Editorial	**Surveillance Studies Needs Gender and Sexuality**

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Surveillance Studies needs Gender and Sexuality. That is why this issue came into being. Although this is a comparatively short issue of *Surveillance and Society*, perhaps representing the fact that the critique of surveillance through these lenses is still in its infancy, its contributions highlight some of the ways in which studies of gender and sexuality are fundamental to mounting a critique of surveillance.

Surveillance theory holds that surveillance processes are routine, systemic, purposeful and focused (Surveillance Studies Network 2006). They are woven into everyday life. They aggregate individuals into populations, in part by creating robust, replicable analytical categories. This is done with the strategic objective of institutional management of those populations and the everyday life of the individuals that comprise them. Marginalisation, exclusion and mass discrimination are necessary byproducts of this manageable order.

On reading the papers in this issue, it emerges that the political economies, methods, outcomes, and profound normalizing tendencies associated with surveillance are deeply amenable to critiques informed by theories of gender and sexuality.

These articles turn our attention to three particularly problematic phenomena that surround surveillance practices. The first is the oft-cited and fallacious public response to surveillance as being 'if I have nothing to hide then I have nothing to fear'. The second concerns the outcomes of categorisation for gendered and sexualised subjects. The third highlights how intermediated surveillant methods produce new forms of vulnerability.

Nothing to hide: nothing to fear?

One of the common concerns amongst the papers in this issue is that of subjectivity and the experience of surveillance. Hitherto, studies of the surveilled subject have been limited to a very narrow range of areas, as Ball (2009) describes:

To date, discussions of the surveillance society have assumed a limited range of positions for the surveilled subject, reducing the experience of surveillance to one of oppression, coercion, ambivalence or ignorance. Few studies have suggested to the contrary (Koskela 2004; McGrath 2004). In some circumstances it is the case that the experience of surveillance features coercion (for example, in the mandatory provision of DNA on arrest in the UK to feed the Police National Computer DNA database), oppression (for example, those whose international mobilities are deemed 'risky') ambivalence or ignorance (for example, consumers who are unaware that their data doubles are structuring their access to goods and services), but this is not the whole story. Indeed if the subject is perfectly docile and compliant, as Foucault predicted, then we have perfect surveillance, which is rarely the case. The fact that individuals sometimes appear to do little to counter surveillance does not mean that surveillance means nothing to them. Surveillance may be tolerated or even sought after because the giving of data satisfies individual anxieties, or may represent patriotic or participative values to the individual. It may also be the case that individuals are ambivalent towards surveillance because there is sometimes no identifiable 'watcher' or perceivable 'control' being asserted, or because the pleasures of performative display override the scrutinies that come hand-in-hand with self-revelation
(Ball 2009: 640-641).

Papers within this issue begin to augment the documentation of the experience of surveilled subjects. In particular they challenge the normative statement of 'nothing to hide: nothing to fear,' a response which is often cited in 'vox pop' media coverage of the surveillance society. They do so by problematising the association between that which is hidden with that which is shameful - an association which is implicit within the phrase 'nothing to hide: nothing to fear'. In the Anglo-American north, the politics of what is hidden and what is revealed are imbued with gendered and sexualised politics of heteronormativity and shame, and of vulnerability and fear. In this volume, Toby Beauchamp and Kevin Walby, for example, highlight how the equating of 'what is hidden' with 'what is shameful' is problematic for transgender and genderqueer communities.

Beauchamp's article on transgendered people and border security explores contradictory revelation and concealment practices across medical, political, and security discourses, and the almost insurmountable difficulty of managing a usable gender identity at their intersection.

In Walby's paper 'Are you looking for fags?' we are reminded of McGrath's (2004) accounts of the Manhattan gay bar 'Splash', and of other sexual practices within queer subcultures that embrace exposure as both political tactic and erotic thrill. Walby explores how that sort of publicness is necessarily marginalised and suppressed within institutional frameworks of "official" and normative publicness, such as that maintained and policed by Canada's 'National Capital Commission.'

Categorically just?

To date, one of the themes within surveillance studies has been the discriminatory and exclusionary outcomes of social sorting. Discussions of practices within *inter alia* consumer surveillance (Danna and Gandy 2002), the surveillance of mobile populations (Amoore and DeGoede 2005) and surveillance within political processes (Sussman and Galicio 2004) highlight the difficulties with categorisation which arises as a result of social sorting.

Social sorting has very real consequences for subjects. For example, errors occur when databases are combined, inaccurate or unrepresentative data are used and missing data are 'filled in' (Danna and Gandy 2002), leading to the observation that social sorting is nearly always 'wrong' at the level of the individual (Berry and Linoff 2000). Recent evidence (Canhoto 2007; Beckett 2008) also suggests that the production of profiles is socially embedded and replicates the prejudices of data mining experts. Potential is created

for prejudices to be written into algorithms which identify risk, entitlement and criminality. As a result data subjects may unwittingly suffer discrimination, or may be wrongly allocated to categories they do not belong. Moreover inadequacies tend to be perpetuated because replacing legacy systems is both expensive and complex (Head 2007).

Social sorting is often based on geodemographic information, and ascribes value judgement to different groups of people. For example, particular consumption preferences, whilst forming distinct groups, are mapped onto places when combined with information such as a postcode. Lifestyles and places hence begin to merge (Burrows and Gane 2006) and neighbourhood characteristics come to determine the products and services offered to individuals living there. Some of these characteristics include discriminatory categories the likes of which would be illegal in other settings. For example, in *Cherry vs. Amoco Oil Co,* a noteworthy legal case in the US, it was revealed that a white woman who lived in a predominantly black neighbourhood was refused a credit card not because of her personal credit history, but because the postcode in which she lived was considered too risky in the credit checking system.

One of the most important things to note about the categorisation practices usually discussed in studies of surveillance is that categories are statistically generated. Central to the operation of a category is its norm, or average: the ascription of any case – human or otherwise – to a category implies some kind of proximity to the norm expressed by the category. Categories thus have a normalising tendency. And whilst the majority of the work on categorisation to date critiques at the level of systems and practices, some of the papers within this issue address the implications of categorisation itself at the local level. Kathryn Conrad, in particular, critiques the normalizing tendency of categories in terms of the pressure it places on queer subjects, while Anthony Corones and Susan Hardy, and Kevin Walby show how essentialist discourses around gender and sexuality normalise diverse responses to surveillant processes.

Intermediation and vulnerability

Surveillance typically occurs at a distance. It is characterised by chains of intermediaries which link the watched to some distant watcher. 'Intermediation' is a key socio-technical process which 'binds (or unbinds) networks of individual actors or institutions' (Mansell 2002: 4). The intermediary, therefore, is a person, object or thing, which helps to achieve this binding. As Callon (1991) states, intermediaries comprise 'anything passing between actors that defines the relationship between them' (Callon 1991: 134 - 135), and can be forms of texts: books, newspapers, magazines, or material artefacts, skills, or money, in its various formats.

Taking the general example of a housing estate CCTV system, information becomes an intermediary as it circulates from residents, to security guards and local services. Mugshots, data, electronic keys and other information bind the system together and enable it to function. People also act as intermediaries: their savvyness with the operation, scope and location of surveillance technologies, local knowledges of CCTV operators, background cultural knowledge and awareness about surveillance as a whole, are all significant. Similarly, competing local knowledges of urban residents, local workers (some of whom can resist surveillance), and larger, opposing organizations can disrupt and contest local orders created by surveillance systems. Nowhere is this phenomenon more clearly illustrated in the film 'Red Road' (Andrea Arnold 2006), where a CCTV operator uses the system to seek her own revenge on the perpetrator of a crime which resulted in the deaths of her partner and son. The film starkly reveals how, despite her ability to track the ex-offender to his flat and understand his movements and location, the profound social distance between them is a gap which she struggles to bridge.

This is precisely the point examined by Brian Beaton, in his artistic presentation 'Random Digit Darling'. Beaton argues that the development of the telephone survey, which was supposed to protect research workers doing door-to-door survey work, created new forms of vulnerability for survey respondents. He examines the experiences of women who are subject to 'databating' – obscene phone calls made by individuals posing as telephone interviewers. Beaton highlights how more socially distant forms of

surveillance – surveillance, which occurs through chains of intermediaries – creates new and implicitly gendered forms of erotics and vulnerabilities.

Conclusion

Although the critique of surveillance from the perspectives of gender and sexuality is at an embryonic stage, these papers present a first foray into what we hope will be a rich and illuminating way of reading surveillance practices. We see the contribution of these perspectives to concern the local, the discursive, the performative and the embodied: analyses of which are deeply lacking within surveillance studies. At this point we'd like to thank the anonymous reviewers for their help in producing this issue, and everyone who has been involved. We know it's been a long time coming.

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Surveillance & Society

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Abstract

This article considers recent measures of U.S. state surveillance that may first appear unrelated to transgender people, to demonstrate that such policies are in fact deeply rooted in the maintenance and enforcement of normatively gendered bodies, behaviors and identities. The paper argues that surveillance of these bodies centers less on their identification as transgender *per se* than it does on the perceived deception underlying transgressive or non-normative gender presentation. Finally, the paper argues that the primary strategies and responses offered by transgender advocacy organizations tend to reconsolidate U.S. nationalism and support the increased policing of deviant bodies.

On September 4, 2003, shortly before the two-year anniversary of the attacks on the World Trade Center and Pentagon, the U.S. Department of Homeland Security released an official Advisory to security personnel. Citing ongoing concerns about potential attacks by Al-Qaeda operatives, the advisory's final paragraph emphasizes that terrorism is everywhere in disguise: "Terrorists will employ novel methods to artfully conceal suicide devices. Male bombers may dress as females in order to discourage scrutiny" (Department of Homeland Security 2003). Two years later, the Real ID Act was signed into law, proposing a major restructuring of identification documents and travel within and across U.S. borders. Central components of this process include a new national database linked through federally standardized driver's licenses, and stricter standards of proof for asylum applications. In response to both the Advisory and the Real ID Act, transgender activist and advocacy organizations in the U.S. quickly pointed to the ways trans populations would be targeted as suspicious and subjected to new levels of scrutiny.

Criticizing what they read as instances of transphobia or anti-trans discrimination, many of these organizations offer both transgender individuals and government agencies strategies for reducing or eliminating that discrimination. While attending to the very real dangers and damages experienced by many trans people in relation to government policies, in many cases the organizations' approaches leave intact the broader regulation of gender, particularly as it is mediated and enforced by the state. Moreover, they tend to address concerns about anti-trans discrimination in ways that are disconnected from questions of citizenship, racialization or nationalism. Nevertheless, by illuminating the ways that new security measures interact with and affect transgender-identified people and gender-nonconforming bodies, transgender activist practices and the field of transgender studies are poised to make a significant contribution to the ways state surveillance tactics are understood and interpreted. The monitoring of transgender and gender-nonconforming populations is inextricable from questions of national security and regulatory practices of the state, and state surveillance policies that may first appear unrelated to transgender people are in fact deeply rooted in the maintenance and enforcement of normatively gendered

bodies, behaviors and identities. I argue here that transgender and gender-nonconforming bodies are bound up in surveillance practices that are intimately tied to state security, nationalism and the "us/them," "either/or" rhetoric that underpins U.S. military and government constructions of safety. At the same time, the primary strategies and responses offered by transgender advocacy organizations tend to reconsolidate U.S. nationalism and support the increased policing of deviant bodies.

Normalizing Gender: Medico-Legal Surveillance

In many ways, transgender studies provides an ideal point of entry for thinking through state surveillance of gendered bodies. The field has frequently and primarily dealt with the topic of surveillance in terms of medical and psychiatric monitoring of trans people. The production of the category of "the transsexual" through western medical discourse can be clearly traced through sexologist Harry Benjamin's Standards of Care for Gender Identity Disorders, the first version of which was published in 1979. The Standards, now in their sixth version, define the criteria by which healthcare professionals might measure their clients, in order to determine whether they are so-called "true transsexuals." Clients fitting the profile can then be formally diagnosed with Gender Identity Disorder and allowed to proceed with medical transition in the form of hormones and/or surgeries. Central to this standardized definition of trans identity, however, is the expectation that trans people will, through the process of transition, eliminate all references to their birth gender and essentially disappear into a normatively gendered world, as if they had never been transgender to begin with.

Thus two major forms of surveillance operate relative to trans people in the medical and psychiatric institutions. The first is the monitoring of individuals in terms of their ability to conform to a particular medicalized understanding of transgender identity and performance.[1] But more salient to my argument is the second component, which is the notion that the primary purpose of medical transition is to rid oneself of any vestiges of non-normative gender: to withstand and evade any surveillance (whether visual, auditory, social, or legal) that would reveal one's trans status. To blend. To pass. Medical science relies on a standardized, normative gender presentation, monitoring trans individuals' ability to pass seamlessly as non-trans. Medical surveillance focuses first on individuals' legibility *as* transgender, and then, following medical interventions, on their ability to *conceal* any trans status or gender deviance.

Yet medical science itself determines normative gender through a particular form of raced, classed and sexualized body. As Siobhan Somerville argues in *Queering the Color Line*, western medicine has consistently linked race, gender and sexuality such that the norm of white heterosexuality becomes a marker against which deviance is constructed. Scientific studies from the early 19th century on, Somerville demonstrates, helped to designate particular bodies – typically those that were racially or sexually mixed – as degenerative threats to western norms and security. To be classified as normatively gendered is also to adhere to norms of racial and economic privilege. Under this logic, marginalized gender identities can approximate the norm in part through clinging to ideals of whiteness and class status. Concealing gender deviance is about much more than simply erasing transgender status. It also necessitates altering one's gender presentation to conform to white, middle class, able-bodied, heterosexual understandings of normative gendering.

The notion of "concealment" via medical intervention remains tied to legal gender as well, a link made clear by the fact that most states deny changes of gender on identity documents without proof of irreversible "sex reassignment surgery." Attorney Dean Spade notes that U.S. law depends on medical evidence as proof of gender identity in almost every case involving trans people. Medical science is considered, in his words, "the cornerstone of the determination of […] rights" (Spade 2003: 18).

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[1] In "The *Empire* Strikes Back," gender and technology studies scholar Sandy Stone argues that as medical science made available more information about the standards for determining the category of transsexual, individuals were more able to deliberately perform to these standards, to convince doctors of transsexual identities and personal histories in order to gain access to medical transition. In *Sex Changes,* Patrick Califia discusses similar tactics taken up by trans-identified people in post-operative interviews and medical surveys.

Moreover, Spade argues that medical science continues to rely on an ideal of "success" when diagnosing and "treating" trans people, where success is typically defined as "the ability to be perceived by non-trans people as a non-trans person" (26). Spade's work points to the ways that medicine and the law work together primarily to "correct" individuals whose bodies or gender presentations fall outside of the expected norm, promoting the concealment of trans status in order to reestablish that norm.

The discourse of concealment haunts transgender populations across a number of cultural sites. The impossibility of fully erasing one's sexed history is evident in the fact that many states still refuse to change gender markers on birth certificates, or allow only a partial change in which the original gender marker is merely crossed out and replaced. Legal gender in these cases cannot be altered, but only cloaked. Similarly, cultural representations of gender variant people depend on the popular notion that with enough scrutiny, one's "true" gender can be revealed at the level of the body. Consider for example the abundance of talk shows and reality television programs that run on the presumably simple premise of uncovering – often literally – the "real" gender of trans-identified individuals. These shows often work to link gender concealment with harmful or dangerous deception in the cultural imagination, revealing the trans person's birth-assigned sex not only to the audience, but also to a shocked and horrified lover. The constant repetition of this narrative structure locates violence not in the institutional practices of media, medicine or law, or in the gender-normative behaviors and relationships they enforce, but instead in individual trans people's apparently fraudulent personal lives. Echoing this perspective, legal cases dealing with violence against gender variant individuals often revolve around the victim's responsibility to disclose their trans status or birth-assigned sex. Such cases imply or outright claim that the individual's dishonest concealment of their "true" sex was the root cause of the violent actions taken against them. This approach is clearly demonstrated in the narratives constructed around transgender teenager Gwen Araujo's murder (and sexual relationships) in 2002. Legal arguments, news articles and made-for-television movies converged to situate Araujo's murder in the context of a "trans panic" defense, centralizing the shock of discovery and frequently faulting Araujo for not revealing her assigned sex. In this and many other instances, the interplay of medical, legal and cultural representations of transgender populations works to associate the notion of transgender identity with that of secrecy, precisely because it is always understood that the secret can and will eventually be discovered.

The Threat of Ambiguity: New State Security Measures

With such a pervasive cultural emphasis on concealment, it may come as no surprise that the slang used by many trans people to describe non-disclosure of trans status is "going stealth." Trans people who are living "stealth" are unknown as transgender to almost everyone in their lives – co-workers, employers, teachers, friends – and instead living only as their preferred genders. The term itself invokes a sense of going undercover, of willful secrecy and concealment, perhaps even of conscious deception. Use of this undeniably militarized language also implies a connection to the state, and going stealth does involve a great deal of complicity with state regulation of gender, for example in the changing of legal identity documents such as passports, drivers licenses and immigration paperwork. These are changes that themselves require documentation of particular medical interventions to "irreversibly" change one's physical sex characteristics. The state requires compliance with specific legal and medical procedures, and ostensibly offers in return official documentation that enables stealth status.

But such complete secrecy is never fully possible in relation to the state. The very idea of "going stealth" depends on the constancy of "going" – of continuing to conceal one's trans status, though that concealment can never be airtight. Granting medical and legal changes of gender enables the state to simultaneously keep ongoing records of these very changes: a paper trail of past identity markers. Moreover, the state's own policies and procedures for gender changes are internally inconsistent. Legal measures to document trans people's gender status frequently conflict with one another, even as they all work towards stricter regulation and surveillance of legal gender. Some states refuse to change the gender marker on birth certificates, while others do so only with documentation of surgery. Other states first require amended birth certificates in order to change the gender marker on driver's licenses, and in some

cases state and city regulations contradict each other in their surgical requirements for documentation changes.[2] Such administrative conflicts now emerge in even greater relief as governmental agencies increase their policing of immigrant populations: since 1994, the Social Security Administration has sent "no-match" letters to employers in cases where their employee's hiring paperwork contradicts employee information on file with SSA. Ostensibly used to alert otherwise law-abiding employers to the possibility that they are unwittingly hiring undocumented immigrants, the no-match policy intensified after 9/11, with 2002 seeing more than eight times the typical number of letters mailed than in 2001 (Bergeron 2007: 6). The letters and related data are now also accessed by the Department of Homeland Security, which sends employers guidelines about how to correct the problem and avoid legal sanctions.

The no-match policy aims to locate undocumented immigrants (and potential terrorists) employed under false identities, yet casts a much broader net. Because conflicting legal regulations often prevent trans people from obtaining consistent gender markers across all of their identity documents, gender-nonconforming individuals are disproportionately affected by the policy, whether they are undocumented immigrants or not. The National Center for Transgender Equality (NCTE) website notes that the organization "receives calls regularly from transgender people across the country who have been 'outed' to their employers by the Social Security Administration's (SSA's) unfair gender 'no-match' employment letter policy" (National Center for Transgender Equality 2007). Documents always contain traces of the past, and we might argue that this has never been as true as it is in our contemporary moment. Dean Spade's work and other activist projects have pushed for changes in particular states' approaches to gendered identity documents and moved away from the pathologizing of trans identities and bodies. But such changes emerge within a broader context of U.S. nationalism and the War on Terror that serves to justify ever-closer scrutiny of travel, identity documents and bodies.

It is in this cultural landscape of intensified medical, legal and social surveillance that the DHS Advisory appears. By warning security personnel of the gendered disguises that terrorists may appear in, the Advisory neatly fuses the threat of terrorism-in-disguise with perceived gender transgression, marking particular bodies as deceptive and treacherous. Three days after the Advisory was released, a *New York Times* article described the Pentagon's recent screening of the classic 1965 film *The Battle of Algiers*. The *Times* article suggests that the Pentagon screening was in part to gain tactical insight into the current U.S. war in Iraq. *Algiers* is a film filled with depictions of guerrilla warfare tactics, including those that rely on the links between gender and national identities: Algerian women pass as French to deliver bombs into French civilian settings, while Algerian men attempt to pass as women in hijabs, their disguises broken when French soldiers spy their combat boots. Though neither the DHS Advisory nor the Pentagon's study of the film explicitly reference transgender populations, both nevertheless invoke the ties between gender presentation, national identity and bodies marked as dangerously deceptive.

That the Advisory does not specifically name transgender populations in its text does not make it any less relevant to those populations. The focus on non-normative gender does raise questions about how this framing of state security affects transgender-identified people. But it also raises questions about how state institutions might view non-normative gender presentation as an act not limited to – perhaps not even primarily associated with – transgender identities. In the context of current security rhetoric related to the War on Terror, transgender individuals may not be the primary target of such advisories, particularly if those individuals are conforming to normative racial, class and national presentations. Medical science purports to normalize unruly transgender bodies through surgery and hormones. These interventions are intended to eliminate any signs of deviant gendering, creating a non-threatening body that is undetectable as trans in any way. Transgender bodies that conform to a dominant standard of dress and behavior may be legible to the state not as transgender at all, but instead as properly gendered and "safe."

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[2] For more in-depth analysis of gender reclassification policies and the standardization of U.S. identity documents, see Dean Spade's "Documenting Gender."

But not all gendered bodies are so easily normalized. Dominant notions of what constitutes proper feminine or masculine behavior are grounded in ideals of whiteness, class privilege and compulsory heterosexuality, and individuals might be read as non-conforming depending on particular racial, cultural, economic or religious expressions of gender, without ever being classified as transgender. For example, Siobhan Somerville historicizes the ways that black people have been medically and culturally understood to have racialized physical characteristics that directly connect to their perceived abnormality in terms of gender and sexuality. She traces this history back to the public displays in the mid-1800s of Saartje Baartman, an African woman popularly known as the Hottentot Venus, whose womanhood was deemed abnormal precisely through racialized readings of her genitalia (Somerville 2000: 26). In early 20th century all-girl schools, she notes, "the imposition of racial segregation marked the 'white' and 'colored' girls as differently gendered, even in the space of a supposedly single-sex institution" (35). Somerville argues that legal cases such as *Plessy v. Ferguson* advanced racial segregation by inciting panic about the supposed sexual danger white women experienced at the hands of black men (35). Similar sexual panic served to justify public lynchings of black men throughout the U.S., and the genital mutilation and castration frequently involved suggest a clear link between racialization and fears of hypermasculinity and violent sexual deviance. Joy James draws on this history to analyze contemporary racialized state violence, arguing that state practices of surveillance and discipline read sexual and social deviance or danger through racialization processes. Moreover, she writes, "some bodies appear more docile than others because of their conformity in appearance to idealized models of class, color, and sex; their bodies are allowed greater leeway to be self-policed or policed without physical force" (James 1996: 26). These examples demonstrate that perceived gender normativity is not limited strictly to gender, but is always infused with regulatory norms of race, class, sexuality and nationality. Thus individuals need not be transgender-identified to be classified as gender-nonconforming. Bodies may be perceived as abnormal or deviant because of gender presentations read through systems of racism, classism, heterosexism, and particularly in the case of the Advisory's focus on Al-Qaeda, Islamophobia.

The impetus for state classification and surveillance of deviant bodies has increased dramatically in the context of amplified monitoring of immigration and heightened nationalist security measures justified by the rhetoric of the War on Terror. This environment spurred the passage of the Real ID Act in 2005; legislation endorsed by the 9/11 Commission, which noted that "for terrorists, travel documents are as important as weapons" (Department of Homeland Security 2008). The Real ID Act establishes minimum standards for U.S. driver's licenses and non-driver IDs, with the intention that by 2013 any ID card that is non-compliant with these standards will be invalid for activities such as air travel, access to government buildings, or access to federal funding such as Social Security. Stricter standards are to be used to verify identities, citizenship, names and birthdates. Draft regulations also specify that Real ID cards and all supporting documents used to create them (birth certificates, Social Security cards, court-ordered name changes, etc.) be linked through a federal database and stored there for 7-10 years.

It is noteworthy that the Act was passed through Congress with little debate (and with unanimous final approval from the Senate), four years after 9/11 and as the U.S. waged war in at least two countries. The ease with which the Act passed may be attributed to the fact that it was tacked onto an emergency spending bill to fund the wars in Afghanistan and Iraq. In his historical account of Britain's attempts to institute a national ID card, Jon Agar argues that only during wartime could such universal identification processes be justified and implemented. He notes that increased concern over fraudulent identities proved to be a major argument in favor of continuing the compulsory national identity documents instituted during World War II. Efforts to maintain individual identity converged with efforts to regulate sexual practices and gendered relationship structures, as post-war attempts to shore up the nuclear family took the form of public outcry against bigamy, viewed by the British state and general public as a "foreign" practice that enabled both sexual deviance and multiple identities. Agar writes that "bigamy starkly highlighted the extent to which social institutions depended on individuals living under one, and only one, identity," fuelling desires not just to continue the cards, but to *expand* the amount of information they contained (Agar 2001: 116). For many, compulsory ID cards recalled totalitarian governing associated with Nazi Germany, and conflicted with British ideals of privacy and individualism. Yet the possibility

that such cards could eradicate bigamist practices – securing individual accountability alongside normative sexuality and family structure – provided its own form of national differentiation. Moreover, because ID cards were touted as preventative measures against stolen identities, state regulation of identity was encouraged as a personal right and civil liberty, a method of increasing lawful citizens' security. The state thus implied that those who had nothing to hide had nothing to fear from the implementation of national identification.

The Real ID Act and the discourses surrounding it echo much of this rhetoric. In the context of U.S. nationalism that seeks to eradicate the foreign, the Act is most overtly directed at the figures of the immigrant and the terrorist, certainly not imagined as mutually exclusive categories. To eliminate these figures, the Act increases state surveillance of identity by requiring and storing a single identity for each individual. But maintaining a singular, consistent, and legally documented identity is deeply complicated for many gender-nonconforming people: for example, common law name changes mean there is no court order to be filed with a Real ID card. Similarly, different state agencies define "change of sex" differently (with some requiring one surgical procedure, some another, and others no surgery at all), making a single gender marker on the Real ID card difficult if not impossible. Ironically, the state's own contradictory methods of determining and designating legal gender and sex render Real ID cards ineffectual. Even as these cards would work to create and enforce singular and static identities for individuals, they simultaneously work to expose the fluidity and confusion characterizing state policies on identity documents. As Jane Caplan and John Torpey argue, "[t]he very multiplicity of these documents may […] disrupt the state's ostensibly monolithic front" (Caplan 2001: 7). Thus state regulation of gender and gendered bodies can actually function to reveal ambiguities in the state itself.

Moreover, such policies point to the ways that concealing and revealing trans identity actually depend on one another, demonstrating the impossibility of thinking these actions as binary opposites. To conceal one's trans status under the law requires full disclosure to the medico-legal system, which keeps on public record all steps taken toward transition. That same system is later invoked when individuals seek to prove their trans status through medical and legal documents that ostensibly serve to obscure or even disappear such status. Thus concealment necessarily entails disclosure, and vice versa.

That the Real ID Act, created as part of a war funding bill and approved in a climate of fear and militarization, seeks to maintain individual identities and make them more accessible to state agencies speaks to the ways that multiple, ambiguous or shifting identities are viewed as menacing and risky on a national scale. Alongside more overt statements like the DHS Advisory, the Real ID Act and SSA no-match letters function as significant state practices and policies that link gender ambiguity with national security threats. Like other new security measures, the Real ID Act is promoted as benign – even beneficial – for those citizens with nothing to hide. Yet concealment is strongly associated with the category of transgender, a perception fueled by cultural depictions of trans deception and by the medico-legal system that aims to normalize trans bodies while simultaneously meticulously tracking and documenting gender changes. Reacting to these cultural and legislative constraints, transgender activist and advocacy organizations increasingly engage with new state security measures in efforts to maintain safety both of the nation and of individual transgender-identified people.

Nothing to Hide: Organizational Responses

In their responses to the DHS Advisory, the Real ID Act and the SSA no-match letters, transgender advocacy organizations have opposed these measures' effects on transgender individuals. But they have not typically considered the implications for state regulation of gender presentation more broadly, particularly as it might resonate for individuals marked as gender deviant who are not transgender-identified or linked in any obvious way to trans communities or histories. Nor have they addressed the ways in which particular groups of trans-identified people may be targeted differently by such policing. For example, in a 2006 statement to DHS regarding the no-match letter policy, NCTE recommends that gender no longer be one of the pieces of data used to verify employees, arguing that employers are not

legally required to submit gender classification to SSA, and therefore any exchange of information about employees' gender is "an invasion of private and privileged medical information" (Keisling 2006: 2). In an effort to protect transgender employees, the NCTE statement aims to limit the information shared between SSA and DHS. Yet it also works to support no-match letters as a form of regulatory state surveillance, by stating clearly the importance of "avoiding fraud" through Social Security number confirmation. The statement does not oppose state surveillance measures more broadly, but instead seeks to improve them, offering recommendations on behalf of trans employees "in order for the employee verification system to be efficient and equitable" (1).

While arguing for privacy rights may benefit some gender-nonconforming employees, this strategy assumes equal access to privacy and legal recourse for all transgender people and fails to consider how privacy rights are compromised or nonexistent for undocumented immigrants, prisoners, and individuals suspected of terrorism, who may or may not be transgender-identified or perceived as gender-nonconforming. Diminished rights to privacy are particularly evident in the wake of the 2001 USA PATRIOT Act, legislation that provides much of the ideological and legal foundation for more recent state surveillance measures. Building on earlier policies such as the 1996 Anti-Terrorism and Death Penalty Act and the FBI's COINTELPRO activities, the USA PATRIOT Act further limits individual privacy rights by expanding the federal government's ability to secretly search private homes; collect medical, financial and educational records without probable cause; and monitor internet activity and messages. Passed in the flurry of anti-immigrant nationalism and increased racial profiling that followed 9/11, the Act bolsters particular understandings of the relationships between citizenship, race, privacy and danger that underpin surveillance measures like the Real ID Act and SSA no-match policy. Though absent from the NCTE statement, this context demonstrates the frailty of any claim to privacy rights, particularly for trans and gender-nonconforming immigrants and people of color. The statement seeks to protect transgender employees, but remains within – and is limited by – the constraints of the current medico-legal system.

That medico-legal system itself works to track and document gender-nonconforming bodies and transgender identities, such that at some level, trans people's medical and legal information was never private or privileged. With this in mind, it is perhaps not surprising that the primary strategy of transgender advocacy and activist groups has been to advise trans individuals to make themselves *visible* as transgender to authorities that question or screen them at places like airports and border checkpoints. In response to the DHS Advisory, The National Transgender Advocacy Coalition (NTAC) released its own security alert to transgender communities, warning that given the recent Advisory, security personnel may be "more likely to commit unwitting abuses" (National Transgender Advocacy Coalition 2003). NTAC suggests that trans travelers bring their court-ordered name and gender change paperwork with them, noting, "while terrorists may make fake identifications, they won't carry name change documents signed and notarized by a court." The organization recommends strategic visibility as a safety precaution, urging those who might otherwise be "going stealth" to openly disclose their trans status to state officials and to comply with any requested searches or questionings. Calling the potential violence and violations against travelers "unwitting abuses" suggests that authorities enacting these measures cannot be blamed for carrying out policy intended to protect the general public from the threat of hidden terrorism. Such a framework neatly sidesteps any broader criticism of the routine abuses of immigrant, Arab and Arab-appearing individuals that have been justified in the name of national security, and implicitly supports the state's increased policing of "deviant" or apparently dangerous individuals. The demand for trans people to make themselves visible as such is couched in terms of distinguishing between the good, safe transgender traveler and the dangerous, deviant terrorist in gendered disguise. This distinction rests on an implicit understanding of trans travelers as compliant and non-threatening, yet such status is only made possible through the linking of deviance to bodies outside of the white middle-class norm, as Somerville and others have demonstrated. In other words, it is only by effacing the particular scrutiny leveled at trans people of color and trans immigrants that the figure of the non-threatening trans traveler emerges. This figure is imagined to be scrutinized on the basis of gender alone, such that medical and legal documentation are assumed to be a readily available and comprehensive solution. Such a move simultaneously entails displacing the racialized elements of state surveillance onto the figure of the

terrorist, implicitly marked as both racialized and non-trans in the logic of NTAC's statement. Moreover, by avoiding any larger critique of state surveillance or policing, NTAC also positions *itself* as a non-threatening, safe, even patriotic organization.

Interestingly, the call for strategic visibility does, to a certain degree, resonate with Sandy Stone's call in the late 1980s for trans people to resist the medical impetus to erase or hide their trans status. Urging trans people to remain visible *as transgender* regardless of their medical transition status, Stone writes "in the transsexual's erased history we can find a story disruptive to the accepted discourses of gender" (Stone 1991: 295). Arguing for the transformation of dominant understandings of transsexuality and gender identity, Stone asserts "it is difficult to generate a counterdiscourse if one is programmed to disappear" (295). Written in a historical moment characterized by the suppression of transgender identities within the mainstream gay, lesbian and feminist movements, Stone's argument was viewed both as controversial and as crucial to the galvanization of transgender scholars, activists and communities in the U.S. Stone's initial argument may not be the starting point for a linear progression leading to the current tactic of visibility taken up by transgender advocacy organizations in the fight against perceived terrorist threats, but it does indicate the ways that visibility has long been a key point of contention in relation to gender-nonconforming bodies.

In both Stone's work and NTAC's press release, the recourse to strategic visibility remains grounded in assumptions that *in*visibility was ever possible. Which bodies can choose visibility, and which bodies are always already visible – perhaps even hyper-visible – to state institutions? For whom is visibility an available political strategy, and at what cost? While (some) trans people gain (a particular kind of) visibility through attention from popular media and medical research, such gains must always be evaluated in relation to their dependence on regulatory norms of race, class and sexuality. Not all trans people can occupy the role of the good, safe transgender traveler that NTAC recommends. Moreover, this recommendation does not consider how increased visibility simultaneously places one under greater scrutiny and surveillance by state institutions. Bodies made visible as abnormal or unruly and in need of constraint or correction may likely experience increased vulnerability and scrutiny. For a number of gender-nonconforming individuals, then, visibility may wield more damage than protection. Which bodies would be read under the DHS Advisory's warning as gender deviant, dangerous or deceptive even if they *did* produce paperwork documenting their transgender status? Such documentation may work to decrease suspicion for some bodies, while compounding scrutiny for others.

NTAC is certainly not the only organization to advocate for the rights of legitimate transgender citizens by distinguishing those citizens from the figure of the threatening terrorist. The Transgender Law Center in San Francisco has also released security alerts and recommendations aimed at transgender-identified communities, including one statement jointly issued with NCTE, in which the two organizations criticize new security measures like the DHS Advisory and Real ID Act. They note that although these measures were originally conceived in response to "legitimate security concerns" regarding false documentation used by terrorists, they ultimately create undue burdens for transgender individuals who seek to "legitimately acquire or change identification documents" (Transgender Law Center 2005: 1). Like NTAC's concern that non-threatening transgender travelers could be mistaken for terrorists, the responses from NCTE and the Transgender Law Center refuse to critically engage the rhetoric of terrorism justifying current state regulation of gender more broadly, and in fact depend upon the figure of the (presumably non-trans, racialized) terrorist to play against the figure of the legally compliant trans person. Recalling Joy James, here again we might ask how ideals of compliance are grounded in normative understandings of race, class and sexuality. The organizations' statement not only avoids a critique of state surveillance measures, but also asks for rights and state recognition on the basis of "legitimacy." In relation to trans populations, such a label is already infused with the regulatory norms maintained by medical science and government policies. Legal legitimacy is typically based on identity documents, most of which require sex reassignment surgery for a change of gender marker. Yet in almost all cases, surgeons request a formal diagnosis of Gender Identity Disorder – a diagnosis that itself turns on the language of correction and normalization. Moreover, none of these organizations' responses to new security measures address the fact

that pervasive surveillance of gender-nonconforming bodies is inextricably linked to the racialization of those bodies. Within the framework of the statement from the Transgender Law Center and NCTE, which bodies can be read as legitimate, and which bodies are always cast as suspicious?

The Sylvia Rivera Law Project, an organization in New York providing legal services to low-income gender-nonconforming people, argues that the current political climate of "us vs. them" leads to the polarization of communities that could otherwise work in coalition, as individuals attempt to divert surveillance onto other marginalized groups. The Law Project suggests that assimilation – "going stealth," or claiming status as a good transgender citizen – has become a primary tactic for escaping state surveillance, targeting or persecution. But assimilation strategies are often used in conjunction with the scapegoating of other communities. Jasbir Puar and Amit Rai convincingly address such polarization in their article "Monster, Terrorist, Fag: The War on Terror and the Production of Docile Patriots," arguing that the demand for patriotism in response to past and future terrorist attacks produces "docile patriots," who normalize themselves precisely through distinguishing themselves from other marginalized groups. For example, regarding the profiling of Arab and Arab-appearing people after 9/11, Puar and Rai examine the response of many Sikh communities in the U.S., who emphasized the difference between their respectable turbans and those worn by terrorists. With some even donning red, white, and blue turbans, Puar and Rai note, the actions of these Sikh communities served to mark off Sikhs as a legitimate, patriotic and "safe" group of American citizens, in direct contrast to differently-turbaned terrorists – indeed, the ability of these Sikhs to become good citizens is directly dependent on their ability to clearly distinguish themselves from the figure of the terrorist. Leti Volpp cites similar rhetoric in her article "The Terrorist and the Citizen," writing that "post-September 11, a national identity has consolidated that is both strongly patriotic and multiracial" (Volpp 2002: 1584). Noting that the Bush administration appears inclusive while systematically excluding those racially marked as potential terrorists, Volpp argues that "American" identity and citizenship are in fact constructed against the figure of the terrorist. The terrorist thus *makes possible* the construction of a national identity, providing a contrast that the citizen is formed in opposition to.

This reliance on the notion of legitimacy – as good citizens, as safe travelers, as willing patriots – is similarly evident in the statements made by many transgender advocacy organizations about new security measures that target perceived gender deviance. Suggesting that trans people bring their court documents with them, cooperate with authorities and prove their legitimacy, the advocacy groups no longer rely on the strategy of concealing one's trans status, or what I named earlier as "going stealth." Instead, their primary advice is to *reveal* one's trans status, to prove that trans travelers are good citizens who have nothing to hide. Particularly in the context of the War on Terror, we might reread the notion of "going stealth" to mean not simply erasing the signs of one's trans status, but instead, maintaining legibility as a good citizen, a patriotic American – erasing any signs of similarity with the deviant, deceptive terrorist. The concept of safety thus shifts: rather than protecting trans people from state violence, the organizations now focus on protecting the nation from the threatening figure of the terrorist, a figure that transgender travelers must distinguish themselves from by demonstrating their complicity in personal disclosure. Creating the figure of the safe transgender traveler necessarily entails creating and maintaining the figure of the potential terrorist, and vice versa. Because some bodies are already marked as national threats, the ability to embody the safe trans traveler is not only limited to particular bodies, but in fact requires the scapegoating of other bodies.

While surveillance measures like the DHS Advisory may appear to primarily target transgender individuals as suspicious, the bodies being policed for gender deviance are not necessarily trans-identified, but rather demonstrate non-compliance with gender norms that may have as much to do with race, religion, class and sexuality as with transgender identity. Surveillance of these bodies centers less on their identification as transgender *per se* than it does on the perceived deception underlying transgressive gender presentation. Because normative, non-threatening gender is always read through ideals of whiteness, economic privilege and heterosexuality, "going stealth" is an option available only to those segments of the transgender population able to achieve or approximate those ideals. And in the context of

national security and the U.S. War on Terror, going stealth may be less grounded in passing as non-transgender than in maintaining the appearance of a good, compliant citizen, an appearance solidified by the fact that these bodies need not conceal anything from state institutions or authorities, because they have nothing to hide. Approaching the relationship between gender-nonconformity and state surveillance in this way means resisting the urge to think about surveillance of gendered bodies as limited only to medical and legal monitoring of specifically transgender-identified individuals. In fact it points to the importance of thinking more broadly about the interactions between regulatory gender norms, racialization processes and ideals of citizenship. Moreover, it refuses a view of state surveillance as something disconnected from or unconcerned with gender, and instead foregrounds the ways that gendered and racialized bodies are central both to perceptions of safety and security and to the structuring of state surveillance practices. As these bodies attempt to evade surveillance either through careful invisibility or through strategic disclosure – each of which entails engaging the other to some degree – they do so not in isolation, but in the context of war, nationalism and militarization, and power relations that are themselves ever more starkly revealed in the act of going stealth.

Acknowledgements

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Article	## "He asked me if I was looking for fags…" Ottawa's National Capital Commission Conservation Officers and the Policing of Public Park Sex

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Abstract

The National Capital Commission (NCC) is an organization responsible for so-called 'beautification' and land development around Canada's capital city, Ottawa. This paper examines surveillance of public sex by NCC conservation officers in Ottawa's parks. Conceptualizing NCC conservation officer work as policing, I analyze conservation officer occurrence reports obtained through federal-level access to information requests to examine how public male with male sexual activity is problematized and criminalized. This case study of NCC conservation officer work demonstrates how notions of so-called 'appropriate' sexuality and space usage can be shaped and reinforced through policing and surveillance conducted by governance agents who have peace officer status. Conservation officers have been excluded from studies of policing because of a bias towards conventional municipal officers in the policing literature as well as the marginal status of specialized enforcement agents. Contributing to the literature on policing of public sex, my analysis of conservation officer occurrence reports suggests that even when bylaws and park regulations concerning erotic acts are written in gender-neutral and innocuous language, these bylaws are enforced in ways that discriminate against public homoeroticism. Though NCC officer policing is integral to attempts at purifying urban space, because of their mandate to promote the spirit of Canada in the lands surrounding Ottawa I argue that sexuality is also a matter of national character for the NCC.

Introduction

The literature regarding male with male public sex tends to focus on bathhouses (Bérubé 1996; Alexander 1996; Smith 1988) and tearooms (Walby 2009; Johnson 2007; Deroches 1990; Delph 1978; Humphreys 1975). Whereas bathhouses charge men money for lockers and rooms to conduct sexual acts, tearooms are public settings for encounters where participants are less often known to each other. Public parks are also spaces where men seek sexual relations with other men. Parks are dark at night, and are less 'public' than street corners, so men who frequent these "erotic oases" (Delph 1978) hope they are not disturbing anyone and also hope they are not being monitored by police.

Compared with tearooms, parks are interesting as erotic oases because they are not used exclusively by men having sex with men (Tewksbury 1996). Heterosexual couples also head to the park. All of this erotic activity in parks transgresses the contemporary spatial bounds of sex, which limits it to the private realm, the home, the bedroom. Park sex is contested (Rubin 1993) since it contravenes assumptions about where sex should happen and how parks should be used. Parks known as cruising zones for public sex are frequently regulated, through techniques ranging from tree removal and landscaping to arrests. Landscaping or 'beautification' that targets park sex amounts to a 'crime prevention through environmental design' mentality of policing eroticism.

Tewksbury (1995: 9) writes that "truly open locales such as public parks have been largely neglected in the literature" concerning policing of sex. Meanwhile, Carter (2006) notes that game wardens as well as conservation officers have been excluded from studies of policing because of a bias towards conventional municipal officers in the policing literature as well as the marginal status of specialized enforcement agents. In this paper I examine the surveillance and policing practices of National Capital Commission (NCC) conservation officers with respect to sexual relations in the public parks of Canada's capital city, Ottawa. I argue that National Capital Commission conservation officer surveillance work is policing. The NCC is an organization responsible for land development projects and so-called 'beautification' around the National Capital region, which extends outside of the City of Ottawa into surrounding townships. NCC conservation officers monitor the parks under their jurisdiction, write up occurrence reports, correspond with the Ottawa Police as well as the Royal Canadian Mounted Police about their findings, and enforce NCC regulations as well as the Criminal Code of Canada.

Urban governance agencies like police and security firms have tenuous relationships with queer communities. Through their surveillance and occurrence reporting practices that attempt to ban sex (especially male with male sex) from public, NCC conservation officers are involved in the normalization of sexuality. Situated on the Ontario/Quebec border, Ottawa is distinct as a capital city but also because of its specific cultures of gay masculinity. Ottawa is more 'in the closet' than the neighbour cities of Montreal and Toronto (located 2 and 5 hours by car away respectively). Community associations from both Ontario and Quebec problematize sexual activities in parks, which only strengthens the NCC mandate to enforce regulation # 18 of the *National Capital Commission Traffic and Property Regulations*, which states: "no person shall use any blasphemous or indecent language, or behave in an offensive manner, upon any property of the Commission". NCC conservation officers have a specific mandate to enforce this regulation on their lands. The chief method by which NCC officers find out if sexual relations are occurring is to cruise around the parks by car, bike or foot, though they sometimes check online chat sites to monitor communications about where people are likely to congregate. NCC officer policing is integral to attempts at "purifying space and the concomitant eradication of strangeness" that Bell and Binnie (2004: 1813) argue is a chief strategy of urban governance today.

When it comes to urban governance, 'beautification,' read another way, is codeword for annulment of sexuality. Yet policing of public sex is not only an urban governance issue. Pryke (1998) argues that attempts to regulate sexual conduct figure centrally in defining who is fully accepted as part of the nation. Charged with a mandate of fostering the spirit of Canada in the lands surrounding Ottawa, sexuality is a matter of national character for the NCC, which, in this case, leads to the barring of male homoeroticism from public. Through their policing, NCC officers are not only defining what sexual identities and practices are acceptable in certain city spaces. NCC officers are also at work producing a vision of sexual citizenship (Hubbard 2001), since, as a National Capital Commission (1965) document puts it, "the capital of a country…becomes a symbol of nationalism and in miniature represents the spirit and life of its people".

This paper is organized in four parts. I first review the literature regarding public sex as it concerns anonymous zones for male with male public sexual relations. I then offer an overview of the National Capital Commission as an organization and the work of NCC conservation officers as police. After a note regarding research method, I report on the findings from federal-level access to information requests I filed with the NCC as it concerns public male with male sex. The activities of sex participants are inscribed as spatially and sexually deviant through NCC officer use of occurrence reports. My analysis of conservation officer occurrence reports suggests that even when regulations concerning sexuality are written in gender-neutral and innocuous language, these are enforced in ways that discriminate against public male with male sexual relations. Contributing to the literature on policing of public sex, I argue that not only is NCC officer policing integral to attempts at purifying and heterosexualizing urban space, but is integral to fostering a heteronormative understanding of nationhood in and around Canada's capital city.

Public Sex, Parks and Surveillance

The notion of 'public sex' is misleading. It assumes there is a stable difference between 'public' and 'private'. Edwards (1994: 91) uses the term 'not-private' sex, since the paradox of public sex is its hiding "in darkness, and around corners to evade constantly increased state surveillance…[oscillating] from apparent non-privacy into comparative privacy". For this reason, so-called public sex involves redefining privacy and anonymity (Bell 1995). Notions of 'public' and 'private' are also central in the regulation of sexuality (Colter *et al*. 1996). The 1957 *Wolfenden Report*, influential across the UK and North America, called for complete withdrawal of regulation of sex in the private sphere but broader policing of public sex. The *Wolfenden Report* became core policy for many governments, including Canada's, facilitating the decriminalization of private 'homosexuality' in a 1969 amendment of the Criminal Code of Canada. The *Wolfenden Report* simultaneously legitimated regulation of male with male sex in public, evidenced by crackdowns on bathhouses and tearooms that occurred in Toronto during the late 1970s through the 1980s (Walby 2009; Smith 1988). Decriminalization of 'private homosexuality' was advanced while 'public homosexuality' became criminalized.

As Califia (1994: 71) puts it, too narrow a definition of 'public' or 'private' in relation to sex "could leave us with little or no right to be visibly gay, meet each other in public places, or participate in sex outside of monogamous, closeted relationships". That we are 'free' to pursue sexuality in 'private' means that sex is subject to various forms of regulation. The surveillance that occurs where space and pleasure-seeking intersect is only intensified in the revanchist city (Hannigan 1998; Smith 1996) where business and moral entrepreneurs seek to sanitize space and create more commercial zones.

Laws concerning public sex are written or enforced in ways that target specific types of people in specific locations (e.g. men who have sex with men in public). What results from governing public sex through law "is the performative inscription of a particular type of sexual figure who is deviant, abnormal, suspect, and in need of regulation by the criminal law" (Johnson 2007: 532). The claim here is that not all public sex is regulated equally. If laws are enforced in ways that discriminate against public male with male sexual relations, this begs the questions of why. Is it simply homophobia?

For Herek (2004: 8), the term 'homophobia' was important in that it "crystallized the experiences of rejection, hostility, and invisibility that homosexual men and women in mid-20th century North America had experienced throughout their lives". But Herek points out that the term 'homophobia' has been "too diffuse in its application" and "overly narrow in its characterization of oppression as ultimately the product of individual fear" (*ibid*. 11). The stereotyping, persecution and exclusion of men who have sex with men is based on more than an amorphous fear – regulation of sexuality always has a spatial element. Some argue that 'heteronormativity' is a more precise term. Heteronormativity refers to how heterosexuality is privileged as 'natural' sexuality, favouring monogamous relations between opposite sexes that aim towards child bearing. Same sex relations, promiscuity, and kinky sex are shunned. It is not only sex acts but also urban areas that are coded through heteronormative hierarchies of property and propriety (Berlant and Warner 1998). Heteronormativity is not a thing, however, it is a process. The privileging of heterosexuality and demonization of queer sexuality is achieved and inscribed through routine text-based surveillance practices (Smith 1988) involving occurrence reports and other kinds of information sharing. Governance of homoerotic desire occurs in a field of contending discourses, where multiple techniques are used to produce regulatory knowledge in a search for 'homosexuals' (Walby 2009; Kinsman 1996).

The heteronormative order is also a spatial order. Moral contours of heterosexuality are etched into city spaces: "the city organizes and 'naturalizes' heterosexuality in so much as it divides and confines sexual identities across public and private spaces, defining the locations appropriate for specific sexual performances" (Hubbard 2000: 211). Parks are a site of such attempts at ordering. Edwards (1994) writes that parks in Britain have been used for public sex since 18th century industrialization. Merrick (2002) discusses the policing of male with male sex in the then wooded and marshy Champs-Elysées area of 18th

century Paris. Men having sex with men choose the park because it is more discreet than the street corner. Parks can be public-private spaces. The park is sometimes viewed as risky by sex participants, not because of HIV/AIDS, but since gay bashing from police or homophobic community members is a possibility. This in turn contributes to how men also think of park sex as thrilling and exciting (Lee 1979). For Edwards (1994: 108), "public sex is primarily conducted within the context or parameters of pleasure and danger or eroticism and oppression due to its constant oscillation across a series of codes of decency, order and privacy". The park is a liminal zone where the rules for everyday sexual conduct are suspended. At the same time, the park (especially at night) is thought of as a site where male against female violence occurs (Little 2005; Chan and Rigakos 2002; Pain 1997). Public parks are contested zones because they are accessible by numerous social groups who make different use values of the locale.

Even Christopher Park in New York, iconic in gay communities, is neither stably queer or heteronormative (Conlon 2004). Instead, it is through contestation that space becomes produced or intelligible as belonging to one or another social group and the conduct associated with them. It is not only 'private' and 'public' that are constituted through such regulation and surveillance. It is through surveillance that 'homosexuals' as so-called sexual deviants become intelligible as governance objects to organizations like the NCC. Examining the textual organization of surveillance practices and the work of surveillance agents (Walby 2005), in this paper I focus on how the NCC as a governance agency mobilizes against and monitors people with diverse sexualities.

Conservation Officers and the National Capital Commission

The NCC[1] is unique as a governance agency because its purpose is ostensibly 'beautification' of public space around Ottawa, yet it touts a specialized team of conservation officers with powers to enforce NCC regulations and the Criminal Code of Canada. Capital cities often have planning commissions. Part of the commission's task is to manage the city's image. Even though Ottawa was selected as Canada's capital in 1857, its reputation as a debauchery-ridden town did not catch up with it until Canada's second Prime Minister, Sir Wilfred Laurier, sought in the late 1890s to halt private development initiatives linked to alcohol consumption and prostitution along the river bank, making all land development a matter of public interest (Besmier 2003). A gang of landscape architects took to beautifying Ottawa, trying to make its lands and buildings reflect the diversity of Canada. In 1899 lands were bestowed to the Ottawa Improvement Commission, which was then replaced in 1927 by a more ambitious organization, the Federal District Commission. In 1956, the federally funded National Capital Commission took over from the Federal District Commission, with powers to ensure development of the newly created National Capital Region. The NCC's mandate changed under the Conservative government of Brian Mulroney. In addition to the NCC being responsible for development projects along the Rideau Canal and Rideau River, it now had a specific mandate to build pan-Canadian national identity (Besmier 2003). Ottawa's buildings and public space had to take on a symbolic thrust and create an imaginary of Canadian nationalism.

There are two ways the NCC aims to police public sex, first through beautification and second through conservation officer surveillance. The 'beautification' engaged in by the NCC, which involves landscaping and tree removal to deter park sex, can be conceptualized as crime prevention through environmental design (CPTED). CPTED involves using design to encourage proprietary behaviour among users of the space. Removal of trees and increasing lines of sight augments casual surveillance of so-called anti-social behavior by other space users. The space is created in an image of respectability – nuclear family values are part of the planning and design (Parnaby 2007). CPTED is about risk management, not just crime prevention. This requires some device for sorting people into categories of those who appropriately use space and those who do not (Parnaby 2006). When it comes to parks, CPTED is

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[1] The NCC is a crown corporation under the jurisdiction of the Canadian Heritage Department. Its board is comprised of members from the City of Ottawa, members of other municipalities and representatives from the provinces of Ontario and Quebec. The NCC has no control over the City of Ottawa but works in 'partnerships' with them, local authorities, as well as land and building development companies. In addition to conservation officers, the NCC employs engineers, architects, regional planners and surveyors.

gardening aimed at governing: "through physical design, this sense of proprietary concern can be extended into public space" (Blomley 2004: 617).

If so-called beautification fails to deter use of the park for sex, NCC conservation officers step in. NCC conservation officers have peace officer status. Their powers include serving of summons and warrants, arrest, search and seizure, the option of carrying protective devices such as pepper spray and batons, and access to the Canadian Police Information Centre (CPIC) database. CPIC is a database run by the Royal Canadian Mounted Police that all police and peace officers can consult for background information (e.g. previous offenses) of people they have apprehended. Though CPIC files are not supposed to contain 'soft' background information like details of past warnings in the form of 'cautions' officers leave for each other, CPIC files do contain this information, and sometimes this information is used in a prejudicial way against those apprehended (Schellenberg 1997). Peace officers are thus "contiguous" with law enforcement officers (Bittner 1967: 714) since they have access to many of the same tools and use law as a resource to tackle problematized groups.

The ability of NCC officers to enforce law and use CPIC is justification for conceiving of their work as policing. Carter (2006) argues that game wardens as well as conservation officers have not been conceptualized as police, though they should be. Hermer (2002) has examined the role of game wardens and rangers in regulating parks, but most of the parks he looked at were state or provincial parks removed from urban settings. NCC parks are in or very near the city. This means NCC officers are presented with a different set of duties compared to conservation officers who work in remote locations. The NCC parks in and around Ottawa are close enough that they can be accessed by those interested in a cruise. 'Cruising,' or picking up a date in public for a casual sex encounter, occurs in semi-urban environments that offer anonymity. Communication for this pick-up system happens through bodily signals and coloured handkerchiefs (e.g. dark blue for fucking, light blue for sucking). NCC conservation officers have to blend in and not blow their cover, which is facilitated by plain clothes patrols.

One policing tool that conservation officers have at their disposal when they apprehend people having park sex is the occurrence report. Occurrence reports are notes made by NCC conservation officers about their surveillance work. The report has sections for the name of the officer, the location of the occurrence, details of the occurrence, the number of the infraction or warning given, CPIC codes, officer signature, and date. Occurrence reports like those the NCC conservation officers work with are key tools in the material relations of surveillance because they allow for monitored activity to be translated into written language, which can then be stored, sent to other governance agencies, and used to prohibit from certain spaces and sometimes criminalize those about whom the report was written (Walby 2006). Through access to information requests I received seventy five occurrence reports filed by NCC conservation officers between 2004-2007. This is just a small sample of all the occurrence reports regarding public sex filled out over time. My concern is not the quantity of these occurrence reports but what NCC conservation officers do with them in monitoring and regulating sex in Ottawa parks. I argue that NCC police work is not only a matter of urban governance but also relates to the NCC mandate of pursuing an idealized conception of Canadian nationhood.

Note on Method

In Canada, the *Access to Information Act* allows individuals to request information from public organizations that would not otherwise be made public. I requested reports, internal/external communications and/or briefing materials prepared by National Capital Commission regarding public sex, public sex in NCC parks, and policing of, or concerns regarding, public sex. I received back seventy five occurrence reports from between 2004-2007 as well as many other documents related to policing of public sex. Some of the documents had information redacted using section 19(1) of the *Act*, which pertains to personal information. I also accessed numerous reports and public complaints through the request. To supplement the analysis of occurrence reports, I have also analyzed stories concerning public sex in the *Ottawa Citizen* newspaper.

Keeping Track of 'Criminal Intimacies' in NCC Parks

Before analyzing NCC conservation officer regulation and surveillance of park sex, I will provide background information concerning how public sex has recently been problematized by community groups and police in Ottawa. In the late 1980s, residents in the Tunney's Pasture area of Ottawa complained about men using the Remic Rapids Park for sexual encounters. One concerned mother feared her son would contract a disease from used condoms or be molested by gay men (Ip, June 15 1987: C20). Using CPTED strategy, the NCC tried to change the landscape of the Remic Rapids Park, which had been a cruising zone since the 1940s, by adding lights as well as removing all trees higher than five feet and bluffs that concealed sexual activity. Gay-ally groups responded that cruising locations had been diminished because the new National Gallery of Canada, constructed in 1987-1988, attracted crowds that made sex at Nepean Point Park untenable. The Alderman of Elmdale said "fornication in the bush" is "unacceptable behavior," while the NCC contacted the Royal Canadian Mounted Police to increase patrols in the Remic Rapids area. A spokesperson for the Gays of Ottawa group said that parks were needed as cruising zones since homoeroticism was denigrated in society (Oslund, June 22 1989: B1). A resident responded "I have nothing against consenting adults getting intimate…but I just wish they would find some place more private". As Hubbard (2001: 51) puts it, "public spaces are constructed around particular notions of appropriate sexual comportment which exclude those whose lives do not centre on monogamous, heterosexual, procreative sex".

A liaison committee was formed in 1991 to advise police on queer issues. Also in 1991, as a way of dealing with complaints about park sex while accommodating (mostly) gay men's frequenting of parks for sex, a 'pink granite road' was proposed as a cruising site. In conjunction with Planned Parenthood Ottawa, the NCC proposed to spend $10,000 on condom machines in washrooms on NCC grounds and condom distribution in parks. Representing public sentiment concerning the condom program, one reader of the *Ottawa Citizen* wrote "this is a totally unacceptable use of Canadian tax dollars. Our national capital greenbelt areas are funded for family use and recreation, not copulation" (Smith, April 15 1991: A10). When the NCC removed all shrubbery along the City's Western Parkway, citing that motorists could not see the Ottawa River during sunset, the AIDS Committee of Ottawa accused the NCC of cracking down on cruising zones.

There is a dynamic of development and displacement behind how zones constituted as erotic oases become located by sex participants but also regulated by governance agents like NCC officers. When in 1998 the American embassy was being erected in downtown Ottawa, the Major's Hill Park male with male scene again headed to Remic Rapids Park. In 2000, the Remic Rapids area was problematized by some residents who believed "we've really lost that region" (Manchulenko, March 25 2000: C3). Another resident said "this is not a community saying No to the gay community…this is a community saying No to any kind of this activity". 'Appropriate' use of parks is framed as exclusive of sexuality.

Of the seventy five occurrence reports from 2004-2007 that detail NCC conservation officer surveillance work, five of the occurrence reports had to do with sexual assaults by men against women or so-called 'path perverts' like flashers who exposed themselves to women on park paths. The other seventy occurrence reports had to do with NCC conservation officer correspondence, observations and interventions regarding public sex. There were interventions (the issuing of a ticket or fine, or expulsion from the park) in forty four of the seventy cases concerning public sex. Of the twenty six other occurrence reports not regarding interventions, several were generated in response to public complaints, Ottawa Police or Royal Canadian Mounted Police correspondence, newspaper articles or information attained on the Internet about popular cruising locations. Many of the public complaints had to do with used condoms.

The typical occurrence report has information such as the following written on it: "TOPIC- behavior in an offensive manner. DETAILS- while on foot patrol with another NCC officer observed two males having oral sex in the brush. ACTION TAKEN- Intercepted. ID ourselves, advised of the NCCTPR regulations,

issued 2 tickets #18". In another occurrence report it was written: "DETAILS- observed one male mast[u]rbating in front of 2 other men. ACTION TAKEN- Tried to intercept, ran off. Intercepted shortly thereafter. Advised of the NCCTPR regs, issued ticket #18". Or, the more shamefaced: "DETAILS- observed two suspects behaving in an offensive manner (having s--)". We may laugh, but as Foucault (2003) put it in his introduction to *Parallel Lives*, these descriptions and transcriptions are products of excessive police vigilance, inscribing secret passions as problematic. Homoeroticism becomes "describable and transcribable" (pg. 289) as police help "the quotidian to enter into discourse" (pg. 293). The language of regulation #18, that "no person shall use any blasphemous or indecent language, or behave in an offensive manner, upon any property of the Commission," is written in a gender-neutral and innocuous language, but, as I demonstrate below, the regulation is not enforced equally against all sexualities.

Policing activity is comprised of monotonous paper work and report writing. Police occurrence reports are often devoid of detail. Sometimes the occurrence reports are more like communiqués between conservation officers, as in the following where one officer wrote "FYI primetime is around 12:00…Timm Road seems to be their new favorite spot to have fun". Or in another report: "highly advertised on website… supposedly to be highly active today!!! CO's heads up!" Monitoring sexual activity in NCC parks is only one of the duties of a conservation officer. NCC officers monitor internet-based gay chat rooms to pick up information concerning cruising sites. NCC officers routinely distribute 'illegal parking' tickets to cars parked in NCC lots past eleven o'clock in the evening.

Actual monitoring of sex in parks is the officer's most voyeuristic duty, however. In one report from 2007-07-31 it was written:

> Encountered one caucasian male, 6'2", slim build….he asked me if I was looking for fags…I asked him if he wanted to file a complaint…he answered 'no, I am gay'…he advised me that I was always welcome to walk this area?? I asked him his name, he asked mine and we shook hands…

There are two ways of reading this encounter. First, as Tewksbury (1995) points out, in the USA it is common for plain clothes police to solicit men in parks for sex to entrap them under the criminal laws concerning prostitution. This conservation officer, if trying to entrap the man, certainly blew his cover. Since the park is a known cruising area and the officer is in plain clothes to avoid detection, this encounter itself verges on 'entrapment' or what in Canadian law is referred to as random virtue testing. The logic of law mimics this logic of the lure (Ricco 2002), negating pleasure in the making. Another way of reading the encounter is to understand the gay man as recognizing the officer, confronting him, claiming the park as cruising space. Chauncey (1994) discusses the undulation of gay men claiming parks as theirs, and police responding with an aim to control use of public space.

Just like men must blend in if they want to find a temporary mate, NCC officers must blend in if they want to intercept someone and issue a ticket. Having sex in public is complicated because of sight lines. Yet visibility also makes it difficult to be the voyeur. Voyeurism has traditionally been linked with the peeping tom (Marx 2002) and Califia (1994: 81) has written about the voyeuristic pathology of policing public sex: "I wish all the cops hiding in the bushes and sneaking around public restrooms would get out there and prevent more serious crimes like littering and dogs pooping on sidewalks". Officers whose jobs compel them towards voyeurism are not watching over with care – they are out to enforce regulations. In one occurrence report, the officer is just waiting for the blowjobs to begin so he can lay a charge: "while on foot patrol observed several groups in the bush. Could not get a clear view of illegal activity, except for one…intercepted person with his pants down. Issued written warning (not enough for a charge)".

An ideal voyeur goes largely undetected. If the NCC conservation officer becomes more than a voyeur, and becomes known as a peace officer, their shift in the park is over. Blending in is no easy task when the vehicles they drive tout NCC decals. Cruisers have developed methods for alerting others that an officer is

in the park. In one NCC occurrence report it was written "5 cars in the lot. Man with a dog blew a whistle to blow our cover. All cars left fast". The next day, while pensively hiding behind a tree and monitoring the parking lot, "we were once again observed by the same individual. He blew his whistle". Another time, "I started by foot patrol, an individual in his pick-up truck started his vehicle alarm alarming all the others. I went to see him, and said what was that was for? He said his dog has sat on his keys (with a great big smile on his face)…my patrol was over even before it started". Just like Humphreys' (1975) watchqueen who kept an eye out for police and passers-by, those who blow the cover of NCC conservation officers create their own rules and play a role in contesting NCC regulation of park sex. Men having sex with men in parks enjoy anonymity, and take measures to protect the space as anonymous despite the persistence of NCC officers. Sometimes, however, the NCC officers use unmarked cars or bicycles.

Those interested in public sex do not always go to the same parks. There is internet communication for finding out where to be and when, which NCC conservation officers also monitor. The access to information request results I received did include a number of communications that NCC officers had intercepted about public sex locations in Ottawa parks and the surrounding greenbelt. Activity in certain affluent areas, like Rockcliffe Park for instance, becomes a concern for conservation officers so they will write comments such as "we have a serious problem here!!!" In "the same area where there were some boy scouts yesterday," one officer noted of Rockcliffe Park in 2006, "the problem may continue to escalate if no immediate action taken". Action includes alerting Ottawa Police Service (OPS) and Royal Canadian Mounted Police (RCMP) of sex 'hotspots' and coordinating blitzes of these locations. After a complaint from an NCC trail user about a "disgusting mess" of condom wrappers, NCC officers corresponded about how to counter. The lead conservation officer asks a group of others through email if they are able to do "a little enforcement" and anything "aside from doing more intensive brush clearing". The NCC and OPS coordinate to have persons who are repeatedly apprehended banned from NCC lands. Like municipal police, the NCC steps up patrols after community complaints. Enforcement teams frequent the parks so much that one man who enjoyed canoeing on NCC waterways complained in a letter that "as soon as I visit a park or lookout by myself, I instantly become a suspect by the police who patrol these areas".

Some Consequences of NCC Conservation Officer Surveillance and Enforcement

NCC conservation officer surveillance of sex in parks is not an inconsequential game of cat and mouse played between officers and those cruising. This is not only reassurance policing to appease concerned community members -- the fines and charges are real penalties. Men caught having sex with men are usually 'outed' to family and/or co-workers. Ostracism from familial, religious or other circles is all too common. The following occurrence report demonstrates what the consequences of being caught can be:

> While patrolling the Ottawa River near Bates Island I observed 3 males performing oral sex. The minute they saw me they all ran away. Intercepted two individuals 10 minutes later. One left in his vehicle. I got the plate. It almost caused an accident. Called the RCMP for assistance and they arrived…one male gave a fake ID…I issued tickets on site…Constable St-Amour from the RCMP and myself went to the address to serve the client. Arrived there and spoke with the wife and explained the situation. Gave the ticket to the wife and she saw a picture to confirm ID.

The NCC conservation officer would have been able to locate the address of the fleeing man by looking up his license plate in CPIC. Enforcement of NCC regulations problematize secret passions between men, an example of what Ericson (1981) long ago referred to as the police process of "making crime". The next case is likewise one of NCC officers and police criminalizing male with male sexuality:

> While on foot encountered two male subjects engaged in sexual activities…one of them took off running east after officer Horvath recorded his name. The other one was

> cooperative….Later, the first subject was seen walking on Burnside road. We approached in our patrol vehicle. The subject took off again behind properties north of Burnside west of Parkdale. He crossed the Baseball field in Laroche park and was intercepted…OPS was called for backup…the subject was placed under arrest and brought to OPS station where criminal charges were laid for mischief…

For Johnson (2007: 536), "the law, and its application, captures and renders visible activities which would otherwise remain known only to those consenting to engage in them". Laws enable and legitimize the surveillance of park sex carried out by conservation officers. In a different occurrence report, the conservation officer comments on how he encouraged a land developer to get the license plate number of any car entering a park when he believed the man driving it could be 'gay'. Such actions by the NCC officers results in an assumption that all men in the park are cruising, and that cruising is 'inappropriate' as a practice of sexuality. Recognizable differences between private, public, municipal and corporate property break down, or rather, fuse in a way that turns the park into a space policed by discretion and suspicion.

When NCC conservation officers are busy with other duties they refer complaints to the OPS and the RCMP. In 1998 the OPS drafted their 'Strategy for Police Response to Public Sex in Parks,' which includes use of verbal warning and criminal charges. The OPS 'Strategy' document argues public sex between men should be "a low priority for traditional law enforcement intervention such as criminal charges, stings or surveillance geared toward elimination of sexual activity between men". Yet two years after this document was drafted, OPS Sgt. Cameron said the most prevalent complaint always pertains to men having sex with men, so "we want to start before we get the complaints this year" (Manchulenko, March 25 2000: C3). Usually municipal police base their patrols in particular urban areas on frequency of complaints from the surrounding community. In this instance, however, municipal police preemptively try to ban men having sex with men from public space. This is a form of policing that not only responds to crime but also preemptively seeks out and terminates any form of conduct discredited as risky or anti-social (Zedner 2007). Precautionary policing of parks assumes what 'appropriate' use of park space is and attempts to disrupt and displace any other activities.[2]

As stated earlier, the sample of occurrence reports I viewed is only a sliver of what the NCC has compiled since the 1970s. When I analyzed the occurrence reports quantitatively for differences between heterosexual couples versus single men and groups of men with other men, a trend emerged. Of the twenty seven occurrence reports concerning single men and groups of men with other men, twenty four (89%) resulted in a ticket or fine of some kind, while only three cases resulted in the man/men being expelled without ticket or fine. Of the seventeen occurrence reports concerning heterosexual couples, only four (23%) resulted in a ticket or fine of some kind, while thirteen cases resulted in the couple being expelled without ticket or fine. The tendency of these data substantiate claims by Johnson (2007) and Califia (1994) that even when laws and regulations are written in gender-neutral and innocuous language these are enforced in a biased way against men seeking sex with men.

Occurrence reports are used to inscribe the activities of sex participants as spatially and sexually deviant. Men who seek anonymous sex with other men in concealed areas of Ottawa parks have everything to lose when outed by NCC conservation officers. Through such surveillance and inscription using the occurrence report, the conservation officer constructs men having sex with men as participating in abhorrent sexuality.

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[2] If OPS have shifted to low level policing of public sex, as they claim, this paper suggests the NCC became more enforcement and surveillance oriented in the last decade. In addition to this co-presence surveillance of public sex by NCC conservation officers, the City of Ottawa installed one surveillance camera with night vision at the Remic Rapids parking lot location in 2006.

The Issue of Anonymity

The case of NCC park sex policing raises a number of questions about anonymity. Men who have sex with men and heterosexual couples use the parks to cruise or have sex because they assume parks on the fringes of town are anonymous zones where personal information about them and their activities will not be collected. Men usually cruise at night so as not to be disruptive and also because there is less chance of being arrested. When ticketed, NCC conservation officers are collecting personal information about those caught breaking the NCC 'offensive behavior' regulation. Sometimes this information is shared with policing agencies like the OPS or RCMP, which has legal ramifications.

When a group of people have an understanding of some place as an anonymous zone, what kind of responsibility do surveillance agents have to that group in respecting the use value the zone has for them? If people use some place as an anonymous zone for activities that cause no demonstrable harm, how can an intervention into that zone for disrupting the activity be justified? Marx (2006) argues that the greatest perceived wrong in collection of personal information is when anonymity is appropriate but not honoured. The 'outing' of men having sex with men in NCC parks then is an abuse in the collection of personal information, since even some NCC and OPS rhetoric (e.g. the idea of a 'pink granite road' and the OPS 'Strategy' document) frames cruising as deserving of anonymity. NCC use of 'beautification' or crime prevention through environmental design to discourage public sex demonstrates how ideas concerning 'appropriate' sex and use of space are embedded in landscaping models. NCC is a development agency, involved in keeping the greenbelt green. On another level, NCC development operates with a specific mandate to cultivate national identity, from which homoeroticism is annulled.

Not all policing agencies seek to eliminate diverse sexualities from the public sphere. Sexual acts between consenting adults have recently been made legal in Amsterdam's Vondel Park. It is significant that public parks are used by heterosexual persons for sex, which differs from the case of bathhouses and tearooms, meaning it is not just homoeroticism but the whole gamut of sexuality that governance agencies like the NCC aim to monitor and expel.

Conclusion: Sex, Space and Surveillance

Parks are contested spaces. Legislators, land management agencies, and leisure-seekers all have an interest in parks. Surveillance is how what some people do in the park becomes known and regulated as problematic conduct. Authorities must try to blend in as voyeurs so to regulate out sexual activity, which raises interesting questions about space and anonymity, especially as it concerns men having sex with men who seek the anonymity that police-free parks can afford them. Public male with male sexuality is often conflated with child molestation in discourses that frame it is problematic, monstrous, violent, predatory or sick. Though the regulations and the surveillance practices of the NCC are apparently gender-neutral and innocuous, there is a tendency to monitor and intervene in public male with male sexual relation more often. There is thus a bias in the policing of public sex towards elimination of queer sexuality from park locations.

As Flowers and colleagues (1999) argue, men who have sex with men in public parks are less worried about HIV/AIDS and sexually transmitted infections than they are worried about gay bashing, police and community harassment. Likewise, Williams and Robinson (2004) have demonstrated how gays and lesbians feel discriminated against by police. Awareness concerning the importance of safe sex and how to practice safe sex is already high in queer communities. While many men having sex with men learned how to safely engage in sex from the HIV/AIDS health panic of the 1980s and 1990s, heteronormative police and community associations have not learned to accept diverse sexualities. Risk of being ticketed or arrested is of great concern for men having sex with men in parks, since a spoiled reputation with family or co-workers could result. Policing agencies continue to be heteronormative (Myers *et al*. 2004; Lunny 2003; Namaste 1996) despite recent efforts by police at negotiation with queer communities.

This paper has demonstrated how NCC officer policing intersects with the normalization of sexuality. Policing of sexuality is also policing the bounds of nationalism. For the National Capital Commission (1965), "the capital of a country…becomes a symbol of nationalism and in miniature represents the spirit and life of its people". If the purpose of the NCC is to promote a vision of Canada and its body politic in Ottawa's parks and greenbelt, this vision is clearly one that does not include homoeroticism or eroticism at all in public, just as Wolfenden would have liked it.

Sexuality and space are not natural, but achieved through contestation. In other words, "heterosexuality is something that is produced (and made to appear natural) through repeated spatial performances and flows of desire…which serve to define what sexual identities and practices are permissible or acceptable in public or private spaces" (Hubbard 2001: 59). Not all gays and lesbians view park sex with the same enthusiasm. Sometimes gays and lesbians who engage in public sex are called out as foes of queer struggles since they disobey Wolfenden's decree that the public and the sexual be mutually exclusive. According to Bell and Binnie (2004: 1815), for "many assimilationist gays…gay male sex zones are seen as an embarrassment that must be cleaned up". This is why Califia (1994) argues public sex is a culture of radical sex, not because its challenges conventional ideas regarding sexuality but because itinerant sex challenges notions of appropriateness regarding space. Policing of eroticism in public parks, then, is not simply a 'gay' or 'straight' issue, and it is not simply a dilemma of urban governance or national identity – it is a matter of erotic politics and on what scale we want to conduct our erotic relations with each other.

Acknowledgements

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Abstract

In our contemporary 'information age', information and the body stand in a new, peculiar, and ambiguous relationship to one another. Information is plumbed from the body but treated as separate from it, facilitating, as Irma van der Ploeg has suggested, the creation of a separate virtual 'body-as-information' that has affected the very ontology of the body. This 'informatization of the body' has been both spurred and enabled by surveillance techniques that create, depend upon, and manipulate virtual bodies for a variety of predictive purposes, including social control and marketing. While, as some feminist critics have suggested, there appears to be potential for information technologies to liberate us from oppressive ideological models, surveillance techniques, themselves so intimately tied to information systems, put normative pressure on non-normative bodies and practices, such as those of queer and genderqueer subjects. Ultimately, predictive surveillance is based in an innately conservative epistemology, and the intertwining of information systems with surveillance undermines any liberatory effect of the former.

Although with a few exceptions, gender and sexuality have largely been invisible in surveillance studies, women and queers—that is, those whose bodies, sexual desires, practices and / or identities fall outside of the perceived heterosexual and gender-normative mainstream—have not been invisible to contemporary surveillance technologies.[1] Although, similarly, surveillance *per se* remains largely unremarked in gender and queer studies and theories, the disciplines have much to offer each other. As I have suggested elsewhere, "the conjunction of queer studies and surveillance studies has the potential to illuminate the relationship between the state and private forces that shape space, behaviour, subjectivity, consumerism, and citizenship" (Conrad 2009). This essay explores the implications of the increasing 'informatization of the body' (van der Ploeg 2003: 58) in the context of surveillance, the relationship of feminist / gender theory to the ontological shift effected by this informatisation, and the impact of information surveillance and predictive models on non-normative bodies and practices, particularly genderqueer subjects.[2]

Predictive justice, predictive marketing: the rise of the virtual body

The rise of the virtual body has its roots in the interconnection between new information technologies and new directions in surveillance. Several scholars have noted that the rise of the contemporary surveillance society corresponds with 'a new form of penology based on "actuarial justice", which is legal abandonment of individualised suspicion' (Norris & Armstrong 1999: 26). The result, as William Staples

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[1] See, for example, Brown 1998; Norris and Armstrong 1999: 127-30; Koskela 2002; Conrad 2009.

[2] I use 'genderqueer', following Nestle, Wilchins, and others, to indicate those people and practices that do not fall neatly into the normative binary categories of male/masculine/man and female/feminine/woman. Since the term 'queer' itself is often used to indicate people and practices that disrupt the alliance between gender, biological 'sex', and desire / sexual object choice, 'genderqueer' may be seen as a subset of this larger term.

puts it, is that 'we may be witnessing a historical shift from the specific punishment of the individual deviant to the generalized surveillance of us all' (Staples 1997: 6). This shift is part of a larger attempt to manage risk—a 'shift away from strategies of social control which are reactive (only activated when rules are violated) towards proactive strategies which try to predict dangers one wishes to prevent' (McCahill 1998: 54). More technologically advanced versions of this 'proactive' approach rely on 'dataveillance', or the surveillance of data, which is much cheaper as well as more comprehensive than physical surveillance techniques (Clarke 1994). The proactive approach also relies on predictive models and simulations. As David Lyon argues, behind this proactive approach is the assumption that gathering more and more information can lead to complete knowledge and thus more effective prediction (Lyon 2001)—a claim to which I will return later in this article.

The motivation toward body surveillance as a more effective predictive tool is based on an assumption that the information gleaned from biometric technologies is more reliable than other kinds of data (Staples 1997). Faith is placed in the anatomical body as a repository for correct information about the subject, bypassing the mediating filter of human language, memory, desire, need, and so forth—that is, the complex and fallible human subject her- or himself.

But perhaps paradoxically, since our culture has had an ambivalent relationship to the body, the data gleaned from the body has increasingly been privileged over the material body itself. Indeed, as N. Katherine Hayles as put it, since World War II, information has 'lost its body' (Hayles 1999). In her examination of cognitive science, philosophy, literature, information theory, cybernetics, and other disciplines and trends, Hayles traces a shift in Western thought toward the 'erasure of embodiment' (4) and toward seeing human consciousness as disembodied information. The physical body, in this 'posthuman' view, is effectively a prosthetic for thought and information, and 'embodiment in a biological substrate is seen as an accident of history rather than an inevitability of life' (2).

Following Hayles, Irma van der Ploeg suggests that 'this "informatization of the body" may eventually affect embodiment and identity as such. We may need to consider how the translation of (aspects of) our physical existence into digital code and "information," and the new uses of bodies this subsequently allows, amounts to a change on the level of ontology, instead of merely that of representation' (van der Ploeg 2003: 58-9). In other words, the body itself is changing as a result of new information technologies and the ways in which we interact with them. She continues, 'with technological and discursive practices converging toward an ontology of "information," it is unlikely that their mediating link, embodiment—even while acknowledging its constraining and limiting power—will remain unaffected. And because embodiment concerns our most basic experience of the body and of being in the world, these developments carry profound normative and moral implications we ought to attempt to uncover' (59).

In short, the information gleaned from body surveillance is not merely a 'data image', an irrelevant or circumstantial collection of information, but indeed is constitutive of the body. There is no distinct line between the biological body and the 'virtual body', to use another of van der Ploeg's terms; and when the virtual body is circulated, probed, even stolen (as in the case of 'identity theft'), those actions can impact the lived experience of the body. As van der Ploeg points out, 'the new, intensive forms of monitoring, categorizing, scrutinizing and, ultimately, controlling and manipulating of persons through their bodies and embodied identities that become possible in this new ontology suggest that some form of integrity of the person may be at stake' (71).

It is worth pointing out that the virtual body appears not simply as the outcome of surveillance in a criminal justice or medical context. A Google search on the terms 'virtual body', for instance, brings up

links to anatomical / physiological models,[3] but also brings up the suggestion to 'see results for: *virtual model*' and links to sites that feature 'My Virtual Model', the latter proclaiming

> Brand ME
> I am the brand and
> Introducing the FACE
> Your model is now YOU[4]

'My Virtual Model' provides visitors with the opportunity to enter data about their bodies in order to create a virtual image that enables them, for instance, to 'try on' clothing to make more informed purchases, to create an avatar to use in interactions on social networking sites, and to predict and visualise the changes in their biological bodies as the result of weight loss.

In rather obvious terms, the site encourages the connection of self, avatar / virtual body, and consumption. What these sites illustrate is the extent to which the drive toward information gathering is driven as much by consumer capitalism as by criminal justice. There is a parallel drive between the 'actuarial justice' that surveillance has enabled and the 'predictive marketing' enabled by new information technologies, particularly those operating on the internet via 'data mining'—both part of the larger trend of 'dataveillance'.

Such sites also offer the experience of the virtual body as one of agency and control. But as Lyon has noted, 'the combined influence of deregulation and risk management has done much to permit leaky containers to develop'—i.e., the sites where surveillance data is contained are not 'discrete' or 'sealed' (Lyon 2001: 39, 38, 37). As much as one might like to imagine the virtual body as a discrete entity within one's own control, the body-as-information is dispersed widely throughout an ever-proliferating number of information systems. Further, Hayles, following Frederic Jameson, notes that 'when bodies are constituted as information, they can not only be sold but fundamentally reconstituted in response to market pressures' (42).

Feminist theory and the transformative potential of the body-as-information

In short, the informatisation of the body has worrisome implications, as Lyon, van der Ploeg, and Hayles suggest above. At the very least, the technological advances of dataveillance have largely progressed more quickly than the careful discussion of the ethical, moral, philosophical, and legal issues they raise.

But the risks of this informatisation of the body have not been acknowledged by feminist and queer studies. The lack of attention to the problems inherent in the rise of the virtual body may be in part because both the 'posthuman' and feminist and queer theory emerge, as Hayles reminds us, out of a critique of the liberal humanist subject (Hayles 1999: 4). The myth of the universal subject, dependent on the far-from-universal Western white male experience, have tended to erase the voices, experiences, and contributions of those who fall outside of this model. But Hayles also notes that 'embodiment has been systematically downplayed or erased in the cybernetic construction of the posthuman in ways that have not occurred in other critiques of the liberal humanist subject, especially in feminist and postcolonial theories' (4).[5] At the same time as these new ways of thinking about the human provide a critique of the liberal humanist subject, 'to the extent that the posthuman constructs embodiment as the instantiation of

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[3] Search performed on 22 July 2008. Anatomy sites include MEDtropolis http://www.medtropolis.com/VBody.asp, BBC Sport Academy http://news.bbc.co.uk/sportacademy/hi/fun/games/newsid_2124000/2124978.stm, and Human Anatomy Online http://www.innerbody.com/htm/body.html.

[4] http://www.mvm.com/en/index.php, accessed 18 July 2008.

[5] See Fernandez, 1999, for an analysis of the intersection of postcolonial studies and 'electronic media studies' and information technology.

thought/information, it continues the liberal tradition rather than disrupts it' (5). This liberal tradition has, as she suggests, a long history of 'an emphasis on cognition' over embodiment (5).

Contemporary feminist theory's apparent blindness to the risks of informatisation are not only due to the critique of the liberal humanist it appears, at least on the surface, to share with the 'posthuman', but also due to feminist theory's complex and sometimes fraught relationship with embodiment more generally. Some feminists, particularly in the late 1960s and 70s, embraced a concept of 'woman' dependent upon a perceived biological essence, and have celebrated the female body as essential giver of life; but many strands of theoretical feminism have questioned those seemingly 'essential' links between body, 'sex', and 'gender'. Poststructuralist feminism in particular, inspired by writers such as Monique Wittig and perhaps best exemplified in the works of Judith Butler, has been concerned with the ways in which discourse[6] not only affects women's roles—i.e., 'gender'—but actually shapes the physical body and 'sex' itself.[7]

In Butler's theory, indebted to a range of philosophical traditions including Foucault's conception of gender as constituted by the circulation of power and knowledge (Foucault 1990), the body is always already shaped by discourses, and so 'biological sex' can never be taken for granted as a stable ground on which gender identity is built. In other words, although the body itself has a material reality outside of 'discourse', our understanding of what the body is, including our understanding of its 'biological sex', is shaped by discourse.

Butler is perhaps best known for her often-misunderstood concept of 'gender performativity', the notion that gender is a 'stylized repetition of acts' (Butler 1990: 140). The popular understanding of her work has been that one can change one's gender performance and thereby challenge the entire gender system at will, a misconception she has had to correct in subsequent texts.[8] Butler, like Foucault, does not suggest that subjects can control the discourse that forms them quite so directly; we operate as gendered subjects within the gendered system, and so deliberate attempts at parody (as in, for instance, a staged drag queen performance) tend simply to reinforce our understanding of 'proper' gender. But *Gender Trouble* does provide a possibility for change, though not a change effected by a conscious subject, when she suggests that 'the possibilities of gender transformation are to be found precisely in the arbitrary relation between such acts, in the possibility of a failure to repeat, a de-formity, or a parodic repetition that exposes the phantasmic effect of abiding identity as a politically tenuous construction' (141). Such a 'de-formity' or 'failure' might look more like what we would call an intersexed or hermaphroditic body: a so-called 'natural' body that does not fit neatly into the accepted gendered/sexed binary, and as such troubles the whole 'natural' binary system.

Butler's 'de-formity', I would argue, parallels the position of mutation in information systems, which may again explain, at least partially, the appeal of the 'posthuman' to some gender theorists. As Hayles explains, 'mutation is crucial because it names the bifurcation point at which the interplay between pattern and randomness causes the system to evolve in a new direction' (Hayles 1999: 33). As with Butler's notion of repetition, no clear agentive subject actively and deliberately introduces randomness into a pattern in information systems. But this lack of agency has not prevented some feminists from imagining the possibility for deliberate interventions into the 'patterns' of information that shape subjects and genders in both more traditional ontologies and in the new body ontology being effected by the rise of information systems.

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[6] I use 'discourse', following Foucault, to mean 'discursive formation', a system of thought that shapes subjects and the worlds in which they exist.

[7] See especially Butler 1990; Butler 1993; Butler 2004.

[8] Butler herself acknowledges her ambiguity about the status of the body in the preface to *Bodies that Matter*, noting that people asked her, apropo*s* of *Gender Trouble*, 'what about the materiality of the body, *Judy*?' (Butler 1990: ix; emphasis in original). Her more recent work, especially *Undoing Gender*, grants corporeality and makes clear that discourses shape the body but do not create it.

Indeed, the rise of the information society has led to some hope on the part of some feminists for a liberatory model of the human subject free from potentially oppressive discursive models. Hayles articulates her 'dream' of 'a version of the posthuman that embraces the possibilities of information technologies' (5); 'located within the dialectic of pattern / randomness and grounded in embodied actuality, the posthuman offers resources for rethinking the articulation of humans with intelligent machines' (287). Perhaps the best-known forays into such a 'rethinking' is feminist theorist Donna Haraway's "A Cyborg Manifesto' (Haraway 1991). While acknowledging fully the indebtedness of the 'cyborg'--the fusing of human and machine, which is in her vision tied to information systems--to its roots in 'militarism and patriarchal capitalism' (Haraway 1991: 477), she nonetheless uses the conceit to denaturalise our current epistemologies, to imagine 'a way out of the maze of dualisms in which we have explained our bodies and our tools to ourselves' (491). Her work has inspired cyberfeminist artists and other feminist writers interested in the promise of information technology.[9]

The transformative potential of the cyborg and the new body ontology created through the melding of (embodied) human with information has been embraced in particular by those advocating for a 'postgender' perspective, a 'radical interpretation of the feminist critique of patriarchy and gender, and the genderqueer critique of the way that binary gender constrains individual potential and our capacity to communicate with and understand other people' (Dvorksy and Hughes 2008: 13). The promise of a new body ontology is particularly compelling for those who consider themselves genderqueer or transgender—that is, those whose own bodies do not fit neatly into the current alignment of sex, gender, and subject. Judith Halberstam's exploration of 'transgender' as a term which describes something both embodied (a 'committed rigidity') but with the 'promise of flexibility' (Halberstam 2005: 21), for instance, fits well with and indeed owes much theoretically to the concept of the cyborg. The cyborg provides a model for the subversion of the celebration of the 'natural'—indeed, of the very notion of the 'natural' as a ground that the 'artificial' imitates (Haraway 1991: 483-4). The virtual body or body-as-information in its most radical 'posthuman' form suggests the possibility for subjects to break free from the constraining effects of the material body completely.

The normative effect of surveillance

These more hopeful—and 'hope' is certainly attenuated in Haynes and Haraway—visions of the potentially positive transformative effect of information technologies, however, make little to no mention of surveillance. This oversight on the part of feminist and queer theorists is somewhat ironic, given that the recent history of queers in the West, particularly since the late-nineteenth-century emergence of the concept of homosexuality as an identity, has been in large part a history of surveillance and regulation. Gay and lesbian historiography and cultural studies have shown the particular ways in which non-normative sexual practices have been subject to regulation and surveillance, often in the interests of 'public health', morality, and the health and reproduction, both literal and figurative, of the nation.[10] Indeed, in *The History of Sexuality*, Michel Foucault argues that the idea of sexuality itself was produced through strategies of power/knowledge, particularly through 'biopower', or the power over (biological) bodies shaped by a discourse of 'protecting life' and connected to the development of capitalism (Foucault 1978: 138-45).

The legal regulation of sexual practices as well as the social stigma attached to non-normative sexual identities and behaviours have meant that those people practicing non-normative sex have had to create strategies for functioning in so-called 'normal' society—whether those strategies include 'outing' oneself and working for legal and social change, 'passing' as normative ('straight'), or, as is the case for many, some combination of these and other strategies. In this sense, surveillance contributes to the reinforcement

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[9] See, for instance, VNS Matrix, the South Australian feminist collective: http://lx.sysx.org/vnsmatrix.html and http://www.obn.org/reading_room/content.html; and Flanagan and Booth 2002.

[10] See, for instance, Weeks 1989; Weeks 1990; Chauncey 1994; Stychin 1998; Warner 1999; Conrad 2004; Conrad 2009.

of sexual norms both by facilitating exposure for deviance, which is then often punished, and by promoting self-regulation and concealment by those who operate outside of the norms.

Tied closely to the surveillance and regulation of sexual behaviour and identity—tied in part because of the ways gender identity and sexual object choice are linked in the West—is the surveillance and regulation of gender. The genderqueer body—the intersexed, the hermaphroditic, the transgender(ed), the transexual, and even the 'effeminate male' or the 'masculine' female—is one that does not conform to the accepted biological binary of 'man' and 'woman' and/or its attendant 'masculine' and 'feminine' behaviours and physical markers.[11] The history of lesbian and gay activism is closely tied to that of genderqueer activism (perhaps first and most obviously with the Stonewall Riots in New York in 1969, which saw the birth both of contemporary gay rights activism and transgender activism), and activism to challenge the gender system is one strategy for confronting a system into which genderqueers have not fit. But even those who are 'out' about their genderqueer status must often 'pass' as one of two genders in order to survive—quite literally—in a two-gendered world. According to the group Gender Education and Advocacy, the between 1970 and 2004, 321 murders of trans people have been tallied; and 'more than one new anti-transgender murder has been reported in the media every month since 1989' (GEA 2004a, c2004b). Although gathering reliable statistics for the number of people killed *because* they were genderqueer is impossible, these statistics along with more publicised cases, such as that of the murder of Brandon Teena in 1993, suggest that being readably genderqueer, at least in the West, still comes with significant risk.

Information technologies, as I have suggested above, have given some gender and queer theorists people hope for liberation from the sometimes oppressive gendered discourses that accompany biological embodiment. But surveillance, whether driven by criminology or marketing, has, as I have suggested above, been the engine for the very informatisation of the body in which these feminist and queer theorists have placed their hope. Further, surveillance, particularly the surveillance tied to prediction, is not only a *use* to which information technologies have been put; it is also the *inspiration* for many of the new developments in information systems technology. And the patterns that those information systems create, collect, and circulate are, in turn, intricately and inextricably bound up with surveillance technologies. This, I would suggest, should lead gender and queer theorists away from information technologies as a tool for the transformation of the human subject.

The predictive models that are at the centre of current surveillance technologies have been created with the goal of prediction and therefore control of the future, but they must rely on the past to do so. The past provides the patterns from which the models take their shape. Given this, predictive models, and the surveillance systems that feed them, are inherently conservative. By this I do not mean to suggest that they are particularly politically conservative; indeed, many political conservatives are just as invested in the ideology of privacy that surveillance constantly transgresses. Rather, predictive models fed by surveillance data necessarily reproduce past patterns. They cannot take into effective consideration randomness, 'noise', mutation, parody, or disruption unless those effects coalesce into another pattern.

This inability to accommodate randomness may simply suggest that predictive models are ineffective. But they are not ineffective; like other surveillance techniques discussed above, they are normative. The potentially normative effect of predictive surveillance might be clearest, and of most concern, in the case of the transsexual body who has transitioned from one gender to another. The virtual body created by data, in the case of a transsexual person, appears contradictory, confusing; the data history for a trans person comprises two bodies (male and female) rather than one genderqueer body. A hopeful reading, inspired perhaps by an optimistic (and selective) reading of Butler, would be that this contradictory data would have the effect of destabilising the gender system. But rather than abandoning the gender system that the transsexual / genderqueer body clearly transgresses, predictive surveillance technology, relying on past

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[11] For narratives of genderqueer experience, see for instance Nestle *et al*., 2002; Bornstein, 1994; Wilchins, 1997.

data as it does, can only reinforce it. The material body would thus be pressured to conform or be excluded from the system.

Further, Lyon's concerns about 'leaky containers' of data are heightened when one's data history does not fit into accepted norms. The Director of the National Center for Transgender Equity in the United States, Mara Keisling, has discussed the potential impact of surveillance technologies on transgendered persons, expressing the fear that, for instance, radio-frequency identification (RFID) tags embedded in identification cards—an option initially considered in the United States REAL ID Act of 2005—would allow for the private gender data of a genderqueer person to be read from afar by those with RFID readers (Keisling 2007; NCTEquality 2008). As suggested above, the risks attending the exposure of personal data for a genderqueer person can be profound.

Just as importantly, however, dataveillance that is tied to predictive strategies further embeds the very norms those bodies challenge. At the level of the everyday, such technologies put subjects' ability to control their own self-presentation—and their own decisions to accept, challenge, or 'pass' within the system—even further out of their hands.

Conclusion

The potentially transformative effects of the body-as-information depend at least in part on the subject's ability to control that information. When the control of a person's information is out of that person's hands, however, so too is the nature of the potential transformation. The risks to the individual and to society with the rise of dataveillance are many, as Clarke has enumerated, including discrimination at the level of the individual and repression at the level of government (Clarke 1988). Where non-normative bodies are concerned, the risks can be even greater.

The rise of information technology has corresponded to a rise in predictive surveillance for multiple uses, including marketing and criminal justice. But the information on which predictive models rely is always part of a larger system, embedded both in time and place. To disentangle information from its material instantiation is inevitably to do some violence both to the data and the material. And while this violence may most obviously be felt by non-normative physical bodies, it has the potential to affect us all.

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Article | En-Gendered Surveillance: Women on the Edge of a Watched Cervix

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Abstract

The aim of this paper is to provide a worked example, using cervical cancer screening, of how a nuanced consideration of the gendered and sexualized contexts in which surveillance is conducted might help to illumine the study of surveillance. In particular, the paper argues that neither the implementation nor the effects of women's health surveillance can be understood without appreciating the ambiguous mutual dependences of gender constructs and surveillance practices. The first section of the paper examines the World Health Organization's global program for comprehensive cervical cancer control, and raises the issue of how gendered and sexualized contexts are implicated in that program. Section Two then examines how health promotion strategies in cervical cancer screening are served by, and help to reinforce, gender constructions of women as 'docile' by nature. Section Three, by contrast, examines the ways in which some women respond to the controlling effect of surveillance by attempting to 'take control' of the screening process through various forms of activism, and thereby give effect to different gender constructions. The paper concludes that while surveillance contributes to creating screened populations burdened with gender constructs and imperatives, responses to surveillance are also shaped by gender constructs, and contribute to new gender constructs.

Introduction

Surveillance may well help to produce social order (Lyon 2007: 3) through the production and management of particular populations, but it does not irrupt on a world innocent of dividing, classifying and ordering practices. For surveillance to function at all, it must do so in the face of already effective forms of dividing, classifying and ordering populations. Since the effects of surveillance cannot ultimately be separated from the effects of such ubiquitous social practices, the study of surveillance requires sensitivity to the social context within which surveillance is deployed. Who is watching whom, and where and why is it happening? How are the watched affected? Further, if the watched become aware of and return the watching, how do they affect surveillance? In his recent and excellent book, *Surveillance Studies: An Overview*, David Lyon has noted the importance of context for understanding surveillance (Lyon 2007: 6-7) and also argued that, "In those contexts where surveillance is perceived as or has the effects of control, the fact that its subjects interact and react with surveillance means that its effects are mitigated or magnified in part in relation to their involvement" (Lyon 2007: 7). The aim of this paper is to provide a worked example of how a nuanced consideration of gendered and sexualized contexts might highlight Lyon's argument and thus help illumine the study of surveillance. In particular, the paper argues that neither the implementation nor the effects of surveillance can be understood without appreciating the ambiguous mutual dependences of gender constructs and surveillance practices.

The Watched Cervix

For an overview of surveillance studies by a leading scholar in the field, Lyon's book (2007) does not have much to say about gender and sexuality—a brief mention of gender with regards to human resource management in organizations (pp. 84-5), and an even briefer mention (p. 144) of gender dimensions in Margaret Atwood's dystopian novel, *The Handmaid's Tale*. Given, however, that constructions of gender and sexuality are key shapers of social contexts in general, surveillance ultimately cannot be free of socio-political struggles over gender and sexuality, no matter how remote from them it may seem. There is a need, therefore, for greater consideration of gender and sexuality with regard to surveillance (a need also evidenced by this special issue of the journal *Surveillance and Society*). The chosen vehicle for that consideration in this paper, cervical cancer screening, provides a fruitful and appropriately complex instance of the ambiguous mutual dependences of gender constructs and surveillance practices.

The kind of surveillance at work in cervical cancer screening is medical surveillance; but given the intended outcome, perhaps 'health' surveillance would be closer to the mark. Other forms of health surveillance could do just as well for the broad aim of this paper—not just cancer screening of various kinds in general but surveillance of cholesterol, sugar levels, blood pressure, bone density, etc; all the things, in other words, that are presumed to place our health at risk. Even so, given that cervical cancer screening involves gazing at female genitalia, and peering into and penetrating vaginas, it is sexually sensitive for women in a way that other forms of health screening are not (not even breast cancer screening, though clearly it too would provide a useful example). It also raises issues of power relations and gender inequalities. To be clear from the outset, in discussing these issues this paper is *not* aiming to call cervical cancer screening into doubt (for example as an agent of the subjugation and oppression of women), or criticize it, or even propose better ways to do it; nor is it skeptical that in public health and statistical terms cervical cancer screening saves lives. Rather, we are using it to illumine the study of surveillance.

Cervical cancer screening is presented as a public health good because decreasing cervical cancer mortality rates is an excellent result for everyone concerned. For individual women living on the 'edge' of a watched cervix, however, there are consequences in addition to the broad public health agenda of saving lives. Screened women are implicated in the screening as both watched and as watchers. They are 'watching their health', but also viewing it, as it were, displaced from the direct object of surveillance, off to the 'edge' of their cervix. They are also 'on edge' in the sense of being anxious that this part of their body might become unruly and threatening, such that they live under its threat and are regularly reminded of that threat by recurrent surveillance. Of course, not all women respond in the same way, even in the same social context. That variability is in part what gives space to different constructions of gender and sexuality to affect surveillance outcomes. Before concentrating on that variability in women's responses, however, it is first important to understand and appreciate the nature of the global surveillance program for cervical cancer screening.

Among the forms assumed by what has been called 'Surveillance Medicine' by David Armstrong (1995; 2002), cancer screening takes a prominent position in the public imagination. In developed countries it is difficult not to be aware of cancer screening programs because the various types of screening available are so vigorously promoted and advertised—all in a good cause, health promotion generally, and not just for one's own benefit. Indeed, we are all urged to think of *others* if we are too irresponsible to comply with screening for our own sake (even to think of the 'drain' on the health system, or lost productivity in the workplace).

Much of the optimism about cervical cancer screening derives from the claim that, as the World Health Organization puts it in their publication, *Comprehensive Cervical Cancer Control: A guide to essential practice*, "cervical cancer is one of the most preventable and treatable forms of cancer, as long as it is detected early and managed effectively" (WHO 2006: 3). There is deep concern that most of the deaths from cervical cancer (about 80%) occur in developing countries, where most women (WHO estimates

95% have never been screened) do not have access to screening and prevention programmes. It is an issue of health equity, driven by the express principle adopted by the World Health Organization of "the right of everyone to equitable, affordable and accessible health care" (WHO 2006: 7). More particularly, this WHO publication affirms a gender-based perspective: "the discussion considers gender-related factors that may affect the power balance between men and women, reduce women's power of self-determination, and affect the provision and receipt of services" (WHO 2006: 8). This is one sense in which cervical cancer screening provides a space in which gender constructs and surveillance practices exhibit mutual dependences.

The World Health Organization regards cancer generally as a global *epidemic* and crisis (WHO 2006: 3), and expects deaths from cervical cancer in particular to rise significantly. The urgency of taking action is tied to the fact that cervical cancer tends to kill women in the prime of their life: women "raising children, caring for their family, and contributing to the social and economic life of their town or village" (WHO 2006: 3). The WHO guide deems cervical cancer screening to be unnecessary for women aged over sixty-five. Death by cervical cancer is regarded as tragic for being 'unnecessary', with no room for stoic resignation or fatalistic sentiment. There is a medical imperative at work: because we *can* save women's lives through active intervention, we must, even if our humanitarian concern is denounced as just another form of cultural imperialism. But how are women affected by such intervention? In asking this question we risk sounding subversive. As already noted however the aim of this paper is not to question whether cervical cancer screening *should* be conducted, but to examine its promotion and implementation, and responses to it, in the hope of illuminating the study of surveillance.

The World Health Organization's concern that power imbalances between men and women may affect the provision and reception of cervical cancer screening and services raises the issue of gender equity very directly. The implication that androcentric bias adversely affects women as subjects of cervical cancer screening and services is fertile ground for illuminating the study of surveillance: in suggesting that the behaviour of men must also be subject to surveillance and control if cervical cancer screening programs are to succeed in decreasing mortality rates, it shows how difficult it is to contain the extent and effects of health surveillance. This is not to say, however, that any surveillance of itself is 'bad', a slippery slope to total surveillance and the subversion of human dignity. Rather, it is to say that depending on the goals of particular kinds of surveillance, it might be necessary to extend the gaze of surveillance more than anyone might have initially anticipated, and link it to very significant kinds of behavioural change: in this case, for both women and men. Given the desired health outcome, ideally, that is that no woman should ever die from cervical cancer, the 'force' required to achieve that outcome could restructure societies globally. The watched cervix would become the fulcrum for the exercise of new power structures and the reshaping of gender constructs.

Whatever one might think is the point of 'doing' surveillance studies (Ball and Haggerty 2005), that point is ineluctably tied to socio-political life by virtue of the fact that any kind of surveillance is goal-oriented and, importantly, *funded* by some segment of society. To watch the watchers is not neutral. To study forms of socio-technical organization is to enter into association with them, and even to run the risk of being construed as a potential enemy. Thus, no analysis of cervical cancer screening can be neutral with respect to vested interests. For that reason, this paper adopts a reflexive stance about its intrusion into cervical cancer screening even though that is tangential to its aim of illuminating the study of surveillance.

As a *global* guide to practice, *Comprehensive Cervical Cancer Control* (WHO 2006) makes it quite clear that the control of cervical cancer requires that women *and* men be 'controlled'. This is obvious in the guide's approach, despite the rhetoric of the 'right' of women to "accessible, affordable and effective services for the prevention of cervical cancer" (WHO 2006: 3), since even in cases where such services are available, there is still a problem with securing women's compliance. By 'educating and counselling' men in order to enrol them as agents of the control of women (to increase compliance), men become part of the system of cervical cancer control. Furthermore, now that there is clear consensus that infection by sexually transmitted human papillomavirus (HPV) is the primary underlying cause of cervical cancer, the

sexual activity of both men and women must *also* be controlled (Helman 2007: 382-3). Vaccination against HPV may seem to undermine this claim, given the concern that it licenses sexual liberty for young women (although neglecting other sexually transmitted diseases), but it attempts to control at least this possible consequence of sexual activity. That is, it is solely a matter of risk minimisation and thus does not eliminate the need for cervical cancer screening (Cutts *et al.* 2007), and still triggers social, political and religious calls for the control of sexual behaviour (Vamos, McDermott and Daley 2008), including that of men as possible carriers of HPV (McPartland, Weaver, Shu-Kuang and Koutsky 2005). Accordingly, it is difficult to conclude that the gaze at work in cervical cancer screening is exclusively androcentric and works to control women. Rather, the gaze is what we could call 'health-centric', and the behaviours of women and men work either for or against the full effectiveness of that gaze.

The fact that the surveillant gaze has a goal is crucial to understanding why it is inherently divisive. That is, circumstances are cast as either for or against the attainment of that goal. Is there neutral ground? That depends on the specific goal. The attenuation or even elimination of death by cervical cancer is a global enterprise because the explicit health goal is, and must be, tied to the pursuit of social justice and the rights of *all* women, for no one is suggesting that women in developing countries be abandoned. In that sense, health-centrism knows no boundaries other, perhaps, than locally effective ethics committees that take wider rights, including those of animals, into consideration; but this aligns those committees with the same global intention of securing rights. The relevant question with regard to the goal of cervical cancer control is, what stands in the way? The World Health Organization does identify what it calls 'barriers' to such control: that is, political, community and individual, economic, and technical and organizational barriers (WHO 2006: 19). Its argument is that all these barriers must be overcome before cervical cancer can be controlled.

The description of these barriers makes plain the enormity of the task. The "lack of priority for women's sexual and reproductive health" and the "lack of national policies and appropriate guidelines" (WHO 2006: 19) are identified as the political barriers. To prioritise women's sexual and reproductive health *also* means shifting other priorities around. It means identifying the reasons why women's sexual and reproductive health is not prioritised in the first place, and what actually is prioritised and why. Presumably, gender-related factors play a role in establishing such priorities, or the lack thereof. To implement national policies and guidelines requires very significant political agitation and much hard work of the lobbying, drafting, and funding variety. Community and individual barriers include "lack of awareness of cervical cancer as a health problem", and "attitudes, misconceptions and beliefs that inhibit people discussing diseases of the genital tract" (WHO 2006: 19). Here too gender-related factors are directly implicated, particularly the stigmatisation of the female genital tract, and problems that arise from using men as health care providers in this area. Economically, a lack of resources betokens the lack of prioritisation, as do technical and organisational barriers. It is difficult to tease these barriers apart, so perhaps it is better to try to understand their interconnectedness. In this way, it becomes clear why only a well functioning health *system* can hope to control cervical cancer. If the problems are systemic, the surveillant gaze must be up to the challenge in those same terms.

What factors, then, prevent complete extension of the surveillant gaze of cervical cancer screening? There has been significant interest in these factors, primarily with a view to increasing the provision of, and women's compliance with, screening. In one sense, the basic requirement is simple: the more women in relevant categories presenting for screening and follow-up services, the better. In cases where screening programmes are not readily available, political, economic, organisational and technical factors come to the fore; but not without community and individual co-factors. Where screening programmes are available it has, however, proved difficult to 'control' women; or to put it less bluntly, to persuade them to comply with screening programmes. There are many factors recognised as affecting women's participation in cervical cancer screening, including education, socio-economic status, risk perceptions, attitudes and beliefs, geography, incentives, quality of service, levels of support, cultural values (Oaks and Harthorn 2003; Helman 2007), ethnicity, providers' constructions of women, women's constructions of providers, levels of health awareness, perceptions of cancer, shame and embarrassment, privacy, and stigmatisation

of the female genital tract (see, for example, Binns and Condron 2006; Canfell, Sitas and Beral 2006; Kim *et al*. 2008; Lovell, Kearns and Friesen 2007; Orbell, Hagger, Brown and Tidy 2006; Sabates and Feinstein 2006; Todorova, Baban, Balabanova, Panayotova and Bradley 2006; Winkler, Bingham, Coffey and Handwerker 2007). Given all these factors, it is hard to know just what to do in order to increase the health system's ability to control cervical cancer. Indeed, there is no one thing to do—the strategies will depend on the target groups.

For the purposes of this paper, we can leave the detailed strategic planning to increase control of cervical cancer to the relevant health-care providers who must take account of the sheer diversity of target groups, even and especially within the same broad community given that a woman's risk of developing cervical cancer in either developed *or* undeveloped countries is associated with her socio-economic status. The focus of this paper is on the general issues that can help shed light on the ambiguous mutual dependences of gender constructs and surveillance practices. For that reason it is important to examine the way in which the health system, in abstract and global, as opposed to concrete and local, terms constructs women for the purpose of controlling cervical cancer.

Health Promotion and the Construction of 'Docile' Women

If it is accepted that cervical cancer control is but one aspect of health promotion, then organised and systematic surveillance of the cervix for pre-cancerous lesions is part of a general health package for women globally. Since the aim of health promotion can hardly be seen as objectionable, it is understandable that compliance with a benign (and rights-securing) health-care system can be promoted as in women's best interests, no matter what kind of country or state we are talking about. Indeed, failure to comply would be deemed to be irrational behaviour by women, a failure to understand and act on what is best. This is the reason why one of the World Health Organization's key strategies for increasing cervical cancer control is health education (WHO 2006: 43-61): if *only* women understood the facts, they *would* comply. The linchpin of the educational push is the preventability of cervical cancer; and such education must ensure women understand that the medicine of symptom and curative care is inadequate in this particular case: once there are noticeable symptoms, that is, noticeable to the women themselves, it is typically too late for a 'cure'. Rather, it is only by acting on *precancerous* lesions that cervical cancer can be prevented. Thus, women must learn the language of risk and prevention, and know that they must act, counter-intuitively, while in the asymptomatic state, understanding that just because you *feel* well doesn't mean you *are* well.

The World Health Organization holds that "numerous studies have shown that many women do not attend screening programmes because they are not aware of their risk of cervical cancer nor of the benefits of screening in its prevention and early detection" (WHO 2006: 48). It also claims that it is largely women's fears and misconceptions standing in the way of compliance, and that those "fears and misconceptions can be dealt with by reassuring women about what is involved in an examination and screening" (WHO 2006: 48). The rhetoric is very much that of medical-scientific enlightenment battling ignorance and superstition. This is a powerful (and centuries old) script, with a salvatory promise: all it requires from those women who would be 'saved' is compliance. Interestingly, however, there is also at work here a gender-based expectation that women are good targets for compliance-seeking strategies, and not just in Western countries but globally, although it is important to recognize that Western presumptions about gender can be ill-suited to non-Western contexts.

It is not the case that men are curiously free of any imperative to comply with health promotion programmes; for example, and to use a comparable health risk, prostate cancer screening. However women, unlike men, are typically, or characteristically, expected to comply, whereas men, in a very different gender construction, are "assumed to be 'normal' and 'healthy', requiring less in the way of medical advice or intervention, unlike the 'weak', 'sickly', 'less controlled' bodies of women" (Lupton 2005: 204). Women, in this gender construction, both have to be cared for, as the 'weaker sex', while *also* having responsibilities for the care of others, a point emphasised by the World Health Organization. They

cannot, therefore, be allowed to take risks, unlike presumed 'healthy' males, who are expected to be risk takers. Gendered assumptions about women have already been implicated in women's subjection to greater public health interest than men (Petersen and Lupton 1997). Whether or not men come to be reconstructed as a vulnerable gender, thanks to an ever greater reach of health screening techniques, and thus seen as manageable targets of public health scrutiny lies in the future: Lupton notes, for example, that the men's health movement "recognises that certain elements of masculine identity and behaviour can be hazardous to health" (Lupton 2005: 205). In light of these gender constructs, however, women seem to be especially 'constituted' for medical surveillance. What could possibly make them so? The argument in this section of the paper is that women are construed as a 'docile' gender.

In what sense is a docile gender hostage to the compliance-demanding interests of health surveillance? While surveillance creates populations, certain populations are rendered more amenable to surveillance than others by means of gender constructs. In part this facilitated by the sexism that is rife in medicine (Broom 2005), which ensures that gender stereotypes tend to be promoted and to persist in health surveillance. The next section of this paper will look at the ways in which challenges to medical sexism yield different constructions of women *and* surveillance. For the rest of this section, however, women's presumed docility and its relationship with the interests of health surveillance will be further explored.

It is not just that women suffer the 'unbearable weight' of body (Bordo 1993), but that embodiment makes them visible in a way that men, as 'spirit' and 'true self', are not: as Bordo argues, the "duality of active spirit/passive body is also gendered, and it has been one of the most historically powerful of the dualities that inform Western ideologies of gender" (Bordo 1993: 11). This duality, by treating women as "passive, vegetative, primitive matter" (Bordo 1993: 12), actually renders them uniquely subject to surveillance; and it is men who see them. Given that medicine is rife with sexism, it is hardly surprising that women are subject to greater public health scrutiny than men. The question is, in what sense does their presumed 'embodiment' contribute to the idea that women are docile by nature? In the dualism under discussion, matter is considered passive, something to be moulded and shaped by active spirit. It could be argued that the 'sickliness' of women actually derives from this passivity, since they, unlike men, are easily affected by active forces; and they may be prone to 'corruption' in virtue of their materiality, spirit itself being, in principle, eternal. Docility, in other words, is an effect of materiality. The further association of spirit with mind robs women of rationality (Lloyd 1993) and will: they must be told what to do. This 'livestock' view of women's worth is not only debasing, but also places men in charge of women, their compliance and manageability assured by their material nature.

If we add, to this 'material' mode of en-gendering women, feminist responses to Foucault's analysis of docility in terms of power (Foucault 1977; 1978), we find further mutual dependences of gender constructs and surveillance practices. For Foucault, it is disciplinary power, rather than materiality, that yields docility, even to the point where the 'inspecting gaze' is internalised such that individuals exercise surveillance "over, and against" (Foucault 1977: 155) themselves. Feminists, however, have argued that Foucault's analysis *neglects* gender (Bordo 1993a; McNay 1992; Ramazanoglu 1993). Lois McNay, for example, notes that, "Foucault's indifference to sexual difference, albeit unintended, reproduces a sexism endemic in supposedly gender-neutral social theory" (McNay 1992: 11). If the social dimensions of surveillance are to be understood, then gender-neutral social theory is inadequate. To understand the effects of cervical cancer screening on women, it is critical to understand that the signification of women in essentialist terms "produces concrete effects throughout diverse social practices" (McNay 1992: 22).

In so far as women have internalised essentialist discourse, their compliance with cervical cancer screening programmes perpetuates and enforces what McNay calls "the myth of immutable feminine qualities" (McNay 1992: 22). The watched cervix becomes yet another tool in the normalisation and discipline of women. To reinforce this point, while the docility of women is presumed in order to promote compliance with cancer screening programs, men, on the other hand, "tend to dismiss health needs as a means of constructing and performing dominant forms of masculinity" (Lupton 2003: 29). That is, even though, in the interests of health surveillance, men might be encouraged to comply with prostate cancer

screening programs, they might wilfully ignore promotion campaigns in order to prove how 'manly' they are, and have their 'bravery' rewarded by the admiration of their peers. Thus, both women and men, respectively, comply and fail to comply with surveillance in accordance with essentialist discourse or gender constructs. Surveillance, by acting in an already gendered social context, produces different effects in one sense: compliance and non-compliance; but the same effect in another sense: the reproduction and perpetuation of essentialist discourse or gender constructs.

This casts the disciplinary power required for the attainment of health goals in an interesting light. Yes, both women and men have to be disciplined for the sake of those goals; but the means to do so are in part dependent on gender constructs. While disciplinary power, as Lupton argues, "is maintained through the mass screening procedure, the health risk appraisal, the fitness test, the health education campaign invoking guilt and anxiety if the advocated behaviour is not taken up" (Lupton 2003: 35), the benevolent mask of health promotion disguises the requisite controlling strategy. Indeed, the internalisation of the surveillant gaze and consequent self-discipline serve to erase the trace of the controlling health system at work. Of course, attempts at control do not always proceed as smoothly as might be desired. It is not, after all, 'docile' women who comply by virtue of their docile 'essence', but real women who respond, in disparate ways, to attempts to persuade them to comply. Some of those responses accord with 'docile' constructions of women (perhaps even internalised docility), and some do not. In which case, why not? More particularly, how can we distinguish between reasons for complying that are not based on docility, and reasons for not complying? In other words, different constructions of gender can interact with surveillance, and surveillance can incite "new possibilities for gender that contest the rigid codes of hierarchical binarisms" (Butler 1990: 145). In the next section, we examine gender constructions of women that hinge on the idea that women do not have to *be* controlled, that they in fact can *take* control.

Women in Control

There have long been groups of women attempting to subvert the dictates of an (until recently) largely male medical profession (Ehrenreich and English 1978), from the 'wise' women of the 17th century through the anti-Contagious Diseases Act campaigners of the 19th century, the latter protesting about the forced examination and treatment of female prostitutes while conveniently ignoring their male clients (Dally 1991: 97; Moscucci 1990: 123). This female activism has itself tended to take on a 'controlling' guise, either encouraging women to 'demand' medical treatment and/or services and *then* comply with them, or alternatively, to criticise and resist them.

In her excellent and detailed case study of 'women's' cancer in America (Gardner 2006), Kirsten Gardner has traced the evolution of active female participation in cancer surveillance, from early interest in cancer education, through later participation in awareness campaigns, to, recently, some resistance to the seemingly overwhelming propaganda of 'early detection' (the latter epitomised in Barbara Ehrenreich's provocatively titled article 'Welcome to Cancerland: A Mammogram Leads to a Cult of Pink Kitch' (Gardner 2006: 215)). In whatever guise, as Gardner points out, some women have been involved in at least attempting to control whatever was the current cancer agenda and were far from being 'silenced', by the medical establishment, on issues of what other women ought to be doing about keeping their bodies healthy. The interesting aspect of these various historical attempts by women to take 'control', however, is the manner in which that controlling intention has manifested in different ways at different times. Perhaps reflecting the early to mid-twentieth century's confidence in medicine, women in that period encouraged others to comply with doctors' advice to look for 'early signs' and 'warnings'. Such an approach was seen as a responsible one for women who, as has been noted previously, were usually in charge of households and thus should not irresponsibly run the risk of being sick or incapacitated.

While, as Gardner notes, "public cancer awareness programs relied on gendered notions of cooperative women who deferred to medical authority…often legitimising medical messages that insisted on early detection" (Gardner 2006: 5), in practice 'early detection' of cervical cancer, as opposed to the more obvious 'lumps' of breast cancer, was impossible until the 'Pap' smear became widely available in the

1950s. It was then promoted as the rational way for sensible women to 'control' the spread of a potentially deadly disease; a vast improvement on the previous mutilating and debilitating surgery necessary for advanced cervical cancer (Moscucci 1990: 100). Again, Gardner comments that, "Until recent decades, women publicised these conventional medical ideas without challenging them" (Gardner 2006: 6). By actively publicizing those ideas to other women, these female activists were of course subverting 'docile' gender images of women, even if their message entailed ultimate compliance with cervical cancer screening.

From the 1960s and 70s, however, feminism has provided a particularly vocal source of criticism of medical surveillance, drawing attention to the disparity between the needs and concerns of women and the attitudes and approach of the medical profession (see, for example, Ann Oakley's *Essays on Women, Medicine and Health* 1993). As consumers of medical services, many women were dissatisfied with what they began to see as a patriarchal, paternalistic and sexist profession (*despite* women themselves now being part of it). The women's health movement originated in America in the late 1960s and soon grew to become an international movement, with women asserting their right to exercise control over their own bodies. They also voiced their frustration over the encroaching medicalization, along with surveillance, of normal events in women's lives, including childbirth and menopause, and the attitudes of male doctors towards such issues as abortion and birth control (Dally 1991: 227).

With the emerging and articulating of these attitudes by female activists, the notion of 'control', when applied to cervical cancer screening, took on a whole new meaning. Self-help (possible with breast cancer) was not viable here, as early 'abnormalities' in the cervix could only be detected by professional smear taking and then by examination in a laboratory by a trained technician (ironically, usually female). Nevertheless media campaigns showed women claiming that they indeed felt 'in control' by the very act of 'going to be tested', for they had thus achieved 'peace of mind'. However, the feminist rhetoric began to suggest to some women that a 'sleight of hand' was at work here in which the supposed 'controllers' (the women 'in control') were themselves being controlled by creeping medicalization, turning everyone into a potential patient who was 'well' only until the next test had confirmed this: in such a situation the 'safety' and 'peace of mind' was a chimera; or at best, only transitory (Lupton 1995: 93). Women were, to all intents and purposes, anxiously living on the 'edge' of a watched cervix.

Although the attitudes of women were changing from an expected compliance to something much more complicated, the approach and rhetoric of the campaigns to encourage women to be tested continued to assume that non-compliance must be due to ignorance, prudery or fear ('I'm too busy', 'I feel fine', 'It will hurt', 'It's not nice') and that therefore information and education was all it would take to correct these attitudes. However as Deborah Lupton has pointed out this assumption was based on a simplistic understanding of human behaviour and did not take into account the increasing sophistication of women's understanding of the screening process (Lupton 1995: 111). Furthermore, as Gardner has noted, "Women objected to the insinuations of blame associated with the dominant message of early detection" and some then went on to "challenge its orthodoxy" (Gardner 2006: 6). Given that self-perceived 'signs and symptoms' were not adequate to control cervical cancer, the claim to be in control by women who complied with regular screening could be challenged by yet other women who had begun to see non-compliance as the only way of regaining control.

For the purposes of this paper, the historical developments described in this section provide evidence of the variability of gender constructions for and by women. Without taking sides in the politics of compliance or non-compliance, one can see the ambiguous mutual dependences of gender constructs and surveillance practices manifest in significant ways through cervical cancer screening. Clearly, women who are forging gender identities at variance with 'docility', and based on different ways of construing 'taking control', are trading on ambiguities in the notion of control, and a multiplicity in the ends of control. In that sense, the message of this section is complex in regard to gender constructions, but straightforward in regard to the use of cervical cancer screening to illumine the study of surveillance: surveillance is superposed on gendered social contexts, and even helps trigger new gender constructions.

Conclusion

The watched cervix is a clear case in which women do not act as a monolithic gender. This paper has highlighted a divide between 'docile' women, and women who 'take control', in order to reveal the ambiguous mutual dependences of gender constructs and surveillance practices. Cervical cancer screening is a significant intervention in women's lives, and makes them aware of surveillance in a paradoxically 'intimate' yet invasive way. The fear engendered by such surveillance puts women 'on edge'. 'Docile' women, and some women who claim to be 'in control', both comply with surveillance even if their attitudes to surveillance differ. To avoid compliance, women would have to be either indifferent to the possibility of cervical cancer, or become conscientious objectors. The World Health Organization's manual, *Comprehensive Cervical Cancer Control: A guide to essential practice*, encourages self-determination in women, but it does not consider that self-determination could express itself as a refusal to submit to surveillance. Indeed, there is no scope for anything other than rational compliance in its conception of self-determination with respect to health. A woman who is a 'conscientious objector' seems irrational. But why should health surveillance be predicated in that way? The entire edifice of health surveillance is set up to ensure compliance, so this means that women who object have to go to great lengths to justify non-compliance and then have to live with the results if they do acquire cervical cancer. It would take a brave woman to present for treatment and have to admit that she had never submitted to screening programmes. In this sense, surveillance does contribute to the production of screened populations burdened with gender constructs and imperatives. Nonetheless, the responses to surveillance are also shaped by gender constructs, and contribute to new gender constructs. The mutual dependences are inescapable; and those who study surveillance must learn to deal with the ensuing ambiguities.

Acknowledgements

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