Institutional Shatter-Zones: State Practices of Information Control

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Abstract

The widespread adoption of the Open Government paradigm has turned transparency, citizen participation, and collaboration into crucial components of modern democratic States. However, critiques coming from both civil society and academia have warned about the failure of many institutions to effectively foster civic engagement through Open Government. For example, the recent emphasis on data-driven openness has been framed as a depoliticizing strategy to tame citizen empowerment. This essay approaches the performance gap between ideal versions of Open Government policies and their effective implementation, through the idea of *Everyday Forms of Institutional Resistance*: informal sociomaterial strategies of information control implemented by State actors, which make harder for information activists to join decision-making processes or hold institutions accountable. After an initial theoretical discussion, the essay sets out to analyze recent examples of institutional resistance through information control in the United States, to explore how this concept could improve the practice of Open Government by providing new insights on democratically questionable strategies of information control.

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Introduction

The widespread adoption of the Open Government[1] paradigm has turned transparency, citizen participation, and collaboration, into omnipresent and seemingly unquestionable components of modern democratic States (Yu & Robinson, 2012; Tkacz, 2012). Every year, countries around the world dedicate a considerable amount of human and economic resources to adopt the Open Government agenda via the implementation of national and subnational policies and institutional reforms. However, critiques coming from both civil society and academia have warned about the failure of many institutions to effectively foster civic engagement through Open Government, despite their commitments to achieve that goal. The recent governmental focus on data-driven *openness* in particular has been framed as a depoliticizing strategy (Birchall, 2015), a roll-back version of the Right to Information (Janssen, 2012), or an institutional tool to hijack civic empowerment processes (Bates, 2013). On the other hand, although the list of governments jumping into the Open Government bandwagon expands every year -as it is shown, for example, by the steady growth of the Open Government Partnership (OGP),[2] some of those same governments exhibit worrying trends towards opacity. At least two of the founding members of the OGP -Mexico and the United States- are currently waging what seem to be very overt wars against openness despite their previous commitments to support it; the Trump administration has allegedly removed many open datasets previously available online (Eaton, 2017), and the local OGP in Mexico lost its civil society partners due to accusations of government espionage over activists (Ahmed & Perlroth, 2017).

Critical views and current events point to the existence of a gap between the programmatic goals of the Open Government agenda inscribed in public policy, and their situated performance. Understandably, there are differences between what Open Government is in writing and its implementation, however for some countries this contrast is stark. For example, a quick comparison between the top spots in the Global Right to Information Index -which measures the quality of national laws- (Access Info, 2017), and the top spots in the Right to Information component of the Open Government Index -which measures performance- (World Justice Project, 2015), shows that none of the top ten legislations appear among the top ten performers, and that the worst performers (i.e. Liberia in place 81 and Sierra Leone in 91, out of 102) have some of the best legislation (places 8 and 10, respectively).

[1] Neither academia nor practitioners have agreed a general definition of what Open Government is. However, there seems to be considerable agreement in that transparency, collaboration and citizen participation are its core pillars.

[2] In their website, the Open Government Partnership is described as "a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance". It currently consists of 75 countries.

Set against the backdrop of the process that Sandra Braman has described as the emergence of the Informational State (2006), this essay focuses on exploring and foregrounding the politics of the gap between the ideals of Open Government and their situated performance. The object of study are informal institutional strategies of information control made possible by Information and Communication Technologies (ICT). Although the positive role of ICT in bringing about accountability, transparency and civic engagement is undeniable (Bertot et al., 2007), critical perspectives have also shown how the specific ways in which these technical tools are mobilized might also imply *taming* the empowerment potential of publishing government information, for example by privileging entrepreneurial versions of citizenship over more confrontational ones (Bates, 2013). With this in mind, and considering the amount of public resources required by the implementation of institutional reforms with a considerable technological component, my goal is to contribute both to the critical scholarship on Open Government, and to the improvement of Open Government policies, by dissecting information control practices that produce and maintain power asymmetries between citizens and the State.

The essay will analyse three recent and controversial examples of informal strategies of information control in the United States, through the concept of *Everyday Forms of Institutional Resistance*: informal sociomaterial strategies of information control deployed by institutional actors, which reduce the ability of information activists to partake in decision-making processes or hold governments accountable. In the following pages I will test the heuristic power of this concept, with the goal of producing an original understanding of a particular kind of institutional behaviour that seems to contradict government's compromise with the ideals of Open Government. The essay, situated at the crossroads of the Anthropology of the State, Feminist theory, Science and Technology Studies (STS) and Media Studies, is divided into three sections. The first is dedicated to build the concept of Everyday Forms of Institutional Resistance from a combination of James C. Scott's research on peasant resistance, Sandra Braman's work on the Informational State, Sara Ahmed's concept of non-performativity, and Actor-network Theory-influenced research on the State. Section two consist of an analysis of three recent examples of Everyday Forms of Institutional Resistance in the United States. Finally, section three presents the conclusions of the text.

Theoretical framework

As it often happens with concepts which receive a great amount of attention, the core of the idea of resistance has turned fuzzy due to an ever-increasing amount of phenomena being labeled as such (Hollander & Einwohner, 2004). However, it is not the goal of this essay to join the discussion about what is the essence of resistance. Instead, I will take a ready-made definition and focus on its heuristic capacities rather than on its conceptual notes, to find out whether

resistance is a useful concept to locate political traits in actions which would not *prima facie* be labelled as political. Therefore, in the following paragraphs I will build an argument around why I believe certain State practices related to information policy can be understood as a specific type of resistance addressed to citizens' empowerment, and more importantly, how framing them as resistance foregrounds problematic institutional behaviour that hinders the advance of Open Government. To achieve this goal, I will first introduce James C. Scott's formulation of Everyday Forms of Resistance, which I will afterwards situate in the context of the emergence of the Informational State and the Open Government Paradigm. Next, I will use Sara Ahmed's concept of non-performativity of policies to show how resistance can be compatible with institutional life. To conclude the theoretical section, I will make use of relatively recent ANT-influenced research on the State to suggest that institutional resistance might have a crucial role in in reproducing State power.

Everyday Forms of Institutional Resistance

Everyday Forms of Resistance are a conceptual tool developed by James C. Scott (1989) to study the resistance that peasant societies in Southeast Asia implemented, in some cases for centuries, to successfully resist State power. In their most general formulation they can be defined as a "stratagem deployed by a weaker party in thwarting the claims of an institutional or class opponent who dominates the public exercise of power" (Scott, 1989, p.52). What makes them particularly useful to discover the politics of seemingly non-political phenomena is the concept's focus on a dimension of human action which is often ignored, since Everyday Forms of Resistance consist mainly of "invariably quiet, disguised, anonymous, often undeclared forms of resisting claims imposed by claimants who have superior access to force [...]" (Scott, 1989, 37). According to Scott, Everyday Forms of Resistance are "light" on the symbolic dimension, in the sense that they do not seem to overtly challenge the fundamental power relations that give shape to particular social orders, and they are deployed without "openly contesting the dominant norms of law, custom, politeness, deference, loyalty and so on" (Scott, 1989, 57). Whereas more outspoken and confrontational forms of resistance provide clearer evidence of the organizational efforts they require, the material means that make them viable, the social links that sustain them through time, and the politics that moves them, Everyday Forms of Resistance purposely make every sign of their existence as subtle as possible to avoid detection. However, as Scott has shown (Scott, 2010; 2008; 1990), the former does not mean that they lack political motivation and goals, or that they are missing intentionality. In fact, it is precisely because of their covert nature that they may be extremely effective.

Everyday Forms of Resistance vary from individual micro-level actions, such as lying about the amount of taxable produce held by a farmer, to loosely organized collective action such as

circulating rumours about the powerful, to more organized collective action, such as averting State control by relocating entire communities to geographically rugged areas. However, since the object of study of this essay are practices of information control carried by State actors, there is no need to discuss in depth particular examples of peasant resistance. What is relevant for my purposes are not the strategies themselves, but their features: they are always subtle, in the sense that they do not imply overt confrontation with power nor pursue evident political goals; they are carried out covertly, as their aim is to achieve political goals while avoiding unwanted political consequences; they are anonymous, since a considerable amount of effort is invested in concealing the identity of the perpetrator; they are ambiguous, given that it is never clear if they represent a real threat to power or not and therefore can acquire the form of mistakes or involuntary actions; they are incremental, in the sense that they adapt to the responses of the powerful by decreasing or increasing their intensity accordingly, and finally, they are distributed, since they usually cannot be attributed to one single actor. These features make Everyday Forms of Resistance an efficient mechanism to contest power in contexts in which open defiance is too dangerous, when it is not advisable to call attention upon oneself; when complex social coordination is not possible or is too difficult, or when a certain acceptance of existing power relations is not only necessary, but also beneficial.

Although not free of controversy (Gutmann, 1993; Ortner, 1995),[3] the study of this kind of low-profile forms of resistance has allowed Scott and other anthropologists to make sense of how, despite enormous asymmetries of power, comparatively weak actors manage to avert the control of powerful ones. The reader who finds the notion of resistance incompatible with States -at least during their interactions with citizens- is invited to momentarily set aside the contentious charge of the idea of resistance, and focus instead on the aforementioned features of Scott's concept. It is precisely this kind of seemingly irrelevant behaviour that I want to trace for the case of State's institutions. A quick reference to a broader definition of Everyday Forms of Resistance, elaborated on top of Scott's works, may help to clarify the direction of my argument. According to Stellan Vinthagen and Anna Johansson, "[e]veryday resistance is about how people act in their everyday lives in ways that might undermine power" (Vinthagen & Johansson, 2013, p. 2). Reformulating this definition for the purpose of this particular essay, everyday institutional resistance would be about how States act in ways that might undermine citizen's ability to join decision-making processes or hold governments accountable.

The following paragraphs are dedicated to answer questions that immediately emerge when it is suggested that institutions may resist citizens: *what* is the object of this type of resistance, *who* is resisting, *how* is resistance performed and *through what* means.

[3] Gutman suggests that, ironically, Scott's own ideological position produces a *conservative* version of the idea Everyday Forms of Resistance, which only detects behaviour that seeks adaptation to specific historical conditions rather than transformation. Sherry B. Ortner suggests that Scott's works do not escape from two general and intertwined problems in the field of Resistance studies: thin ethnography, one that fails to engage deeply with the intentions, desires, fears and projects of the its actors, and representation problems that hinder the possibility of truthful portrayals of the Other.

Open Data, Transparency and the Informational State

Although the accusation that the US government headed by Donald Trump has removed *thousands* (Eaton, 2017) of open data sets lacks conclusive evidence,[4] there have been other verifiable instances of information control: agencies that used to publish data related to animal welfare, health-related fines imposed to companies, or ethics waivers connected to lobbying activities, have stopped their efforts of making that information public, and even the list of visitors to the White House ceased to be voluntarily disclosed (Eilperin, 2017). Particularly for the topic of climate change, as it is shown in the next part of this essay, there are very clear attempts to control the flow of information at odds with Trump administration's convictions. As much as these decisions seem relatively innocuous in comparison to other policies of the current US Government, they could have far reaching effects. Scientists have already warned about how the deletion of data might affect the quality of future policy (Herrmann, 2017).[5] Therefore, although it is extremely difficult to trace the political *motivations* of this kind of information controls, their political *effects* are more evident: they make it harder for citizens to influence certain areas of public policy, particularly those in which institutions are the sole generator and provider of information (Harmon, 2017).

Trump's record on transparency understandably raises eyebrows within the US, given that it heavily contrasts with the Open Government discourse held by the Obama administration. However, besides the inevitable comparison, there is a more complex reason why the control of information causes controversy, a phenomenon which is far from being limited to the US: not only states but also citizens have acknowledged the power of information, and therefore new practices built around it have emerged, many focused particularly on public information and open data. These practices have adopted variegated forms and repertoires of action, such as data activism (Milan & van der Velden, 2016), information activism (Halupka, 2016; Webb, 2013), hacktivism (Denning, 2001; Cammaerts, 2013), cyber activism (Sandoval-Almazan & Gil-García, 2014; Illia, 2003) media activism (Carroll & Hackett, 2006), etc. Despite their differences, they all share a reliance on *disclosure* (Hansen & Christensen, 2015; Hansen & Flyverbom, 2015) or *transparency devices* (Ruppert & Savage, 2011; Penny et al., 2013) through which information is made available to citizens. The relevance that these devices have acquired has at least two important political consequences. Firstly, the politics behind their assemblage become something that must be taken into account when using them, since the provision of

[4] The two websites that offer the most consistent evidence are the Sunlight Foundation, which maintains a page with a census of the datasets removed, and Think Progress, which keeps track of governmental all websites which have removed information. The evidence they show is extremely distant from the *thousands* of datasets, although it shows that information has been removed *in bulk*.

[5] https://www.theguardian.com/commentisfree/2017/mar/28/arctic-researcher-donald-trump-deleting-my-citations

information is not a "neutral transmission belt" (Hansen & Flyverbom, 2015, p. 874). Secondly, their *technical* performance becomes a matter of *democratic* performance. The latter implies that any decision affecting the devices' capacity to provide information turns into an object of interest for the general public, as well as a matter of political contention. In this sense, although institutional control of information is part of the legitimate repertoire of action of information policy (Braman, 2011; 2006), it might be perceived as illegitimate by citizens who increasingly rely on information to fuel their political agenda. This apparent contradiction points to the existence of an inner tension between the Open Government ideals and certain components of information policy as it has evolved globally since 2008, when openness went mainstream (Lathrop & Ruma, 2010). The quest for democratic legitimacy implied by the practice of institutional transparency and accountability, which presuppose freedom of information, and the State's need to exert informational power, which presupposes information control, seem to point to opposing directions. A paradigmatic example of this tension can be found in how the academic discourse around open data and transparency has evolved during the past few years --reflecting a shift in practice-, from an initial hopeful narrative focused on how the provision of information improves the relation between citizens and governments, to the emergence of a more critical discourse in which certain implementations of transparency and open data policies have been conceptualized as mechanisms of information control.

The hopeful narrative of open data and transparency usually centers on the social and economic benefits they bring about. In relation to the former, open data and transparency are said to increase citizen participation (Baack, 2015) through the creation of new forms of civic engagement (Davies & Bawa, 2012), boost public service efficiency (Huijboom & Van den Broek), and decrease corruption levels (Kolstad & Wiig, 2009). In relation to their economic potential, there is usually a considerable emphasis on the reuse of open data and public sector information for the creation of new products and services, which has turned them into drivers of economic growth (Janssen et. al., 2012) and innovation (Jatzek et al, 2013). Some authors even suggest that open data and transparency have triggered processes of cultural change within institutions, *mending* "the traditional separation between public organizations and users" (Janssen et al., 2012, p. 258).

Critical perspectives, on the other hand, focus on three main issues: the many drawbacks of both open data and transparency, the perception that information provision is a non-political process, and finally, the possibility that, after an initial success in empowering citizens, transparency and open data have turned into a market-oriented, and not a citizen-centric, practice. The criticisms aimed at performance issues do not deny transparency and open data's capacity to improve the relations between citizens and institutions, rather they make evident that both practices are far from being perfect. For example, Jonathan Fox has suggested that transparency may not necessarily increase accountability in contexts in which political actors are not afraid of public exposure (Fox, 2007). On the other hand, open data has been accused of increasing the digital divide, since its usage presupposes technical abilities which are still not widespread (Gurstein,

2011). Others have suggested that governments often appear to think that the sole publication of information immediately yields accountability, whereas it has been proven that citizens face many sociotechnical barriers before they can take advantage of data (Zuiderwijk et al, 2012).

The second kind of criticism focuses on how the hopeful narrative seems to ignore the political dimension of information provision, as if information itself or the devices used to communicate it were non political. For example, Göeta and Davies suggest that privileging open data over FOIA-related tools as a mechanism for distributing governmental information, implies the preference for a type of transparency that has a lower political potential, since the datasets proactively disclosed by the government tend to be much less contentious than the information requested by citizens (Goëta & Davies, 2016). On the other hand, Davies and Bawa state that government officials might identify that they have the power to produce *facts* through the creation and circulation of public records, which are later treated as objective realities (Davies & Bawa, 2012). In this sense, governments are not necessarily accountable for the process through which they chose what information they make available, which implies an unsupervised, although indirect, control over what the public is exposed to. Similarly, both Claire Birchall (2015) and Evelyn Ruppert (2015) have drawn attention on how the type of information and the devices used to circulate it have consequences over the types of *data subjects* or *data publics* generated in the process. Hansen and Flyverbom have focused on the relation between disclosure devices and transparency, stating that although the technologies which mediate the latter are usually considered as non-political, they have a considerable capacity to enlarge or reduce publics (Hansen & Flyverbom, 2015).

The possibility of a selective creation of data publics is also an element of the third type of criticism on the hopeful narrative of open data and transparency, which focuses on how both have recently turned into market-oriented devices. According to Jo Bates, for example, contemporary transparency and open data policies can be seen as instances of 'trasformismo', a strategy through which institutions tame the emancipatory potential of citizen participation by appropriating the discourse on openness and transparency, and redirecting it from citizen empowerment to the marketisation of public services (Bates 2013, 2012). Similarly, Clare Birchall suggests that recent data-driven transparency policies have turned into tools for promoting neoliberal versions of citizenship and weaken alternative, more contentious ones. As a consequence, openness, participation and transparency have lately become a matter of economic development rather than democratization (Birchall, 2015). For Katleen Janssen the current primacy of data-driven transparency also means that public institutions will increasingly allocate their efforts and resources on the small group of developers and activists who have the necessary abilities to use data, and less in making information available to a wider but less technical audience (Janssen, 2012). This strengthens a tendency in which citizens are forced to either adopt one of the forms of participation privileged by the state or be excluded (Birchall, 2015).

Although the hopeful and the critical narratives on transparency and open data have conflictive elements, they are not mutually exclusive. The drawbacks identified by the latter do not

undermine the victories highlighted by the former. However, a simultaneous reading of both discourses suggests that, although there is without a doubt a worldwide trend that pushes governments to be more open and provide citizens with more information, there is also a reactive process within institutions who would like to share only certain types of information, using only certain disclosure devices, and only to specific publics. The shift of focus to the type of depoliticized -or postpolitical (Mouffe, 2005)- transparency that Janssen, Bates and Birchall, among others, have identified, can therefore be understood as a reactive strategy of information control; since transparency and open government render institutions visible to scrutiny (Ruppert, 2015), a proactive selection of what parts should be visible, to whom and how, might very well be seen as a political project.

As the hopeful narrative makes evident, citizens can take advantage of the constitutive power of information to shape social reality (Braman, 2006) as much as States do. Given that an increasing number of countries are including the right to information in their constitutional laws, when citizens demand proactive or reactive transparency (Larrick, 2016) from the State they are making use of a fundamental legal power. These faculties are of course subject to constraints which are democratically agreed upon, and therefore States might retain exclusive control over information which is deemed too sensitive to be in the public dominion. However, there are other aspects of the process of organizing collective life from which it is harder to exclude citizens. Considering the aforementioned, I will refer to institutional resistance as the decision of government agencies to not provide citizens with non-sensitive information, particularly when they are expressly entitled to request it. Contrary to other instances of information control which are explicitly contained in the State's legal framework, these acts defy regulations and are clearly at odds with faculties which are also explicitly conferred upon citizens. When States have the legal mandate to provide citizens with the non-classified information they request, no *official* policy can have as a ultimate consequence the denial of information. Systems of checks and balances usually mean that even if a particular actor refuses to provide information, another higher authority will overrule such decision and grant the citizens what they want. However, that does not necessarily imply that institutions are left without any strategy to control information beyond what they are legally entitled to. It means that they need to resort to informal strategies which, although borderline illegal, are difficult to be challenged via *institutional* means. Some examples are: delaying the provision of information until its contentious potential is the lowest (i.e., when the plans of a controversial infrastructure project are not made public until the deadline for citizens to present complaints is about to expire[6]), disclosing information in onerous ways, making it useless in practice (for example offering to print thousands of pages that could

[6] See the story of the renovation of the Legazpi Fruits and Vegetables Market in Madrid: http://www.lalineaamarilla.es/2015/04/el-mercado-de-frutas-y-verduras-ese-oscuro-objeto-de-deseo/ (In Spanish. Accessed on the 17th of August, 2017).

be provided in digital formats, and requesting extremely high payments[7]), or using disclosure devices which make difficult the provision of information (for example, providing citizens with outdated or malfunctioning systems to access public records[8]). As long as all the components of these strategies remain within the confines of what institutional actors are legally entitled to do, they will not be easily challenged, due to the heavy investment of time and money required from citizens.[9] There is always the possibility to carry out organized *public shaming* on institutions who behave questionably, yet the success of this strategy largely depends on whether institutions are actually afraid of disrepute.

These types of information control belong to what Braman identified as the informal aspects of information policy. Although she acknowledges that informal practices have a considerable influence over States' use of informational power (Braman, 2017), her work has mainly focused on the analysis of the formal decisions of governments (Braman, 2006). In contrast, my concern in the rest of this essay will be with the informal dimension of the performance of information policies by State actors, how this dimension affects citizens' attempts to participate in decision-making processes or hold the State accountable, and how they create *areas of autonomous influence* for the State (Braman, 2006, p.36) -that is, areas under its exclusive control. The object of institutional resistance is therefore citizens' use of information, and *how* this resistance is performed is through informal practices of information control. Before focusing on answering *through* what means this resistance is carried out, I will turn to how it is possible that informal practices of information control subsist -and thrive- within institutional environments.

The non-performativity of Open Government policies

As it was mentioned before, one of the main arguments of the critical narrative on open data and transparency is that policies can be instrumentalized by governments to achieve goals of their own, and not necessarily citizen empowerment. Yu and Robinson (2012) have suggested that this process can be accomplished without even making institutions accountable. In this sense, openness policies can turn into another way in which institutions build their

[7] See the story of the FOIA request for DEA's documents on Mexican drug lord "El Chapo": https://www.muckrock.com/news/archives/2015/feb/05/dea-wants-14-million-it-will-begin-processing-requ/ (Accessed on the 17th of August, 2017).

[8] See Ryan Shapiro's battle with the Department of Justice of the U.S.: https://www.theguardian.com/politics/2016/jul/16/justice-department-freedom-of-information-computer-system (Accessed on the 17th of August, 2017).

[9] Although citizens are not usually full-time activists, some might still invest a considerable amount of time in contesting this kind of institutional action. For example, a citizen could challenge any of the aforementioned examples in court, asking the judges to determine whether these institutional actions, although within the confines of what is legal, truly comply with the democratic mandate of making information *available* to citizens. However, this kind of strategic litigation is not accessible to everyone and is not carried out for all public matters.

legitimacy without changing their opaque functioning, therefore increasing their power by making their actions unaccountable and creating areas of public policy which citizens cannot access. Feminist scholar Sara Ahmed has analyzed a somewhat similar phenomenon for the case of diversity policies (2016; 2012; 2007; 2006). Her work focuses on how institutions may pledge to implement policies to increase diversity, and even develop a considerable amount of work to achieve this goal, but not effectively alter their status quo. Ahmed's argument is that this kind of institutional commitment allows institutions to reap the benefits of saying they will do something considered valuable by society, without effectively doing anything. The concept that Ahmed uses to explore her hypothesis is that of non-performative acts, those which "work precisely by not bringing about the effects that they name" (Ahmed, 2006, p. 105). In the case of institutions this refers to speech acts that produce specific consequences because they are considered as if they were performative -that is, bringing about the effects they mention-, but in fact only reproduce the status quo, while nevertheless achieving the appearance that something is being transformed and the institution is *doing something*. As a result, institutions build *institutional walls*: "when a will, "a yes," does not bring something about, "a yes" that conceals this "not bringing" under the appearance of "having brought." (Ahmed, 2016, p. 6).

According to Ahmed, non-performatives bring about consequences because the institutional rationality of *checking boxes* allows them to provide their commitment, at least partially, as evidence of their policy performance. However, non-performative speech acts are not the only component of these strategies. One of Ahmed's most surprising findings is that not-achieving the goals institutions commit to might require a considerable amount of effort. For example creating offices of institutional diversity, hiring people to perform as diversity workers, investing time and resources in rewriting their mission statements to include diversity, holding public events to announce their pledge, etc. As Ahmed states, the consequence of all the efforts to incorporate diversity into the institution's identity is that, at a certain point, there is no question about whether an institution is or is not diverse. It is simply understood as a *given* and a part of the particular way in which the institution does things (Ahmed, 2012). Once the contingency of the institution's compromise disappears, and diversity has been incorporated as an element of its identity, any action that contradicts commitments, even when it comes from within the institution, becomes extra-institutional, since it is incompatible with the institutions' identity. As a consequence, the status quo is not only reproduced, but also increases its legitimacy, which makes it harder to challenge afterwards. This creates a crucial distinction between what is a formal institutional act and what is an informal extra-institutional act. Whereas formal actions comply with the collectively agreed regulation, and seem to always be directed to achieve the institutional goals, informal actions can subsist within the institution independently of their compliance with regulation, because they can always be deemed not-institutional. In this sense, they are a versatile tool that allows institutional actors to bring about goals that may be incompatible with the alleged *nature* of the institution.

One of Ahmed's main sources of information are interviews with diversity practitioners in charge of securing that policies are implemented within institutions. This task is, according to the descriptions she gathered, a constant struggle, since institutions seem to be more interested in diversity as an instrument to obtain various kinds of benefits (for example prestige, recognition or funding), than with the proper implementation of policies that increase institutional diversity. This instrumentalization resonates with some of the components of the critical narrative of transparency and open data reviewed previously. In this sense, it is possible to draw a parallel between both phenomena. Research about why institutions decide to become more accountable to citizens has shown that political groups may also implement transparency reforms to help them maintain power, or when they want to have institutional tools to fight adversaries if they predict they may lose power (Berliner & Erlich, 2014). This means that openness and citizen empowerment, just like diversity in Ahmed's research, may be one goal among many, and that opaqueness may be understood as an achievement made possible by non-performative policies, and not only as the result of malfunctioning policies. The idea of nonperformativity might therefore help to make sense of at least part of the gap between ideal versions of open data and transparency policies and their effective implementation; that is, it may be a productive tool to trace how *opacity* and transparency become two products of policies that are discursively aimed at producing only the latter, but are widely used by State actors due to their capacity to achieve the former.

The following section is focused on reflecting how an ANT approach could shed more light over the role of institutional resistance in the reproduction of State power.

An ANT approach to Everyday Forms of Institutional Resistance

What is clear is that, whatever it is that keeps things together and going, to date anyway, it is not 'un plébicite de tous les jours.'

Clifford Geertz

An ANT approach to Everyday Forms of Institutional Resistance helps to highlight their political relevance in two different ways. The first connects these practices with the increasing debate around the role of objects in democratic life (Marres, 2012), and adds up to something which Sara Ahmed also stressed in relation to nonperformativity: (technical) objects are crucial for the performance of State resistance. Non-human actors make possible to stabilize and sustain in time associations (Latour, 1990), crystallizing power asymmetries. In this sense, keeping citizens out of certain areas of governmental activity or escaping accountability, are achievements resulting from the mobilization of an army of objects, such as documents outlining institutional

procedures, forms citizens fill in, the code that makes possible e-government, or even the physical spaces in which the interactions between institutions and society occur, amongst many other *things* (Latour, 2005). The performance of state resistance is only possible *through* these devices, which therefore have the potential of making citizen empowerment both possible and a complicated endeavor. In this sense, an ANT sensibility brings to the spotlight that the choices governments make of the technological tools needed for governing are political choices, even if they are deemed too technical for general public involvement and discussion. Similarly, ANT makes explicit that even if these tools are enrolled in programs of action (Latour, 1990) with a clear objective, they may always go rogue and pursue, or allow others to accomplish, alternative goals.

The second way in which an ANT approach helps to highlight the political relevance of Everyday Forms of Institutional Resistance is connected to the question of *why* would States resist citizen empowerment at all, let alone by making institutional actions opaque. The answer to this interrogation requires a reflection around the nature of the State, which has recently become an object of enquiry for ANT (Passoth & Rowland, 2010, 2016; Rowland & Passoth, 2014). ANT scholars have defined the state as "not a point of departure, but rather an admirable achievement" (Schouten, 2013, p. 561); "a complex network of localised technical practices and devices" (Barry, 2001, p. 12); a "human/non-human assemblage composed of ideas/discourses, practices/organizations, and natural/cultural materialities" (Carroll, 2012, p. 494), or "the ongoing relational outcome of practices and processes which iteratively expand and protect it while others disband and unravel it" (Passoth & Rowland, 2010, p. 828). These type of definitions deny the *a priori* creation of boundaries between State and civil society, arguing instead for a performative definition that encompasses what it takes to produce and sustain in time such boundaries. In consequence, State power becomes an "emergent network achievement" (Ibid, p. 829) which can be traced by foregrounding all the work needed to assemble a network of humans and nonhumans that turns certain nodes (the institutions of the State) into obligatory passage points for all other actors (Schouten, 2013). The State, as a sociotechnical assemblage, only comes into being as it enrols specific actors through the use of its power (Passoth & Rowland, 2010). In this sense, against the quote by Clifford Geertz that opens this section, which reflects his opinion of what a State is not, my argument here is that through ANT it is possible to suggest that States are precisely *plébiscites de tous les jours* (an everyday plebiscite), however not exclusively between humans. Therefore, *Stateness* depends on the daily assemblage of a gigantic (which does not equal to untraceable) network of associations, that relies on a continuous exercise of power which, in turn, depends on whether or not the network achieves the emergent quality of being (*democratically*) *legitimate*. As a result, challenges to State's capacity to exert power, and negative judgements about the legitimacy of its acts, become threats to its existence. With that in mind, my hypothesis is that modern States resort to opacity to cope with a reduction of their power connected to their status as *uncertain* and *besieged* actors. As Sandra Braman states:

> "Uncertain," because the state as a Lockean (1690/1964) locus of consciousness, a perceptual entity (Beck, 1990; Scott, 1998) with its own ways of knowing itself and others (Braman, 2006; 1985), has decreasing confidence in its ability to effectively act, exercise power, in general; to act on its knowledge in particular; and, actually, to effectively know. "Besieged" in the sense that states are now often in confrontation with not only other states, but also with non-state actors that include, in addition to corporations, autonomous networks that make information releases by individuals such as Julian Assange and Edward Snowden possible (Braman, 2017).

A State that knows and acts less, in addition to being increasingly defied by other actors, may see information control as a strategy to prevent further reductions of its scope of action. Transparency, as "a system of observing and knowing that promises a form of control" (Ananny & Crawford, 2016, p.3), can become a particularly dangerous threat to the State in at least two different ways: on the one hand, the reduction of information asymmetries opens for non-state actors new realms of action previously monopolized by the State. On the other hand, the circulation of information which can be used as evidence of illegitimate associations by the State can have as a consequence the dissolution of such links, which implies a further reduction to its capacity to act. How much of a challenge this process is for State power becomes more clear if we consider another of Sandra Braman's statements: that informational power is a crucial determinant of the exercise of the other forms of power: instrumental, structural and symbolic (Braman, 2006). Changes in governmentality that have turned citizens into constitutive parts of government, rather than a *subject* of its power (Rose & Miller, 1992), reduce even more the scope of exclusive State action. This process is of course usually described under a positive light because it takes the point of view of citizens, for whom State's authority and power may represent a threat. However, from the point of view of the State it could be seen as a process similar to colonization, in which citizens and other private actors demand to join increasingly more decision-making processes, something which ultimately makes State's power diffuse and increases its reliance on the collaboration with other actors to continue its daily enactment.

Everyday Forms of Institutional Resistance fulfill a crucial purpose for the State: they contribute to keep in existence areas of autonomous influence by allowing the control of information other actors need to exert power and colonize State's territory. Crucially, they perform this task without directly reducing the State's democratic legitimacy, since they remain within the confines of what institutions are legally entitled to do. In this sense, Everyday Forms of Institutional Resistance are a strategy through which States that are faced with deep changes to their structure, try to remain the -allegedly- mighty apparatus that the 19th Century generated. They are tools to perform a type of State that seemed to be at risk of disappearing. The consequence of their performance is the creation of an institutional landscape populated with challenges that other actors have to overcome if they want to act. This landscape looks similar to

what Scott has called Shatter Zones: rough geographical spaces that exert a high amount of friction to State's attempts to exercise power, allowing for the subsistence of communities which refuse to be controlled (Scott, 2010). Parallely, we could refer to the landscape resulting of institutional resistance as *Institutional Shatter Zones*: *rugged* spaces created by State actors, where information is *made public,* to comply with the ideals of Open Government, without necessarily being *accessible*, thus reducing the capacity of citizens to use it to oversee state-agents or join the process of formulating new public policies.
The examples of institutional resistance that will be presented in the next section consist of subtle ICT-dependent strategies implemented by State-actors, to resist the informational power that citizens derive from the incorporation of the Open Government ideals to the performance of modern democratic States.

Everyday Forms of Institutional Resistance in the United States

The following examples of Everyday Forms of Institutional Resistance were gathered from two main sources. First, newspapers such as the New York Times and The Guardian, which have closely followed the controversies around president Trump's shifting and controversial attitude towards Open Government. Second, the websites of U.S. organisations which develop activities connected to the Right of Access to Information, such as MuckRock[10] and Environmental Data & Governance Initiative (EDGI).[11] The source material spans from January to August, 2017.

The FBI and the CIA: Thwarting access to information through technical means

A quick dive into the Electronic Frontier Foundation's[12] (EFF) website, a short crawl in MuckRock's user forums, or reading a few articles from ProPublica,[13] will create the impression that almost any request of information addressed to the U.S. Federal Bureau of Investigation

[10] MuckRock is is a non-profit collaborative site that provides tools to keep the U.S. government transparent and accountable. https://www.muckrock.com/ (Accessed 23rd of August, 2017).
[11] The EDGI is a network of academics and non-profits born after Trump's election with the express goal of monitoring changes to and archiving public environmental data to ensure its availability.
[12] The EFF is a nonprofit organization defending civil liberties in the digital world. https://www.eff.org/about (Accessed 23rd of August, 2017).
[13] ProPublica is an independent, nonprofit newsroom that produces investigative journalism in the public interest. An essay on FOIA failures can be accessed here: https://www.propublica.org/article/delayed-denied-dismissed-failures-on-the-foia-front (Accesed 23rd of August, 2017).

(FBI) or the Central Intelligence Agency (CIA) implies a timely battle to obtain public records.[14] Whereas the U.S. law determines that its agencies should respond to FOIA requests within 20 business days, this period is often not respected in part due to the difficulty of sanctioning non compliance, and in part due to the discretionality given to institutions to determine what it takes to process requests. For example, a recent ruling from a Federal Court forced the FBI to increase its 500-pages-a-month processing limit to prevent a single request from taking 17 years to be fulfilled. The limit set by the Agency, which was considered unjustified and unreasonable by the Judge (Gerstein, 2017), does not seem to be stipulated within the Department of Justice FOIA regulations.

In order to make more efficient its FOIA performance, the FBI introduced in early 2017 a new system to file requests, after two years of development (Couts & Cameron, 2017). The innovation caused uproar within the FOIA-activism community because with the introduction of this new mechanism, email requests, which were the most popular form of contacting the agency, were abandoned. However, that was not the only controversial change. The new system (called eFOIPA) included a series of limitations which increased the difficulty of the already complicated process of requesting the Bureau's public records. A preliminary analysis of the eFOIPA platform made by the EFF identified the following problems: a 3,000 character limit on requests (which usually require much more space in order to be legally sound), technical barriers to prevent automated requests, and limits to the type of requests that can be made online (only those related to events, organizations, Privacy Act requests, and deceased individuals, which excluded FBI operations and communications) (Mackey, 2017). Furthermore, the new tool limited users to one request per day and one request per submission, and required a scan of the requester's id, their phone number and physical location. After extensive criticism of the new system, the FBI lifted all the restrictions (except for the restriction to automated requests) and requirements of providing personal information from its system, and stated that these features were part of the beta testing period of the platform, which would then be taken offline for modifications(Couts & Cameron, 2017). The dismissal of email as a mechanism to file requests is, however, still in force, which leaves only the platform -which has been described as unnecessary by FOIA experts (Henry, 2017)-, fax and normal mail as alternatives.

The CIA has a similar history of making access to information difficult. Until early 2017, access to the more than 10 million files that the agency has declassified since 1995 was only possible by using four computers located in a building of the National Archives in Maryland. According to visitors, next to the terminals, print signs warned about cameras recording visitors wishing to use CREST, the CIA Records Search Tool: "the CIA will gather and store information about your

[14]A study based on the requests filed through the MuckRock website showed that the CIA took, in average, 252 days to fulfill requests. However, considering that the agency has not fulfilled or rejected more than 50% of MuckRock's requests, this average is very likely low. The FBI has a similar attitude towards FOIA requests, with an average of 228 days and less than 20% of requests furtilled or rejected. (https://foia-data-hackathon.github.io/foia-scores/. Accessed 23rd of August, 2017). This average is very close to the one reported by the FBI of 252 days for 'complex' requests (https://www.justice.gov/oip/page/file/920596/download. Accessed 24th of August, 2017).

visit automatically" (Falconer, 2009). MuckRock battled for 3 years to force the agency to make this database available online, resorting to a lawsuit in 2014 that forced the CIA to make explicit the arguments to avoid disclosing the information: that making public electronic versions of the documents implies the risk of having them altered; that forcing users of the database to consult it in a physical location deters evildoers from misusing the information, and that it would take 24 years and USD 108,000 to reproduce the database in a way in which it could be disclosed through a FOIA request (since it was necessary to manually remove the metadata of each file). MuckRock's description of the whole process helps to make explicit how CIA's refusal to the initial FOIA request was plagued by dubious arguments:

> In 2000, using cutting edge 2000 technology, CIA populates CREST over a matter of months. For the next 15 years they insist that the only way to protect this system is to videotape people who want to access it. In 2015 they say that, using cutting edge 2015 technology, it will take them 28 years to make CD copies of CREST. Then they say that they already MADE CD copies of CREST in a matter of months if not weeks, meaning that it will only take 6 years to copy THOSE copies.
> But they can copy those records to the web in 4 years. Less than a year later, they say that because of the huge public interest in CREST over the last several years (that they expressly disavowed less than 6 months before, did you remember?) they will have all of CREST online within a year because nobody needs to be videotaped any more. Then, less than 2 months later, they put all of CREST online (McClanahan, 2017).

Resorting to technical means to thwart access to information seems to be a common solution for institutions, since it allows them to de-politicize (Swyngedouw, 2015) the refusal of information requests, replacing a discussion about whether the information is of public interest or not, with statements of the technical impossibility of disclosure. FOIA activist and researcher Ryan Shapiro has seen many of his requests to the FBI denied with this type of argument, prompting him to state that the agency purposely uses an outdated tool to search its database of records (the Automated Case System, ACS). According to Shapiro, the ACS, which is 22 years old, indexes records inadequately and its search functions allows the FBI to comply with FOIA regulations by querying only a small percentage of the text of the cases, which has the consequence that even if the information requested exists, sometimes it is not located by the search.

Donald Trump and climate change: Using the *correct terminology* in institutional communications[15]

[15] The peculiar dynamic of the Trump administration means that some of these strategies of resistance may have been rolled back by the time of reading. They were in force at the time of writing, or the period in which they were active is clearly specified.

The questionable stance on climate change policies that Donald Trump held throughout his presidential campaign did not take long to turn into specific acts of information control once he took office. Scientist immediately started fearing the de-funding or total shutdown of government-backed research projects, prohibitions for government-employed scientists to talk to the media, and other strategies inspired by the war on science implemented by the former Canadian prime minister Stephen Harper (Turner, 2013). While other U.S. presidents have materialized their personal views on environmental topics in similarly controversial ways (for example, George Bush Jr. closed the Environmental Protection Agency's libraries arguing budget restrictions) the Trump administration is probably the first to fully immerse in the internet age by implementing institutional resistance mechanisms which are native to the web. For example, one of the first actions after Trump took office was enforcing a media blackout (already lifted) to the Environmental Protection Agency (EPA) and the National Park Service (Maron, 2017).

The dynamic nature of the internet allows for a variety of native Everyday Forms of Resistance. As the events related particularly to Trump and climate change are currently unfolding, it is only possible to develop a preliminary typology on the basis of the level of intervention over governmental websites in which information is made public. Thus we can identify two strategies of resistance: modifying the wording of the information contained in websites and removing links. The first strategy consists of subtle changes to the text of the websites in which information about climate change used to be available. These modifications imply a radical change of institutional discourse that reflects the convictions of the new administration. In August, 2017, The Guardian newspaper obtained a series of emails between the USDA and the Natural Resources Conservation Service (NRCS) detailing the changes that should be implemented to the language used in official documentation. The USDA required employees to avoid the term "Climate change" and "climate change adaption (sic)", replacing them with the terms "weather extremes" and"resilience to weather extremes", respectively. In The Guardian's article, a federal employee is quoted saying "I would like to know *the correct terms* I should use instead of climate changes and anything to do with carbon ... I want to ensure to incorporate *correct terminology* that the agency has approved to use" (emphasis added) (Milman, 2017), which gives a glimpse to the power that these modifications to the language of the websites imply; the *correct* terminology that will be used to formulate public policy during Trump's presidency will be that of climate change deniers. This opens the question of whether those using a different terminology will be able to productively communicate with institutional actors or not, since they will be talking about two clearly different things: weather extremes unrelated to human activity or human-made climate change. However, these changes to the official language are not the only modification to the wording of government documents. This case has been the most controversial so far because the emails provided clear evidence that the changes were politically motivated. However, the EDGI has detected *hundreds* of changes to different websites of the Department of Energy, the Department of Transportation, the Government Accountability

Office, the Bureau of Land Management, the State Department, and the Department of Agriculture (Table 1 presents an overview). Although *end of term* modifications to government websites happen with every new administration, monitoring such as the one carried out by the EDGI made evident a clear goal to erase any reference to human-made climate change, its effects over the environment and society, and the US policies meant to tackle it.

In addition to changes in wording, the EDGI has detected another strategy which could also be labelled as an Everyday Form of Institutional Resistance: content removal via deletion of links to databases, research or policy text. Very often, after links have been deleted, the information is explicitly referred but the full policy documents cannot be directly retrieved, although they may remain online in an archived version of a website or in a different section (see Figure 1). In this sense, the information is still public, but is less accessible than before, as only those who know precisely what they are looking for will find what they want. A good example of this type of tactic is the case of the U.S. National Strategy for the Arctic and its Implementation Plan. Both documents, which at the time of writing are still accessible online through the official Obama White House Website archive,[16] cannot be reached through the current Energy.gov website. Referring to another instance of content removal -the deletion of the White House's Climate Change mini-website- a VICE reporter perfectly summarizes not only the political relevance of the act of deleting information from official channels, but also its problematic consequences:

> At issue is not whether it's possible to find Obama's climate policies and information pages somewhere on the internet. But Obama's archived White House website is no longer the face of the American government, Trump's is. The current White House administration has decided that climate change is not an important issue to highlight or mention on the home page of the executive branch.
>
> The concern that has been stated by many scientists is that the turnover from a pro-science administration to one that has publicly denied climate change science will make it much more difficult to find good information on the topic from the government. Much of this will happen simply because the issue has been de-prioritized and information will be moved to less prominent domains. That is what has happened here (Koebler, 2017).

Despite their apparent irrelevance, the institutional resistance that the U.S. Government is implementing regarding climate change information might have serious effects within and outside the U.S.. Researchers of all fields, ranging from climate science to urban planning, rely on datasets generated and provided by the U.S. government. The control over the flow of information exercised by the Trump administration will have negative repercussions over the work of people who rely on government data to conduct research. However, this is not the only

[16] https://obamawhitehouse.archives.gov/blog/2016/03/09/advancing-implementation-national-strategy-arctic-region (Accessed on the 21st of Auguts, 2017).

effect. Governments rely on research to formulate public policy, and the unavailability of well grounded research affects the quality of the policies formulated. A powerful example can be obtained from looking again at Canada, whose 2010 census was deemed too expensive by Harper's government. The lack of this data renders virtually impossible to tackle common policy goals such as poverty relief, immigration, or taxes (since there is no socioeconomic and geographic information of Canadians) (Grant, 2015). Toni Samek, from the School of Library and Information Studies at the University of Alberta, described this process as a "'national amnesia' that will block [Canada's] ability to keep government accountable, remember its past and plan its future" (Kingston, 2015). Similar effects will hinder U.S. policy on climate change and will probably have effects worldwide. Moreover, the interconnectedness of information means that the removal of particular datasets will likely influence the quality of those which remain public.

In an interview for the website Gizmondo, Etienne Benson, a historian of science of the University of Pennsylvania which is involved with the DataRefuge[17] movement, described the situation in a way that resonates with the idea of Everyday Forms of Resistance: "I think apocalyptic imaginations of a total destruction of all data are a red herring. What's much more likely is an increase in friction. An increase in friction could have very serious effects, even if bit by bit it looks like minor interventions" (Stone, 2017).

The previous examples can be seen as instances of institutional resistance performed by the U.S. Government. In the first case, the CIA and the FBI make difficult the disclosure of documents which have the potential to help reactive information activists hold both agencies more accountable to the public by investigating their past behaviour. In the second case, different agencies are implementing strategies to prevent a proactive use of government information to fuel research or evaluate the performance of public policy. The strategies implemented by the institutions to resist citizen control exhibit most of the features highlighted in the theoretical section of the essay:

Subtlety: whether it is the implementation of faulty systems or modifying the wording of public documents, these strategies of resistance affect minor elements of the relation between citizens and the State. They are not performed over critical and heavily monitored infrastructure, such as electoral or financial systems. On the other hand, although they are in force on a daily basis after being implemented, and will remain active until they are discontinued, they are not easily detected, since they are triggered by specific interactions with the State. And even then, they do not affect citizens *en masse*, but rather affect one individual at the time, which makes them less controversial than actions which automatically have effects over the lives of entire communities. Resistance through FOIA directly affects only the individual requesting information, and changes in the wording of websites or the deletion of links only directly affect those who are

[17] According to their "About" page, DataRefuge is an initiative committed to identifying, assessing, prioritizing, securing, and distributing reliable copies of federal climate and environmental data so that it remains available to researchers. (https://www.datarefuge.org/about. Accessed 25th of August, 2017).

interested in obtaining information. It is when the subtlety of the strategy is counteracted, for example by turning the availability of climate change information into a matter of public interest, that the capacity of the strategy to effectively control information diminishes; then the State is forced to either explain its decisions or roll them back.

Anonymity and distributed agency: a shared feature among the examples of institutional resistance outlined above is that they are usually not performed by identifiable agents that are *politically* accountable. It is never specific bureaucrats or politicians which are performing the resistance. In fact, it is very often not humans; it's the FBI's ACS system, or the CIA's CREST platform, or the updated websites already stripped from the offending concepts or links. The resistance is therefore performed by networks of humans and non-humans who cannot be singled out as the ultimate responsible actor; does the FBI agent who sings the letter informing of the non-existence of requested information has more responsibility than the system that cannot locate it? Or the camera that deters evil doers and paranoid citizens from accessing CREST in its physical location? When anonymity and distributed agency disappear, and single political agents become susceptible of being liable of specific actions, this form of resistance also loses its effectivity.

Ambiguity: none of the components of the Everyday Forms of Resistance presented in the previous paragraphs can be immediately and easily identified as institutionally reprehensible behaviour. For example, the FBI's new faulty FOIA system was put in place as an innovation that would increase efficiency. This allows the institution to label the collateral effect of making requests more difficult an *unwanted* consequence. Similarly, the jealousy with which the CIA, protected CREST by refusing to disclose it on the internet, and requiring people to physically access records, was justified as a matter of National Security. However, it not only made accessing the database more difficult, but also allowed the agency to carry a thorough registry of who obtained information. Finally, the modification of websites and the removal of links have been described by US authorities as common *end of term* updates. In this sense, these actions are hardly regarded as political, since it's *only* a matter of removing URLs, making government more efficient or protecting national security, rather than public officials openly expressing that they consider citizens should not have access to information. However, after they become publicly discussed and journalists, activists or researchers outline their political motivations or effects, they lose their ambiguous nature, which also means they either need to be justified by authorities or stopped.

Incremental: the actions comprising the institutional resistance strategies can be adapted to the response they get from the public, increasing or diminishing their strength accordingly. Thus, the CIA connects CREST to the internet once it finds out it will be forced to make the information public by a Judge, after having kept it under strict control for 15 years. However, the agency could still implement other strategies of control over the online database, similar to what the FBI did with its eFOIPA system. Likewise, different State departments change or roll-back the

changes to their websites to respond to outrage. In any case, their flexibility allows them to not be entirely wiped out once they are made public.

Covert: The covert nature of Everyday Forms of Resistance is probably their most crucial quality, since losing this character would automatically imply that they are also deprived of most of the other features. An interesting example of how these strategies of resistance lose their power once they are stripped of their secrecy is the aftermath of the publicization of a gag-order issued by the United States Department of Agriculture (USDA) to its scientists. The order, issued in an internal email, contained a general prohibition on everyday communications from employees of the institution with outside agents. Public officials from the USDA were banned from releasing public-facing documents, including but not limited to "news releases, photos, fact sheets, news feeds, and social media content" (Grandoni, 2017). That this ban had the goal of preventing information produced by the USDA from reaching a general audience follows from the fact that it was not extensive to the publication of peer reviewed articles. After the news was widely circulated in the media, the USDA backed up and issued a statement two days later, clarifying that the order had been rescinded. Furthermore, high ranking employees of the institution stated that the gag-order had not been formally approved or reviewed by the appropriate parties. Jacobs Joung, administrator of the Agricultural Research Center stated: "This internal email was released prior to receiving official Departmental guidance and is hereby rescinded" (Grandoni, 2017b). In this sense, it was not even the bureaucrats which were responsible for the re-wordings, but an unapproved anonymous email. After becoming visible, the gag-order not only lost its power to silence employees, but also became a non-institutional act from which the USDA refused to take responsibility. However, the question remains of whether this informal action would have been successful in preventing the circulation of information or not, had it not been leaked to the media. As long as it remained hidden, circulating only around those who share adscription to the USDA, it would have secretly and subtly reduced the amount of public sector information that citizens would have available.

Conclusions

In an effort to carry out an experiment in what Downey and Zuiderent-Jerak call *STS Meta-activism*, “the activities deployed by STS scholars to assist or support actors who may already be resisting, challenging, or seeking alternatives to dominant images in their field” (2017, pp. 234-235), my concern in the previous paragraphs has been to take controversial institutional behaviour framed by information activists in the U.S., and analyse it through the idea of Everyday Forms of Institutional Resistance. The argument has been threaded as follows: the information policy that allows the Informational State’s control of information production, flow and processing has also allowed the empowerment of citizens. However, since

informational power considerably determines the exercise of other types of power (instrumental, structural and symbolic), States have strong incentives to restrict the kind of information citizens can access. This creates a tension within information policy, given that States cannot allow themselves to lose the democratic legitimacy that has traditionally been identified as the source of their power, and therefore cannot easily implement mechanisms of information control that citizens identify as illegitimate. In this context, some institutions have reached a peculiar equilibrium; their formal behaviour complies with democratic ideals, and therefore the State is able to retain its legitimacy, but the performance of information policy often makes use of unregulated behaviour (which is harder to be judged as (un)democratic, since it lacks formal existence), to achieve higher degrees of information control. Governments produce information which is afterwards stored in institutional spaces whose topography is the result of the interaction between people, regulations and infrastructure. Just as it happens with geographical spaces, the territory of institutional spaces also exerts varying degrees of friction over any activity. I have tried to draw a parallel between how the friction of physical territories can be used as a tool to diminish State's capacity to control rogue peasants, and how the friction of institutional territories diminishes citizens' ability to access the information that institutions make public in such spaces. Two main conclusions can be derived from that:

1.- Lingering behind my argument throughout the essay is the idea that, just as peasants willingly relocate to geographic shatter zones to avoid state control, States may willingly produce institutional shatter zones in which they make information public. The question of whether this intentionality can in fact be identified is a complicated one, and has already been directed at Scott as a criticism to his work on peasant resistance (Ortner, 1995). Whether communities move to areas with wild geographic features as the result of a conscious debate among the group members or by a happy accident, is something that can only be confirmed or denied by directly asking the peasants. Unfortunately, this is impossible to solve for the case of institutions, since it would be a political suicide to accept -were that the case- that information is willingly made difficult to access. Nevertheless, the problems with allocating the source of the resistance do not necessarily equal to say it is impossible to find resistance. It may only require a shift of focus. The intentionality of the peasants or the institutional actors is not required to achieve the end results, whether it is decreased state control or decreased access to information. In both cases the resistance is predominantly performed by a different agent, namely the physical or the institutional landscape. Everyday Institutional Resistance is, therefore, predominantly a distributed practice.

2 .- What Open Government *is*, cannot be defined prior to the execution of its policies, and critiques to its performance may be more productive if they start by questioning what Open Government is in practice, rather than looking for the enactment of a set of ideals. Similarly, criticisms about the performance of transparency and open data policies should not depart from general assumptions about what they should be, but from empirical investigations that identify the way in which they are effectively performed. This essay has been an attempt at "separating

ontologies from assumptions" (Law & Lien, 2013) for the case of the Open Government practice of making public sector information public. It has shown that, although it is generally right to assume that the enactment of openness increases the relative share of power of citizens, it may also have the consequence of making possible State's resistance to civic empowerment. If, with ANT, we depart from the idea that what *is* in the world is done in practices (Law & Singleton, 2014), what we get from the analysis of how openness is performed by the State is a group of institutions which are not only concerned with engaging citizens politically, but also generating areas of autonomous influence in which state actors remain in control of the means to shape reality. In this sense, there is no *gap* between ideal and enacted versions of Open Government policies, rather ontological multiplicity (Mol, 2002). Openness is *at the same time* a tool to centralize and diffuse power among actors, and the way in which it is locally stabilized each time will depend on how the elements comprising the practice are assembled and mobilized.

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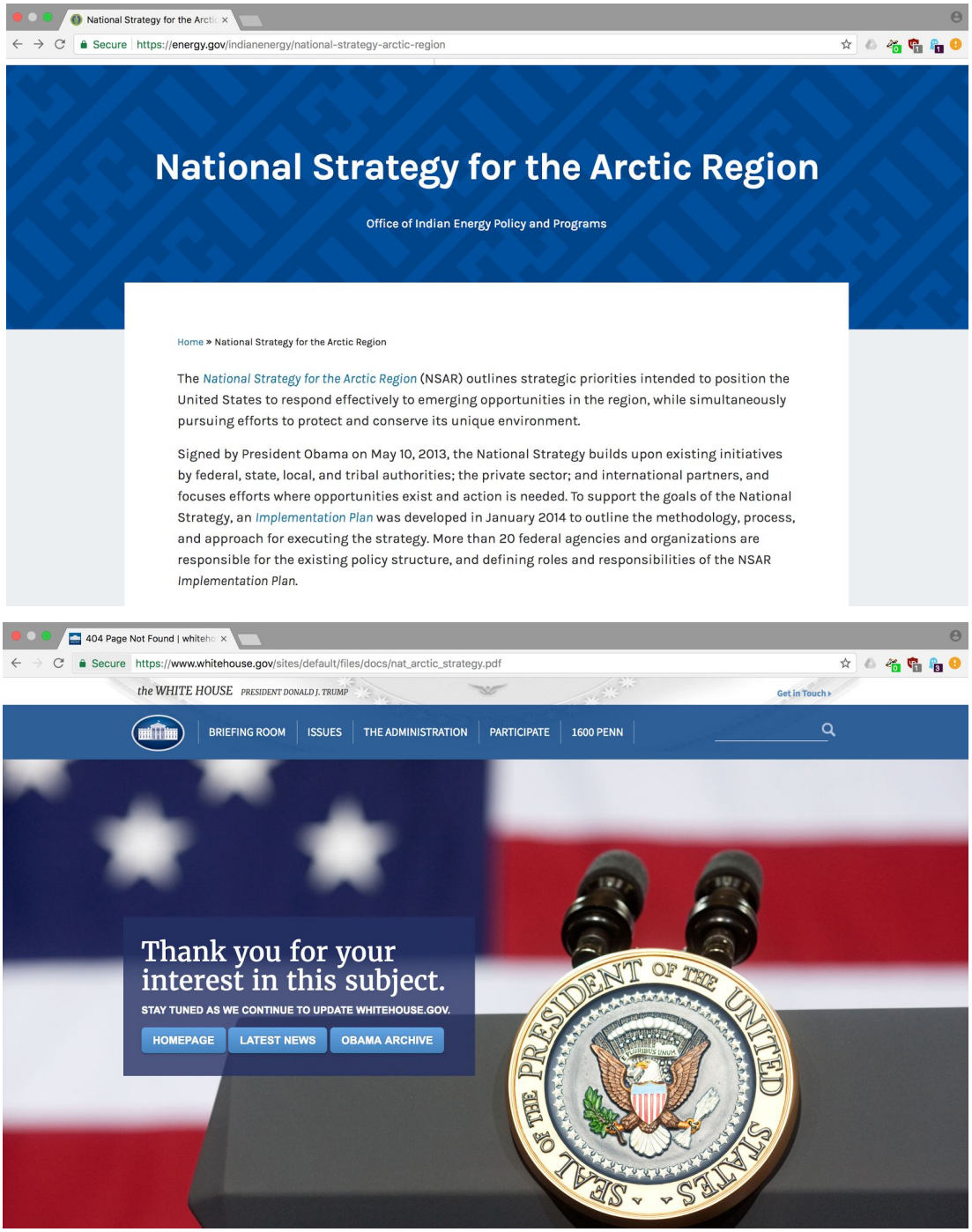
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Figure 1.



The frontpage of the US National Arctic Strategy and the landing page to the full document. Although there is a link to the Obama Archive, it does not lead directly to the document requested. Screenshot by author, 21st of August, 2017.

Table 1: Changes in wording to government websites. Compiled and adapted from EDGI's website.

Institution	Change
EPA	There were several potentially significant changes in the Environmental Protection Agency's (EPA) Climate Change section on the Federal Partner Collaboration page, including a title change from "Federal Partner Collaboration" to "EPA Adaptation Collaboration." New text on the page checked on January 22nd about the US Global Change Research Program highlights adaptation research as a core function of the EPA rather than climate change mitigation, preparedness or resilience, as described on the same page on January 16th.
EPA	There is a significant shift in the communicated mission and duty of the Office of Science and Technology (OST) within the Office of Water. The description of "What We Do" no longer references science-based standards, methods, etc and has changed the description of their work from "developing scientific and technological foundations..." to "develop[ing]...technologically and economically achievable performance standards…." There is no longer any mention of science.
Department Of Energy	There were several changes to the EIA's Energy Kids educational pages on the effects of coal and oil on the environment, as well as changes to the pages on hydrogen, energy saving, and electricity. Some content was completely removed, while other content was slightly reworded or moved. The most significant changes are removals of links to information about greenhouse gases and removal of sentences describing the environmental impact of non-renewable energy sources. There were also several minor changes to pages on hydrogen and electricity that do not significantly alter content, and these pages are included for completeness.
State Department (Office of Global Change)	Significant wording and content changes to the office description a. Removed mention of "greenhouse gas emissions" and this sentence, in particular: "The working partnerships the United States has created or strengthened with other major economies has reinforced the importance of results-driven action both internationally and domestically and are achieving measurable impacts now to help countries reduce their long-term greenhouse gas emissions." b. The terms "adaptation" and "sustainable landscapes" have been added.
Bureau of Land Management	Removal of language about the purpose of the 2015 rule on hydraulic fracturing on BLM lands: "to ensure that when those operations are undertaken on lands where a BLM permit is required, steps are taken to ensure wellbore integrity, proper waste water [sic] management, and greater transparency about the process, including information about the composition of fracturing fluids."
Office of Science and Technology	Both the "About" statement and Mission Statement of the Office of Science and Technology Policy (OSTP) have been changed. - Removal of the phrase "sound science". - Phrase change from "accurate, relevant, and timely scientific and technical advice" to "advice".
EPA	The EPA modified its discussion of programs on water utilities' management of climate change impacts to focus more on resilience and extreme weather. The agency ultimately removed all 19 uses of the word "climate" and changed the name of the program from "Climate Ready Water Utilities" to "Creating Resilient Water Utilities".

Government Accountability Office	The Government Accountability Office page on managing federal oil and gas resources has been edited to change the framework within which natural gas production is discussed to expand the focus on job creation and economic benefits.
Department of Transportation	The DOT Federal Highway Administration has renamed what was previously known as “The Sustainable Transport and Climate Change Team” to “The Sustainable Transportation and Resilience Team” and altered the language used to describe its members’ roles. It has also systematically changed language relating to climate change, including the terms “climate change,” “adaptation,” “greenhouse gases,” and “greenhouse gas pollution,” either removing it entirely or replacing it, using terms like “sustainability,” “extreme weather,” “resilience,” and “emissions,” which each have a distinct meaning from the terms they have replaced and are commonly relied on to avoid discussing climate change. These changes occurred systematically across page titles, employee roles, and website domain names.
Department of Energy	Extensive changes and reorganizations occurred on pages in the Wind Energy Technologies Office (WETO) of the Department of Energy’s Energy Efficiency and Renewable Energy (EERE) Office. [...] Changes to the "About the Bioenergy Technologies Office: Growing America’s Energy Future" page and two of its subpages, “Key Activities” and “Accomplishments and Successes”. Of the listed changes, several fall into two main categories: (1) changes in emphasis on wind energy as replacements for fossil fuels and (2) shift in emphasis on US jobs and economic growth.
Department of Energy	Extensive changes and reorganizations occurred on pages in the Vehicle Technologies Office (VTO) of the Department of Energy’s Energy Efficiency and Renewable Energy (EERE) Office. [...] Changes to the “Vehicle Technologies Office: Moving America Forward with Energy Efficient Vehicles" page and three of its subpages, “Working with Us”, “Partnerships”, and “Plug-In Electric Vehicles and Batteries”. Of the listed changes, several fall into two main categories: (1) changes in emphasis on renewable fuels as replacements for fossil fuels and (2) shift in descriptions of vehicle technology priorities.
Department of Energy	Extensive changes and reorganizations occurred on pages in the Bioenergy Technologies Office (BETO) of the Department of Energy’s Energy Efficiency and Renewable Energy (EERE) Office. [...] Changes to the "About the Bioenergy Technologies Office: Growing America’s Energy Future" page and two of its subpages, “Key Activities” and “Accomplishments and Successes”. Of the listed changes, several fall into three main categories: (1) changes in emphasis on bioenergy fuels as a replacement for fossil fuels; removal of mention of “greenhouse gases”; and shift in emphasis on US jobs and economic growth.