

# Extralegal Portraiture and Surveillance

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## Abstract

While issues surrounding privacy and surveillance are nothing new, many recent creative projects have situated extralegality as a crucial component within aesthetic pursuits. Indeed, in the past decade, artworks have both activated digital surveillance tools and showcased the deeply personal information that such new technologies have collected (without legal consequences)—thus spotlighting a severe lack of legal frameworks and privacy protections.

Scholarship considering the intersection of art and surveillance has largely focused on issues of privacy (and attribution), methods of control, and creative approaches to meta- and counter-surveillance tending toward transparency (Bertrand and Bridle 2016; Phillips 2010). These discussions assume that the mechanisms and the subjects of surveillance operate within a closed system—cultivating a *mise-en-abyme* of watchers and watched, controllers and controlled, and hosts and parasites.

But, what about the systems of law which facilitate the surveillance apparatus itself—systems which are frequently activated and contoured as a material component within so-called surveillance art? Here, I consider projects such as Paolo Cirio's *Street Ghosts* (2012) and *Obscurity* (2016), Arne Svenson's *The Neighbours* (2012-2013), and Heather Dewey-Hagborg's *Stranger Visions* (2012-2014). These works are indicative of a larger, strategic form of artistic practice; they are realized by artists for whom digital surveillance is the norm and they deploy the mechanisms of surveillance to generate the work. These artworks capture portraits of strangers through digital, visual, bio,

and data surveillance while simultaneously contouring the space of the extralegal—a space outside of the law (neither explicitly legal nor illegal). With a focus on the United States, but with an eye toward a global perspective and a wider artistic practice, this paper considers how a group of artists perform ethically problematic yet not technically illegal actions. Adopting a strategy of uncivil obedience—acting in accordance with the law but outside of common practice—the artists delineate the boundaries of legally unregulated spaces and thus protest the very actions they perform. Their work thus encompasses a kind of extralegal portraiture, a map of both a private individual and the legal space which allows the details of that individual to be accessed and shared.

## References

- Bertrand, Ann-Christian, and James Bridle. 2016. *Watched! Surveillance, Art and Photography*. Köln: Walther König.
- Phillips, Sandra, ed. 2010. *Exposed: Voyeurism, Surveillance and the Camera*. London, UK: Tate Publishing.

## Biography

**Monica Steinberg** is an Art Historian and an Assistant Professor in American Studies at The University of Hong Kong. Steinberg's research considers the intersection of art, fictional attribution, and law. Her work has appeared in journals such as *Archives of American Art Journal*, *American Art Journal*, and *Oxford Art Journal*.