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The Work of Watching One Another: Lateral Surveillance, Risk, and Governance

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Abstract

This article explores a range of technologies for 'lateral surveillance' or peer monitoring arguing that in a climate of perceived risk and savvy skepticism individuals are increasingly adopting practices associated with marketing and law enforcement to gain information about friends, family members, and prospective love interests. The article argues that the adoption of such technologies corresponds with an ideology of 'responsibilization' associated with the risk society: that consumers need training in the consumption of services and the development of expertise to monitor one another. Rather than displacing 'top-down' forms of monitoring, such practices emulate and amplify them, fostering the internalization of government strategies and their deployment in the private sphere. In an age in which everyone is to be considered potentially suspect, all are simultaneously urged to become spies.

Introduction

By way of introduction I want to juxtapose two examples of detection, one from the realm of marketing and one from the world of dating – spheres which have come to overlap thanks in part to the surging popularity of online dating services and Internet romance. First, consider the example of the Web advertisement for a book that promises to teach its readers "how to become a human lie detector" by learning from the experience of experts to identify "the uncontrollable and subconscious actions every human does when they lie" (Infidelity, 2004). The ostensibly direct physical evidence of an "uncontrolled" subconscious is offered as one strategy for countering the slippery and potentially manipulative character of speech. Which leads to the second example: that of a much-hyped trend in market research called neuromarketing. Bypassing the standard approaches of survey research and focus-group interviews, neuromarketers promise to tap directly into the brain, relying on MRI scans to evaluate consumer response to products and ads. As one news account puts it, "brain scans, unlike focus groups, can't lie" (Ellis, 2001: 8). Both of these examples demonstrate a shared logic wherein a self-consciously canny skepticism coincides with the seemingly naïve recourse to direct physical evidence. In the first case, potential consumers are invited to reflect not just on the disturbing level of deceit that plagues romantic life (as the Infidelity Web Site puts it, "Every day, I get

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flooded with stories of the worst things imaginable going on in peoples' lives. The lies, the deceit, the betrayal, the broken hearts") but on the unreliable character of verbal intercourse: because people lie, techniques, strategies, and technological devices must be used to cut through the verbal machinations of others. Likewise, from a marketing perspective (and this perspective is not unrelated to that promulgated by certain forms of cognitive psychology), there is a recognition that individuals in focus groups may not be entirely forthcoming in their opinions – they may be swayed by others, by perceived expectations, even by an inability to access their own mental state, which can only be directly determined by techniques that skirt conscious (contrived) self-disclosure. As in ambush reality formats, or psychology experiments, the goal is to surprise the real state of mind into revealing itself: to put it in positions where it doesn't have time to compose itself for the camera or the investigator. Such monitoring strategies promise to cut through an unreliable discourse, in order to reveal direct physical evidence: voice stress or unconscious "tells," electrical activity in the brain that correlates with a desired response to an advertising campaign. If the content of the words can't be trusted, perhaps physical traces can be.

What I'm trying to get at these with these two examples is the way in which a generalized and reflexive critique of discourse associated with what Zizek (1989) terms the "reign of cynical reason" (30) exhibits a tendency to default to a variant of experimental positivism: a faith in the ostensibly unmediated character of objectively given empirical evidence. On the one hand is a reflexive awareness regarding the constructed character of discourse – a fascination with debunkery, which Todd Gitlin (199) has referred to as a demobilizing 'savviness' that takes pleasure in repeatedly performing its own ability to avoid being duped to by the machinations of discourse – to concede the contrived and manipulative character of all discursive formations. On the other is the default to direct, material, ostensibly unmediated physical evidence. On their face, these two attitudes – that of savvy skepticism and of naïve positivism – seem to represent opposite poles, but in the register of a generalized skepticism they function as the obverse of one another: two sides to the same false coin. This coin has, perhaps executed a half-turn since Adorno's (1969) critique of positivism, which noted this same relationship, but in the opposite direction: the default of a stubbornly objective positivism to an idealist relativism: "Positivism…possesses its innermost contradiction…in the following: namely that it adheres to an objectivity which is most external to its sentiments and purged of all subjective projections, but thereby simply becomes all the more entangled in the particularity of mere subjective, instrumental reason" (Adorno, 1969: 5).

Intriguingly, the turn to a directly observable materiality in an effort to bypass the slippery effects of mediation might be considered the pop-science analog of the Foucauldian-inspired postmodern turn to the body as a site not completely determined by or reducible to the shifting strands of discourse. Drawing on the work of McLaren (1991), Biesta summarizes the reliance of such an approach upon the notion that "there exists a margin between the subject positions provided by the discourse and the way in which the body/flesh is inserted into the discourse. This margin is the effect of the impossibility of the exhaustion of the body/flesh in its representations. This margin expresses itself as resistance of the body/flesh, resistance against the insertion into the discourse" (1994; 225). The claim of resistance has recourse to the materiality of the body. Since the flesh is irreducible to the process of discursive construction, since it remains something

more material than the word, it might serve as a site from which to resist discursive practices. This appeal to the materiality of the body is perhaps not unrelated to the attempts to provide some empirical evidence over and above the ostensibly manipulative register of discourse outlined above. If, in other words, what people say is potentially inaccurate, uninterpretable, or illusory, the body is offered as a guarantee of some surplus beyond the manipulations of discourse. A similar turn to the body can be discerned in the subgenre of reality TV formats that focus on graphic details of plastic surgery. Shows like *The Swan*, *Extreme Makeover*, and *I Want a Famous Face*, with their close-up footage of surgical procedures – of actual work on the body -- serve as one possible response to the savvy accusation that haunted the current generation of reality show from their inception: the charge that they're not really real. The flesh-cutting shows counter with the claims of the body: maybe the show is contrived, maybe the cast members aspiring actors trying to gain exposure, but real changes resulted: silicon was added, cellulite subtracted, faces and bodies were changed, and along with them life chances, relationships, self-image, and so on. It wasn't all just an act.

The purpose of this article is not so much to make sweeping claims about the impasse of postmodern skepticism as it is to highlight what I think of as a constellation of investigatory techniques associated with it and their role in amplifying the productivity and intensity of disciplinary surveillance. The characteristic aspect of such skepticism is that it is not as nihilistic as it might seem at first glance. The debunking gesture retains a driving inconsistency, a constitutive and enabling contradiction, embodied in its perpetually dissatisfied critical claim of "that isn't it" – that, for example, the promise of access to reality remains *really* false. The point is not that this deferred real remains only as a vestigial trace of an anachronistic metaphysics, one which need only be sloughed off or subtracted to arrive at a truly savvy postmodern stance, but rather that it remains the condition of possibility for the debunking process. Without some minimal distinction to sustain the appearance of contrivance as such, the notion of artifice – and hence the accusation leveled by the savvy critique (that truth claims are *merely* discursive constructs) – dissolves. If, as Gitlin (1990) suggests, savviness constitutes a reaction formation to a reflexively manipulative media/popular culture – one in which the contrived character of mediated spectacle has been incorporated into the spectacle itself -- sustaining the savvy critique requires the maintenance of a distinction between the contrived appearance and some deferred but implicitly attainable reality – one that can be accessed, for example, by learning the techniques of lie detection, by installing monitoring software on one's computer or hidden cameras in the home. Drawing on such examples, this article focuses on emerging strategies for what might be described as lateral surveillance: not the top-down monitoring of employees by employers, citizens by the state, but rather the peer-to-peer surveillance of spouses, friends, and relatives.

Surely, there is nothing particularly new and earth-shattering about the fact that peers develop strategies for keeping track of one another, and those who write about new media might even go so far as to suggest that contemporary strategies for mutual monitoring merely rehabilitate, in technological form, the everyone-knows-everyone-else's-business world of traditional village life, undoing the anonymity of urbanized modernity. However, there are two aspects of the contemporary version of lateral surveillance that are worth recognizing and emphasizing: the use of covert investigation as an alternative/substitute for debunked discourse – the attempt to, as

Zizek (1999) puts it, appeal to the evidence of one's eyes rather than the words of others – and the democratization of access to the technologies and strategies for cultivating investigatory expertise. The latter is characterized not just be the carrot of participation, but by the stick of generalized risk: the need to enlist monitoring strategies as a means of taking responsibility for one's own security in networked communication environment in which people are not always what they seem. Thus, part of the promise of the interactive, information revolution is to provide the general public with access to the means of surveillance for do-it-yourself use in the privacy of one's home. This promise aligns itself with a series of strategies for offloading duties of monitoring onto the populace – strategies associated with neo-liberal forms of governance, especially as these are mobilized to address a proliferating spectrum of risks in both the public and intimate realms. Using the notion of what Zizek describes as the "decline of the big Other" to tease out some of the connections between themes associated with the advent of the so-called "risk society" and the literature on neo-liberal forms of governance, the following section outlines a theoretical context for a discussion of lateral surveillance strategies. A more detailed exploration of the technologies themselves is taken up in the subsequent section.

Symbolic Efficiency, Risk, and Governance

What Zizek (1999) describes as the demise of symbolic efficiency – a mistrust of what is said in favor of what can be detected – aligns itself with the generalized skepticism towards metanarratives (Lyotard, 1993) that has become one ready definition of a knowing, skeptical, and perhaps facile postmodernism. The premium attitude of the non-duped is one peppered with scare quotes: every "truth" can be deconstructed, every "reality" revealed as one more artifice, and all subjective dispositions as performances. If the ostensibly empowering force of demystification is itself demystified, one possible reaction is to take pleasure in the process of demystification for its own sake, rather than for some (eminently debunkable) political or social end. It is this savvy attitude that Zizek (1999) blames in his critique of the decline of symbolic efficiency for resulting in an ultimately inert conservatism, an inability to avail oneself of the potential of the symbolic that resides in its non-identity with the empirically given state of affairs. The example he gives is that of the symbolic mandate of, for example, an official who may be a corrupt weakling, but who is nonetheless treated with respect in light of his official capacity: "when a judge speaks, there is in a way more truth in his words (the words of the Institution of the Law) than in the direct reality of the person of the judge -- if one limits oneself to what one sees, one simply misses the point…What a cynic who 'believes only his eyes' misses is the efficiency of the symbolic fiction, the way this fiction structures our experience of reality" (1999: 323). Thus, the debunking strategy of facile postmodern leveling amounts to an erosion of symbolic efficiency, an attempt to undermine along with its deadlock, its condition of possibility. What collapses is not, of course, the symbolic order, but its guarantee of access to useful knowledge beyond that supplied in the form of directly given sense experience. In this respect, an efficiently functioning symbolic order is underwritten by some guarantee – whether in the form of metaphysics, or science – which gives the "network of norms, expectations, and suppositions," (Dean, 2002; 132) that constitute the symbolic order the status of what Zizek calls the big Other.

The undermining of the metanarratives which guarantee the consistency of the symbolic order,

results not just in generalized skepticism, but, consequently, in the multiplication of paranoiac possibilities. The uncanny persistence of the debunked term (ideology, capitalism, artifice) combines with the removal of any grounds for distinguishing among competing interpretations to create a hospitable climate for conspiracy theory, licensing a knowing paranoia. Such is the substance of Bruno Latour's (2004) lament regarding the effects of a generalized skepticism that coincides with the proliferation of conspiracy theory: "Things have changed a lot, at least in my village. I am now the one who naively believes in some facts because I am educated, while the other guys are too *un*sophisticated to be gullible: 'Where have you been? Don't you know the Mossad and the CIA did it [a reference to the September 11 attacks]?'" (228). Such generalized skepticism, pushed to its limit, threatens to default to an ostensibly democratic gullibility: no interpretation is inherently better than any other. Ulrich Beck has made a parallel diagnosis – although admittedly from a very different perspective and with different conclusions – regarding the fate of scientific reason (the big Other of enlightened modernity) in a period of "reflexive modernity." As Beck *et al.* (2003) note, in what they describe as "second modern" society, "It becomes abundantly clear that every given is in fact a choice, and that at the level of fundamental propositions, such ultimate starting points can only be normatively grounded, or defended as useful a priori constructs" (16). The consequences for the application of scientific reason as a means of adjudication or control become clear: it can serve as instrument, but not as ground. Even further, and this is perhaps one of the defining elements of Beck's conception of the risk society, even *with* the aid of normative grounds or a priori constructs, the decision-making process is confounded by the inability to predict the unintended consequences of any instrumental application of scientific knowledge. Witness the debates over both the effects and the existence of global warming, in which scientific discourse is unmasked as just one more strategy, used by opposite sides to justify divergent conclusions. The result, as Beck suggests, is the animation of the pre-modern specters once quelled by rationality's hegemony, reanimated by the power of the very scientific skepticism that once held them at bay, "Everywhere, pollutants and toxins laugh and play their tricks like devils in the Middle Ages. People are almost inescapably bound over to them. Breathing, eating, dwelling, wearing clothes – everything has been penetrated by them" (1992; 73). And here, perhaps, one can trace a parallel between seemingly pre-modern uncanny animation of the object world, and the postmodern paranoia of Latour's conspiratorial villager.

Without attempting to enter into the debate over whether Beck's description of so-called "second modernity" accurately characterizes a distinct historical moment, it is worth noting that the constitutive impasse he describes remains continuous with earlier versions of modernity: namely, the spiral of instrumental reason whereby increases in knowledge result in further avenues for exploration and specification (as well as a recession of certainty) – and thereby in the self-stimulating pursuit of further knowledge. The wager of the "second modernity" thesis is that reflexivity about this process itself might help short-circuit it: that an emergent "ad hoc" politics associated with risk consciousness might directly address the impasse of the dialectic of enlightenment, wherein instrumental reason, after having gutted the myths of tradition turns, finally, back upon itself. On this account, once we recognize that scientific reason cannot generate the criteria for its own application we might break the cycle of the will to knowledge, and adopt instead an ad hoc (and potentially more democratic) pragmatics of decision-making.

However, such a solution oversimplifies the task of negotiating a reflexive understanding of the impasse of reason – which, as suggested in the introduction, can just as easily default to a stubborn insistence on direct access to a given reality as to a humbling recognition of the limitations of one's own commitments.

O'Malley (1999, 143), critiquing Beck's "risk society" thesis has described it, in keeping with what he dismissively terms "the style of Germanic theory," as too Hegelian in its totalizing framework, its "underlying realism" and linear teleology – in short, in its attempt to install yet another grand narrative. By contrast, part of the claim of this article is that the risk society thesis isn't Hegelian enough, at least insofar as it fails to take account the internal relationship between the proliferation of competing discourses and the default to an ostensibly directly accessible real. In a move that parallels the arguments of postmodern pragmatists (such as Rorty, 1999), Beck (2003) notes that reflexivity implies a sort of humility: the recognition that, as he puts it, quoting Latour, "mastery is impossible" (3).

Ad hoc decisions, then, rely upon a priori normative commitments: they cannot be derived from discursive evidence, but stand outside of the spiraling production of competing discourses, permitting their adjudication. Such a formulation, of course, begs the question of the derivation of such commitments, and at the same time, in complementary fashion, of the multiplication of competing narratives they adjudicate. To take seriously the recognition that scientific investigation is indeterminate would run the risk of depriving it of any motive force whatsoever: why bother to measure the symptoms of global climate change, if, indeed, the more we know the less we are able to determine the significance of such measurements – or the consequences of competing strategies for remediation. Even an a priori normative commitment would be of little help in such a scenario. As Zizek (1999) notes, "the 'second Enlightenment' imposes on each of us the burden of making crucial decisions which may affect our very survival without any proper foundation in Knowledge – all the expert government panels and ethical committees, and so on, are there to conceal this radical openness and uncertainty…far from being experienced as liberating, this compulsion to decide freely is experienced as an anxiety-provoking obscene gamble" (337-8).

Beck's argument can only take us so far, to the extent that it is predicated on the notion that reflexivity entails a break from the frustrating, but eminently productive impasse of scientific reason. Indeed, the model of ad hoc politics seems to raise as many problems as it solves and the hope that it might forward the interests of democracy has been tarnished by the way in which the mobilization of uncertainty has been deployed not to "enable different voices to be heard and to make themselves count" (Beck, 2003: 21, paraphrasing), but as a smokescreen with which to dismiss the importance of debate itself. This is precisely the point that Latour (2004) makes in his discussion of the way in which the indeterminate character of scientific debate over global warming has been enlisted as a self-conscious strategy by conservative and corporate interests to forestall environmental regulation.

A less controversial and perhaps more productive aspect of the second modernity argument has to do with the reflexive character of the way we think about risk: namely the recognition of the risks associated with the management of risk -- a meta-level of risk that fuels the productive

spiraling of knowledge around an infinitely receding ideal of security and control. As O'Malley notes with respect to this aspect of the risk-society thesis (whose other elements he goes on to criticize), "the structural demand for knowledge relating to risk becomes insatiable. As well, because the accumulation of such knowledge adds awareness to new sources of risk, the risk-knowledge process gains its own internal momentum" (1999, 139). O'Malley has elsewhere (2001) pointed out the significant differences between Beck's version of the risk society as a totalizing narrative of societal development and a Foucault-inspired approach (by the "Governmentalists") to risk as a strategy of governance that remains continuous with the advent of modernity and its associated regimes of discipline. The former narrative traces a shift in the nature and social role of risk, the latter discerns historical continuity (in the modern period) in the deployment of risk as a ruse of discipline in the name of safety and security (Packer, 155). The Focault-inspired literature on governmentality, as Ouellete (2004) suggests, explores ways in which neo-liberal approaches to governance displace more direct, top-down forms of welfare state administration with strategies that "govern indirectly in the name of 'lifestyle maximization,' 'free choice,' and personal responsibility" (233, the internal quotes refer to the work of Nikolas Rose). Such strategies rely upon the responsibilization of citizen-subjects to take on the challenges of self-management and risk avoidance through forms of monitoring and rationalization associated with capitalist enterprise culture. As Dean (1999) puts it, the goal is to ensure the "most efficient use of resources" as well as to reform conduct so that it "comes to embody the values and orientations of the market, expressed in notions of the enterprise and the consumer" (172).

Significantly for the forthcoming argument, those values undergo certain shifts associated with changing perceptions of market performance and the responsibilities of consumption. In an era of mass customization, niche marketing, and agile, mobile markets, enterprise culture entails proliferation of information gathering strategies and increasingly fine-grained forms of monitoring and individuation. Indeed, against such a background, the hierarchical model of the Panopticon retains the image of a top-down, centralized form of monitoring that the Governmentality approach qualifies and elaborates upon. It is the redoubling of the panoptic model whereby the subjects of the panoptic gaze come to take on some of the responsibilities not just of monitoring themselves, but of keeping track of one another that this article seeks to elaborate and that helps forge a link – albeit qualified – between an analytics of neoliberal governance and the risk society thesis. The useful element of the risk society thesis for those interested in considering governance in terms of risk and neoliberalism, is that of the multiplication of risk associated with generalized reflexivity: the need to assess the myriad risks generated by the very strategies designed to control risk. For it is this reflexivity that redoubles indefinitely the perception of risk and hence the multiplication of strategies for risk management, "pursuing them to lines of indefinite penetration" (Foucault, 1978, p. 47). The level of supervision, information gathering and assessment associated with increasingly individualized forms of governance through risk, in short, corresponds to the development of strategies for offloading of the duties of monitoring associated with a panoptic regime onto the distributed subjects of the gaze. If, as Foucault's (1977) formula put it, the goal of panoptic discipline is not just to produce 'docile bodies," but to maximize the body "as a useful force," (221) to amplify, to "increase production, to develop the economy, to increase and multiply" (208), the monitoring gaze itself gets caught up in the self-inciting spiral of productivity. The penetration, amplification, and multiplication of the gaze keep

pace with the increasingly elaborate and productive specification of the monitored body. Internalizing the gaze – in an era of governance in terms of risk -- comes to mean not just turning it upon oneself (in anticipation of the possibility of being watched), but also directing it outwards toward others (as if to fill in the gaps of the big Other's gaze, to *real*ize this gaze in a skeptical era), in the name of responsibility towards oneself.

This other-directed form of internalization has been deployed most recently by the forms of governance associated with the generalization of the responsibility for national security in the so-called war on terror. In his book on bioterrorism, for example, US Senate Majority Leader Bill Frist suggests that one of the most important forms of civilian participation is to "become the eyes and ears of our law enforcement agencies": "You know your communities better than anyone else. You know when something looks out of place, whether it's a package left on the subway or someone acting in an unusual or suspicious manner in your neighborhood" (2002; 26). Shortly after the September 11 attacks, the government started a call-in program called TIPS that so closely echoed the participatory element of the popular TV show, *America's Most Wanted*, one White House secretary reportedly forwarded a TIPS call to the switchboard for the television show (Lindorff, 2002). The connection to a reality TV show is telling, insofar as such shows similarly cater to both the drive for empirical evidence of the real and for the instantiation of a (lateral) monitoring gaze: the realization of the big Other in the form of the audience.

The invitation to participate in lateral surveillance in the name of homeland security was literalized by a CIA postcard campaign that invited residents to participate in a species of "neighborhood watch program against terrorism." According to one newspaper account, thousands of postcards were sent to Virginia residents of the neighborhood near CIA headquarters, asking them to "report anything unusual or serious associated with your community and/or the Headquarters". The postcards, with photos of CIA headquarters and a statue of the organization's founder, was accompanied by a friendly explanation signed only by 'Marie' (Grove, 2003). Just as the CIA watches over the neighborhood, so too are neighbors invited to watch over the CIA – through participation in mutual monitoring. The threat of a pervasive and indiscriminate risk underwrites the invitation to participate in the policing function by providing for the capillary extension of surveillance into households and surrounding neighborhoods – a strategy that enlists the appeal of participation as a form of shared responsibility. The appeal to community, is, as Rose (1999) suggests strategic: "Community is not simply the territory within which crime is to be controlled; it is itself a means of government" (250). Online community, thanks to its extension and its interactive capability, can be enlisted for similar ends. Dotcom entrepreneur Jay Walker has proposed equipping unmanned soft-targets such as airport perimeters, power plants boundaries, reservoirs and thousands of miles of coastline and borders with motion-detecting Webcams. Whenever there is movement in a restricted area, images from the motion-sensing Webcams would be sent to a corps of online "spotters" – people working online – who determine whether or not someone is trespassing onto restricted territory. When a suspicious activity is confirmed, then, as Walker's proposal puts it, "the professionals take over" (USHomeGuard). The ostensibly democratic character of such participation – the implication that the monitoring process is no longer solely the province of professionals, but can be shared with those normally excluded from the command centers of the intelligence industry is, in this

instance, supplemented by a sense of shared civic responsibility in an era of perpetual, decentralized warfare.

The role of mutual monitoring in the war on terrorism is a topic for a separate paper, but such strategies remain continuous with the deployment of mutual monitoring in the context of the cultivation of the self and the effective management of personal relationships, which is the subject of the following section. The goal of such a discussion is not to provide an exhaustive account of technologies and practices of mutual monitoring, but rather a suggestive overview that provides a starting point for a consideration of such practices within the context of the development and deployment of interactive communication technologies. Much of the focus in both the academic and popular presses has focused on the proliferation of practices and technologies of top-down forms of surveillance by both state authorities and private corporations. My goal is to highlight a parallel development: the extension of such practices through the proliferation of techniques for lateral surveillance. These techniques cannot be separated out from the regimes of governance associated with the productive management of the state, but serve as a mean for offloading some of the responsibilities of this management onto the populace, whose do-it-yourself monitoring practices reinforce and replicate the imperatives of security and productivity.

Watching Each Other (Watch Ourselves)

> "Whatever your reason, you may need video surveillance to monitor your home, you may want to detect suspected phone bugs, or test for a spouse's infidelity"
>
> (NetDetective Web site)

In 2003, private investigators in the state of Georgia attempted to fight a move by the "verification services" company ChoicePoint to mass-market background-check software through a major retail chain. The move, they argued, transferred control over the data-gathering process from certified experts to anyone who wandered into Sam's Club with $60 and the wherewithal to purchase a $138 business license. As one disappointed private investigator put it, "It's almost like they're wanting to be the Wal-Mart of the information business" (Pickel, 2003). Indeed, according to ChoicePoint, a company that claims to have amassed more than 14 billion records about individuals and companies, retail background checking is one of the new frontiers of the information economy. (Pickel, 2003). The new "channel" for private investigation tools, in other words, is not institutional -- private corporations or law enforcement – but personal: members of the general public are invited to become do-it-yourself private investigators. Perhaps professional private investigators need not despair, given that the generalization of surveillance as a strategy for negotiating the uncertainties of contemporary life has triggered a boom in the demand for their services, at least according to the U.S. Department of Labor, which has predicted a 33 percent increase in demand by 2010 (Bartley, 2002). In this case, as in other spheres of social practice, the do-it-yourself industry doesn't dispense with experts, but relies upon their multiplication, not least in the form of trainers and consultants.

Additional competition in the mass marketing of surveillance technologies for personal use is coming from World Wide Web, which has spawned a burgeoning industry in background check

sites, in large part to complement the rapidly expanding online dating market. If the proliferation of online communication and the development of the Internet economy allows for an unprecedented level of interaction among geographically dispersed individuals, groups, and institutions, they simultaneously ratchet up the uncertainty level. The flip side of what Bill Gates described as the ability of the network to make "geography" less important" (1996: 204) is the loss of what had hitherto been provided by geography: local information networks that provided references, guarantees, and controls on social and economic interactions. Similarly, the flip side of the freedom accorded by virtual space to experiment with identity and to play with subject positions is a growing savviness about the constructed character of online identity (Turkle, 1995). The unique addressability of e-mail accounts and cell phones as well as their spatial mobility, as compared with geographically fixed forms of communication, allow not just for constant contact, but ongoing deceit. It is possible, for example, to download background sounds for one's cell phone that provide an acoustically verifiable geographic alibi, providing, for example, the background noises of cars honking to bolster the claim that one is stuck in traffic.

The proliferation of uncertainty serves as one marketing strategy for the offloading of verification strategies onto members of the general populace. In keeping with the so-called interactive revolution, individuals are invited not just to participate in the forms of entertainment they consume (interactive television) and in the production of the goods and services they consume (mass customization), but in formerly centralized forms of surveillance and verification. If, as Gary Marx (1988) has suggested, new forms of surveillance amount to strategies of "categorical suspicion," in which everyone is a suspect, one way to manage the sheer volume of suspicion is to invite everyone to become a private investigator – a spy. As David Lyon (1994) has suggested, the obverse of postmodern paranoia about the prospect of being watched all the time, is the paranoia that serves as an alibi for being always on the lookout, always watching. As one gateway Website for background checks solicitously puts it, "We know how important it is to you to feel secure about the people you enter into relationships with -- whether the relationships are business or personal. That's why we've compiled these background check resources. Now, using this website as your gateway to our nation's vast reservoir of public records, you can check out virtually anyone's background from your home or office" (Washington Research Associates, Inc., 2004). If we are at risk in the privacy of our homes from those who enter via the network, identity thieves, online pedophiles, lying Internet dates, pornographers, and so on, the network can also provide us with resources for monitoring the behaviors of others, and if need be, ourselves. Rather than relying on law enforcement and other expert or governmental institutions, we are invited to consume security products and participate in the investigation process. As ChoicePoint puts it on its consumer solutions Web site, titled "empowering consumer responsibly": "We buy products every day to protect our valuables. What are you doing to protect your family from people who enter your home?" or one might add, your life (ChoicePoint, 2004).

Lateral surveillance, or peer-to-peer monitoring, understood as the use of surveillance tools by individuals, rather than by agents of institutions public or private, to keep track of one another, covers (but is not limited to) three main categories: romantic interests, family, and friends or acquaintances. It also comprises several levels of monitoring, ranging from casually Googling a new acquaintance to purchasing keystroke monitoring software, surveillance cameras, or even

portable lie detectors. Rather than providing an exhaustive taxonomy of surveillance technologies and practices, this section explores examples of monitoring strategies in an effort to elaborate the logic of peer-to-peer surveillance, one that it is hoped might prove of some use in illuminating a constellation of practices ranging from the use of lie detectors in reality TV formats to the growing market for home surveillance products, and the commonplace practices of peer monitoring via cell phone, IM, or the Internet. While some of the practices described below might seem absurd, such as submitting children to a portable lie detector test, others have become so commonplace that they have passed into unreflective use, such as caller ID, once a technology paid for by those with security concerns, now a service as ubiquitous as cell phones. The following sections explore three inter-related forms of lateral surveillance: the use of the Internet, the development of do-it-yourself information gathering technologies, and that of offline investigative tools. In each case the goal is to use representative examples of the technologies to provide some concrete examples of the argument developed in previous section as well as to illustrate developments in lateral monitoring that don't receive the kind of attention – academic or otherwise – that more top-down forms of surveillance have generated. Of central interest to this paper is the constellation of monitoring practices that emerge from a consideration of the available technologies and techniques. They are, I would argue, worthy of consideration in their own right not as a unique phenomenon but as part of the monitoring assemblage associated with the deployment of new information and communication technologies.

Background screening online

Perhaps one of the most highly marketed forms of peer surveillance is that associated with online dating: the online background check. Scores of services with names like DateSmart.com, Check-Mate.com, and DateDetectives.com urge customers to put the claims of would-be spouses and lovers to the test, to "Find out who they really are and what part you play in their life," as one site puts it (Check-Mate.com, 2004). Typically such sites admonish potential clients not to be the "dupe" who actually believes the words of their prospective dates, offering cautionary tales that range from the disconcerting to the truly violent. Typical is the opening tale on Check-Mate.com titled "Don't Let This Happen to You": "I met him through a personal ad on the web...love on-line, what a concept. He seemed pretty honest and straightforward and we had a lot in common. We exchanged photos, talked on the phone and wrote letters. We became close very quickly. He lived far away so we met, and it was great. He told me he loved me and wanted to marry me. I thought I loved him too. And then I got a call from his wife" (Check-Mate.com, 2004).

Background check services offer a range of information, typically starting with facts that would be available to those who had even a passing acquaintance with the suspect – name, address, marital status. More detailed reports include public record checks that include financial information, criminal history, and child support records. Some online dating services have controls built in, boasting, for example that all participants are subjected to identify screening and background checks. A dating service called "CertifiedDates.com" which advertises that it was "created by a licensed private investigator " provides different levels of screening, from a basic membership which verifies name, address and date of birth, to a Platinum membership for those who have been subjected to a "complete background investigation," that includes criminal background checks, sex offender status and verification of educational background

(CertifiedDates.com, 2004).

Dating sites can also incorporate other forms of monitoring, as in the case of sites that allow users to keep track of one another's activity, so that, for example, a woman who thinks she has entered into an exclusive relationship with someone she met online can determine whether that person has been visiting the site to shop for other prospects. Still other dating sites, like Friendster.com include the "testimonials" of fellow users in an attempt to create an online version of a traditional offline reputation system. As one of the testimonials on the Friendster Web sites puts it, "We all know that meeting people out in the wild is a risky proposition. With Friendster, you meet people through people that you already know and trust. So it's like having an infinite social network" (Friendster.com, 2004). Rather than inviting users to rely on professional investigatory expertise, as in the case of CertifiedDates.com, Friendster offers the security of a community of peers. In both cases, users are urged to sidestep the self-presentation of their prospective dates, an appeal that caters to both their savvy understanding of the ways in which appearances can deceive, and to their sense of the riskiness of the disembedded social relations facilitated by the anonymity of the network. The deceptive character of appearances is highlighted by the admonition of one background check site that couches its appeal to skepticism in the guise of social science: "If you or someone you know is romantically involved, knowing more than what is divulged in conversation could be important. In fact, anyone putting a measure of trust in another might want to verify their trust. According to Dr. Michael Lewis of the Robert Wood Johnson Medical School in New Jersey, "In a single day, most people lie a minimum of 25 times" (Abika.com, 2004).

DYI surveillance technologies

A reliance on expertise or peer-networks conserves a certain faith in the symbolic institution – if not in the words of the individual being investigated, presumably in those of investigators, friends, and acquaintances. However, an awareness of the ways in which words themselves can be manipulated and in which appearances can deceive others as well as ourselves underwrites the appeal of investigative strategies that individuals can engage in themselves. In the case of online dating, for example, the technology that makes possible what one Friendster testimonial describes hyperbolically as "an infinite social network", also offers plenty of resources for those who don't want to place their trust in either the certification process or peer testimonials. The goal of do-it-yourself investigators is to gather information about their subject without that subject's knowledge.

One of the most common practices of online monitoring is search-engine surveillance. A 2002 study by the Pew Center's Internet and American Life project found that one in three Internet users had looked someone else's name up online, and that the searches were overwhelmingly for "personal reasons" (Fox, 2002). It's a safe bet that number has only gone up in the interim – a period that saw the verb "to Google" enter the vernacular. The efficacy of search-engine monitoring has been promoted by popular press accounts. *The Boston Globe*, for example, ran a two piece story on the Googling phenomenon that led off with the story of a 34-year-old man who discovered to his dismay, that an article he'd written about his prison experience as a teenager had migrated online, making his criminal history a matter of the Google record, freely available to dates, prospective employers, and landlords (Swidey, 2003). This is not to discount

the fact that Googling, according to numerous news accounts, has helped users to ferret out corrosive forms of deception in the online dating scene by unmasking individuals who lie about their age, profession, or marital status. As one press account puts it, "Deborah Knuckey met a seemingly nice guy online and Googled him. Turns out he has his own personal Web site that contains his own personal musings about his own personal wife" (Skenazy, 2002). Such accounts highlight the ways in which monitoring and verification strategies help rationalize the search for a mate, a process that starts to bear an increasing similarity to that of online shopping.

For those willing to pay, the Internet provides access not only to more detailed forms of background checking, but also to utilities that use the network itself as a monitoring system. Didtheyreadit.com, for example, provides an e-mail utility that allows users to surreptitiously track when and where their e-mail messages are read (and how long the reader spent reading them). Such services offer to re-territorialize mobile communications, pinning down e-mailers to their geographic location, and eliminating the slack in an asynchronous form of communication. Similarly, abika.com allows users to trace the geographic origin of specific e-mail messages, IP addresses, and IM messages. It also offers a reverse-search service that promises to find the full names associated with IM nicknames and e-mail addresses. The site also provides access to a variety of background search services that blur from the investigatory into the mystical, evoking the promise that information technology, suitably perfected, might provide direct access to the desires and fantasies of real or potential love objects. The appeal to the "scientific" power of the research reads like an updated version of old comic book advertisements for how-to hypnotist kits: "Studies have shown that people who rarely get rejected are the ones who know what the opposite sex wants. For some it is instinctive and for others it is an acquired skill. If you know enough about someone, you can persuade them to do almost anything. Click here to find out what that someone you like wants and avoid rejection" (Background check of date, 2004).

The blurring of the language of science and that of mind control challenges some distinctively modern boundaries – those that helped differentiate chemistry from alchemy and astronomy from astrology – in ways that recall the reflexive re-animation of pre-modernity described by Beck (1992). In the face of the decline of symbolic authority, nothing is ruled out: conspiracy theory and mysticism no longer have to defer to the authority of a once proud scientific rationality, with which they can now rub shoulders. As Jodi Dean puts (2002) it, "The prevalence of conspiracy theory today marks the decline of symbolic efficiency, the sweeping, disarticulating power of publicity to reflexivize everything and destroy any reference point" (161). At the same time, the seemingly extreme example of the computer database as key to the truth of one's personality – if only the right algorithm can be found – merely amplifies a theme common to a range of ostensibly unmediated empiricisms, from phrenology to lie detector tests.

In the workplace, keystroke monitoring programs serve as a means of both monitoring and disciplining employees – a form of surveillance that has since migrated into the do-it-yourself market. Richard Eaton, the president of keystroke monitoring software manufacturer WinWhatWhere (later renamed TrueActive), said in one interview that he was taken by the surprise by consumer demand for the product when it was first developed and marketed: "We started getting calls from spouses that are spying on their other spouse…I had no idea it would ever be used for that. That never even crossed our mind, and it's just--it's surprising, because it's

starting to take--it's something like 20 percent of our business now, and growing" (Brancaccio, 2000). As of this writing, the company's Web site includes a page devoted to the home market – one which grapples with the ethics of monitoring one's spouse, but offers the alibi of truth-seeking as being in the best interest of all concerned: "A natural reaction is to dismiss monitoring a spouse's computer use. However, there ARE times where such use may be appropriate, even prudent. In cases of online affairs, cheating, gambling, and addiction, TrueActive is a powerful tool for getting at the truth" (True Active Inc., 2004).

If Web sites and online detective services invite individuals to subcontract their searches, utilities like TrueActive and DidTheyReadIt.com allow consumers to become investigators from the privacy of their home computers. In both cases the technology blamed for the risks of anonymous or distant relationships is retooled to provide an antidote in the form of additional, behind-the-scenes information. All of which sets up a self-proliferating spiral of monitoring technologies and cloaking ones. For every e-mail tracking software package there is also an anonymizer, for every spyware utility, a spyware detection program. The result is the escalation of risk and suspicion as an engine for increasingly sophisticated forms of information gathering. But this self-proliferation of monitoring strategy undermines itself. The reflexive recognition of the proliferation of strategies for peer monitoring concedes the manipulable character not just of the lies they purportedly sidestep, but of the ostensibly more direct evidence upon which they base their truth claims.

The return to the body

If words can be contrived, if data can be manipulated, one remaining frontier of the real is the testimony of the flesh. So it should come as no surprise that an additional tool for the do-it-yourself private investigator is a software utility called Truster that, according to its manufacturers, turns "your computer or laptop into a truth verification device" by measuring voice-stress levels. The technology, purportedly developed originally for the military, has been priced for home use at less than $200, providing inexpensive access to the tools of professional investigators (National Association of Investigate Specialists Inc., 2003).

For offline biometric monitoring, the NetDetective Website advertises the world's "first hand-held portable lie detector" under the headline, "How to tell when someone's cheating on you" (Harris Digital Publishing Group, 2004a). Thanks to this portable lie detector, we're told, "you can find out if your lover has been faithful, what your co-workers and boss really think, and how honest your friends and family truly are" (Harris Digital Publishing Group, 2004a). The device can also assist in the supervisory role of responsible parents: "when your daughter calls you on your cell phone to tell you she's baby-sitting for a neighbor, you'll know if she's out with her friends beyond curfew" (BuyMeBuyMe.com, 2003). If words lie, perhaps voices don't; if discourse and even data can be manipulated, the one undeconstructed remainder, the final appeal to some ground for the 'real truth' is offered in the form of the direct, and ostensibly unmanipulable evidence of the body.

As interactive technology comes to be more fully integrated with the body in the form of wearable devices and perhaps, down the road, various forms of implants, biometric information may come to be increasingly folded into the data gathered by interactive devices. The advent of

the cyborg may coincide with that of the fully monitored body. Consider for example the prototype of an unobtrusive, "low attention" video camera designed to be worn and left on so as to allow the user to participate in the event being filmed without having to worry about turning the camera on or off. To solve the problem of determining what part of the tape might be interesting to watch, the inventors designed a "marking" technology based on biometric monitoring: "A heart rate or skin monitor (as part of a watch, for instance) could register changes in pulse when camera wearers were stimulated by what they were seeing. Software running on a desktop computer could later find the markers" (Chartrand, 2003). The monitoring technology would be designed to determine the truth of the viewer's response, responding to those moments when "the body thought something interesting was happening" (Chartrand, 2003). Such a device gives new meaning to the claim that the camera never lies – not about its subject, but about its user, a possibility with obvious applications for both surveillance and marketing. If the recourse to the body sounds a bit far-fetched, it may perhaps become less so as we find ourselves living in increasing proximity to our technology, and as the search for verification unearths strategies for bypassing the slippery medium of discourse, turning instead to the evidence of the flesh. As Wood, Konvitz, and Ball (2003) note, one of the goals of contemporary security research in the post-9/11 era "is to measure the heartbeats of passengers as they pass through security screening and to compare the data with that of 'normal' individuals" (143). In an age of ongoing responsibilization of the populace, devices like the Truster anticipate a time when such technology becomes cheap and portable enough for a retail market in risk management.

Conclusion

It is perhaps tempting to conclude that some of the more far-fetched surveillance strategies and tools described in the previous section are merely the latest means of catering to a fringe market in surveillance gimmickery – the 21st century descendents of the hidden cameras and X-ray glasses advertised in hobby catalogs and comic books of previous generations. However, such a response overlooks not just the fact that surveillance technologies once relegated to the realm of science fiction have now become commonplace, but perhaps more significantly, the logic of responsibilization that has come to characterize the climate of generalized risk associated with reflexive modernization and recent political and technological developments. If we might be tempted to poke fun at the prospect of portable lie detectors, we have to concede that we live in a time when we can use miniature cameras to take photos of one another and instantly send them around the world – a capability once relegated to the technological flights of fancy of a James Bond movie. Monitoring strategies that once would have seemed excessive and paranoid, such as keeping track of all the recent phone calls made by one's significant other, become trivial in the era of cell phones. With increasing rapidity, technology once restricted to the realm of large corporations and law enforcement organizations is flowing into the hands of individual consumers.

The proliferating lateral surveillance cannot be explained simply in terms of technological development. Rather, the dissemination of surveillance tools and practices has to be read alongside a climate of generalized, redoubled risk. The conjunction of risk and responsibility derives from another intersection: that of reflexive skepticism with the participatory promise of

the market -- the injunction not to trust in discredited social institutions and traditional practices, but to take matters into one's own hands through the mechanism that has helped corrode them. Management of family, optimization of personal relationships, and maximization of one's own productivity are modeled on the enterprise model: maximized outcomes, enhance productivity, reduce risk. The market is promulgated as the anti-institutional institution, a big Other that relies neither on faith or tradition, but solely on the intersection and exchange of self-interest. As such, it inoculates itself against savvy critique, conceding before the fact the subterranean agendas revealed by every deconstructive gesture As Zizek puts it, "The spectral presence of Capital is the figure of the big other which not only remains operative when all traditional embodiments of the symbolic big Other disintegrate, but even directly causes this disintegration" (1999: 354).

This formulation carries echoes of the premise of the governmentality literature which critiques the notion of the figure of big Other: an agent at the center of the Panopticon, while simultaneously conserving a conception of authority – without which of course, the notion of governance "at a distance" (Rose, 1999) makes little sense. Practices of mutual monitoring rely not just on a generalized skepticism and wariness, but upon conceptions of risk that instantiate the imperatives of productivity, hygiene, and security associated with the maximization of productive forces – imperatives that as Ouellette (2004), quoting Rose, puts it, "transform…'the goals of authorities' into the 'choices and commitments' of individuals" (246). Managing the risks involved in online romance, for example, means availing oneself of a range of tools and strategies for self-protection. In private life as in public life, consumers are inculcated in what Dean, following O'Malley (1992) describes as "the new prudentialism": "the multiple 'responsibilization' of individuals, families, households, and communities for their own risks." The result is a population that in private life as well as public is trained in the "norms and values of the market including those of 'responsibility, initiative, competitiveness, risk-taking, and industrious effort'" (Dean: 162).

If the advent of new media technologies promised more democratic access to the mode of information, the result has not so much been a democratization of politics and the economy, but the injunction to embrace the strategies of law enforcement and marketing at a micro-level. Citizens are invited to conduct their own versions of market research and personal verification thanks to their newfound access to information and communication technologies. The result has not been a diminution of either government or corporate surveillance, as evidenced by their converging role in the "war on terror", but rather their amplification and replication through peer monitoring networks. The participatory injunction of the interactive revolution extends monitoring techniques from the cloistered offices of the Pentagon to the everyday spaces of our homes and offices, from law enforcement and espionage to dating, parenting, and social life. In an era in which everyone is to be considered potentially suspect, we are invited to become spies – for our own good.

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