

Citizen Snowden

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What kind of citizenship has Snowden performed? Apparently, it is not American citizenship because American authorities attempted to try him for treason and he became a stateless fugitive. After requesting political asylum in 21 countries, he was eventually granted temporary asylum in Russia. Neither states nor international organizations recognized his act as an act of citizenship. Did Snowden perform a citizenship that is yet to come? Did he perform an international citizenship? The issue of rights usually recognized in the literature on the debate about Snowden's act concerns its content such as the practices of states spying on their citizens. This article focuses on the act itself as making digital rights claims that do not yet exist in law. We argue that just as Snowden's act disrupted surveillance practices that evermore traverse national borders, it also called for digital rights and responsibilities that traverse national legal orders.

Keywords: citizenship, performativity, international politics, digital rights

I believe in the principle declared at Nüremberg in 1945: "Individuals have international duties which transcend the national obligations of obedience. Therefore individual citizens have the duty to violate domestic laws to prevent crimes against peace and humanity from occurring."

—Edward Snowden, Moscow Declaration²

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² From Edward Snowden's Moscow Declaration; the full text is reproduced in Scheuerman (2014, pp. 623–624). Retrieved from <http://wlcentral.org/node/2849>

In 2013, Edward Snowden, then a U.S. National Security Agency (NSA) contractor, revealed thousands of classified documents without prior authorization about secret and mass surveillance programs run by the U.S. government.³ Snowden knew he was acting illegally as an American citizen and contractor (breaking social conventions), but he also believed that he was performing an international duty (invoking another social convention). He not only exposed the spying of the U.S. government on its own citizens, but also on citizens of other countries with impunity and at a scale hitherto unknown, and he did so with a sense of international duty that exceeded his national duty.

We still live in the shadow of Citizen Snowden. In this article, we attempt to interpret the kind of international citizenship Snowden enacted. Today, as the struggle between international technology corporations and agencies rages over encryption, we are still trying to understand what Snowden blew open three years ago. What Snowden spectacularly revealed is that states, corporations, and agencies do not only (want to) have access to our words (data), but also when, where, how, and to whom we are saying these words (metadata). If indeed it was J. L. Austin (1962) who has shown (and to whom we shall shortly return) that in and by saying words we accomplish acts, we are arguing that it is also in and by doing things—such as firewalling, encrypting, downloading—that we are also saying something. If we also recognize that our sayings and doings through the Internet inevitably traverse national borders and invoke international legal orders, as many commentators have pointed out, the picture is rather complicated. We want to argue that Snowden casts a shadow on the politics of data for not only the rights of citizens belonging to certain states but also the rights of citizens as members of the international community of the governed whose acts traverse borders.⁴ We argue in this article that the kind of citizenship that Snowden performed is as important as the kind of citizen he already is—an American.

What Is Performative Citizenship?

Citizenship has become a conflictual legal and political status. On the one hand, it refers to already established legal and political categories of nationality, belonging, and identity based on sovereign state–citizen relations. Yet, on the other hand, it also provokes cosmopolitan and global aspirations and movements that conflict with nationality. This tension between conflicting duties was brought to attention by William Scheuerman (2014), who first suggests that we should interpret Snowden’s actions as civil disobedience and second argues for revising our conception of civil disobedience by taking into account the international scene in which it is now located. Scheuerman rightly points out that “the media hoopla has obscured a less flashy yet more vital part of [Snowden’s act], namely the *moral and political seriousness* with which Snowden acted to make the hitherto covert scope and scale of NSA surveillance public knowledge” (p. 610, emphasis in original). By stressing “that Snowden has thought long and hard about the fundamental question of when and how citizens of a liberal democratic state are morally and politically obliged to violate the law” (p. 610), Scheuerman locates Snowden in the tradition of civil disobedience of Henry David Thoreau, Mahatma Gandhi, and Martin Luther King. If indeed civil disobedience is a “public, nonviolent, conscientious yet political act contrary to the law usually done with

³ See, for example, a detailed account in Bauman et al. (2014) and Lyon (2014).

⁴ The phrase *international community of the governed* is from Michel Foucault. See Isin (2017) for a discussion of the uses of this phrase.

the aim of bringing about a change in the law or policies of the government" (p. 611), then Scheuerman interprets Snowden's act as civil disobedience. For Scheuerman,

Snowden's main claim . . . is that his actions not only protect fundamental—but now systematically endangered—rights and laws, but that they also directly embody core legal virtues (for example, publicity and openness) on which any legitimate liberal and democratic legal order depends. (p. 613)

Yet, Scheuerman asks, which laws, rights, and legal orders did Snowden's act interrogate? He admits that "Snowden's statement also evinces some significant novelty. Even if earlier civil disobedients hinted at our increasingly global condition, Snowden takes it as a given, as his comparatively direct and detailed appeal to international law effectively attests" (p. 622). We argue that the novelty of Snowden's act performed through the Internet for making digital rights claims is an international citizenship yet to come. It belongs to what Peter Spiro (2011) argues as "the emergence of an international law of citizenship" (p. 696).

In a recent and comprehensive overview, Spiro (2011) illustrates that the acquisition of citizenship and dual citizenship have gradually become the norms of an incipient international citizenship along with a new emphasis on "denial of citizenship" as injustice and "access to citizenship" as a right (p. 717). Spiro says that sovereign practices of nationality are being transformed by these emerging norms of international citizenship so much so that citizenship is displacing nationality as a descriptor. Snowden himself evokes this international citizenship with his reference to the principles of international law (Principles of International Law, 1950). If we are to make a case for "Citizen Snowden," we need to work through this ostensible conflict between national and international citizenship. Charles Tilly with characteristic clarity illustrates this conflict. By defining government as any organization that controls any substantive territory and by reserving the term *state* for those governments that are recognized as sovereign, he understands citizenship as a relation between governmental agents and various categories of people who are subjects of that government. As such, "citizenship designates a set of mutually enforceable claims relating categories of persons to agents of governments" (Tilly, 1997, p. 599). The problem with such an understanding of citizenship, as has been said often over the past 20 years, is that none of the terms constituting that understanding—sovereignty, government, territory, state—has the solidity and fixity that Tilly assumes. This is both a historical (did they ever have such solidity?) and a contemporary (are the flows of goods, services, capital, and people equivalent?) condition. Tilly himself understood this and accepted that "we should also recognize that citizenship has become a pressing intellectual issue in recent years precisely because alterations of the western polities and economies have put valued rights under serious threat" (Tilly, 1997, p. 602). But citizenship has become even more complex than the erosion of rights in Western states: The very conditions of possibility of such rights—government, territory, state, sovereignty—have become entangled with various scales and sites of politics (Isin, 2009). Yet, Tilly was right to warn that "analysts of citizenship must take care to distinguish description, analysis, and advocacy or risk substitution of wishful thinking for mapping of the possible" (p. 602). Almost to heed that warning, analysts of citizenship have increasingly drawn from theories of performativity to investigate the ways in which people make rights claims across sites (e.g., borders, zones, camps) and scales (e.g., national, cosmopolitan, transnational, human) to constitute themselves as citizens evoking and invoking a series of relations and principles (Isin, 2012). This broadly indicates a

performative approach to citizenship that shifts our focus on doing citizenship through making rights claims (Zivi, 2012). Tellingly, Tilly himself shifted toward analyzing making rights claims through what he called "contentious performances," and his work has been rather influential in shaping performative approaches to citizenship (Tilly, 2008). Although we have provided overviews of performative citizenship elsewhere (Isin, 2012, 2013a; Isin & Ruppert, 2015), we would like to provide a sketch here by highlighting the particular theoretical lineage we draw from and how we critically expand on it. This is important for understanding Snowden's act not only as an act of national citizenship as currently understood, but also as an act of international citizenship yet to come through its performative force.

We suggest that this performative understanding of citizenship gained traction in citizenship studies precisely because it captured a practical aspect of citizenship that eluded conventional approaches to citizenship. Classical social movements involving Blacks, women, and queers, who, by performing rights that they had (as citizens) claimed rights that they did not have (e.g., suffrage, same-sex marriage), articulated a politics of citizenship (van der Heijden, 2014). To these groups, migrants with or without papers have joined to expand the repertoires of making rights claims by performing rights that they do not have by claiming rights that they want to have (Meijer, 2014; Thompson & Tapscott, 2010).

As scholars would later emphasize, social movements increasingly became international movements and began making rights claims across borders, invoking both national and international legal orders (Tarrow, 2005). Through these movements, what we have witnessed is the increasing convergence and integration of human rights and citizenship regimes (Isin, 2013b). It is this practical aspect of citizenship performed by those who may or may not have the rights that they claim by appealing to not only national but also international legal orders and it is this traversing of borders that the performative approach to citizenship attempts to capture.

At the center of analysis of doing, enacting, or performing citizenship is making rights claims that bring citizen subjects into being. This is not necessarily a question explicitly addressed by Austin (1962, 1970) but whose conception of performativity has nonetheless been advanced by a generation of scholarship from Derrida (1988) to Butler (1997).⁵ What we do here is illustrate that for Austin thinking about performative utterances involved the identification of a typology of various classes of speech acts. But for us he left out perhaps the most important one from the point of view of subjects of rights: claims. We briefly highlight the key discovery of Austin that informs our understanding of performative acts, his classes of acts, and why it is important to add a new class of acts called claims.

Those who are familiar with Austin or Derrida or, for that matter, Butler will find the following brief discussion familiar. But we do think that considering claims as a different class of speech acts is, as far as we are aware, unconventional, so we do suggest following us on this. It is well known that Austin considers that a speech act involves doing things with words. It is also well known that he critiques the

⁵ The debate over performativity and speech acts is extensive. See Loxley (2007) for an excellent summary for beginners. In international relations, there has been some debate about speech acts. See Buzan, Wæver, and de Wilde (1998). Our approach to performativity critically draws from Butler (1997) and Derrida (1988).

(then and perhaps still) dominant view that understands a speech act only as a description. Austin designates this descriptive element of speech acts as constatives. When we use statements such as "I believe in the principle declared at Nuremberg in 1945," as Snowden did, we appear to be describing something—ostensibly a belief. Yet, this statement also has a force that it gathers from by whom, when, and where it is made, all of which together accomplish an act. In this case, it is an act of disobedience. Unfortunately, for Austin and for us, it is often assumed that this statement performs a constative speech act. It is assumed constative in the sense that it is only describing a state of affairs, it is considered a statement because it is describing something, and it can be verified or falsified. As a constative, a speech act is considered a statement that signifies a meaning about something.

Yet, Austin was not happy to accept that this is all there is to a speech act: to describe a state of affairs. He noted that when a statement either warns about something or urges someone to do something, it moves from being a statement to a being an utterance. Why? It is because it accomplishes an act by its force rather than merely providing a meaning. Austin says that there are many verbs in the English language that can be classified according to these effects of meaning or force. One of the most original moves Austin makes is to use three connectives to classify speech acts: *of*, *in*, and *by*. He reserves the first one for descriptives and the latter two for performatives. For *of*, Austin says: the act *of* saying something is a locutionary act. This is a speech act whose meaning calls forth a truth versus false distinction and provokes verification or falsification. It describes a state of affairs and submits itself to verification of whether its description is true or false about a state of affairs. The effect of a locutionary act—what we just called a *constative*—is to succeed or fail to produce a meaningful description of a state of affairs. So, Austin accepts that indeed some speech acts function in this way. But he complicates speech acts by introducing two further possibilities. For *in*, as *in* saying something we may be doing something, Austin says it produces an illocutionary act. This is a speech act whose force creates a potential effect in a state of affairs that it seeks to describe. What it invokes is not verification or falsification but whether there is an uptake. To put it another way, whether an utterance is successful (felicitous) or unsuccessful (infelicitous) can be determined by whether it has produced a force.⁶ For example, in saying that "Individuals have international duties which transcend the national obligations of obedience," we may be indicating something that is not readily recognized but ought to be. Although our speech act places us under an obligation, we have not done anything yet. In saying something, we have brought forth—performative—conditions for something to happen. Even though it may not accomplish anything, we can determine whether it has had any force by the effects it produces. Did the utterance "Individuals have international duties which transcend the national obligations of obedience" produce any force? Finally, doing something *by* saying something is a perlocutionary act. This is a speech act that must have an effect to be actualized. Like an illocutionary act, a perlocutionary act invokes an evaluation along felicitous or infelicitous lines rather than true or false.⁷ By saying that "individual citizens have the duty to

⁶ As Shoshana Felman (2003) writes, "since . . . to speak is to act, performative utterances, inasmuch as they produce actions, and constitute operations, cannot be logically true or false, but only successful or unsuccessful, 'felicitous' or 'infelicitous'" (p. 15) Also see Bell (2007, p. 115).

⁷ Austin gives examples of illocutionary acts such as betting, bequeathing, warning, promising, and so on, and examples of the perlocutionary acts such as persuading, annoying, thrilling, bullying, frightening, wounding, and so on (Cavell, 1994, p. 81).

violate domestic laws to prevent crimes against peace and humanity from occurring," we are now making a claim that performatively imposes an obligation on ourselves to speak out against abuses of power. If you are not mobilized to speak out against an abuse of power that you find intolerable, my speech act will not have its performative force actualized. This speech is not only describing a state of affairs, but in and by making claims, it is also bringing a state of affairs into being. By saying something, we have accomplished something; we have brought something into being. So, for Austin, to recap, of saying something has meaning (locutionary acts), whereas in or by saying something has force (illocutionary and perlocutionary acts).

The crucial if not revolutionary insight of Austin is that these distinctions between meaning and force, between statement and utterance, and between constative and performative are key to understanding speech that acts and how this is different from speech that describes. What often trips up Austin's readers is that "speech acts" has a double meaning: There are speech acts and there is speech that acts. By advancing the idea that speech is not only a description (constative) but also an act (performative), Austin ushers in a radically different way of thinking about not only speaking and writing, but also about doing things in or by speaking and writing words.

This much is what we think is familiar, although we have condensed it in a brief space. Yet, we still have to demonstrate specifically how the citizen subject as a speaking subject is called on in making rights claims. (Or how making rights claims calls forth a subject of rights.) To do this, we need to continue with Austin a bit more and then show how his classes of speech acts require expansion to understand citizen subjects making rights claims in or by saying and doing something. Consider the five classes of speech acts that Austin thinks have performative force—these are judgments, decisions, commitments, acknowledgments, and clarifications:

1. Judgments include acts such as acquitting, convicting, measuring, characterizing, ranking, calculating, or placing. These are typified by giving a verdict about something. We would separate legal judgments from practical judgments and value judgments, but the effect for Austin would be the same.
2. Decisions are such acts as appointing, excommunicating, sentencing, nominating, resigning, bequeathing, pleading, and pardoning. These are typified by exercising power, influence, or authority.
3. Commitments include acts such as guaranteeing, pledging, consenting, espousing, embracing, and proposing. Promising or undertaking to commit to doing something typifies these. These also include declarations or announcements of intention.
4. Acknowledgments are acts such as apologizing, congratulating, commending, cursing, and challenging. They are typified by action that involves socially oriented and evaluated expression.

5. Finally, clarifications involve acts such as conceding, illustrating, assuming, postulating, or replying. They are typified by the declarations "I argue," "I postulate."

These classes of speech that acts are clearly useful for developing a view on doing, enacting, or performing acts. But it is difficult to understand the performativity of Snowden's speech act, which is not easily, if at all, classifiable as a judgment, decision, commitment, acknowledgment, or clarification. It has elements of all and yet is not reducible to any. This is because, we argue, Austin (and his interlocutors) has not paid enough, if any, attention to the subject who says "I, we, or they, have a right to" and does, enacts, or performs claims. This subject is not a subject of grammar but a subject of language; given that language is social, this is a social subject. This is where we begin to experience limits to Austin's classes. What kinds of acts are those that involve making rights claims? When Karen Zivi (2012) argues for a performative approach to understanding rights, she suggests that

it means asking questions about what we are doing together when we say we have rights, about the realities we create and the relationships we engender through the making of rights claims, and about the effects that our utterances may have, intended or otherwise, on both ourselves and others. (p. 19)

This, in turn, for Zivi, requires "appreciating the extent to which our claims both reference and reiterate social conventions and norms, and yet have forces and effects that exceed them" (p. 19). Thus, she argues

that we treat claims such as "I have a right to privacy" or "We have a right to health care" as performative utterances, asking not just whether the particular claim corresponds to law or morality as if it were simply a constative utterance but also what it is a speaker does in or by making a particular claim. We need to analyze making rights claims, in other words, as an illocutionary and a perlocutionary activity. (p. 15)

We agree and add that when we are considering claims as speech acts, we are not only considering illocutionary or perlocutionary activity, but language as also a social activity. Austin is perhaps aware of the limits of remaining in the first person, but when we consider claims as social, we need to transgress these limits. So, by adding a class of speech acts beyond those identified by Austin is perhaps related to Austin's limits in considering language as social.

We have elsewhere suggested that the class of acts that involves "making rights claims" can be added as a new class of acts to Austin's: claims (Isin & Ruppert, 2015). By approaching citizenship as a performative act, we are arguing that making rights claims in or by saying and doing "I, we, they, have a right to," people perform or enact themselves as citizen subjects. But here we would like to go a step further and suggest that in or by saying and doing "I, we, or they, have a right to" produces a citizen as a social subject that brings all persons (I, we, they) into relationship with each other.

How does "I, we, or they, have a right to" function as a claim? There are two registers to its functioning. First, it places the citizen subject under social conventions that constitute callings on her. Making rights claims in or by saying "I, we, or they, have a right to," the citizen subject recognizes—explicitly or tacitly, consciously or unconsciously—that she acts under certain social conventions. When Snowden declares his belief in a Nuremberg principle and says, "Individuals have international duties which transcend the national obligations of obedience," he is saying, "I have a right to" and this is only possible within a social convention (Nuremberg principle) from which it derives its force.⁸ Bourdieu (1993, p. 107), critiquing Austin, emphatically argues that the speaking subject is a social subject in this sense.

Second, the claim "I, we, or they, have a right to" also places demands on the other to act in a particular way. This can activate the force of the law, for example, when citizen subjects claim that a right is being violated. Or it can mobilize a performative force in or by breaking a social convention. Or it can invoke an imaginary force by appealing to a convention that is out of place or time (Bourdieu, 1993, p. 107). When Snowden says that "individual citizens have the duty to violate domestic laws to prevent crimes against peace and humanity from occurring," he is performatively claiming a right to break a convention and place himself under another convention with others. This is the sense in which the rights of a subject are obligations on others and the rights of others function as obligations on us (Bourdieu, 1993, p. 111).

By virtue of its performative force, "I, we, or they, have a right to" can create new ways of acting. When these ways of acting involve people making digital rights claims in or by saying and doing things through the Internet, then they constitute a kind of speech act that we name a digital act (Isin & Ruppert, 2015). Like speech acts, digital acts may involve words, but not necessarily so: They can also involve doing things through the Internet such as communicating, collaborating, networking, whistleblowing, programming, aggregating, blogging, coding, e-mailing, filtering, firewalling, following, friending, liking, messaging, posting, trending, tweeting, and uploading, and resignifications such as classifying and linking. It is through these actions that digital acts are performed. When people perform such digital acts in or by saying and doing "I, we, they have a right to," then they are making digital rights claims and enacting themselves as digital citizens. So, if indeed making rights claims is a transformative act that brings subjects into being by their performative force, we think that Citizen Snowden has performed an act of international citizenship because making digital rights claims traverses national borders. Clearly, legal and constitutional aspects of such a citizenship are not yet in place, including digital rights for actions that evermore traverse national borders and invoke multiple national and international legal orders. That is why by performing and making digital rights claims, Snowden has shown a glimpse of an international citizenship yet to come.

⁸ Let us note that an act of submission is also a creative act despite its negative connotation. That is why it is more nuanced to think of power being exercised through three inseparable modes of obedience, submission, and subversion. See an elaboration of this in Isin and Ruppert (2015).

What Was Snowden's Act?

We argue then that the kind of citizenship Snowden performs needs to be understood as one that traverses the borders of national citizenship and performs an international citizenship whose force remains incipient if precarious. Was it an act of treason, as some have argued? Or was it an act of citizenship? If so, from where did it draw its performative force?

Although it is not possible to cover all of the details of his act, it is instructive to start with the account Snowden gave of himself. We have so far concentrated our interpretive efforts on the statement he made in Moscow. It is a particularly poignant statement that performs, as we have seen, various functions. But Snowden made other statements to give an account of his act. In an open letter, he wrote he emphatically states that "citizenship carries with it a duty to first police one's own government before seeking to correct others" (cited in Greenwald, 2014, p. 73). For whom is he speaking? Obviously, he is not speaking only for American citizens. But then what is the source of his authority for enacting this particular citizen subject? He also declared in that letter that

I understand that I will be made to suffer for my actions, and that the return of this information to the public marks my end. I will be satisfied if the federation of secret law, unequal pardon, and irresistible executive powers that rule the world that I love are revealed for even an instant. (cited in Greenwald, 2014, pp. 74–75)

For us, what Snowden says is that he did more than expose the surveillance practices of state authorities. He acted and his act performed the rights and responsibilities of a new kind of citizen. As he has stated, he felt he had "a moral duty to act" and that his was an "act of political expression" and "an act of patriotism" (Harding, 2014). That he used the name "Citizenfour" in his initial encrypted communications with documentary filmmaker Laura Poitras and *Guardian* journalist Glenn Greenwald connects his understanding of what he was doing as an act of an international citizen. For rather than defending his ostensibly individual rights, through his act, he claimed that "I, we, they have a right to" did not only apply only to American, but also to citizens of other countries whose data had been shared between the United States and European states. In this regard, rather than defending existing rights, we argue that he performed digital rights yet to come. These are rights that many citizens are claiming in their words and deeds about the collection, use, and circulation of data by corporations and governments.

It is important to reiterate some aspects of Snowden's act.⁹ His act mobilized and required the participation of several others who joined him in making a claim. After several failed attempts to first anonymously e-mail Greenwald to engage him in sharing the sensitive documents he had compiled, Snowden then contacted Poitras, who at the time was working on a film about surveillance. Well versed in communicating via encryption software—gained as a result of being a subject of government surveillance, detention, and interrogation about her filming activities in Iraq—Poitras eventually established Snowden as

⁹ This summary draws on an account by Peter Maass (2013) written soon after the initial revelations about Snowden's act.

credible. She then enlisted Greenwald and he started to join their communications after first learning how to use encryption software. It is telling about Snowden's act to consider all of the precautions and protocols that he, Greenwald, and Poitras had to use to privately communicate. Using encryption software, working like an intelligence operation, taking care about what computers they used, how they communicated, how they protected information, where they kept copies and who kept copies, all of these actions were performing their claim to the digital right to private communication. So too were the precautions and spy-like arrangements they had to take for their eventual meeting on May 20, 2013, when Snowden finally left Hawaii for Hong Kong.

Significant is that, before their meeting, Snowden advised that he wanted to go public. Although secrecy had been their operating principle, he did not intend to remain anonymous: "He wanted to take responsibility for what he was doing, Poitras said, and he didn't want others to be unfairly targeted, and he assumed he would be identified at some point" (Maass, 2013, para. 60). That he would go public also meant that his working relationship with Greenwald and Poitras would also effectively come to an end.

The first article about the classified documents appeared June 6, 2013, in *The Guardian* (Greenwald, 2013). Written by Greenwald, the article revealed how a secret court order required Verizon (a U.S. telecommunications company) to give millions of daily customer phone records to the NSA. On June 7, an article by Poitras written with journalist Barton Gellman appeared in *The Washington Post* and made public that the NSA and Federal Bureau of Investigation were tapping into the "central servers of nine leading U.S. Internet corporations, extracting audio and video chats, photographs, e-mails, documents, and connection logs that enable analysts to track foreign targets" (Gellman & Poitras, 2013, para. 1).

The program, code-named PRISM, was made public for the first time. On June 9, *The Guardian* posted a video on its YouTube channel that Poitras had made in the Hong Kong hotel room. In the video, Greenwald interviews Snowden, who reveals himself as the source of the leaks. Snowden states that he felt compelled to talk about what he was seeing in the files he had access to and felt he had an obligation to act. Greenwald points out to Snowden that whistleblowers usually stay anonymous and asks why he has decided to declare himself openly. Snowden answers that he felt that he owed the public an explanation because he was subverting their government and doing something outside his democratic rights. He wanted to show that he was just "another guy" who had been watching the surveillance practices of the NSA about which it was neither his nor the NSA's place to decide are right or wrong. Rather, he asserts that this should be a matter of open and international debate.

Soon after the first articles were written and the video was posted, Snowden left Hong Kong (Poitras, 2013). Being sought by the U.S. government for espionage, he eventually arrived in Moscow and entered diplomatic limbo in the transit area of the Sheremetyevo airport. He then delivered the statement

that we have focused on. After a drawn-out period, Russia finally granted him one-year temporary asylum and then a three-year residency permit; he is understood to still be living there.¹⁰

Having agreed to film their meeting in the Hong Kong hotel room, Snowden, Greenwald, and Poitras collectively made themselves answerable and accountable for their role in revealing the surveillance activities of the NSA (Poitras, 2014). The film—*Citizenfour*—went on to win an Academy Award and a British Academy of Film and Television Arts award for best documentary feature, as well as dozens of other awards and nominations. Like Snowden's decision to not remain anonymous, each acted as an international citizen with corresponding rights and responsibilities. Each is now in various conditions of exile—Snowden in Russia, Poitras in Germany, and Greenwald in Brazil.

The substance and reach of the surveillance practices exposed by Snowden are significant to consider especially in relation to his appeals about his obligations as an international citizen. Much attention is given to the substance of the surveillance activities and their compilation of massive volumes of phone records and data from major Internet platforms. But critically, Snowden revealed how metadata about citizens were being circulated between states, thus traversing state borders and bringing into question the jurisdiction to which these citizens appealed. What the Snowden files revealed is that the reach of state surveillance and the circulation of data are transversal. Indeed, what Citizen Snowden revealed with considerable performative force is that "national security is no longer national" insofar as the generation and circulation of data are conducted at transnational scales of varying and dispersed connections and relations (Bauman et al., 2014).

Citizen Snowden's act has been variously described as terrorism and criminality, charges that he anticipated in the video produced by Poitras (Branum & Charteris-Black, 2015; Qin, 2015). He recognized that he faced the risk of such charges given that he challenged the most powerful intelligence agency in the world. He stated that he expected that the U.S. government would say that he committed grave crimes, violated the Espionage Act, and aided the enemies of America, all arguments that would be made against anyone revealing practices of state mass surveillance.

That Snowden understood his act as that of an international citizen is performative for it is also against his citizenship rights that the subsequent reaction and actions of the U.S. government focused. Most notably was the revocation of his passport on June 20. As Weil (2014) documents, since 1835 one function of a passport has been to confirm a citizen's legal identity while abroad, and this is one of the privileges and immunities of American citizens protected by the Fourteenth Amendment. Although the State Department affirmed that Snowden remained an American citizen, the validity of his passport was good only for return to the United States, which effectively meant that his passport was voided, thus

¹⁰ According to WikiLeaks, Snowden applied to 21 countries for asylum (Siddique, 2013). On July 31, 2013, Russia eventually granted him temporary asylum for one year and then, on August 1, 2014, granted him a three-year residency permit ("Edward Snowden's asylum in Russia," 2015).

denying him the right to remain abroad.¹¹ Snowden's privileges and immunities of American citizenship were thus violated when his passport was revoked. The State Department, argues Weil, lacking the authority to directly revoke or attack the citizenship of American citizens, which is strongly protected, in this case resorted to a strategy of transforming an American into a de facto stateless person. This also meant that the U.S. government acted illegally and in contravention of human rights. In this regard, Snowden brought the slippery slope of absolute legality versus illegality into sharp relief.

We also think Snowden's stateless status speaks to the problematic of citizenship rights that his act illustrated. As we noted previously, his act appealed to not only the rights of American, but also to citizens of other countries whose data are circulated and shared between states. Yet, without a passport, his citizenship is not denied, but his rights as a citizen are: his right to travel and the right to have his legal identity affirmed while remaining abroad. How might we think of his stateless status as that of a citizen yet to come? Weil (2014) examines in some detail the legality and implications of the action of the U.S. government that helps us address this question.

Past judgments of the U.S. Supreme Court have set a precedent that a passport can be revoked to deny the guarantee of American citizens the freedom to travel (to travel outside the United States and cross foreign borders). What Weil (2014) highlights is that although the Court has upheld this power for reasons of national security, jurisprudence has not affirmed the absolute protection of the second function of a passport, that of confirming a citizen's legal identity. However, "the right to possess basic identity documents detailing one's date and place of birth, along with names and surnames, has become an absolute right, as much a fundamental human right developed throughout the twentieth century" (Weil, 2014, p. 573). At issue is that this right has not been affirmed by the Court in relation to a passport. If the Court had done so in relation to Snowden, Weil argues, it would have affirmed this as a constitutional right. He thus suggests that

if asked today by Edward Snowden, for example, the Court would have to confirm that it is his absolute right not to be deprived of his legal identity as an American citizen. This absolute right can first be deduced from the absolute protection afforded to him by his status as a citizen. (p. 570)

We want to point to two performative contradictions that highlight the problem of citizenship Snowden articulated. The first is recognized by Weil (2014). By canceling the validity of Snowden's American passport, the state stripped him of an identity document affirming his citizenship and thereby (illegally) rendered him de facto a stateless person. This allowed the Russian authorities to follow conventions applying to refugees and issue him an identity document.¹² But there is a second performative contradiction in Weil's solution to the protection of Snowden's right to a legal identity. He

¹¹ Weil notes that the only other instance of this was when the State Department revoked the passports of Yemeni Americans on the grounds that they were illegally naturalized and that their passports were obtained illegally.

¹² This very much embarrassed the Obama administration and strained relations with Russia, China, and other countries (Rucker & Horwitz, 2013).

argues that the first function of a passport—the right to travel—can be suspended without revoking it as an identity document. Although historically it has been difficult if not impossible to deny the freedom to travel without seizing a passport, new technologies enable suspending the right to travel while still permitting the bearer to prove her identity and citizenship. Weil suggests that through biometric passports and radio-frequency identification technologies, states can do this and “make this information available throughout the world” (p. 577). Are not the very technologies of data collection and sharing between states revealed by Snowden now being put forward to protect his citizenship rights?

The struggles over Snowden’s passport—whether in paper or biometric form—concern the exercise and protection of his identity and rights as a citizen who acts beyond national borders. This highlights for us two aspects of Snowden’s act as that of an international citizen yet to come. One concerns his enactment of rights that traverse state and national borders and invoke international legal orders. The second is that the space of data accumulation and analytics is also a transversal space, one that does recognize national borders yet traverses them. On this second aspect, there is a growing digital and communications scholarship that analyzes the implications for digital rights of the state surveillance activities that transcend national borders as revealed by Snowden (Garrido, 2015; Harding, 2014; Landau, 2013, 2014; Toxen, 2014). We have highlighted the first aspect of how Snowden performed digital rights in and by not only what he said, but also by what he did. That is, Snowden enacted rights claims by not only saying but also doing things through the Internet. From encrypting communications to leaking NSA files, Snowden broke conventions and made rights claims. And like the transversal space of data, we have underscored how Snowden’s act also traversed national borders and that this was its performative force and the making of an international citizen yet to come.

Snowden: An International Citizen Yet to Come

The epigram at the opening of this article is a quote from Snowden’s statement at a press conference conducted after he became an exile in Russia. That he was surrounded by and acted in relation to human rights activists and journalists and his appeal was to not only his rights and duties but those of citizens made his speech act a social act; that he spoke of international duties conveyed his understanding that those rights and duties transcend national obligations; and he recognized that disobeying existing conventions was necessary. It is in relation to both this context and content of his statement that we have interpreted it as a rights-claiming speech act of an international citizen yet to come. But as we have also elaborated, Snowden did not only express these claims through his words, but also through his actions and deeds. This is what we suggested in our description of what Snowden, Poitras, and Greenwald did when they made classified documents public or encrypted their communications; through these things they made digital rights claims. First, they performed themselves as claimants of rights especially in relation to their data such as those expressed in the Charter of Human Rights and Principles for the Internet: rights to privacy, anonymity, freedom from surveillance, and protection of personal data (Internet Rights and Principles Coalition, 2014). But second, and beyond exercising these digital rights, they also acted as political subjects who make digital rights claims through what they do, in or by acting through the Internet. Thus, they not only expressed but performed rights and claims through how they communicated, shared, expressed, and disseminated material.

It is worth remembering that digital rights were both the subject of Snowden's act—the surveillance of citizens' communications—as well as the object that he expressed through his words and deeds. So, while Austin famously argued that language is a means of social action and that people do things with words, what we have elaborated is that they also make claims through their deeds, by doing words with the things that make up the Internet.¹³ From downloading, uploading, forwarding, and blocking to encrypting and cloaking their actions, citizens make claims to digital rights such as to access, share, or make private what they do through the Internet. What Snowden, Poitras, and Greenwald did then was to challenge and resignify digital conventions and enact digital rights through what they did and not only what they said.

By naming Citizen Snowden, we have highlighted the importance of the kind of citizenship he enacted by making digital rights claims that are both performative and international. This performative understanding is in contrast to approaches that focus on how the identification and ascription of rights and who is a citizen are being done through the collection and analysis of the digital data traces of individuals. Cheney-Lippold (2016), for instance, attends to how the identification of who is a citizen or foreigner is algorithmic calculation. In contrast, Snowden's act was very much against citizenship understood as defined by already given rights. It was about what we have named a kind of international citizenship yet to come enacted by making digital rights claims. But to say so also means that such an international citizenship already exists in incipient forms. To perform citizenship by making rights claims does not require those rights to be already recognized and legalized by a particular jurisdiction or by mechanisms of enforceability. Rather, the performativity of citizenship consists in enacting "I, we, they, have a right to" claims by assembling various norms, regimes, and laws through iteration, repetition, and resignification. The kind of international citizenship Snowden performed is yet to come, but it already exists in the digital acts of people who traverse borders of states to constitute themselves as political subjects (Postigo, 2012). Although much attention is given to whistleblowers and hacktivists as the vanguards of digital rights, there are many more anonymous political subjects who are not only making rights claims by saying things, but also by doing things through the Internet (Dijck, 2013; Franklin, 2013; Gerbaudo, 2012). Through their digital acts of communicating, interacting, and networking, they are part of the struggles and contestations over the emergence of a new international citizenship. Citizen Snowden's act is performative not only because it is singular, but it also belongs to a series of making rights claims to an international citizenship yet to come.

¹³ This reversal of Austin's focus not on the speaking but acting body is elaborated by Isin and Ruppert (2015).

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