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#### Recommended Citation

Manzerolle, Vincent and Smeltzer, Sandra. (2010). Consumer Databases, Neoliberalism, and the Commercial Mediation of Identity: A Medium Theory Analysis. *Surveillance & Society*, 8 (3), 323-337. <https://scholar.uwindsor.ca/communicationspub/6>

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Article

## Consumer Databases and the Commercial Mediation of Identity: a medium theory analysis

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### Abstract

This paper argues that the systemic nature of contemporary consumer surveillance undermines the most fundamental principle of free market economics: consumer sovereignty. Specifically, this paper argues that the rise of an information society in conjunction with neoliberal capitalism has entrenched routine forms of surveillance within commercial strategies by employing networked databases as a primary medium for the articulation of consumer sovereignty. The communicative relationship between consumers and producers within the market involves effectively ‘listening’ (and then responding) to consumer needs and wants in a timely manner. Surveillance is therefore not only necessary for the operation of globalized consumer capitalism, it is also the primary means by which consumers communicate their sovereignty within the marketplace. By turning to the work of Harold Innis and the intellectual tradition known as medium theory, this paper will theorize how consumer databases are used to circumvent the fundamental neutrality of the market, and thus sovereignty, of individual consumers by exploiting individual vulnerabilities through behaviour and profile modelling. Increasingly, vast amounts of personal information are in the hands of third party entities, creating what Innis calls monopolies of knowledge. Drawing on the example of Axiom, a US-based data collection and management corporation, we highlight how the commercial mediation of identity has become progressively more hidden from view of the consumer and thus the need for greater regulation of this industry.

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### Introduction

Personal information is increasingly the basic fuel on which economic activity runs. Getting control and being able to make intensive use of vast databanks of profiles on individual consumers, citizens, clients and subjects gives an organisation a degree of resource-based power comparable to that possessed by the oil-producing countries until the 1980s. Companies offering geo-demographic profiling data are the 21st-century equivalents of the great energy companies of the 20th, but subject to much more competition than were the old energy giants. (6 2005, 17).

In this article, we argue that the systemic and insidious nature of contemporary consumer surveillance undermines the most fundamental principle of free market economics: consumer sovereignty. As the “ideological linchpin of a market economy” (McGuigan 2000, 295), consumer sovereignty is a central principle of neoliberal and free market policies. It presupposes that: 1) consumers act rationally by trying to fulfill a given need, regardless of whether the needs themselves are ‘rational’, and 2) consumers can communicate their preferences effectively to producers. In other words, consumers have made their

Manzerolle, Vincent and Sandra Smeltzer. 2011. Consumer Databases and the Commercial Mediation of Identity: A Medium Theory Analysis. *Surveillance & Society* 8(3): 323-337.

<http://www.surveillance-and-society.org> | ISSN: 1477-7487

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current and future choices stable and predictable enough so as to serve as a means by which production can be organized in the short and long term. As proponents of free market economic theory argue, consumers embody and exercise their will directly, mediated only by prices as they are manifested within the market (see von Mises 1963). Simply put, the market is a mechanism for mediating direct exchanges between sovereign subjects.<sup>1</sup>

Yet, the explosion of consumer data has created a market value – indeed, an entire industry – for any type of personal information that might be useful for trying to anticipate, steer, or exploit consumer behaviour. In so doing, this intensifying feedback loop of consumer information circumvents the supposed neutrality of market exchanges by creating and exacerbating informational asymmetries between sellers and buyers, with the former owning detailed models of the latter's past and potential future behaviour and vulnerabilities. As a result, consumer databases not only serve to create a proxy or model for consumer behaviour of market exchanges, they also provide the basis for the commodification and sale of consumer identity as a 'body' of information. In the process, the corporeal reality of the embodied consumer is replaced by the digital agglomeration of personally identifiable data assembled within the consumer database as the new site of sovereign authority.

Moreover, these databases have become a central node in a far-reaching surveillance apparatus as consumers provide a wide range of personal information – both knowingly and unknowingly – through their everyday routine activities. Increasingly, this information is being collected, managed, and sold by third party companies capable of creating highly sophisticated, detailed composites of consumers' raw data. The accelerating assortment of routine consumer surveillance practices and resultant databases directly contradict neoliberal rhetoric that considers the free market as the most rational, efficient, and unbiased way to organize society's finite resources and productive capacities (von Mises 1947; 1963; 1977; Hayek et al. 1956; Friedman 2007; Friedman and Friedman 1990). Indeed, and not surprisingly, neoliberal free market advocates employ the sovereign consumer – the rational, autonomous decision-maker – as a rhetorical device to justify their ideological position and resultant policies. The actions of these same advocates (and of corresponding corporations that benefit from such policies), make a sovereign consumer actually impossible.

Given the focus of this special issue, this paper has four primary aims. First, we examine the relationship between neoliberal capitalist consumption and consumer surveillance, focusing specifically on the consumer database and the personal information economy. Second, we look to the intellectual tradition of Harold Innis and medium theory to examine how the database as a dominant communication medium shapes the articulation and valorization of consumer sovereignty. Particular attention will be paid to the creation of what Innis (1964; 2007) calls "monopolies of knowledge" in the development of the personal information economy and the commodification of consumer identity. Third, our discussion demonstrates how the concept of consumer sovereignty – as an essential justification for the free market and neoliberal reforms – conceals a central contradiction; namely, that consumer sovereignty is both enhanced *and* circumvented by the expansion of routine consumer surveillance. This contradiction we contend further enables greater forms of social stratification, exploitation, and marginalization by focusing market production only to satisfy the most valuable (though not necessarily the most affluent) consumer segments. Fourth, we draw on the example of Acxiom, a large US-based global consumer data collection and market services corporation, to illustrate how companies use the services of highly sophisticated third parties to build direct marketing programs targeting specific consumer demographics.

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<sup>1</sup> The 'market' is premised on the price system as a medium for communicating information about the value of goods and services. This understanding resonates with Harold Innis' emphasis on the price system as a defining medium of Western political economies (Innis 1995, 66-87).

## The Consumer is King: Neoliberalism and the Commercial Mediation of Identity

Drawing on the work of David Harvey (2005: 3), neoliberalism can be summarized as the belief that,

...social good will be maximized by maximizing the reach and frequency of market transactions, and it seeks to bring all human action into the domain of the market. This requires technologies of information creation and capacities to accumulate, store, transfer, analyse, and use massive databases to guide decisions in the global market place.

Neoliberalism is therefore frequently characterized by two informational trends: 1) the expansion and commodification of information and communication technologies (ICTs), and 2) the increasingly detailed management of consumption and leisure time (Lee 1993; Harvey 2005; Webster and Robins 1999; Dyer-Witford 1999). In particular, the increasingly important “personal information economy” (Lace 2005; Elmer 2004) highlights the necessity under neoliberalism of producing instrumental – and thus commodifiable – representations of identity. Neoliberalism is thus premised on ideals of individual freedom and liberty, a free market, and private property; ideals that extensive ICT-supported consumer surveillance activities actively circumvent.

Flows of information to and from consumers are, of course, essential for the functioning of the market. The belief is that outward behaviour can be turned into datum that, when sufficiently assembled, will embody (as information) the will of the consumer. As Ludwig von Mises, one of the more prominent free market economists of the 20<sup>th</sup> century, wrote decades ago, it is the consumer that steers the economy as its “captain” and it is from the captain that entrepreneurs, corporations, and producers generally take their instructions (1963, 270). According to von Mises and other neoclassical economists (especially the Austrian and Chicago schools of economics), consumer choice mediated by the free market is the most direct and democratic expression of human agency (Friedman 2007; Hayek et al. 1956). This philosophical notion is premised on the convertibility of all human actions into datum relevant to market production: human action “takes the ultimate ends chosen by acting man as data, it is entirely neutral with regard to them, and it refrains from passing any value judgments. The only standard which it applies is whether or not the means chosen are fit for the attainment of the ends aimed at” (von Mises 1963, 21). Therefore, the only data that matter are supposedly rational economic behaviour that can be expressed through the price mechanism. While this perspective is unconcerned with *why* consumers do what they do (the exploration of motivations, of psychological decision-making, is not relevant for von Mises), we think that data about consumers reflect some reality of their inner selves, providing a window not only into actions, but also motivations, values, predispositions, habits, and vulnerabilities. The entire personal data economy is, therefore, premised on the analysis (and manipulation) of these ‘irrational’ motivations, values, and so forth.

The progressive amounts of raw data accumulated via increasingly sophisticated consumer surveillance techniques allow for more detailed extractions of these types of behavioural patterns. The ultimate goal is to articulate consumer sovereignty for commercial interests so as to better tune production to both mirror the essence or will of the consumer *and* to help create consumer wants and needs, thereby gaining market advantage over competitors. It is worth reiterating that this digital articulation of consumer sovereignty is the result of the ideological fusion of neoliberal capitalism and information society utopianism; a belief that with additional information and the progressive powers of ICTs society will function more smoothly, equitably, and democratically (Mosco, 2005). In this fusion, the surveillance capacities of ICTs are largely concealed by the operations of the market as corporations have adapted to the emergence of a personal information economy by shifting attention from production-oriented to marketing-oriented strategies. As Boyce (2002, 109) explains,

...[a] market orientation requires the generation of market intelligence relating to the current and future needs of customers and an ability to satisfy these identified needs. In market oriented firms, information about customer needs is integrated and disseminated across the organisation, and the organisation's practical response (in terms of design and execution) is coordinated across the organisation.

This marketing approach emphasizes the generation of detailed models concerning the identities of consumers and their current and future wants and needs. In this case, identity is held to reflect the essence of an individual; consumer profiles stand-in for, and speak on behalf of, the embodied individual. Of particular concern for us, the vast databases composed of such detailed consumer composites are now, more than ever, owned and sold by relatively unknown third party companies. Moreover, this instrumental representation of consumer identity holds not only economic, but also political significance. If consumers are supposedly able to communicate their wants and needs more effectively in the market place via third party-controlled databases, then there exists a strong argument against myriad forms of *citizen*-oriented state intervention (e.g. for the state to play a stronger role in protecting citizens' privacy, countering identity theft, and ensuring a more consistent regulatory framework for the data collection and management industry).

#### *Databases and Veiled Third Parties*

For decades, marketing and advertising agencies have spent increasing amounts of money researching consumers' wants and needs, trying to tap into and encourage (ir)rational purchase behaviour. These capitalist activities have, however, become more powerful and more obscured with the expansion of highly detailed consumer databases. Corporate use of such databases "has become so significant that 'database marketing' has become an important sub-discipline in its own right" and "extensive and advanced information systems have become central to the marketing function" (Boyce 2002, 109). In particular, customer relationship management (CRM) has emerged as a key marketing strategy for many companies. CRM employs databases to understand and anticipate consumer behaviour and then applies such knowledge to the creation and management of 'relationships' between corporations and consumers (Gandy 2003; Gandy and Danna 2003).

Mark Poster (1990; 1995) offers us a useful Foucauldian reading of the database – and by extension, these CRM activities – as the nexus of a 'superpanopticon' extending the micro capillary networks of disciplinary power deeper into the fabric of everyday life, acting as the "harbinger of the absolute subject" (Poster 1990, 69). As the pricing mechanism infiltrates just about everything we do, all of our personal information is ascribed a potential market or competitive value. With the help of new forms of ICTs, an incredibly wide range of personal information about consumers can now easily be extracted via bank machine transactions, point of purchase sales, online shopping, video rentals, library borrowing, social media activities, online cookies, credit applications, domestic and international travel, and so forth. For the most part, this extraction occurs without consumers knowing about it, or knowing who exactly has access to the information (e.g. third party companies like Acxiom, discussed below) and what parts of their information can be sold and to whom. These expansive databases, along with CRM and the entire personal information industry, thus further obscures from view the processes by which a consumer's choices are limited.

For von Mises, this type of obscuration poses a problem because "in order to act, man must know the causal relationship between events, processes, or states of affairs" (von Mises 1963, 44). Yet, the production and sale of consumer identity as informational commodities has subverted traditional notions of sovereignty. A consumer's profile now substitutes for the real embodied individual at the commercial level, elevating it "to the rank of superhuman authority through forgetting or rendering irrelevant its human, all too human origins, together with the string of human actions that led to its appearance..." (Bauman 2007, 14). As Bauman explains, "[c]onsumers' 'subjectivity' is made out of shopping choices –

choices made by the subject and the subject's prospective purchases; its description takes the form of the shopping list. What is assumed to be the materialization of the inner truth of the self is in fact an idealization of the material – objectified – traces of choices” (Bauman 2007, 15). As a result, the consumer is divided into, on one hand, a rational, sovereign, corporeal subject and, on the other hand, a disembodied and disembedded identity with an exchange value much like any other commodity.

### *Asymmetrical Information Flows*

For the commercial exploitation of a consumer's identity to be effective it must be allowed to flow freely in order to reach its most profitable use. To ensure that state policies enable this commercially instrumental form of 'communication' to proceed, global (often US-based) corporations have long sought what is commonly referred to as the 'free flow' of consumer data (see Prins 2004). The free flow of information, broadly defined, originally constituted a legal principle sought during the Cold War to expand and secure the international interests of mostly American media and information corporations (Comor 1998). More recently, the free flow mantra has taken on a more significant role in shaping personal data policy in the US (Cate et al. 2003).

As it applies to the personal information economy, the free flow of information exacerbates the informational asymmetries that now define market transactions by favoring organizations with the resources and infrastructure capable of processing the mounting deluge of data. As noted above, consumers know proportionally very little about the corporations with whom they interact, while the most intimate details about consumers, including detailed geodemographic and psychographic profiles, are available to almost any corporation willing to pay for it (Turrow 2006). The primary justification for this asymmetrical flow of information from consumer to corporation is that it allows the latter to 'listen' to the instructions of the former; each transaction creates new possibilities for the supposedly sovereign consumer (or 'captain') to 'speak' to corporations.

These expressions of consumer sovereignty in the market are met with systemic attempts to create normative ways of decoding the internal motivations of individuals. This communicative relationship, however, presupposes the “qualitative requirement of rationality” where one must “assume that individuals know what is best for themselves” (Penz 1986, 61). As this exchange becomes defined by sophisticated feedback mechanisms feeding more information into a reflexive system, the parameters of 'rationality' are always framed by efforts to direct or calibrate consumer 'needs'. External forces in this process, such as marketing and advertising strategies for example, work to influence the relationships between consumer and corporation. If the free market is supposed to be a 'neutral' space where consumers attain sovereignty by acting as anonymous “price takers” (see Ruggles 2005), then the free flow of information creates the means for corporations to by-pass the market, appealing to individual biases (and vulnerabilities) gleaned from geodemographic or psychographic modelling and data mining rather than individual rationality. In so doing, they can marginalize less desirable consumer segments with increasing accuracy. As Lace highlights, informational asymmetries can engender deeper structural inequalities because personal information,

[c]an be used to sort and sift populations more intensively and efficiently than ever before, enhancing the life chances of some and retarding those of others. The more accurate (and often commercially rational) use of information may allow a shift in risk exposure, a transfer of group-pooled risk to settle risks more squarely on the individual shoulders of consumers (Lace 2005, 5).

Here one need only cite the recent sub-prime mortgage debacle in the US as a tragic example of the exploitative use of personal data (Rivera et al. 2008) and the current economic problems surrounding consumer credit. The mortgage crisis is, in part, a result of informational asymmetries that stem from the commercial use of consumer databases in an era of neoliberal capitalism: mortgage lenders possessed



extensive amounts of information about the ability of borrowers to afford their housing loans and about who specifically they could target<sup>2</sup>, while many borrowers lacked enough information about the conditions and implications of such loans.

### Medium Theory, Biases, and the Database

...though related to technology, a medium is not simply a technology, but the social relations within which a technology develops and which are re-arranged around it. A medium is thus a mode of social organization, defined not by its output or production, but by the relations obtaining with it. (Angus 2000, 37).

Harold Innis' emphasis on changing systems of communication recognizes that spatial and temporal constraints affect everyday consciousness, and that cultivation of human capacities involves both knowledge and power. His historical approach provides conceptual tools crafted to deal with the *longue duree* of complex social phenomena; that is, how social phenomena are reproduced across space and time with varying degrees of stability and coherence. This comparative approach centres on the transformation of societies' knowledge-producing capacities, and the ways these changes interact with wider political and economic forces – sometimes strengthening, sometimes challenging dominant powers.<sup>3</sup>

The work of Innis and the intellectual tradition known as medium theory can help assess how the database evidences the communicative nature of surveillance and its influence on broader transformations in the nature of social mediation. Medium theory views history as successive (rather than discontinuous) epochs where each is “distinguished by dominant forms of media that absorb, record, and transform information into systems of knowledge consonant with the institutional power structure appropriate to the society in question” (Deibert 1997, 21). In a cultural milieu where the preferred script sees consumer choices as a reflection of both an inner essence and a commercial calculus – positing in every instance the consumer as commodity – Innis points to the central role of information production and storage in highlighting the relationship between dominant forms of media and political and economic forces. In this case, capitalist consumption provides the dominant biases influencing the mass of information about individuals for commercial purposes, with the hopes of influencing their behaviour. The materialization of these biases is the consumer database as commercial tool.

It is important to clarify, however, that the consumer database is not necessarily or simply a kind of computer or a piece of software. Instead, it is a productive and communicative enclosure of information creating what we would call a ‘data factory’ used to “manufacture consumers” (Zwick and Knott, 2009). The term ‘database’ stands in for “a total system consisting of the machine or machines themselves, the software which makes them run, and the data stored in them” (Brown 1990, 10). As Manovich (2001) highlights, creating and ordering databases is, of course, subject to human intervention: “The data stored in a database is organized for fast search and retrieval by a computer and therefore, it is anything but a simple collection of items. Different types of databases – hierarchical, network, relational, and object-oriented – use different models to organize data” (218). These databases allow for the “systematic storage of data in a form that can be retrieved selectively according to the requirements of the user...the notable characteristic of a database is that the data it contains can be accessed in a whole variety of different ways” (Brown 1990, 11). As a result, databases not only offer a way of binding information and media together, they also offer the opportunity to automate the generation of *new* information. In so doing they reflect the social relations through which information is produced, stored, analyzed, and applied.

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<sup>2</sup> Of particular concern, during the expansion of the sub-prime mortgage market in the US, racial minorities were disproportionately targeted by lenders (see Aslam 2008, Carey 2010).

<sup>3</sup> As an oft-cited example, in 15<sup>th</sup> century Europe the printing press began to be used to challenge the hegemony of the Church, even though it was the Church that popularized its use in the production of indulgences (Eisenstein 1980).

It is by foregrounding the ways in which the database constitutes social relations through its mediation of identity that we can begin to assess how these biases – spatial, temporal, corporeal, speed, and so forth – reflect and shape social organization. To better understand the crucial role that information systems play in enabling this type of “social sorting” of consumers (Lyon, 2002), we turn to Innis’ concept of ‘spatial bias’ and ‘monopolies of knowledge’.

### *Spatial Bias and the “Free Flow of Information”*

In a market-centred economy, the possibilities for more or less individual ‘freedom’ depend on timely information about producers and consumers being disseminated spatially. Databases are tools to help ‘decode’ the signals communicated by consumers to producers through the market and, in so doing, facilitate commercial forces to “sense and respond” to “individual customer needs in real time” (Nolan 2000, 248). This intense commercial demand for time-sensitive information, as it attempts to harmonize production with consumption, creates what Innis would call a ‘spatial bias’ in the resulting information surveillance system. Spatial bias here refers to cultural processes that break up time into “discrete, uniform, measurable chunks that can be valued in money terms” (Babe 2000, 73). Innis noted that the spatial bias of the price system in Western political economies, for example, “facilitated the use of credit, the rise of exchanges, and calculations of the predictable future essential to the development of insurance” as a way to predict the future and minimize risk (Babe 2000, 72; see Innis 1964, 33-34). The market and the price system, Innis argues, are profoundly spatially biased (Innis 1995, 66-87).

Exacerbating this spatial bias is the commercial development of geodemographic information systems, which act as one of the key pillars upon which detailed consumer profiles are built (Gandy and Danna, 2003). Early in its development Goss (1995) identified three crucial assumptions that underlie the application of geodemographic information to consumer management: 1) “that social identity is reducible to an aggregation of measurable demographic and psychographic characteristics...classified into a limited number of coherent, stable types”, 2) that the classification of identity is ultimately predictive of consumption behaviour, telling marketers “what to expect of that person in hundreds of other domains”; and 3) that residential location has a similar determinant in identity and behaviour (171). Thus, as Sivadas et al. (1997) point out, “the conceptual underpinning of geodemographic systems is similar to that of social class, that individuals living in similar neighborhoods share similar demographic and behavioral characteristics” (466). The social world as it is perceived geodemographically is, therefore, one that fetishizes lifestyles and reduces the “subjectivity of the individual to the social identity with which she or he are provided” (Goss 1995, 187).

The free flow of information in this case reinvigorates management principles that organize and sort consumers according to geodemographic categories, thereby centralizing operations for commercial interests. With its instrumental application of time-sensitive predictive models, geodemographic databases extend the spatial bias already present in the organizational capacities of the price system. Yet it is precisely this orientation which contributes to volatility in the market by adding ‘feedback’ effects that pit the short-term needs of the market against the situated and longer-term needs of individuals and communities. As Wernick (1999) observes, “[i]n consumption, as in production, market demand is always geared to the short term...the needs it registers are those of the present” resulting in modes of consumption and production reflecting the spatial and temporal proclivities of an unstable market system (264).

Importantly, spatial bias applies not only to the expanded circulation of information and commodities, but also to their volume. Competition among marketing messages, for example, demands efficient use of very short periods of consumer attention with the goal of resonating with consumers as quickly as possible. The problem of “information overload” (Eppler and Mengis 2004) or “data smog” (Shenk 1997) describe consumers’ inability to make effective or timely choices about what to consume due to an excess of information and a lack of time to identify and assess useful or valuable data. The tailored relationships of CRM employ databases to try and overcome and circumvent these “difficulties of advertising clutter and



market fragmentation” (Lace 2005, 103), perniciously incorporating every new piece of personal data available.

This accelerating feedback loop further stratifies and prioritizes certain segments of the population over others for different products and services. As Boyce (2002) notes, “The central focus of CRM is... identifying, attracting, and retaining the most valuable customers to the firm...Segments are organised hierarchically and, based on the profitability (or potential), customer interactions are tailored accordingly” (110). This leads to an increasingly instrumental view of consumers “as mere assets to be exploited” (Boyce 2002, 116). Though such instrumentalism is long familiar within a capitalist framework, the depth and breadth of this segmentation via seemingly innocuous surveillance techniques is qualitatively and quantitatively new and becoming increasingly sophisticated.

### **Monopolies of Knowledge: Data Mining, Third Party Data Collection, and the Case of Acxiom**

In his critical examination of “monopolies of knowledge”, Innis explores how changes in dominant media generate structural biases that concentrate knowledge and help empower an intellectual elite or priesthood (Innis, 1967). For instance, Egypt’s extensive production of religious texts, astronomical data, and literature were all regulated by a highly formalistic written language controlled by an elite priesthood (Innis 2007). This was significant because the political and economic control of the Nile relied on accurate astronomical data that could ‘predict’ flooding thus giving the priesthood’s control of the language further political leverage. One could argue that professions in the information technology sector – particularly those dealing with finance, risk management, and CRM – have ascended to a priest-like status under contemporary capitalism. They are experts in the modelling of human behaviour within markets, and as such, offer a seemingly powerful tool for the expansion of existing markets and the production of new ones.<sup>4</sup>

Monopolies of knowledge, it must be clear, not only follow from technological or physical changes in dominant media, but also crucially from how related institutional and organizational changes – that is, the political and economic context – shape *what types of knowledge are produced and who has access and use of them*. Thus the database serves as an information data factory by using raw materials to forge new and potentially more valuable information for commercial interests looking to gain a competitive edge in the marketplace. CRM has wholly embraced ‘mining’ commercial databases to discover new insights into consumer behaviour and for patterns that might cut advertising, marketing, and design costs. As a medium of information storage *and* production, the database is therefore used to enhance predictions of consumer preferences and actions, and to create new ‘relationships’ among seemingly disparate data streams. Ann Cavoukian explains:

Successful data mining makes it possible to unearth patterns and relationships, and then use this ‘new’ information to make proactive knowledge-driven business decisions. Data mining then, centres on the automated discovery of new facts and relationships in data. (Cavoukian, 1998)

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<sup>4</sup> One emerging area in which consumer databases are increasingly employed is in the realm of financial products and investments. Consider Acxiom’s Investor Services Consumer Dynamics, an “industry solution” which provides targeted financial products for “marketers to anticipate – rather than simply respond to – transitions from one life and affluence stage to another” (Acxiom 2010). Though this example may appear rather innocuous, it reflects the broader processes of financialization that have been deployed by various forms of consumer databases to popularize derivatives, sub-prime mortgages, and credit default swaps as significant investment opportunities.

For these reasons, it is “important we take seriously the ‘faith’ of marketers in this technology, for it is based upon an instrumental rationality that desires to bring the processes of consumption further under the control of the regime of production” (Goss 1995, 172).

In this regard, the US credit system is a paradigmatic example linking the explosion of personal data with consumption capacity, furthering the availability of detailed personal information. The speed and ubiquity of the US credit system now reflects an indispensable way of life for most Americans (and, increasingly, many residents of other developed and newly industrializing economies adopting similar policies and consumption habits). Their dependence on credit has helped create an infrastructure that supports an expanding flow of personal data, much of which may end up in third party databases far from the purview of individual borrowers. Although credit-specific data is partially regulated by federal laws (outlined below), the compulsion to evaluate the ‘character’ or ‘trustworthiness’ of individual borrowers can equally be employed by data miners and marketers seeking a competitive edge.

Arguably, many consumers willingly and knowingly allow their personal information to be surveilled, collected, and managed for a range of reasons, including the need to obtain credit and accrue credit worthiness.<sup>5</sup> Consumer data companies also offer valuable services such as detecting fraudulent financial transactions and enabling greater credit card security. As US Federal Reserve Board Governor Edward Gramlich contends, “information about individuals’ needs and preferences is the cornerstone of any system that allocates goods and services within an economy” (quoted in Cate et al. 2003, 15). The more such information is available, he continues, “the more accurately and efficiently will the economy meet those needs and preferences” (quoted in Cate et al. 2003, 16).

This process is, however, a double-edged sword. While it expands access to credit and some forms of security, it also generates more data without a concurrent ability to actually control how this data is used in other areas. For the most part, citizens do not have a lot of choice of what or how much personal information they provide, or how it is being used and by whom. Once in the hands of a third party – like Acxiom – this personal information can move from third party to third party to a multitude of other companies. Though this industry is highly chaotic, with mergers and consolidations making a precise mapping impossible, the example of Acxiom helps illuminate the growth of these third party data providers acting as consumer data experts.

#### *Acxiom: The Ultimate Collection Agency You've Never Heard Of*

The Acxiom Corporation belongs to a small cadre of billion dollar consumer data companies servicing both private commercial interests and those of the ‘security’ state looking to outsource its data processing costs (Acxiom 2009). Headquartered in Little Rock, Arkansas, Acxiom operates throughout the US and in various international locations,<sup>6</sup> employing approximately 6,400 people worldwide (Acxiom 2010, 11). The size of this global corporation – and the rapid expansion of the personal information industry more generally – reflects a rise in companies looking to outsource their data requirements to third parties. The intensification of the role played by this and other third parties (such as Infosys Technologies and Reed Elsevier) in accumulating and selling data reinforces the asymmetrical nature of market transactions, privileges access to valuable personal data by paying clients and helps create new monopolies of knowledge surrounding consumer databases.

As a more recent entry in a much longer historical tradition of third party companies specializing in consumer data (Beniger 1986), Acxiom has assumed the role of a full-service data management business,

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<sup>5</sup> As Cate et al. (2003) note, “[c]onsumers in the United States enjoy far greater access to credit than is the case in other countries with restrictive credit reporting laws” (9). For example, consumers in the European Union “have access to one-third less credit as a percentage of gross domestic product” as do Americans (Cate et al. 2003, 15; Hiller, 2010).

<sup>6</sup> Overseas acquisitions, including competitors Claritas Europe (Levey 2004) and ChinaLoop (Blythe 2006), have given Acxiom a global presence, increasing its importance as a data source for transnational corporations.

providing its corporate clients with the means to profile prospective consumers as malleable niche markets. “Instead of creating a simple list of people who bought, say, an Oldsmobile or read the *Saturday Evening Post*, Acxiom [has] had the data savvy and computer power to combine dozens of characteristics about people”, creating databases “to better predict what people [are] likely to buy or do” (O’Harrow 2006, 42). According to the company’s 2010 Annual Report,

Acxiom has all the necessary tools under one roof: the largest and most accurate consumer database, deep analytics, robust communication technologies, and the world’s foremost consumer recognition engine, leveraging a commercial cloud computing environment and award-winning, secure processing. This unique combination enables repeatable, scalable, and measurable marketing programs. In short, Acxiom has the competitive capabilities to become the leading engine for real-time audience targeting and consumer engagement across all devices and channels (Acxiom 2010).

Acxiom offers clients a range of services, from supplying telemarketing lists and identifying consumers for credit card offers, to screening prospective employees and providing Patriot Act ‘solutions’ such as background checks on prospective employees and identifying suspicious or criminal activity (Whiting 2004).<sup>7</sup> As just one example in a highly complex and amorphous industry, Acxiom therefore represents the formation of new monopolies of knowledge in two key respects: 1) the processes of commodification and technical specialization involved in adding value to aggregate consumer data, resulting in 2) the development of services and data products available to a third party’s paying clients or affiliates. Since consumer culture depends on the constant activation and articulation of identity in routine consumption, databases play a significant role in maintaining increasingly important relationships and, following Innis, particular *ways of knowing* that characterize the relationship between corporations and consumers. The monopoly of knowledge, therefore, “refers to control over not only what information is made available but also to the dominance of particular ways of interpreting it” (Comor 2002, 241).

While the asymmetrical information flows produced by a third party company like Acxiom may improve the match between supply and demand, it is the increased asymmetry in power between consumers and corporations (and, in many cases, the state) that we consider problematic (O’Harrow 2006). For Acxiom, its financial success can, in part, be attributed to an industry-wide perception that efficiency in production, distribution, and marketing can be achieved by properly identifying valuable (or vulnerable) customers, and weeding out unprofitable ones. Clients hire Acxiom to create a more “holistic” view of the customer by incorporating important “life stage segmentation strategies” (e.g. anticipating what clients would need at various points in their lives such as saving for college, buying a house, starting a family, retiring, and so forth), which helps them more clearly assess the value and risk of courting these consumer segments (Acxiom 2009). As the former head of marketing for Bank of America’s Global Wealth & Investment Management explains, “[w]e don’t want to proposition them [customers] with individual products anymore. We want to customize packages and services that are just for them...To do that, we need to be able to predict behavior rather than just react to it” (quoted in Bruno 2002, 38).

Importantly, access to all of this customized and targeted data does not guarantee financial success for a company, as demonstrated by struggling giants Bank of America and J.P. Morgan Chase, two of Acxiom’s largest clients. Nevertheless, detailed personal information profiles do give companies trying to attract and keep customers a notable advantage in an already crowded marketplace. As Acxiom’s former CEO Charles D. Morgan contends, clients “have gone on an information collecting binge, there’s just this insatiable appetite for more information...they record everything about their customers, they’re saying, ‘We ought to convince customers this is good for them’” (quoted in Bruno 2002, 44). According to

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<sup>7</sup> By specializing in the collection, storage, and processing of consumer information, third party companies like Acxiom also serve to cut IT costs for both small and large firms.

Morgan, Acxiom uses its databases and specialized technical knowledge to help companies service their customers more effectively, explaining that "...businesses do not instinctively know what their customers want and need. To be successful, businesses need to understand their customers beyond what they learn about them in the normal course of doing business" (Federal Trade Commission 2003, 10).

Morgan's comments point not only to the strategic economic benefits of preserving the free flow of information, they also reinforce a structural bias towards the monopolization of information by third party entities. He notes, however, that rising public concerns over data privacy and identity theft may jeopardize this free flow and, "have had unintended negative consequences by restricting or eliminating flows of information that are beneficial to all" (Federal Trade Commission 2003, 12). Because the personal information economy relies on the availability of consumer data, it has resisted consumer control options over personal information that would potentially slow down the flow of information and hinder profits. Drawing on Morgan's statements, O'Harrow likens the flow and freedom of consumer data to the speed limits on American roadways: while lower speed limits would likely save a considerable amount of lives, the overall toll on the economy and culture is, from Morgan's perspective he argues, one not worth taking (O'Harrow 2006, 70).

Benefiting from this free flow of information, Acxiom has been able to build commercial databases and products by gathering data from four primary sources: publicly available information (e.g. census data), self-reported information (e.g. surveys, warranties, and loyalty programs), information from companies (e.g. Sears, Target), and information from credit rating agencies (CRAs) (Federal Trade Commission 2003). Unlike companies such as TransUnion, Equifax, or Experian<sup>8</sup>, Acxiom and similar companies are not considered CRAs and, therefore, under US law, are not restricted by many of the regulations enacted by the Fair Credit Reporting Act (FCRA) (Federal Trade Commission 2005, 8). Importantly, the FCRA "neither limits the collection of information nor does it allow individuals to control the collection of information about themselves. The FCRA allows the market (i.e., corporate-based interests) to determine what kinds of data are useful for assessing the borrower's risk" (Cate et al. 2003, 11).

Essentially, the FCRA offers a bargain of sorts whereby consumers relinquish control over their personal information in exchange for more 'freedom' in the marketplace in terms of readily available credit, lower prices, or increased choice (Cate et al. 2003). This is significant because the FCRA is the most comprehensive of federal regulations pertaining to personal data (even though it only addresses credit issues) and thus sets a benchmark for the kinds of consumer data that can be collected. Given that credit is supposed to be the most tightly regulated area of personal information,<sup>9</sup> it seems rather problematic that these regulations are, at best, ambiguous and are relatively easily circumvented.<sup>10</sup> Recently, concerns over online privacy and security issues have led to a push by lawmakers and consumer advocacy groups for stronger US regulations over how personal data is used for marketing purposes (Chester 2009; Burkitt 2010). While proposed legislation applies largely to online advertising and marketing – and is still not very comprehensive regarding the pervasive collection and use of personal data – it has, not surprisingly, become quite controversial. Anti-regulatory rhetoric from Jim Harper of the CATO Institute, for example, explains that because "data aggregation gives our economy brains" increasing regulation "would put a

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<sup>8</sup> Aided by limited FCRA regulations, the consumer credit data industry has undergone a massive consolidation: from 2,200 companies in 1969 (prior to the enactment of the FCRA) to just these three national automated reporting systems by the mid-1990s (Cate et al. 2003, 11). This rapid consolidation evidences the role databases play in creating new monopolies of knowledge regarding highly important, and potential valuable, consumer data as well as the complicity of mainstream regulatory approaches in this process of consolidation.

<sup>9</sup> See <http://www.ftc.gov/bcp/menus/consumer/credit.shtm>.

<sup>10</sup> As demonstrated by the strategic and long-standing business alliance between TransUnion and Acxiom; whatever limitation one entity might face can be compensated for by the other. Consider a recent class action lawsuit involving this partnership in which Transunion sold lists containing personal and financial consumer information to third parties for marketing purposes. See <https://www.listclassaction.com/>.

thumb on the carotid artery of information-based businesses, making them a little woozier, a little less aware, and a little less able to serve and protect consumers” (Harper 2005).

As the above discussion illustrates, Acxiom – a global, highly sophisticated data collection and marketing company – offers a useful example of Innis’ monopolies of knowledge. This third party company collects and manages vast amounts of personal information, which is then sold to companies looking to target their goods and services to specific demographics. Though third party data collection, management, and sales are not illegal, we come back again to the largely unseen nature of this industry and of Acxiom in particular. In fact, current Acxiom CEO John Meyer has boasted, “We’re the biggest company you’ve never heard of” (quoted in Mason 2009). Despite other claims of transparency and access, Acxiom has notoriously made it difficult for both individuals and groups to opt-out of their databases. As an article in *Wired* magazine highlights, the company “foils efforts to help people get their names off marketers’ lists with just one opt-out form” (Singel 2003).

Acxiom therefore demonstrates well the contradiction between neoliberal rhetoric of consumer sovereignty and the power of a largely unregulated company working to circumvent such sovereignty. It also tells us that monopolies of knowledge are more concentrated than ever; companies looking for a comprehensive composite of current and potential consumers call upon a third party the size and reach of Acxiom to monitor, gather, and sort a range of strategic personal data.

### **Regulating What’s Hiding in Plain Sight**

In this article we have examined the commercial mediation of identity under neoliberalism, drawing largely on the conceptual tools developed by Harold Innis. In so doing, we focused on the emergence and growth of a relatively new medium – the database – to understand widespread transformations in the organization and operation of consumer surveillance. By concentrating on the ways in which corporations have instrumentalized and reified consumer identity through routine surveillance designed to create increasingly sophisticated databases, we contend that the principle of consumer sovereignty – as the ideological lynchpin of a neoliberal, free market economy – is demonstrably untenable. This is because consumer profiles are meant to ‘speak’ on behalf of individuals in ways amenable to a functionalist interpretation of consumer identity. The ‘bias’ of this communication is one that privileges the needs of administration and management for globally expansive corporations.

In the fall out, consumers rank above citizens as liberal democratic ideas of an informed critical citizenry are placed in stark opposition to the instrumental representations of identity central to the personal information economy. As Menzies writes, “the bias of communication comes home at [the] cultural level: in the subtle erosion of expressive humanity as communication is disengaged and disembodied from the intimate bonds of conversation and dialogue with people known as whole people, and then as it is speeded up for instant global feedback” (Menzies 1999, 335).

Drawing on Innis’ work vis-à-vis monopolies of knowledge, we see how the personal information industry relies on the asymmetrical production of consumer information, often far removed from the awareness and control of the subjects themselves. Acxiom offers a particularly illuminating example of the power wielded by third party corporations to collect and manage detailed personal information composites, which are then sold to other companies eager to identify future consumerist activities. The role played by consumer data in stimulating and expanding consumption has, however, perhaps worked too well, resulting in a mass of citizens whose debt stem in part from an inability to make long-term considerations in their consumption habits. The numbers are telling: according to the U.S. Federal Reserve, outstanding consumer debt in September of 2010 stood at \$2.4 trillion USD (U.S. Federal Reserve, 2010). Similarly, the resulting collapse of neoliberal policies stemming from the commodification of debt in global markets points to the contradictory (and even suicidal) impulse at the heart of the personal information economy to



stimulate irrational and unsustainable consumption habits. Despite such seemingly obvious examples of neoliberal failures, the voices of free market proponents persist.

If, however, citizens were made more aware of the kinds and extent of personal information collected, they may be inclined to push for greater data privacy to regain a greater semblance of sovereignty. We contend that the state should take a more active role in protecting the privacy of citizens, including possible methods of regulating third party data collection and management companies (see Thomas 2009). This would include ensuring that citizens are made more aware of what information is extracted, by whom, for whom, and for what purposes. As well, citizens should be protected in their right to (relatively easily) opt out of providing various aspects of their personal information rather than being forced into an omnibus scenario that is, quite clearly, antithetical to ideals of sovereignty.

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