distinction through the research project *OTE* shows its limits and, potentially, its dangers. The distinction is analogous to different kinds of digital screen users, where some are content to “create an account” in order to access online content, and some are not. We might consider the many businesses and community groups who use Facebook as their public face; to access their content, visitors must “sign up” or “log in.”

Like the companion-observers, those who do not use Facebook choose to do without, or find alternative routes to information, rather than comply with the limited options made available. However, as Wendy Chun has shown, the very act of going online creates digital traces that can be followed by others with ever-increasing sophistication; software is inextricably interconnected with “transformations in modes of ‘governing’ that make governing both more personal and impersonal, that enable both empowerment and surveillance, and indeed make it difficult to distinguish between the two” (Chun 2011, 58).

It is a complex picture, made more so when digital on-screen surveillance is conceptualized as “big data,” the term “used to describe the massive and continually generated digital datasets that are produced via interactions with online technologies” (Michael and Lupton 2016, 104), such as those the Australian Government’s Data Retention Act requires telecommunications companies to retain. Big data is “involved,” write Michael and Lupton, in that publics are “both the subjects and objects of knowledge, both authors and texts, simultaneously informants, information and informed” (2016, 105). Moreover, such involution necessarily muddies the waters of knowledge such that critical data studies challenge the supposed neutrality and objectivity of big data. The instabilities compound: Michael and Lupton note that “public” is a shifting concept with various meanings and constituents (109), but the fact remains that data subjects are excluded from any benefits extracted from the collection and commodification of their data and have very few ownership rights to it. With data constantly in flux, knowledge is unstable, and this “raises issues around the relations of knowledge to ‘ownership’ (which may often take opaque forms)” (109); thus, privacy and ownership, too, are unstable. In an interpretation that might make sense of the inconsistencies of belief attested to in Best’s study, Michael and Lupton

imagine a sort of “oscillatory awareness” of big data as aspects of its presumption come into and out of focus, individually and collectively. Thus, issues about privacy, ownership and data exploitation can shift between, or co-exist as—matters of overt concern and matters of routinized utility. (2016, 111)¹

It may well be that the “low stakes” context of viewing art, which I anticipated might playfully encourage consideration of data retention among viewers of *OTE*, was in fact discounted as a context of concern and so worked against consideration of data retention. Michael and Lupton’s proposed framework for empirical research in public understandings of big data requires conceptual shifts that might respond to Best’s identification of the difficulties users have in conceptualizing the abstractions of surveillance, such that notions like “affect” and “imagination” are important to research design (Michael and Lupton 2016, 112). Furthermore, Michael and Lupton suggest that the research methodology will be performative, shaping the sort of social data that are produced, and recursive, where a study can become part of its own object of study, such that “the empirical task also becomes one of creatively enabling lay people’s imaginative and affective relations to big data to *unfold*” (113, emphasis in original). On the other hand, then, it may be that *OTE* *did* encourage consideration of data retention; participation was anonymous, and no follow-up was done to measure impacts after the event.

It is important that cultural critiques encourage reflective decision making on personal and policy levels when it comes to our involvement with various surveillance interventions that encourage us to share personal information without fully understanding their implications. *OTE* reflects participatory contexts in contemporary art, showing that “participants” tend not to be concerned with data surveillance and generally consent to donating their personal data. While the work generated hard data that offers information about where we look, who we look at and how long we look at a particular work of art, the live art installation staged encounters that dramatize the

act of looking and being looked at, generating empirical evidence that offers another way of investigating the act of sharing personal data. The qualitative data generated by *OTE* show that those who formally consented to participation through ECU's Human Research Ethics Committee process display higher levels of compliance than those who "participated" by refusing to be involved or by participating as a companion-observer, where these viewers of the work display a much greater range of behaviours in response to the work. At the same time, while these non-consenting participants displayed a greater freedom of response because they were not wearing the glasses, they were nevertheless compliant objects of the institutional gaze.

OTE deliberately deploys tropes that suggest an oppressive presence of "science," "state," and "managerialism," raising questions about what it is that participants are submitting to when they consent: the power of instructions, institutions, technoscience? Literature addressing cultural understandings of digital surveillance and big data shed light on *OTE*'s qualitative and interpretative insights regarding participation, surveillance, and consent in participatory performance. In particular, the Deleuzian notion of a "control society" that posits twenty-first-century surveillance as opaque and dispersed is not reflected in public understandings and engagement with digital technologies.

Furthermore, "participatory" surveillance encourages self-surveillance and pragmatic decision making where compliance is rewarded with access; in *OTE* the reward was viewing the video, a work in its own right.² These factors come together in *OTE* such that I might suggest an answer to the question posed above: when participants consent to being involved in the work they are submitting to the *combined powers* of instructions, institutions, and technoscience represented in the HREC's contractual consent relationship that purports to both inform and empower, yet does neither. Rather, it is evidence of the managerialism with which we are so familiar that it is treated as merely a minor obstacle to overcome rather than a process of consequence. It must be acknowledged that the HREC offers modest protection to participants in a scholarly artistic context, while state and commercial enterprises offer no such protection; the state's lack of privacy protection is supposed to protect us from a larger threat, while commercial entities are permitted to exploit private individuals. However, the HREC transacts its "protection" via a managerial veneer covering a corporate agenda. In *Only the Envelope*, the Human Research Ethics Committee stands in for various supposedly neutral and objective state apparatuses that quantify and commodify, substituting for the complex processes of negotiating and understanding quality and value.

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Notes

1. To the figure of the "prosumer" Michael and Lupton add "produsage," a neologism reflecting data assemblages that "both draw on individuals' personal data and contribute to large digital datasets and, in turn, may be used to feedback to individuals" (2016, 107). Similarly, "prosumption" implies the intermixing of producing and consuming content.

2. McKenzie, Ben-Ary, Lehrer, and McKee, 2014. Involution and recursion characterize this digital video work, which is extended in *OTE* and explored in McKenzie 2017.

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