

## Article

# Individualism and Identity: Resistance to Speed Cameras in the UK

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### Abstract

As a surveillance technology, speed cameras have produced significant levels of resistance from the general (driving) public. This resistance has not, however, drawn on the kinds of civil liberties or 'Big Brother' narratives that might be expected. Using this context as a case study, this paper suggests that significant resistance to surveillance practices may emerge when surveillance technologies produce data doubles that are antagonistically incompatible with those identities which have emerged 'organically' from the resisting individuals and communities.

In this example, the self-ascribed identity of normal, respectable, non-criminal drivers is threatened by technologies of risk and 'techno-fixes' which (through their operation) construct identities as risk-carrying, deviant, and criminal. The sense of unfairness generated by this conflict between how we see ourselves and how the disciplining state sees us generates a sense of injustice. This sense of injustice is fertile ground for resistance. The paper identifies three main narrative themes in discourses of resistance to speed cameras, including the rejection of the official expertise used to justify surveillance and punishment, and the construction of a narrative which positions the drivers as an ordinary person resisting an oppressive state. The final narrative highlights the danger posed by other groups which, being constructed as genuinely and uncontroversially deviant, are more worthy of surveillant attention. As such, the paper suggests that, while offering fertile ground for the generation of resistant strategies, the speed camera context produces a very particular, very individualised, type of resistance which may actually contribute to existing processes of discrimination and 'othering' amongst surveilled populations.

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### Introduction

Since 2001 speed cameras have been the primary method of detecting, identifying and prosecuting drivers who exceed the speed limit. A surveillance network of over 4,000 cameras<sup>1</sup> now monitors driver behaviour across the UK and has met with considerable resistance, in the form of both words and direct action. However, this resistance is not characterised by complaints of 'Big Brother' or couched in civil liberties terms. This paper explores the narratives of resistance at work in response to the use of speed cameras, to suggest that the dominant motivating narratives of drivers and drivers' groups are of

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<sup>1</sup> Latest figures available, DfT (2007) 'Number of speed cameras operating in the UK – response to a Freedom of Information request' <http://www.dft.gov.uk/foi/responses/2007/february07/foioperatingspeedcameras/>

challenges to identity and the perceived misrepresentation of the individual in encounters with this particular surveillance technology.

This context is presented as a case study, through which it is possible to explore and identify both where there may be fertile ground for more general resistance to surveillance, and what political form such resistance might take. This is evidenced by interviews, focus groups, and textual analysis with both organised opposition groups and individual drivers.

The aim of this paper is to map the contours and logic of the discourse of resistance to speed cameras, and present some implications of these findings for resistance to surveillance more broadly. The aim is not to provide a critique of the anti-speed camera discourse, support or invalidate the arguments made by the anti-camera campaigners and the argument brackets out technical debates about the accuracy and effectiveness of speed cameras in reducing traffic accidents and deaths. The paper also reflects the dual focus upon both organised groups and individual drivers. There is substantial overlap between the two, but divergences will be noted where appropriate. We firstly provide a brief explanation of the methodologies employed, before we examine technologies of risk more broadly. We then move into the core of the paper, setting out an account of the core narratives in the discourse of opposition to speed cameras. The paper concludes with an examination of the implications of this case study for resistance to surveillance more broadly. Within this debate, a self-ascribed identity of normal, respectable, non-criminal drivers emerges – an identity which is threatened by technologies of risk and ‘techno-fixes’ (Haggerty, 2004: 494) which, through their operation, construct identities as risk-carrying, deviant, and problematic. Rather than offering encouragement for other contexts in which collective social resistance to surveillance is deemed desirable, this context, it is suggested, generates a form of individualised resistance, predicated upon individual harm, which potentially serves to reinforce the ‘othering’ of groups already subject to repressive surveillance practices.

## Methodology

This paper is partly based on research data which was generated through interviews, observations, focus groups and analysis of internet-based discussion forums about speed cameras with a view to exploring issues around objections to speed camera enforcement from a ‘risk’ perspective. Forum analysis involved over one thousand separate postings collected during the research period, and focused on the ways in which drivers represented themselves in their postings<sup>2</sup>. Such discussion forums allowed individual drivers who were not necessarily members of any particular organised drivers’ group to make any comment they wished in relation to speed cameras and speed limit enforcement more generally and are, according to Mann and Sutton, a kind of ‘marathon focussed discussion group’(1998:210). From this research, the categories of ‘new’, ‘experienced’, ‘professional’<sup>3</sup> or ‘convicted speeder’ emerged as significant, and formed the basis of focus groupings. Observations of Speed Awareness Courses (an educational alternative to prosecution) were also conducted. This paper also includes data drawn from interviews with self-styled leaders of drivers’ groups and Central Government officials involved in the running of the National Safety Camera Programme. Detailed methodological information about the approaches used can be found in Wells: 2007 and 2008. The paper also draws on research which pursued a discourse theory based analysis of the websites of organised anti-speed camera groups, primarily focused

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<sup>2</sup> Data drawn from these forums is indicated by the inclusion of the personal details offered by the contributor, the host (BBC) and a date indicating the specific forum. Full details of the forums are included in the accompanying references section.

<sup>3</sup> ‘Professional’ drivers were those who, in their forum comments, chose to indicate that driving a car or HGV formed a significant part of their occupation. Focus group participants of this driving type were purposively sampled from local hauliers, taxi firms and the union USDAW (Union of Shop, Delivery and Allied Workers) which has a significant HGV-driving membership. Others self-identified as ‘professional’ drivers when invited to choose between the various focus group groupings convened (above).

upon the discursive representation of surveillant technologies and practices. Websites were interpreted as the primary public statements of these groups. The use of ICT by contemporary social movements constitutes ‘a major element in the landscape of late modern democracy.’ (Van De Donk, Loader and Rucht, 2004: xiii).

Opposition to the use of speed cameras has been both individual and organised. Similar narratives exist in both contexts as we might expect as the two contribute to and feed off one another. The research featured here sought to tap into the rationales underpinning narratives of resistance deployed by ‘ordinary’ drivers in their individual objections to speed cameras, whilst also directly with the narratives used by organised anti-camera movements. Organised groups involved in opposition to speed cameras include Safe Speed<sup>4</sup>, Motorists Against Detection<sup>5</sup> (MAD), and the Association of British Drivers<sup>6</sup> (ABD). Organised groups exist in a reciprocal discursive relationship with individuals. The group narratives draw support from a wider constituency with which their discourse resonates; however, groups also provide narratives and construct ways of seeing the world for individuals through their discursive communication. Social movement organisations have fluid boundaries, and as such, the three key narratives explored in this paper draw upon both group and individual discourse.

### Surveillance technologies and risk

Universal technological determinism, in which contexts are obscured by technological factors (Lyon, 2007: 54), has largely been abandoned ‘for a view that admits the possibility of significant ‘difference’, i.e. cultural variety, in reception and appropriation’ of technologies (Feenberg, 2003: 327). However, the specifics of a technology can still play an important, non-deterministic, part in its reception or resistance to it, and as such, it is important to examine both the details of a given system, and how these details are represented and constructed in political discourses. As Haggerty argues, ‘empirical studies of technology-in-use are essential in order to appreciate their true influence’ (2004: 493). Speed cameras are a particular form of surveillance technology. There are multiple models and designs; however the core principle is that these cameras incorporate a sensor system triggered by a vehicle travelling above the legal speed limit for the road upon which the system has been installed. This causes the image of the vehicle to be recorded. The image acts as the starting point for a legal process against the registered driver of the car. As a technology, speed limit enforcement cameras make ideological commitments through their technological design. Technological enforcement and implementation decisions are underdetermined by technical concerns. They include political and social determinants even if these are unarticulated or un-contemplated and can be understood as ‘frozen policy discourse’, in that technological systems implement and embed policy decisions or perspectives taken at the time of the technology’s design and construction (Bowker and Star, 1999: 135).

Under almost any theoretical account of systematic mass surveillance, speed cameras can be unproblematically understood as a surveillant technology, although with some significant particular dynamics. What is potentially interesting is the manner in which this surveillance is activated. An individual comes under surveillance when they meet two requirements – one spatial and the other behavioural. Firstly they (and their vehicle) must be in a geographical locality targeted for surveillance, secondly they have passed a speed threshold sufficient to activate the sensor mechanisms and so cause the camera system to activate and record the event. Speed cameras monitor the presence or absence of a risk factor – in this case speed above a certain threshold. If speeding was not illegal, this assessment would

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<sup>4</sup> <http://www.safespeed.org.uk>

<sup>5</sup> <http://www.speedcam.co.uk/welcome.htm>

<sup>6</sup> <http://www.abd.org.uk/>

have little consequence and might only be of interest to road engineers; however the illegality and the risk framing change this substantially.

Given that an act's riskiness is the sole justification for deterring the behaviour, the legal framework subsequently adopted to underpin enforcement need only be constructed in a way that determines that this faulty behaviour occurred, not that its perpetrator engaged in it deliberately. Both intentional and unintentional behaviours are therefore equally viable targets for enforcement action. Issues such as intent, culpability and mitigation become irrelevant, meaning that strict liability legal principles can be used. The individual's behaviour is simply re-conceptualised as either triggering, or failing to trigger, the techno-fix. Other factors are not only of no interest, but are guaranteed not to be taken into account by such technologies. Such technologically-based systems have, as a result, been identified as offering the potential for guaranteeing entirely non-discriminatory enforcement (Lianos and Douglas, 2000: 108). However, risk has a specific normative orientation. Because measures can be taken to prevent and anticipate potential risks, there is a normative requirement that they *are* taken. According to Ericson and Haggerty:

In the utilitarian morality of risk management, the norm or standard of acceptable risk is always both factual and moral. It signifies the typical or usual standard but also ethical constraint. Risk classifications infuse moral certainty and legitimacy into the facts they produce, allowing people to accept them as normative obligations and therefore as scripts for action (1997: 6).

Moral overtones are especially strong where the chosen method of enforcement is, as in this case, the criminal law. Lea notes that 'criminalisation' should be seen as more than 'simply a tactic for dealing with groups of individuals who constitute obstructions' (2002: 139). The police, so often turned to as the enforcing agent in questions of risk (Ericson and Haggerty, 1997), can be seen as carrying with them a symbolic meaning or 'aura' which renders the issues they touch upon moralised (Loader and Mulcahy, 2003: 33). However, the moralisation of traffic offending, as in this case, within a strict liability framework means that many people will be morally judged for offences which did not in themselves represent bad moral choices. The reappearance of morality serves as a reminder that surveillance systems operate upon whole, complex individuals rather than disembodied or neutral collections of risk factors.

## Resistance and opposition to speed cameras

Gilliom states that, in resisting surveillance, there are 'no grand battles, no great protests in the streets, no sweeping promises of definitive success in besting the powers of surveillance' (2006: 113) and that '[r]esistance must be understood as taking place *within* that context and not something which can prevent or undo it in any systematic way.' (2006: 114) This paper therefore looks at the resistance to the specific surveillance technology of speed enforcement cameras. Within the contested politics of speed cameras, there is evidence of a number of tactics of resistance from discursive to physical actions. Using Marx's typology of resistance to surveillance (2003) we can see examples of discovery, avoidance, switching, distorting, blocking, masking, breaking and, to an extent, counter-surveillance moves. A number of cameras have been destroyed in fairly innovative ways, including being pulled down by tractors, set afire with a fuel-filled tyre, destroyed with shotguns and even dynamite (de Bruxelles, 2004). Such actions are, however, justified by their perpetrators using narratives of resistance and it is these that form the central focus of this paper (for further discussion of 'physical' resistance to speed cameras, see Wells 2007).

Issues of identity are central to most social and resistance movements (Buechler, 2000) and are certainly so in resistance to speed cameras. Discourses contain constructions of group and individual identities and as these are both mobilised as part of resistance and can be causal for this resistance, it is worth examining the concept of identity here. There is a voluminous literature on identity in social science, to the extent

that various writers have called for an end to its use (Brubaker and Cooper, 2000; du Gay, 2007). However, Jenkins argues for the necessity of identification as a basic cognitive mechanism (2008: 13). All identities are social identities, with a combination of internal and external elements, and regimes of classification have important social consequences (Jenkins, 2008: 42). The model of identity we use here is anti-foundationalist, discursively constructed, multiple and plural, contingent and open to change, vulnerable, and an outcome of processes of power. It is therefore a highly political conception of identity. Because identity is a political construction, it cannot be prior to politics, but is maintained, constructed and transformed through political struggles (Torfing, 2003: 82). According to Bauman, individuals have differing capacity to alter or choose their identities (Bauman, 2004: 38).

In his examination of the relationship between identity and morality, Jenkins draws upon the work of Ball (1970) and Matza (1967) to show how certain identities are consistently mobilised in ways that 'gloss morality and identity onto each other' in ways which carry underlying notions of fairness and justice (Jenkins, 2008: 192-3). These include distinctions between deserving and undeserving identities, and between reputable and disreputable identities. These categories play a significant role in the politics of resistance to speed cameras.

### **Narratives of resistance to speed cameras**

Three main narrative themes can be identified in discourses of resistance to speed cameras. Firstly, scepticism towards scientific expertise and policy supposedly predicated upon that expertise, resulting in attempts to establish 'counter-knowledges' and alternate groundings for the right to participate in the debate. Secondly, the narrative of the ordinary, respectable, person opposed to the oppressive state, driven to unusual and extreme action. Finally, the danger posed by other, deviant groups and individuals that are constructed as more deserving of surveillant attention than the ordinary, 'law-abiding' drivers.

#### *Scepticism towards government expertise*

The 'expert' discourses of government, police and speed camera partnerships construct the technology as operating in a particular way and with particular functions and rationales. These are heavily reliant on scientific expertise and statistical knowledge<sup>7</sup> which has been the subject of heated debate. The oppositional, resistant discourse is, however characterised by scepticism towards scientific expertise, and the resulting government policy which claims to draw on this expertise:

The TRL [Transport Research Laboratory] say 7% of crashes are due to speed, this 7% is made up of 3 sub-categories (in excess of limit, for type of vehicle, for conditions) a speed camera detects one of these (excess of limit). The government add the following causes: sudden braking, careless driving, reckless driving, driving too close, impatient driving, poor control and poor overtaking, to get the much quoted statistic 'speed is a contributory factor in 33% of accidents'. If the government was honest [it would say] speed camera[s] were targeted at the 1 in 20 accidents where speed in excess of limit was the cause rather than making up statistics to justify speed cameras.

(Male driver, Letchworth, BBC, 2003/4)

I have a question for Beth Mitcheson of the Arrive Alive<sup>8</sup> campaign. She says 'Between January and May 2002 there has been a 40% decrease in the number of fatalities a 24% decrease in serious injuries and a 20% decrease in slight injuries.' These words mean nothing. My question is, compared to what? What period? What locations? If she means 'tax camera' sites, may we have the statistics for the rest of her area?

<sup>7</sup> See for example the technical appendices of the first evaluation of the National Safety Camera Programme, which take up 39 of the 71 pages.

<sup>8</sup> The name given to the safety camera campaign in North Wales.

(Male driver, Sheffield, BBC, 2003b)

This scepticism is situated within an ‘experiential’ expertise derived from direct, often daily, engagement with the risk issues which are used to legitimate surveillance by speed camera.

We’ve got a camera right outside our depot...and this bloke came through speeding, went past the camera, it was dark, the camera went off. It flashed straight through his rear windscreen, put him off and he left the road, and hit a wall. The government tell drivers ‘don’t flash your lights in the back of someone else’s car’ and they put up cameras with flashes on them! And that’s something I personally have seen so I know it does happen.

(Male driver, late 50s, professional driver focus group)

Ken The only trouble with static cameras is everyone knows where they are and they’ll make sure they’re doing 40mph for that 20 feet. But they don’t know what the speed limits are. That’s why people will drive to a camera and brake and then accelerate afterwards. That can create a very dangerous situation. Remember what happened to Ted?

Pat Yeah! He very nearly ran into the back of a motorist doing exactly that. Both travelling, Ted reckons about 55mph, speed limit was 60, the guy comes up, sees the camera late and just [claps hands together] straight on the brakes. That’s what cameras do.

(Professional drivers focus group)

Anecdotal evidence, and personal experience on the motorway network, would lead me to believe that they [speed cameras] do not make the roads safer. I have many times seen drivers braking furiously when they see a camera, and then accelerating away just as furiously when they have passed it. I have also witnessed two or three minor shunts when, in a stream of traffic passing the camera, one driver doesn’t brake quite as hard as the driver in front.

(Male driver, UK, BBC, 2004b)

Focus group and forum analysis suggests that drivers use a variety of methods to promote a driving identity that in some way testifies to their right to comment on and be taken seriously in relation to the activity of driving – effectively to establish their own expert credentials. Such a status was often quantified in terms of years experience or driving qualifications, with drivers noting, for example, that they had ‘never had points deducted from my licence, nor had to make an insurance claim in 22 years of driving’ (Experienced female driver, Staffordshire, BBC, 2003a), could boast having ‘never had an accident/points 4 years No Claims Bonus’ (Male driver, 21, Staffordshire, BBC, 2003a) or had even been ‘Lorry Driver of the Year three times’ (Professional driver attending Speed Awareness Course). This knowledgeable identity was then translated into specific driving behaviours of relevance to the speed limit, for example ‘I wouldn’t do it if it were dangerous’ (Male, late 40s, attending Speed Awareness Course) and ‘I only speed when it’s safe’ (Male, late 20s, experienced driver focus group). Decisions about appropriate speed for a particular set of circumstances were made as a result of an assessment of those circumstances, with the automated, de-contextualised judgements made by the speed camera presented as inherently inferior:

It’s not just about speeding, the speed kills brigade need to know that there is a lot more to safe driving than religiously keeping to an arbitrarily defined number. There are times when it is safer to exceed the speed limit for a short time than to keep to it. There are other times when driving at the speed limit is dangerous.

(Male driver, UK, BBC, 2004a)

The bluntness of the system, brought about through its use of generic speed limits, strict liability legal frameworks and fixed penalty punishment, was therefore a problem because it was incapable of taking these subtleties of experience into account in determining whether or not risk was ‘really’ caused and hence whether or not punishment was ‘really’ justified.

It's not speed that kills, it is inappropriate speed that kills. I regularly ride [and] drive my car and motorcycle at speeds in excess of the national speed limit. I very rarely exceed the limits within towns or villages. Some may say I should be caught and fined or locked up, but I disagree. I am able to drive and ride according to the road conditions.

(Male driver/rider, Maidstone, BBC, 2003c)

The websites of the organised anti-camera groups also demonstrate a similar preference for the ‘real’ expertise gleaned from experience. They state that many of their members are ‘professional drivers’ who drive powerful cars and motorbikes<sup>9</sup>, and who have a large amount of driving experience, which they can use to judge road conditions and make their own assessments about the level of risk posed by speeding.

Drivers fulfil their duty to road safety by selecting a safe and appropriate speed according to the conditions. The message from the conditions is so clear and powerful to experienced drivers that choosing a slower or a faster speed than that dictated by immediate conditions actually feels wrong.<sup>10</sup>

Similarly, the press releases of MAD point out that speeding is not necessarily dangerous driving. They believe road conditions should dictate to the capable driver how fast they should be driving:

Captain Gatso [the group’s leader] pointed out that the group is not encouraging dangerous driving or speeding on Britain’s roads. He said: We have from the beginning said that drivers should drive according to the conditions of the road.<sup>11</sup>

Wynne argues that a common feature of modern ‘expert’ institutions is that they impose prescriptive models upon lay groups, which are frequently found wanting (Wynne, 1998: 57). This leads to alternative risk assessments using broader frames and sources of evidence, including critical judgements of the roles, commitments and capacities of expert institutions. The assumption of a flawed evidential basis allows both individual and group opponents of speed cameras to maintain that, if safety is not the motivation for the use of speed cameras, other motives such as revenue-raising must be paramount. By maintaining that their punishment results from such illegitimate aims, drivers are able to propose that their experiences of surveillance are, in fact, victimisation. The following narrative of oppression therefore emerges as a direct result of scepticism about the legitimacy of the use of speed cameras.

#### *The Respectable citizen against the Oppressive state*

By combining distrust of official expertise with resentment at the punishments they experience, drivers are able to view themselves as *exposed* to risk, rather than *protected from* risk, through the operation of speed cameras. The risk of *death* is challenged by the above narrative, allowing the risk of *punishment* to emerge as the real risk to drivers associated with speed cameras.

This leads to a narrative of the ordinary person against the oppressive state; a logic of equivalence (Laclau and Mouffe, 2001: 128) which positions both individual drivers and activists as a non-deviant population of ‘normal’, ‘law-abiding’, ‘respectable’ people driven to resistance by the actions of the state and its

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<sup>9</sup> MAD press release featured at <http://www.speedcam.co.uk/welcome.htm> (15/09/08)

<sup>10</sup> <http://www.safespeed.org.uk/why.html> (15/09/08)

<sup>11</sup> MAD press release featured at <http://www.speedcam.co.uk/index2.htm> (16/09/08)

agents. A logic of equivalence is a discursive logic by which the available political space is divided up by a weakening of differences between certain subject positions (such as speed camera activists and normal drivers) by reference to an external subject position (the speed camera partnerships or the government), which is excluded and negatively evaluated (Howarth, 2000: 107). Respectability is an old concept, with a rich modern (and pre-modern) heritage; it is linked to concepts of appropriateness (and is similarly flexible in as to what conduct this actually means) and both can be understood as empty signifiers, in that they can be filled-in in a number of ways by competing discourses, and that their content approaches the universal (Townshend, 2003: 132). ‘Respectability’ in this context, however, is referring to technologically over-ridden sets of measures: intent, respectability, perhaps even identity itself are outdated given that the management of risk appears to operate on very different criteria. Neither membership of ‘the majority’, ‘morality’, nor a stated intention to be ‘law-abiding’, offer any guarantee of a life free from problematisation by the authorities when a concern for the control and elimination of risk dictates enforcement priorities. The speed camera is uninterested in intent, or *mens rea*, caring only for the presence of a risk factor. This makes the almost desperate defences centred on the idea of inherent respectability irrelevant, but from the frequency and clarity with which they emerge in narratives of resistance, such concepts and models of judicial and criminal process clearly still have resonance for those deploying them.

Analysis of the way such identities are deployed by ordinary drivers shows that the maintenance of a law-abiding self-identity is possible, despite the law breaking, because drivers differentiate between *types* of law breaking. This distinction was implied or stated by many drivers who reconceptualised ‘crime’ as offences for which *mens rea* was necessary. Conscious intent is required for a crime to be defined as ‘real’. *Mala prohibita*<sup>12</sup> offences such as exceeding the speed limit can therefore be reclassified so that committing them remains consistent with a law-abiding identity. The following exchange between two drivers evidences this important distinction:

Firstly many people talk about cameras as catching law abiding citizens – you’ll find that the strict definition of ‘law abiding’ means abiding by the law. Going over the speed limits is breaking the law – you cannot pick and choose which laws suit you, regardless of how you feel about those laws.

(Male convicted speeder, Faversham, BBC, 2003c)

OK, firstly, anyone needing to give a sermon on the definition of ‘law abiding’ is obviously missing the point. For the purpose of the discussion here (and for the painfully pedantic please take ‘law abiding’ as meaning ‘not of a criminal bent’.

(Male driver with three speeding convictions, Portsmouth, BBC, 2003c)

Being ‘not of a criminal bent’ is used to describe a category of individuals who would not intentionally commit offences. This allows a distinction to be maintained between the type of ‘law-abiding offenders’ created by risk assessments and strict liability legal practices, and genuinely intentionally criminal individuals. Given this interpretation, the second driver quoted above *can* pick and choose which laws ‘suit him’ as he considers that only those laws which require intent, or for which he considers the offender to be culpable, count as ‘real’ laws.

By then emphasising their continued membership of the ‘respectable’, ‘decent’, ‘law-abiding’ ‘majority’, individuals and organised groups opposing speed cameras attempt to maintain a degree of credibility, different from real criminals, despite criminal activity. Captain Gatso – leader of a group who openly admit to countless acts of vandalism – has, for example, described himself as ‘late 30’s, a family man

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<sup>12</sup> ‘Wrong because prohibited’, as opposed to *malum in se* or evil in and of itself.

with a respectable job' and his members as 'not boy-racers, they're all 35+, responsible people in normal jobs' (Interview with Captain Gatso, 2004).

Criminality is not defined in terms of breaking legal speed limits, or destroying speed cameras with burning tyres or home-made explosives. Instead criminality is a moral capacity or orientation; a more essential characteristic. Therefore, breaking a speed limit does not render a subject 'a criminal' – it is insufficient for the change in essential nature. This narrative is particularly important to those members of organised anti-camera groups whose opposition goes beyond rhetoric to include direct attacks on the technology. The anti-speed camera activists go to great efforts to portray themselves as normal people. They are 'family men', 'ordinary blokes', and 'decent people'.<sup>13</sup> They are family members or friends. They have been driven by government, police and safety camera partnership action to a radicalised, direct action, vigilante anti-speed camera position that is extraordinary and not their default or desired course of action. They are 'unheard'<sup>14</sup> people. The distinction here is one that is drawn between the anti-speed camera activists and other types of political activism, serving to depoliticise their activity, which is portrayed as non-ideological or non-political resistance. Instead they portray their experience through a medical metaphor. They are 'fed up', 'sick and tired' and 'irate'.<sup>15</sup> The discursive reversal is one that positions the state as the illegitimate actor rather than the technically criminal actions of the activists in destroying speed cameras. Ironically, whilst anti-speed camera movements use this to differentiate themselves from 'political' or 'ideological' activists, this language of being sick, or fed up, or driven to action, is highly common in various activists discourses, ranging from environmentalist to anti-globalisation. The construction of particular laws as unjust, and therefore abrogating the individual from the duty to follow those laws, whilst accepting the broader legal framework, has a long tradition in opposition politics. There is a pronounced tendency with both activists and drivers to regularly state that the law should be obeyed, that speed cameras in legitimate locations (outside schools and hospitals for example<sup>16</sup>) should not be targeted. The rule of law should be supported – except in this one particular instance of legal exception. Activists draw equivalence with pro-fox hunting campaigns – another campaign with 'non-political' discourse. General law-abidingness is used to reinforce their position: such is the extent of the illegitimacy that even the law-abiding are driven to take extreme and illegal action. The acts of vandalism perpetrated by MAD were presented as being the actions of a desperate and otherwise entirely well-behaved group of individuals. The group present themselves as responsible, honest and essentially harmless individuals who have been subjected to unwarranted and undeserved restriction. Their press release itself assured readers that, 'We are not criminals, just drivers going about our daily business and we are essentially law abiding citizens'.<sup>17</sup>

Part of the articulation of activists as normal people, and part of the majority, is the strong linkage drawn in their discourse between the activists and the supposedly large groundswell of silent passive support for the activists from 'normal motorists', who are 'decent people'. 'Captain Gatso' is portrayed in their press release as 'the motorists' friend'.<sup>18</sup> MAD portray themselves as the 'hard core' of 'about 200' activists drawn from the more general population of motorists. In a Telegraph newspaper article, this population is expanded to even include many of those who do not speed, 'or even drive' who are opposed to government intervention in their lives (Lusher, 2004). An ABD spokesperson also noted that

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13 <http://www.speedcam.co.uk/index2.htm>

14 <http://www.speedcam.co.uk/index2.htm>

15 <http://www.speedcam.co.uk/index2.htm>

16 <http://www.safespeed.org.uk/manifesto.html> (15/0908)

17 Captain Gatso quoted in MAD press release (2002) featured at <http://www.speedcam.co.uk/welcome.htm>

18 <http://www.speedcam.co.uk/welcome.htm> (15/09/08)

[P]eople must drive past drive past when they're doing this [vandalising cameras], people MUST be driving past because cameras are on generally pretty highly trafficked roads at all times of the day. Why is nobody stopping them? Why is no one taking the number of their car which must be parked pretty close by? Could it be that they actually tacitly approve? No one's ringing the police up and saying 'Captain Gatso's out!'. (Interview with ABD road safety spokesperson)

Research shows that speeding is a *majority* activity (Corbett, 2003: 111). This presents an interesting context for regulatory interventions usually deployed, as Hunt suggests, against a minority of both morally and statistically perceived *deviant* people (Hunt, 2003: 178). As such, risk thinking challenges the elements of identity based around being part of a respectable, law-abiding *majority* as these elements of the identity are direct contradictions in the case of speed enforcement. The statistical norm, according to speed limit regulation, is deviant. Speed limit enforcement cameras therefore represent an example of the expansion of surveillance (and the attribution of criminality) to 'normal' populations previously exempt from routine close contact with the police (Haggerty and Ericson, 2000). It is this majority status that is, however, claimed as a significant component of the drivers' respectable identity and deployed to defend against accusations of riskiness.

Through the enforcement of traffic laws based around a concern to reduce risk, the theoretical role of the police as defenders of a majority of respectable or law-abiding citizens from a minority of the criminally deviant is therefore called into question. This may be exacerbated by the use of technology which facilitates 'hands off' enforcement of risk thresholds. Unlike the police, the technology operates automatically and autonomously, and is not open to social pressures towards leniency that come with being drawn from the same population as the subjects of surveillance.

The (normal) (moral) majority, which seems highly important as a keystone of identity to these groups and individuals, should not be understood as something that actually exists ontologically. It is a construction, through discourse and language which is always imagined, and re-created every time it is invoked, and as such is highly flexible. This wide construction allows activists to take on the mantle of democratic representation and therefore signal their legitimacy and increase their right to speak and act. That the policy of speed camera use offends the respectability of the respectable is taken as evidence of its illegitimacy. However, this oppositional narrative serves to construct two categories of surveilled subject. In mobilising such identities as 'law-abiding' and 'respectable' to evidence the inappropriateness of their exposure to surveillance there is, by default, the implication of a category comprising the 'proper objects' (Fiske, 1993:235) of surveillant practices. This category is explored in the third and final narrative, below.

#### *Other groups more worthy of surveillant attention*

The third dominant narrative highlights the danger posed by other groups which, in contrast to drivers, are constructed as genuinely and uncontroversially deviant, and are therefore more worthy of surveillant attention. This narrative positions the driver as the victim of both official policy and the unchecked activities of 'real' criminals, and thereby legitimises resistance to the surveillant practice; attempting to encourage the refocusing of the surveillant gaze – and hence enforcement – onto more deserving subjects. In doing so it evidences Garland's (2001) 'criminology of the other' and his dichotomy of 'us' versus 'them' where deviant, excluded groups are usefully appropriated as something against which 'the rest of us' can be defined.

This narrative extends the narrative of 'respectability' (above) into the notion of the driver being at risk, rather than risk-producing. As well as rendering them vulnerable to the attentions of the authorities for their actions, drivers are able to claim that this inappropriate attention places them at further risk of exposure to the risks caused by real criminals – criminals who are left to continue their deviant behaviour unthreatened by a police force preoccupied with harassing motorists. The differences between surveillance technologies' worthy subjects and undeserving subjects are constructed via a strategy that *emphasises* the

risk-producing behaviour of others in an attempt to *de-emphasise* the risk posed by speeding drivers. The suggested alternative (appropriate) targets of surveillance are all, crucially, offences which are perceived to be immoral, require intent, and which are statistically deviant:

I just wish they [the authorities] would get a bit of perspective, you know? Speeding on an empty street versus knifings, old ladies getting burgled and raped, and all sorts. I know which I wish the police would concentrate on.

(Female driver, mid 20s, new driver focus group)

The roads are overpoliced when the resources would be better spent fighting crime. Victims of burglars, muggers and thieves see little help from the police and the real criminals are given extremely low sentences.

(Driver, only initials given, Staffordshire, BBC, 2003a)

Lets start a list of crimes we worry about and see how long it is before we get to doing 35 mph in a 30 mph limit... We have 1) Gang inspired gunfights 2) Protecting children from paedophiles...

(Male driver, Bedford, BBC, 2003/4)

Through this strategy, individual drivers and more organised drivers' groups are able to revert to the role of victim (ironically a more comforting and reassuring role) through the implication that respectable citizens are put at an increased risk of victimisation from traditional criminals. This increased risk is brought about by the authorities' perceived neglect of these more 'worthy' enforcement targets in favour of motoring offenders. The authorities' distraction from their 'proper objects' of control (Fiske, 1993: 235) means they contribute to the victimisation which those proper objects thus bring about. The goal of the strategy is to force a rethinking of police priorities which re-instates the implicated instigator into the role of potential victim, *protected by* and not *at risk from* the actions of law enforcement agencies.

The police, 'properly' and historically protecting the majority from a minority of deviants, 'from the barbarian within', 'the enemy', 'the bad guys' (Kleinig, 1996: 24), are now experienced by many from the position of *offender*. The risk rationality has resulted in previously moral, majority and law-abiding populations being drawn in to the systems of law enforcement. Such identities, which used to be sufficient to deflect or resist responsibility for criminal acts, offer no such protection from a concern to reduce risk. We therefore see a previously privileged population finding itself with negative experiences of the law. The preferred path which such drivers instead promote is a refocusing of the surveillant gaze onto those populations who are used to such encounters, with no expectations that their status will protect them from police attention. One of the mantras of this debate captures this narrative – 'why aren't they out catching burglars?'. No wonder, given the demonization, exclusion and condemnation of the criminal that Garland's 'criminology of the other' view sustains, that 'we' are reluctant to be labelled risky, problematic, or otherwise 'other' in any sense, resisting those practices that offer the potential to cause this.

Surveillance technology is frequently articulated as having a core role in risk management by the police and by government. Surveillance provides information and information is central to the management of risk. Because of this, being subject to surveillance can be interpreted as a signifier of belonging to, or being placed in, a risk-related population (either *at risk*, or *risk-causing*). Surveillance for the former reason is, it is suggested, likely to be acceptable (it promises protection), while for the latter it is controversial (as it results in discipline and labels the surveilled subject as problematic). Probably the most obvious example of this is the popularity of CCTV, promoted and marketed as being explicitly for the protection of the public from the minority of criminals acting in a visibly deviant manner. Unlike the

speed camera, CCTV has been successfully constructed as protecting ‘us’ from ‘them’ and in doing so positively reinforces the distinction between the deviant minority and the respectable law-abiding majority. The comments of senior figures involved in the National Safety Camera Partnership reveal that lessons have been learnt from the speed camera debate, and that the new technology of Automatic Number Plate Recognition (ANPR) has been deliberately marketed, as CCTV is marketed, in terms of its ability to catch ‘real criminals’ and in doing so to protect the majority of ordinary, respectable motorists and undermine resistance narratives:

...so when they stop a vehicle that’s suspicious because they got it on ANPR, not taxed, not insured, maybe its got somebody who shouldn’t be here, a bunch of drugs in the back, weapons, guns, its all happened, police have done this, they have found these things. So the public shouldn’t believe that the police have all packed up and gone home. They are using the resources differently and they are attacking crime in a different way....

(Interview with Senior Road Safety Officer, Department for Transport, 2004)

Similarly, Rob Gifford, of the Parliamentary Advisory Council on Transport Safety has argued that ‘[o]ne of the good things about ANPR is that people are often multiple offenders so it would provide useful intelligence’ after all, he points out ‘[t]hose responsible for 7/7 got to Luton station by car.’ (Gifford, quoted in Campbell and Evans, 2006). Familiar folk devils (Cohen, 1972) (terrorism, crime, immigration) are mobilised here in very similar ways to the discourse surrounding the introduction of identity cards (Wills, 2008). There is a deliberate attempt to market surveillance as facilitating, protecting and assisting those who are used to the state being a benign influence. The approach is designed to encourage the separations that allow us to think that others are deserving of attention and that (to use the old trope), as we have done nothing wrong, we have nothing to fear from surveillance. Where drivers in this research expressed support for speed cameras, it was common for them to do so in these terms, urging other drivers that if they did not speed they would not encounter any problems from the state, showing that they are prepared to adapt their behaviour to ensure that they are not problematised and remain invisible to the technology, rather than question the nature, justification and rational for that problematisation in the first place.

However, by also pointing to other types of *driving* behaviour, opponents of speed camera surveillance also move beyond this traditional self/other, us/them distinction. In doing so they go *beyond* Garland’s dichotomy of group against group, ‘us’ against ‘them’ and, instead, adopt a divisive, individualistic position which is more akin to a ‘me’ against ‘the rest’ identity position. A range of driving behaviours are put forward as more deserving of police attention, including poorly-sighted, drunk, ‘dangerous’, and uninsured drivers. As such, any other deviating behaviour is advocated as a more suitable enforcement target if this helps the accused driver to deflect criminalising attention from their own activities:

There are far too many people on the road that should not be there. These include: poor/incompetent drivers, those with poor eyesight, others under the influence of alcohol/drugs, drivers with poor/no appreciation of other drivers, and who don't understand lane discipline/signalling. I could go and

on...Put the argument about speed to one side. Campaign to rid our overcrowded roads of dangerous drivers.

(Male driver, Norwich, BBC, 2003c)

How many [accidents] were actually caused by speed in excess of the posted limit and not by tailgating, reading maps or books, shaving, doing hair, using a phone, changing lanes without indicating, swerving from lane 3 to the slip road just in time to make an exit? These cameras will not work (as usual) and the most dangerous drivers will carry on unpunished.

(Male driver, Basingstoke, BBC, 2005)

This pointing-out of other driving behaviours which are believed to be more risky and therefore more worthy of attention is also a tactic used in the press releases of MAD. Interestingly, certain types of speeder are included in this:

What we ultimately want to see is all the UK camera partnerships dissolved into a central ticket office which only concentrates on serious and serial offenders. Each case should be treated as a proper crime and properly investigated. We should be stopping the idiots who get behind the wheel of a car who will speed anywhere.<sup>19</sup>

Rather than using traditional folk devils to reinforce a shared, collective identity, the users of this narrative 'strike out blindly at anything that gives off the scent of deviationism' (Beck, 1992: 12). Instead of using the 'othered' as distinct, excluded groups against which we, collectively, can construct identities, this approach typifies the individualistic, all against all, mentality that characterises resistance to surveillance in this context. While technically still a criminology of the 'other', the other can be anyone who causes us a risk *and* anyone who draws attention away from the risk we pose ourselves.

## Resistance to Surveillance

This concluding section examines the implications of this case study for theories of resistance to surveillance. Firstly by examining the implications of the three dominant narratives and secondly by looking at what lessons can be learnt from the structure of this resistance.

Resistance to surveillance practices (in their specificity) emerges when the discourses used in representing the technology and the ideology embedded in the programming of the technology produce identities that are antagonistically incompatible with those identities which have emerged organically from the resisting individuals and communities. The sense of unfairness generated by this conflict between how we see ourselves and how the disciplining state sees us, and the implications of this, generates a sense of injustice. As with many social protest movements, this sense of injustice is fertile ground for resistance. However, this resistance is politically restricted to an individualistic and atomistic modality, restricted to a specific, visible and directly harmful surveillance technology, and promoted by social groups that previously occupied a privileged position.

The conflicts over what counts as expertise demonstrate that much resistance to surveillance practices and technologies will revolve around who (or what) can define the truth of an event (or the effects of a policy). Scientific and technical expertise appears dominant, but there are ways that this can be challenged. Such conflicts will require the development of skills to read statistics and deconstruct the truth claims of technologies – a type of critical literacy of surveillance technology becomes important. However, some communities are better able to develop this than others. It is in this vein that Hart and Negri see 'immaterial labour', the creation of knowledge and culture rather than material products, as the paradigmatic site of contemporary resistance (2005: 67). Critical literacy may occur more rapidly when populations with information handling or scientific backgrounds are exposed to surveillance practices. Mass activities (such as driving) make this more likely. These populations are also, however, experientially expert through their daily engagement with the processes and practices of this particular risk issue acquired through driving. Such exposure, and consequently such expertise, is not practically possible in relation to many other risk issues such as global warming or the risks associated with nuclear power. The daily act of driving means that many surveilled subjects of this particular type of surveillance have,

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<sup>19</sup> Captain Gatso, quoted in MAD press release (2006) featured at <http://www.speedcam.co.uk/index2.htm>

and are keen to vocalise, a kind of hands-on expertise that is at odds with that promoted by the official agencies operating the surveillance technology.

Such a starting position enables further narratives to emerge, based around the assumption of the illegitimacy of the surveillance. The narrative of the ordinary person opposed to the oppressive state may serve to obscure the other actors involved in the problematic situation, or serve to insulate non-state surveillance actors from critique. For example, many individuals who are required to drive as part of their employment rely upon a clean license for their livelihood and perceive speed cameras as a threat to this. However, they were not critical of employers' policies or of high workloads and close deadlines which might necessitate driving above the speed limit, bringing the employee into the sphere of automated enforcement. Additionally, relying upon claims of 'normality' to legitimate political resistance to surveillance does nothing for the myriad populations that are 'abnormal' by these determinations but are still subject to surveillance which they may find oppressive or harmful. This may be exacerbated by the tendency to identify other groups as more deserving of surveillance, leading to little solidarity, and little resistance across differing types of surveillance and across differing subject populations. Indeed, there is little evidence of objections to surveillance *per se* – close monitoring of the behaviour of deviant others is, by contrast, encouraged when it deflects attention from the activities of speeding drivers.

Whilst theorists of surveillance may seek a resistance to surveillance in general, resistance, this research suggests, is most likely to occur to specific practices and technologies when these practices impact directly upon individuals, construing them as *sources of risk* rather than the focus of protection *from* risk and when this ascription opposes an assumption of protected normality. This is more likely, furthermore, when there is public debate about the accuracy of the causal interpretations which identify certain behaviours as risky.

This has implications for the formation of movements of resistance to other surveillance technologies and practices – such as identity cards, automatic number plate recognition or the maintenance of large databases of personal information. In the case of speed cameras, despite attempts to organise and portray resistance as a 'movement' the resistance remains fundamentally individualistic. Specific applications of technologically automated surveillance and enforcement *are* resisted, but not the concept or principle of technologically automated surveillance. In this case study, such applications are positively welcomed when directed at deviant others for the protection of the 'respectable, law-abiding majority'.

The speed camera resistance was generated by specific experiences of enforcement that appeared unjust and illegitimate to activists and drivers. With regard to future developments of opposition in other contexts, it could be possible that the current spate of losses of personal data by central state organisations could provoke resistance to surveillance in this individualistic vein. However this would require that this lost data were clearly exploited and a public discourse developed that could voice specific examples of harm. In losing this information, the state leaves people open to the risk of harm which its discursive strategy claims to protect them from; an aspect of governance causes unexpected problems for government as its responsibilised citizens hold the state to its claims, and act in ways to minimise their own levels of risk. There is, according to this analysis, unlikely to be the same kinds of consternation expressed at the loss of the personal data of thousands of prisoners (BBC News, 22/08/2008) as there is at the loss of drivers' records (BBC News 11/12/2007), or those of individuals claiming child benefit (BBC News 18/12/2007). The risk of data loss for those who have already been placed in the 'other' category is less likely to animate resistance as for those who still claim membership of the law-abiding, respectable category.

Lyon argues an important part of understanding resistance to surveillance is the subjectivities of those resisting surveillance, especially the alternate identities which can be mobilised against imposed and attributed surveillant accounts (Lyon, 2007: 67). There is a politics of resistance associated with the

subject's own understanding of their identity (or identities) and interaction with the surveillant data double. The individual's own understanding of their identity as law abiding is contrasted to the system's attribution of an antagonistic criminal identity. The subject's hard-won and worked-at identity is not as valued by others as before, and this engenders resistance. However, the self-same identities are not particularly effective in this resistance because of risk logic and the automation of enforcement. This may be responsible for the escalation to direct action sabotage by the 'unheard' who feel that they should be listened to and that there is both a disrespect and an injustice communicated by the data-images created by speed cameras.

Rose identifies a problem with identity-based responses to surveillance. He argues that experience of the actuarial and categorising processes of contemporary technologically mediated surveillance practices does not produce collective identities, in the same way as the collective experience of workplace exploitation or racism (Rose, 1999: 236). The negative effects of such categorisation are either experienced individually, or are difficult to separate from social background 'noise'. Anticipating the same impediments, Ogura provides a potential solution to this problem. He suggests that 'identity politics' should be drastically transformed. Rather than attempting to 'establish the collective identity of social minority groups against cultural, ideological or political integration or affiliation by social groups' he points in the direction of a 'de-convergent politics' able to resist methodological individualism and biological determinism he sees as present in information technology surveillance systems. Whilst he acknowledges that we have not yet seen such a social movement or politics based on surveillance, he identifies "criminal" identity activity, such as fake ID cards and identity theft as manifestations of a surveillance orientated society's focus on methodological individualism and biological determinants of identity (such as biometrics) (Ogura, 2006).

The insight provided by the analysis of resistance and opposition to speed camera surveillance in the United Kingdom highlights the barriers to this de-convergent politics. Resistance appears to arise in reaction to specific risks and costs caused to individuals by surveillance, rather than to the phenomena itself. It may be possible to draw a distinction between resistance to surveillance predicated upon social concerns, and resistance to surveillance predicated upon individual costs and harms. The findings of this case study suggest that the individualistic source of resistance emerges more easily in the current political climate. This also appears to be the case with identity cards. Resistance to surveillance should not, therefore, be encouraged uncritically, nor viewed as necessarily a positive or empowering activity. For many, increased exposure to surveillance is not opposed on the grounds that it is intrusive or contrary to any notion of human rights or social justice. It can, instead, be a further manifestation of existing processes of discrimination and 'othering' as surveilled populations' resistant efforts are focused only on redirecting the surveillant gaze from themselves and on to other traditionally suspect populations.

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