

Virtualpolitik

An Electronic History of Government Media-Making in a Time of War, Scandal,
Disaster, Miscommunication, and Mistakes

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The MIT Press
Cambridge, Massachusetts
London, England

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This book was set in Stone Sans and Stone Serif by SNP Best-set Typesetter Ltd., Hong Kong. Printed and bound in the United States of America.

Library of Congress Cataloging-in-Publication Data

Losh, Elizabeth M. (Elizabeth Mathews)

Virtualpolitik : an electronic history of government media-making in a time of war, scandal, disaster, miscommunication, and mistakes / Elizabeth Losh.

p. cm.

Includes index.

ISBN 978-0-262-12304-4 (hard cover : alk. paper)

1. Information society—Political aspects—United States. 2. Information technology—Political aspects—United States. 3. Internet—Political aspects—United States. 4. Communication—Political aspects—United States. I. Title.

JK468.A8L67 2009

320.97301'4—dc22

2008031029

10 9 8 7 6 5 4 3 2 1

1 Digital Monsters: Show and Tell on Capitol Hill

On the morning of Thursday, May 4, 2006, the United States House Permanent Select Committee on Intelligence held an open hearing entitled “Terrorist Use of the Internet.” On the same day, just a few miles away in Alexandria, Virginia, convicted September 11 conspirator Zacarias Moussaoui was to be sentenced to life in prison without the possibility of parole. The Intelligence committee meeting was scheduled in the Longworth Office Building, a Depression-era structure with a neoclassical facade, in Room 1302, a few doors down from where a series of Seth Eastman paintings of Native Americans from the nineteenth century had hung for many years. Because of a dysfunctional Longworth elevator, some of the congressional representatives, including ranking minority member Jane Harman, had been delayed on their way to the meeting. During the testimony about the latest political applications for cutting-edge digital technology, the microphones periodically malfunctioned, and witnesses complained of technical problems several times.

By the end of the day it seemed that what was to be remembered about the hearing was the revelation that terrorists were using videogames to recruit young jihadists. The Associated Press wrote a short, restrained article that only mentioned “computer games and recruitment videos” in passing, although it did give some column space to a distinctive digital hiccup allegedly used by the insurgents in their online materials: “‘This crusade—crusade—crusade—is going to take awhile,’ President Bush says in one video, edited to make him repeat the word ‘crusade’ six other times.”¹

Eager to have their version of the news item picked up, Reuters made videogames the focus of their coverage with a headline that announced, “Islamists using US video games in youth appeal.” The article that followed, written by David Morgan, was quickly rerun by several Internet news services, including *Yahoo News*.²

As in the Associated Press story, Reuters highlighted the sampling and remixing of the president’s voice around the word “crusade.”

“I was just a boy when the infidels came to my village in Blackhawk helicopters,” a narrator’s voice said as the screen flashed between images of street-level gunfights, explosions and helicopter assaults.



Figure 1.1

The video by SonicJihad. Courtesy of SonicJihad.

Then came a recording of President George W. Bush's September 16, 2001, statement: "This crusade, this war on terrorism, is going to take a while." It was edited to repeat the word "crusade," which Muslims often define as an attack on Islam by Christianity.³

The Reuters story also described the deviousness of the country's terrorist opponents, who were now apparently modifying popular videogames through their digital wizardry and inserting anti-American, pro-insurgency content.

One of the latest video games modified by militants is the popular "Battlefield 2" from leading video game publisher Electronic Arts Inc of Redwood City, California.

Jeff Brown, a spokesman for Electronic Arts, said enthusiasts often write software modifications, known as "mods," to videogames.

"Millions of people create mods on games around the world," he said. "We have absolutely no control over them. It's like drawing a mustache on a picture."

"Battlefield 2" ordinarily shows U.S. troops engaging forces from China or a united Middle East coalition. But in a modified video trailer posted on Islamic websites and shown to lawmakers, the game depicts a man in Arab headdress carrying an automatic weapon into combat with U.S. invaders.⁴

Although the Electronic Arts executive dismissed the activities of modders as a "mustache on a picture" that could only be considered little more than childish

vandalism of their off-the-shelf corporate product, others saw a more serious form of criminality at work. One Internet news service kept the opening warning that “makers of combat video games have unwittingly become part of a global propaganda campaign by Islamic militants to exhort Muslim youths to take up arms against the United States,” but changed the title to emphasize enlisting enemy soldiers, from “Islamists using US video games in youth appeal” to “Islamic militants recruit using U.S. video games.”⁵ Fox News retitled the story to stress the fact that the alert about technological manipulation was coming not only from government “officials” with general knowledge of public policy but also from recognized specialists in the antiterrorism surveillance field: “Experts: Islamic Militants Customizing Violent Video Games.”⁶

According to the news reports, the key piece of evidence before Congress was a film of recorded in-game play by “SonicJihad,” which—according to the experts—was widely distributed online. During the segment that most captured the attention of the wire service reporters, eerie music plays as an English-speaking narrator condemns the “infidel” and declares that he has “put a jihad” on them, as aerial shots move over flaming oil facilities and mosques covered with geometric designs. Suddenly a rocket is launched, a helicopter explodes, and the action accelerates. Much of the subsequent gameplay takes place from the point of view of a first-person shooter, seen as if through the eyes of an armed insurgent, but the viewer can also see third-person action in which the player appears as a running figure in a red-and-white checked keffiyeh, the head garb already associated by the mainstream news media with jihadists,⁷ who dashes toward the screen over the virtual terrain with a rocket launcher balanced on his shoulder. Significantly, another of the player’s handheld weapons is a detonator that triggers remote blasts. As jaunty music plays, helicopters, tanks, and armored vehicles burst into smoke and flame.⁸ There are no complicated rhetorical formulae to explain the causal rationalizations of a just war imbedded in the gameplay: exclamations in Arabic are limited to simple phrases like “thank you” and “God is great.” At the triumphant ending of the video, a green and white flag bearing a crescent is hoisted aloft into the sky.

Within twenty-four hours of the sensationalistic news breaking, however, a group of *Battlefield 2* fans were crowing about the idiocy of reporters.⁹ The gameplay footage wasn’t from a high-tech modification of the software by Islamic extremists; it had been posted on a *Planet Battlefield* forum in December 2005 by a game fan, who had cut together regular gameplay with a Bush remix and a parody snippet of the soundtrack from the comedy film *Team America*.¹⁰ The voice describing the Black Hawk helicopters was the voice of Trey Parker of *South Park* cartoon fame. Much to Parker’s amusement, even the mention of “goats screaming” did not alert spectators to the fact of a comic source.¹¹ The man behind the “SonicJihad” pseudonym was apparently a twenty-five-year-old hospital administrator named Samir,¹² and what reporters and representatives saw was nothing more exotic than gameplay from an add-on

expansion pack of *Battlefield 2*, which—like other versions of the game—allows first-person shooter play from the position of the opponent as a standard feature, which fans of the actual game immediately realized.¹³

In an interview with the creator of the fan film, SonicJihad reveals that much of the rest of the soundtrack came from the 1981 Anthony Quinn film *Lion of the Desert*.¹⁴ He describes himself as a largely secular, assimilated European Muslim of Moroccan extraction, reared in Holland. By his own account, he created what he considers to be primarily a low-tech homage to the experience of gameplay. Unlike the digitally composited smooth motion that correlates “different senses” that “simulate human experience,” described in Lev Manovich’s *The Language of New Media*,¹⁵ the SonicJihad video is characterized by abrupt cutting and database-style montages made up of iterations of similar sequences—such as shots of different tanks exploding—from different times of day and even in night-vision mode, which are presented in discrete, mutually exclusive, spatially and temporally disjointed contexts. It draws attention to its status as a mediated artifact rather than immerses the viewer in an extremely realistic spatial experience.

While SonicJihad joins his fellow gamers in ridiculing the mainstream media in this early interview, he also expresses astonishment and outrage about a larger politics of reception. He argues that Reuters’s media illiteracy potentially enables a whole series of category errors in which harmless gamers are demonized as terrorists.

It wasn’t intended for the purpose what it was portrayed to be by the media. So no, I don’t regret making a funny video . . . why should I? The only thing I regret is thinking that news from Reuters was objective and always right. The least they could do is some online research before publishing this. If they label me al-Qaeda just for making this silly video, that makes you think, what is this al-Qaeda? And is everything al-Qaeda?¹⁶

Although SonicJihad dismisses his own work as “silly” or “funny,” he expects considerably more from a credible news agency like Reuters: objective reporting, online research, and fact-checking before publishing. Certainly, almost all of the salient details in the Reuters story were incorrect. SonicJihad’s film was not made by terrorists or for terrorists; it was not created by “Islamic militants” for “Muslim youths.” The videogame it depicted had not been modified by a “tech-savvy militant” with advanced programming skills.

Of course, what is most extraordinary about this story isn’t just that Reuters merely got its facts wrong; it is that a self-identified parody video was shown to an august House Intelligence Committee by a team of well-paid experts from the Science Applications International Corporation as key evidence of terrorist recruitment techniques. Moreover, this story of media illiteracy unfolded in the context of a fundamental Constitutional debate about domestic surveillance via communications technology and the further regulation of digital content by lawmakers. Furthermore, the transcripts

of the actual hearing show that much more than simple gullibility or ignorance was in play, because legislators demonstrated that they actually were not naïve about the cultural landscape of the Internet or digital media, although the witnesses who found the material may have been. Based on their exchanges in the public record, elected representatives appear to be keenly aware that the digital discourses of an emerging information culture are challenging the authority of long-standing institutions of knowledge.

I have named this principle of reaction *virtualpolitik*, one of the pragmatic, provisional political forces governing the virtual state. I argue that the peculiar behavior of legislators reflects the anxieties and defensive interests of traditional stakeholders engaged in governance, who are grappling with distributed networks and peer-to-peer forms of community organization that further destabilize an already fragmented representational structure. Certainly, fissures emerge during face-to-face political exchanges whenever issues are debated, thus solidifying forms of oppositional loyalty and closing opportunities for genuine deliberation across communities constituted by difference. Beyond party politics, public institutions have long contained many different cultures, and these cultures reflect particular ideologies about concepts like “freedom” or “honesty” that are in turn shaped by factors like national, linguistic, or theological identity; societal attitudes about ownership and authorship; and cultural categories of gender, race, and class. The introduction of technology, from either the margins or the center of political deliberation, will not necessarily usher in a definitive era of a neutral technocratic public sphere, because pre-existing conflicts can actually be intensified when competing parties are no longer separated by time and space and their messages are condensed and expanded during the course of travel through possibly distorting, noisy, or overly constrictive channels for communication.

Deconstructing the House Intelligence Hearing

These hearings are symptomatic of a historical moment in which the transformation of traditional institutions by digital media in networked societies may no longer be hyped by the utopian or dystopian narratives of a decade ago, but emphatic declarations about prohibiting or stimulating specific discursive practices in this new public culture still occupy a prominent place at the podium, news desk, or official web portal. Furthermore, many civic institutions—government agencies, libraries, public universities, and managers of common infrastructure—have created virtual counterparts with many of the same rhetorical conventions or inverse forms of those very same rules. In other words, the official discourses of institutions that provide digital information often function like those of the traditional institutions of knowledge that they emulate.

This argument about the cultural conservatism of political institutions is designed to explain why policy makers' reactions to terrorists' use of networked communication and digital media actually tell us more about our own American ideologies about technology and rhetoric in a contemporary information environment. When the experts came forward at the SonicJihad hearing to "walk us through the media and some of the products,"¹⁷ they presented digital artifacts of an information economy, one mirroring many of the features of our own consumption of objects of electronic discourse, which are in turn easy to copy and distribute. Indeed, the word "products" appears twenty-two times in the hearings to describe jihadist materials, as though competing goods are at issue rather than competing ideologies.

From this one hearing we can see how the reception of many new digital genres plays out in the public sphere of legislative discourse. Webpages, videogames, and web logs are mentioned specifically. The main architecture of the witnesses' presentation to the committee is organized according to the rhetorical conventions of the electronic slideshow, generally known by the trade name PowerPoint. Moreover, the actual arguments made by expert witnesses about the relationship of orality to literacy or of public to private communications in new media are highly relevant to how we might understand other important digital genres, such as electronic mail or text messaging.

In Bruno Latour's tome on *Making Things Public: Atmospheres of Democracy*, "making things public" in the visual culture of civic life means much more than the common idiomatic meaning that the phrase might suggest. Latour is also interested in exploring the broader, more traditional notion of *res publica* and considering how "things public" are literally constructed for and received by political audiences. Using the language of software development, Latour characterizes a range of political and scientific representations, which are "representative" and "realistic" to varying degrees, as manifestations of what he calls "object-oriented democracy." Government websites, government-funded videogames and virtual reality simulations, national digital libraries and databases, e-mail to and from agency officials, and electronic slideshows by public representatives that employ new presentation technologies can similarly serve as "things public." They reveal conflicts and contradictions from which civilian voters and taxpayers are otherwise shielded.

Latour is largely writing about civic spaces in the physical world, but his claims also have been adapted to virtual environments in which his catalog of manifestations of the public sphere emphasizes activities of deliberation and purposive communicative action. Hearings about the Internet and videogames put similar issues about the function of political and civic rhetoric in the digital age on display, and publicly funded projects to create digital artifacts and architectures with hypertext or virtual reality environments can tell us a lot about how we construct shared truths about medicine, science, economics, government, or the arts. These new media may be showcased as

part of distracting political spectacles, or they may function to complement the traditional tropes of the *res publica*. For example, digital documents, virtual objects, social puppets, built environments, navigable terrains, and perceptual spaces of computer-generated sites can take the user into the realm of public matters while also exploring the private spaces associated with certain forms of cultural intimacy and rituals of affiliation.

The hearing also invites consideration of privacy, intellectual property, and digital rights, because moral values about freedom and ownership are alluded to by many of the elected representatives present, albeit often through the looking glass of user behaviors imagined as radically Other. For example, terrorists are described as “modders” and “hackers” who subvert those who properly create, own, legitimate, and regulate intellectual property. To explain embarrassing leaks of infinitely replicable digital files, witness Ron Roughead says, “We’re not even sure that they don’t even hack into the kinds of spaces that hold photographs in order to get pictures that our forces have taken.”¹⁸ Another witness, Undersecretary of Defense for Policy and International Affairs Peter Rodman, claims that “any video game that comes out, as soon as the code is released, they will modify it and change the game for their needs.”¹⁹ Thus the implication of these witnesses’ testimony is that the release of code into the public domain can contribute to political subversion, as much as covert intrusion into computer networks by stealthy hackers can.

However, the witnesses from the Pentagon and from the Science Applications International Corporation (SAIC), a government contractor, often present contradictory images of the terrorists. Sometimes the enemy is depicted as an organization of technological masterminds, capable of manipulating the computer code of unwitting Americans and snatching their rightful intellectual property away; at other times opposing forces are depicted as premodern and even subliterate political innocents. In contrast, the congressional representatives who are listening seem to focus on the similarities to rather than the differences from everyday American digital practices.

According to the transcripts of this open hearing, legislators on both sides of the aisle express anxiety about domestic patterns of Internet reception. In their questions, lawmakers identify web logs (blogs) as a particular area of concern, because they are potentially destabilizing alternatives to authoritative print sources of information from established institutions. Representative Alcee Hastings (D-Florida) relates the polluting power of insurgent bloggers to that of influential American muckrakers from the political right: “And I might add—maybe my question is rhetorical—because, quite frankly, we have a lot of garbage on our regular mainstream news that comes from blog sites, that’s—you know, Drudge ain’t the truth every day when he writes something, and then it winds up becoming a story that does considerable damage.”²⁰

Representative Heather Wilson (R-New Mexico) also attempts to project a media-savvy persona by bringing up the “phenomenon of blogging” in conjunction with

her questions about the “hottest sites.”²¹ Wilson clearly understands how Internet traffic can be magnified by cooperative ventures among groups of ideologically like-minded content providers: “These websites, and particularly the most active ones, are they cross-linked? And do they have kind of hot links to your other favorite sites on them?”²²

Even the legislators’ own webpages are electronic artifacts about which they are self-conscious, particularly when the demands of digital labor create disruptions in the smooth functioning of their duties as lawmakers. Representative Anna Eshoo (D-California) bemoans the difficulty of maintaining official congressional websites. As she observes, “So we are—as members, I think we’re very sensitive about what’s on our website, and if I retained what I had on my website three years ago, I’d be out of business. So we know that they have to be renewed. They go up, they go down, they’re rebuilt, they’re—you know, the message is targeted to the future.”²³ Certainly, congressional representatives recognize that their public presentation to their constituents and other interested parties now depends on these forms of new media display, particularly as more Americans visit government websites after the September 11 attacks.²⁴ Recent legislation actually requires federal elected representatives to publish information about gifts from contributors on their own public sites, and this trend toward mandating public disclosure via official websites is likely to continue.

In the wake of these hearings, I visited the websites of the House Permanent Intelligence Committee members and found a range of institutional web styles. First, their chosen visual schemes did not reflect any set distinctions based on party affiliation, regional character, or gender. Second, they all used a personal photograph as part of their legislative web identity, but there weren’t set rules about where that photograph should go. Despite interest in providing greater institutional uniformity in the government’s web presence, the legislative branch is allowed to personalize their members’ sites. This heterogeneousness of organization and content provides a challenge to semantic web experts who have attempted to aggregate this legislative data and index it with metadata, particularly when the user-generated content is so anarchic.²⁵

Chairman Hoekstra’s site uses established institutional color schemes and standardized design elements in a generic website with a children’s page added as an appendage.²⁶ Then ranking minority member Harman’s site announces itself as a “Virtual Office” and uses a layout showing cutaway views of the private spaces of her public office, in which each room represents a realm of relevant information for the visitor to explore.²⁷ The rank-and-file committee members are a varied group who often adopt competing web design strategies. Despite her claim of regular updating in her hearing comments, Representative Eshoo’s site uses little dynamic content. Her navigation area is demarcated with stars, and the main field follows the impersonal e-newsletter format of many institutional early adopters rather than an individuated, informal commentary style more characteristic of a blog.²⁸ Congressman Hasting’s site is perhaps the



Figure 1.2 Home pages of the websites of members of the House Intelligence Committee.

most visually arresting from a web design standpoint: he uses gray rather than congressional blue, breaks up rectangular spaces with wavy lines, uses his own handwriting as a design motif, and offers an extroverted video greeting to website visitors.²⁹ In contrast, Congresswoman Wilson probably has the most impersonally designed page, one which appears to come from a corporate rather than a governmental web style template. Her home page uses a lot of white space and a mustard palette divorced from the usual visual appeals to patriotism characteristic of political sites.³⁰ Representative Thornberry's site emphasizes his electronic slideshow with a photo gallery,³¹ Representative Tiahrt foregrounds a newsroll in a large font right below his main banner,³² and Representative Silvestre Reyes points readers to his blog, which says nothing about the SonicJihad hearing in the entry for that day.³³ Despite the fact that the design scheme of committee maverick Rush Holt (D-NJ) is remarkably staid and uses the same blue as many other legislators, the line of sight into the opening photo on his home page is oriented so that the user seems to be seated at the table with Holt and his staff. Although such icons have already become institutional clichés, Holt's file folder tabs and prominently displayed open mailbox still suggest an imagined hands-on quality, allowing site visitors to feel as if they could leave mail or browse through the congressman's file cabinets without a policing receptionist or security guard to impede access to the information channel.³⁴ Unlike Representative Harman's website, which emphasizes the presence of walls through cutaway diagrams, Representative Holt's site generally signals the absence of barriers to his legislative office.

Of course, there is a single federal organization, Webcontent.gov, which provides guidelines about appropriate web design practices, such as avoiding the use of advertising or content that infringes on copyright law. Yet the aesthetic guidance offered on this site avoids being explicitly proscriptive, and even their sample templates are remarkably minimal on details.³⁵ Furthermore, legislators may cast themselves as webmasters personally engaged in rebuilding and renewing their sites, yet clearly they are aware of the fact that they depend on the resources and expertise of web designers and site managers with organizational and specialized technical skills to produce and maintain the institutional sites that represent the ethos—the character or image of rhetorical credibility—of the legislators' political personae. For example, at one point Representative Wilson asks witness Rodman if he knows “of your 100 hottest sites where the webmasters are educated? What nationality they are? Where they're getting their money from?”³⁶ In her questions, Wilson implicitly acknowledges that web work reflects influences from pedagogical communities, economic networks of the exchange of capital, and even potentially the specific ideologies of nation-states.

It is perhaps indicative of the contractors' anachronistic worldview that the witness is unable to answer Wilson's question. He explains that his agency focuses on the physical location of the server or Internet service provider rather than the social backgrounds of the individuals who might be manufacturing objectionable digital texts.

The premise behind the contractors' working method—surveiling the technical apparatus, not the social network—may be related to other beliefs expressed by government witnesses, such as the supposition that jihadist websites are collectively produced and spontaneously emerge from the indigenous, traditional, tribal culture. Instead of assuming that Iraqi insurgents have analogous beliefs, practices, and technological awareness to those in first-world countries, the consultants characterize the population as childlike.

Platonic Echoes

Rhetoricians notice residual subtexts, particularly the persistent cultural standbys that date back to Plato. The witnesses' conjectures about competing cultures of orality and literacy can be analyzed to offer not only a more complete understanding of these particular hearings but also of the larger rhetorical environment around videogames and digital culture more generally. According to the experts before Congress, the Middle Eastern audience for these videogames and websites is inevitably infantilized because it is limited by membership in a preliterate culture that—like the emerging Internet society complementing its abortive cultural production—supposedly doesn't rely on knowledge that is archived in printed codices.

Sometimes the witnesses before Congress seemed to be unintentionally channeling the ideas of the late literacy theorist Walter Ong about the “secondary orality” associated with talky electronic media such as television, radio, audio recording, or telephone communication. Later followers of Ong extended this concept of secondary orality to hypertext, hypermedia, e-mail, and blogs since they also share features of both speech and written discourse.³⁷ Although Ong's disciples celebrated this vibrant reconnection to a mythic, communal past in what Kathleen Welch calls “electric rhetoric,”³⁸ the defense industry consultants express their profound state of alarm caused by the potentially dangerous and subversive character of this hybrid form of communication.

The concept of an oral tradition is first introduced by the witnesses in the context of modern marketing and product distribution:

The Internet is used for a variety of things—command and control. One of the things that's missed frequently is how and—how effective the adversary is at using the Internet to distribute product. They're using that distribution network as a modern form of oral tradition, if you will. And we'll talk about oral tradition in a little while.³⁹

Thus, although the Internet can be deployed for hierarchical command and control activities, it also functions as a highly efficient peer-to-peer distributed network for disseminating the commodity of information. The witnesses before Congress want to emphasize the latter, supposedly underreported feature, which they claim is “missed

frequently.” Throughout the hearings, the witnesses imply that unregulated lateral communication among social actors who are not authorized to speak for nation-states or to produce legitimated expert discourses is potentially destabilizing to the existing political order.⁴⁰

Witness Eric Michael later continues with his analysis of the oral tradition and the conventions of communal life in the Middle East to emphasize the primacy of speech in the collective discursive practices of this alien population:

I’d like to point your attention to the media types and the fact that the oral tradition is listed as most important. The other media listed support that. And the significance of the oral tradition is more than just—it’s the medium by which, once it comes off the Internet, it is transferred.⁴¹

Furthermore, this oral tradition can contaminate other media because it also functions as rumor, the traditional bane of the stately discourse of military leaders, which dates back to classical and early modern texts.⁴²

The oral tradition now also has an aspect of rumor. A(n) event takes place. There is an explosion in a city. Rumor is that the United States Air Force dropped a bomb and is doing indiscriminate killing. This ends up being discussed on the street. It ends up showing up in a Friday sermon in a mosque or in another religious institution. It then gets recycled into written materials. Media picks up the story and broadcasts it, at which point it’s now a fact. In this particular case that we were telling you about, it showed up on a network television, and their propaganda continues to go back to this false initial report on network television and continues to reiterate that it’s a fact, even though the United States government has proven that it was not a fact, even though the network has since recanted the broadcast.⁴³

In this example, many-to-many discussion on the street is formalized into a one-to-many sermon and then further stylized using technology in a one-to-many broadcast on network television in which propaganda that is “false” can no longer be disputed. This oral tradition is like digital media, because elements of discourse can be infinitely copied or recycled, and it is designed to reiterate content. Implicitly, the witnesses are arguing that authority structures depend on the work of published authors, which the oral tradition threatens.

In contrast, Plato argues that it is literacy, not orality, which is the greatest threat to social and political norms by virtue of its alienation of words from authors. The author’s potential absence from his own text means that written discourse cannot be always verified as coming from a credible source. In the *Phaedrus*, Plato explains why literacy is so subversive:

The offspring of painting stand there as if they are alive, but if anyone asks them anything, they remain most solemnly silent. The same is true of written words. You’d think they were speaking as if they had understanding, but if you question anything that has been said because you want to learn more, it continues to signify just that very same thing forever. When it has once been written down, every discourse roams about everywhere, reaching indiscriminately those with

understanding no less than those who have no business with it, and it doesn't know to whom it should speak and to whom it should not. And when it is faulted and attacked unfairly, it always needs its father's support; alone, it can neither defend itself nor come to its own support.⁴⁴

While contemporary oral culture is considered to be infantilizing, according to the witnesses before the Intelligence Committee, by speaking through the persona of Socrates's Plato presents a different image from the ancient world in which the written text is personified as a parentless child.⁴⁵ Socrates's skepticism about a society based on the written codex runs entirely counter to the interpretation of the paid consultants with their collection of jihadist digital materials. The witnesses before the Intelligence Committee elevate Western society on the grounds of its supposed foundations in authoritative and stable printed texts and tablets rather than transient and mutable oral utterances. Yet digital culture is capable of undermining this flattering picture of cultural superiority and toppling the existing hierarchy of knowledge.

I am a rhetorician, which means that I both study and teach rhetoric. Despite the fact that rhetorical knowledge is the ostensible subject of this hearing, I cannot help but notice that my discipline also does not come off particularly well in this testimony, and that rhetoric is often associated with destructive countercultural forces. For example, witness Eric Michael explains the problem that rhetoric poses to national security:

It's also the use of poetry, the use of language, the use of rhetoric, the use of imagery and metaphor. When we translate their products into English, you lose the true impact. It's the difference between reading the Gettysburg Address in English and a paraphrased translation of it in another language.

And they use this rhetoric to hammer home two big themes. The first is victimization, their grievances, why they fight; and the second one is a call to action, which is what they can do to respond to self-actualize themselves. And what I will argue to you and show you in the products that we're going to show you is that in terms of victimization, it is emotionally set up to evoke a response. They distort the truth, they use selective pieces of the truth, they assemble it in such a way that it is a distortion, or in some cases they create new truth. And they use that emotion then in call to action where they romanticize the struggle and turn it into the most important thing going on in the world today.⁴⁶

Although the witness initially presents "rhetoric" as the use of particular figures of speech, which may be untranslatable and thus are culturally specific, he quickly moves away from relatively neutral commenting on the presence of discrete tropes and topoi to outright castigation of the entire communicative mode. Rhetoric, he tells us, is designed to "distort the truth," because it is a selective assembly or a "distortion." Rhetoric is also at odds with reason, because it appeals to emotion and a romanticized *Weltanschauung* oriented around discursive configurations of "struggle."

The film by SonicJihad is chosen as the final clip by the congressional witnesses because it allegedly combines many different types of emotional appeal, and thus it

conveniently ties together all of the motifs and truisms that the witnesses present to the legislators about unreliable oral or rhetorical sources in the Middle East:

And there you see how all these products are linked together. And you can see where the games are set to psychologically condition you to go kill coalition forces. You can see how they use humor. You can see how the entire campaign is carefully crafted to first evoke an emotion and then to evoke a response and to direct that response in the direction that they want.⁴⁷

Jihadist digital products, especially videogames, are effective means of manipulation, the witnesses argue, because they employ multiple channels of persuasion and carefully sequenced and integrated subliminal messages.

To understand what rhetoricians call the larger “cultural conversation”⁴⁸ of the hearing, it is important to keep in mind that this argument that games can psychologically condition players to be predisposed to violence is one that was important in other congressional hearings of the period, as well one that played a role in bills and resolutions passed by the full body of the legislative branch after an elaborate process of political deliberation. In the witness’s testimony an appeal to anti-game sympathies at home is combined with critiques of closed antidemocratic systems abroad in which the circuits of rhetorical production and their composite metonymic chains are described as those that command users to produce specific, unvarying, robotic responses.

Of course, there is nothing particularly new about many of the objections that Pentagon and SAIC witnesses lodge against rhetoric more generally. Emphasizing the craft of the wily rhetor and the somatic responses of a malleable audience have been standard clichés from the foes of the traditional arts of persuasion for centuries. Several of the accusations made against rhetoric during the hearing are the same ones emphasized by the character of Socrates in Plato’s dialogue *Gorgias* against the practices of the Sophists. For example, Plato compares rhetoric to “pastry baking,” which serves as a form of “flattery” for “what’s most pleasant at the moment.” Unlike “justice,” which serves the state’s interests like “medicine,” rhetoric only appeals to evanescent appetites. According to Plato, rhetoric is also a form of “cosmetics,” which only attends to superficial improvement, unlike a useful cultural activity like gymnastics, and so is thus “mischievous, deceptive, disgraceful, and ill-bred,” which cheats us “by means of shaping and coloring, smoothing out and dressing us, so as to make people assume an alien beauty and neglect their own.”⁴⁹

However, this sharp criticism of the artful use of a “crafted” presentation style is ironic,⁵⁰ given that the witnesses’ compilation of jihadist digital material is in the form of a carefully structured PowerPoint presentation, one that is paced to a well-rehearsed rhythm of “slide, please” or “next slide” in the transcript. In fact, Congressman Tiahrt (R-Kansas) is so impressed with the rhetorical mastery of the consultants that he tries to appropriate it. For example, he reviews the text on the witnesses’ electronic slides

in scrupulous detail. This allows for the following jihadist slogans to be included in the Congressional Record: “In Abu Ghraib they rape us every day. We have their bastards in our wombs. Most of us are pregnant,” and “If they leave Iraq, we will find them and kill them.”⁵¹ At one point Tiaht expresses his wish to replicate particularly persuasive elements of the witnesses’ presentation for his own purposes by having copies of their slides. As Tiaht puts it, “I’d like to get a copy of that slide sometime, because I don’t think people realize the breadth and depth of this threat. This is a battle of cultures.” Like many post-September 11 policy makers, Tiaht alludes to Samuel Huntington’s thesis about an inevitable “clash of civilizations” between the developed West and the Orientalist East,⁵² which in the presenters’ logic becomes a literate West and a preliterate digital East. By borrowing segments from the witnesses’ rhetoric, Tiaht plans to magnify this particular aspect of the threat to national security. Thus, in copying the slide, he actually would make their words distinctively his own by emphasizing a particular aspect of the consultants’ message.

From the hearing we also learn that the terrorists’ websites are threatening precisely because they manifest a polymorphously perverse geometry of expansion. For example, one SAIC witness before the House committee compares the replication and elaboration of digital material online to a “spiderweb”:

The numbers and the—and the actual websites change from day to day. They come up and down, and so the researchers are constantly going back and looking at this list of sites that they’ve got. Over the course of the last year and a half, we’ve been asked a couple times which websites we found to be most offensive; that list will also change based on the material that’s published. Perhaps the most interesting thing to do is watch a piece of material that is posted to one of the websites, and then it literally spiderwebs across the Web as other websites pick it up. And they are all interlinked. . . . Back to the previous comment I made: it’s difficult, therefore, to determine if there’s central coordination or not.⁵³

Like Representative Eshoo’s site, the terrorists’ sites go up and down, but the consultant is left to speculate about whether or not there is any “central coordination” to serve as an organizing principle and to explain the persistence and consistency of messages despite the apparent lack of a single authorial ethos to offer a stable, humanized point of reference.

Experts and their Discourses

In the hearing, the oft-cited solution to the problem created by the hybridity and iterability of digital rhetoric appears to be “public diplomacy.” Both consultants and lawmakers seem to agree that the damaging messages of the insurgents must be countered with U.S.-sanctioned information,⁵⁴ and the phrase “public diplomacy” appears in the hearing seven times. However, witness Roughead complains that the

protean oral tradition and what Henry Jenkins has called the “transmedia” character of digital culture⁵⁵—which often crosses several platforms of traditional print, projection, or broadcast media—stymies their best rhetorical efforts: “I think the point that we’ve tried to make in the briefing is that wherever there’s Internet availability at all, they can then download these—these programs and put them onto compact discs, DVDs, or post them into posters, and provide them to a greater range of people in the oral tradition that they’ve grown up in. And so they only need a few Internet sites in order to distribute and disseminate the message.”⁵⁶

As this book will show, public diplomacy is not the only example of a carefully produced, state-sanctioned multimedia campaign that manages digital content, as there are a number of alliances between what Jane Fountain has called the “virtual state” and the advertising and marketing industries that create and coordinate messages. Social marketing, risk communication, and institutional branding occupy different niches in this larger alliance between government and the persuasive industries. Many of these forms of discourse have research communities or academic centers devoted to their practices, and digital media are critical to their delivery strategies to the general population. Although SAIC specializes in the reception of information rather than its production, their paid consultants obviously benefited from a similar union of private enterprise and public interest upon which their claim to expertise about rhetoric is predicated.

Amazingly, Representative Tiahrt commends not only the government’s public diplomacy effort, but also argues for outright “propaganda” in an information war with jihadists, dictated by the spirit of populism and the mission of the founding fathers.

The average citizen wants us to do something about this. And yet now we hear concerns about propaganda going on here in the United States government. There ought to be propaganda going on. We need to counteract this kind of blatant lies and misleading.

And we’ve heard reference to our truth versus their truth. We believe there’s a fundamental truth, and it’s something that was laid out by our founding fathers and it’s this nation’s birth right, that we hold certain truths self-evident; that among these truths is that we’re all created equal. And we consider them inalienable rights—the rights of life, liberty and the pursuit of happiness. And those things need to be talked about worldwide on the Internet.⁵⁷

By making appeals to natural law that would contradict claims of relativism or competing truths, Tiahrt asserts that a “fundamental” set of epistemological values can be disseminated by the U.S. government to rebellious potential jihadists. He also ascribes the character of secondary orality to this affirmative, pro-U.S. use of the Internet, since these patriotic appeals can be “talked about worldwide.”

In some ways the people who did not speak at the hearing about how terrorists were using the Internet were just as significant as those who did. Specifically, a number of non-governmental freelance groups with well-articulated web and mainstream media

presences were not represented at the hearing. The SITE Institute, Global Security, and a number of other politically center-right Internet monitoring organizations were not invited to speak, despite extensive media coverage of their investigative activities. In the weeks and months that followed the hearing, there were long profile pieces about these online international detectives in publications such as the *New York Times* and the *New Yorker*.⁵⁸

Perhaps the most obviously politically motivated omission was the absence of representatives from The International Crisis Group, such as spokesperson Robert Malley; only a few months earlier the Crisis Group had released a much-publicized report about jihadist Internet rhetoric that was also highly critical of the U.S. government. This report similarly comments on the transmedia capabilities of jihadists with access to sophisticated digital tools and production facilities, the rapid dissemination of messages, and the use of Internet servers that protect the anonymity of insurgent sympathizers. However, the Crisis Group report "In Their Own Words: Reading the Iraqi Insurgency" reaches a very different conclusion than does the SAIC witnesses' PowerPoint presentation, despite access to very similar evidence on the World Wide Web. First of all, the Crisis Group argues that the spokespersons of anti-occupation forces are a more serious threat because they have an inherent linguistic advantage: namely, there are more English speakers among their staffs than there are Arabic speakers among their U.S. counterparts. Thus, insurgents are able to respond verbally to events in the theater of combat or statements from U.S. or British policy makers much more rapidly than are their Western equivalents.⁵⁹ Much of the opposition's rhetorical efficiency has to do with quick turnaround time in Arabic-English or English-Arabic translation, a problem with which U.S. intelligence and public diplomacy experts continue to struggle as a result of the persistent shortage of speakers of Arabic and other Middle Eastern languages on U.S. government payrolls. Second, the Crisis Group also points out that the jihadists were very conscious of their audiences and would immediately change their rhetorical strategy if a particular approach, such as showing graphically violent filmed segments of the beheading of hostages on the Internet, was alienating their core viewership. Third, the Crisis Group report insists that the actions of U.S. forces are often perceived as being at odds with their words, thus minimizing the impact of their public diplomacy efforts. Because the Crisis Group was on record saying that human rights abuses and civil liberties violations committed in the name of the U.S. government had to end in Iraq in order to deprive the enemy of their chief rhetorical asset, it is not surprising that they were excluded from a panel for which the focus was continuing surveillance, not policy change.

The transcript also reveals that the members of the House Intelligence Committee were not, in fact, the original intended audience for the witnesses' PowerPoint presentation. Rather, when it was first created by SAIC, this "expert" presentation was

designed for training purposes for the troops on the ground, who would be facing the challenges of deployment in hostile terrain.⁶⁰ According to the witnesses, having the slideshow showcased before Congress was something of an afterthought. Yet SAIC and Pentagon witnesses apparently seized the opportunity to repurpose their electronic presentation to appeal to multiple decision makers in different branches of government.

Rep. Silvestre Reyes (D-TX): Thank you, Mr. Chairman.

And thank you for sharing the presentation with us. I'm curious, has this presentation been seen—or have you shared it with the leadership of DOD, leadership of the intelligence community from the National Director of Intelligence on down?

Mr. Rodman: Yes, we have. I mean, it was developed for the Marine Corps, as we mentioned. But in recent weeks we've shared it with the State Department, Karen Hughes. I called Mike Hayden to let him know about it, and we provided the briefing to some people at the Open Source Center. So it is available. And within DOD, as I mentioned at the beginning, it's available to other units—

Rep. Reyes: Has the Secretary of Defense seen this?

Mr. Rodman: No, I don't believe he has seen it.⁶¹

Rodman's mention of Karen Hughes, the Undersecretary for Public Diplomacy, acknowledges the connection between intelligence, training, and nationalistic public relations efforts. The Open Source Center that Rodman mentions is a federal organization with a password-protected site; it provides information in the form of "foreign media reporting and analysis" from print and digital media to "policymakers, government institutions and strategic partners."⁶² This information may be politically sensitive, but it is not technically secret because it has been published on paper or on the World Wide Web. SAIC has also extensively marketed its expertise in this open source area by dramatically using domestic examples from Internet datasets that reveal warnings about potential employee, school, or community mayhem from messages on blogs and social network sites.⁶³

To maintain a share of the government market, SAIC also employs publicity and promotion practices through the Internet and digital media. They use HTML webpages for this purposes, as well as PowerPoint presentations and online videos. The rhetoric of the SAIC website emphasizes their motto "From Science to Solutions." After a short Flash film about how SAIC scientists and engineers solve "complex technical problems," the visitor is taken to the home page, which re-emphasizes their central message about expertise.⁶⁴ The maps, uniforms, and specialized tools and equipment depicted in these opening webpages reinforce an ethos of professional specialization that is able to respond to multiple threats posed by the global war on terror. Although the SAIC corporation emphasizes U.S. nationalism in many of its digital appeals, a tab for SAIC EUROPE is always visible to serve as a reminder that this is a multinational company.

A promotional video on the website demonstrates the company's attention to the careful orchestration of multimedia elements and the conventions of corporate rhetorical styles.⁶⁵ The film opens with a desolate, windy moonrise that is interrupted by the sound of boots on the ground. During the course of less than two minutes, the company film provides what appears to be a comprehensive overview of its corporate services: "Research and Development," "Commercial Services," "Systems Engineering and Integration," "Homeland Security," "Intelligence," "Logistics," and "Defense Transformation." The entire presentation is orchestrated to stirring music, and a new melody in a new key is introduced during the "Intelligence" section so that the emotional appeals of the video are conveyed through auditory as well as visual means. At one point during the montage of images, the American flag transforms into the SAIC flag so that the symbols of patriotism and corporate brand identity are merged. At the end, the film returns to soldiers in uniform, this time focusing on their faces rather than on their feet, before cutting away to a shot of the earth from space.

However, even as the hearings were taking place, not all of the representatives were accepting the authority of the SAIC analysis. Although he may have been the lone voice of frank and sometimes strident dissent, Congressman Rush Holt openly criticized the way that many domestically produced videogames presented the political enemies of the United States as dehumanized virtual objects to be destroyed, and attempted to undermine the holier-than-thou position of U.S. investigators looking at foreign-made digital media.

Rep. Holt: Okay. I guess, you know, as I look at computer games that are out there, I don't think of them as our finest and proudest output. I'm wondering, are U.S. computer games regarded in some cases as anti-Muslim and supporting a crusading point of view? Is there commentary on U.S. computer games and that sort of thing?

Mr. Rodman: I think I would have to go back and say that we're looking at computer games that are being used for development of materials on the web, and we don't actually spend a lot of time looking at—

Rep. Holt: But if you're looking—if I may jump in here, you're looking at how the United States is portrayed.

Mr. Rodman: Yes.

Rep. Hplt: And one of the ways that I suspect they might present deleterious information is by saying, "Look, here in the United States the kids are playing games that are anti-Muslim or crusading." And I'm just wondering if you see that kind of presentation.⁶⁶

Representative Holt points out that the recycling of digital content in the Islamic world may actually involve the repurposing of the norms of already violent commercial videogames from the West. Holt also may have been aware that some of this violent digital content in commercial games glorifying battlefield violence originally was produced for military training in games and simulations. As Gonzalo Frasca argues, videogames, such as the recruitment game *America's Army*, could even be taken

as a form of political propaganda that celebrates a particular form of allegiance to what Holt characterizes as “crusading” political and cultural violence.⁶⁷ The counterargument that military recruitment videogames are providing Frank Capra-style persuasive and patriotic information and entertainment for the digital generation still acknowledges that these games only allow for one possible ideological orientation, whether in attack or defense mode, that of a U.S. uniformed soldier.⁶⁸

Close reading of the transcript reveals that other legislators were expressing some skepticism about the authority and infallibility of the SAIC experts. With search engine technology available to regular citizens, access to specialized knowledge about arcane subcultures once far removed by geography no longer seems to be the exclusive purview of trained professionals. Expert amateurs can also gather useful intelligence, particularly from online sources. At one point Representative Eshoo observes, “Well, I mean, you can Google, too, and see what’s there.”⁶⁹ In retrospect, her comment becomes particularly ironic, because SonicJihad later points out that a simple Google search would have correctly identified both the benign source and the jocular character of his *Battlefield 2* fan film, had the government authorities bothered with such a prosaic approach to basic intelligence-gathering. Although the witnesses describe a daunting monitoring task for keeping track of proliferating jihadist sites, legislators seem to have difficulty accepting the impossibility of surgical strikes on the network or useful data-mining operations to identify suspects, given the importance of particular nodes where large and consequently vulnerable servers are located.⁷⁰

Furthermore, the use of statistical hyperbole by the SAIC team may have made the witnesses vulnerable to suspicion from potential naysayers. One witness defends the slippery numbers to an inquisitive Eshoo at one point: “The numbers that we used, our initial list was 200, it grew to 550, and as I said, we’re now to 1,500 that we sort of track on a regular basis.”⁷¹ Eventually, the number at issue grows to 5,000 in the witnesses’ testimony.

Despite her pro-administration Republican political identity, Representative Wilson is especially persistent in asking for specific web traffic information of the kind commonly tracked by network administrators in both the public and private sectors, such as the country of origin of visiting IP addresses or the discrete number of unique page visits recorded. Despite the astronomical number of sites that SAIC contractors claim to be monitoring, Wilson still insists on the utility of concrete metrics and urges them to winnow down the numbers to achieve measurable goals. She appears to grill the witnesses at one point: “I—have you in your research identified where the servers are? If you take—I know you’ve got 5,000 websites, but if you—you said you’ve got between 25 and 100 that are the most active and the most virulent. Where are their servers located?”⁷²

However, other lawmakers accept the hyperbolic statistics from SAIC at face value and even encourage the numbers to be magnified. For example, Representative

Tiaht makes the quantities comparatively even larger by minimizing the number of “moderate” oppositional sites and depicting a vast galaxy of anti-American Internet opinion.

Rep. Todd Tiaht (R-KS): Thank you, Mr. Chairman. Thank you for holding these hearings. I think a lot of people were not aware that this was out there in the universe, in the Internet. And so it's very important that we talk about this. I heard earlier in testimony that you believe there's somewhere between 1,500 and 5,000 of these websites out there that are put out by this radical form of Islam. Is that the range we're talking about in the universe?

Mr. Rodman: I think the total range we're talking about of sites that we would consider to be hostile is over 5,000. And the 1,500—(inaudible)—the number of sites—(inaudible).

Rep. Tiaht: If somebody was to go explore the universe of these websites, would they come across the website that appears to be in this same vein but is instead a voice of moderation? And, if so, how many would they stumble across in the 5,000-plus websites?

Mr. Rodman: There are—in the web forums that we look at, there are people who do sign on who will provide some points of moderation.

Rep. Tiaht: What percentage would you guess?

Mr. Rodman: I don't have that answer for you. I'm sorry.

Rep. Tiaht: I mean, is it matched one for one, for every—(inaudible)—negative?

Mr. Rodman: Definitely not.

Rep. Tiaht: Is it one for 100, one for 1,000, one for 5,000? It's not very much.

Mr. Rodman: A very small amount.

Rep. Tiaht: Very small amount.

The number “5,000” is soon elevated to “5,000-plus” by Tiaht, and the word “universe” is repeated three times to express the enormity of the project with which SAIC grapples. By emphasizing incommensurability of scale, Tiaht also attempts to deepen the audience's appreciation of the government's limited understanding of what he considers to be an incomprehensible jihadist Internet Sublime that verges on the statistically infinite. Thus, “moderate” parts that might be comprehensible to a layperson may be encountered when we “come across” or “stumble across” them, but they poorly represent the gigantic whole.

Three weeks after this congressional hearing, Reuters ran another story about SonicJihad/Samir's videogame. The story, “Dutch gamer's clash with U.S. government,” continued to repeat claims that the game-play footage fosters oppositional rhetoric, and it even seemed to allude to the language of Huntington's “clash of civilizations” in its title. However, Samir himself—who is described by the reporter as a “clean-cut youth” interviewed at a Burger King over fries and a milkshake—obviously doesn't merit the title of terrorist.⁷³ Samir asserts again that “it was just for fun, nothing political,” and that his footage is not a “serious game” intended for education or indoctrination: “It has nothing to do with recruiting people or training people.” Nonetheless, the new Reuters story continues to validate the view that Samir's game feeds an agenda of violence and propaganda: “You can see where the games are set

to psychologically condition you to go kill coalition forces,' said Eric Michael of Science Applications International, which is being paid \$7 million by the Defense Department to monitor 1,500 militant websites."⁷⁴ Although Reuters uses a lower number of "militant" sites than the 5,000 emphasized by Tiahr and implicitly acknowledges the pressure for measurable intelligence results in return for the SAIC employees' high salaries, the witnesses' testimony is still given a weight of expertise and the concept of videogames as a form of psychological conditioning is reiterated.

By June 26, 2006, the incident finally was being described as a "Pentagon Snafu" in connection with the online video edition of *Nightline* from ABC News.⁷⁵ From the opening of the broadcast, established government institutions were put on the spot: "So, how much does the Pentagon know about video games? Well, when it came to a recent appearance before Congress, apparently not enough."⁷⁶ In reporter Jake Tapper's coverage, the very language about "experts" that was highlighted in the earlier coverage is repeated in mockery. Although the obscured face of SonicJihad/Samir on the *Nightline* webcast continues to confer upon him an air of criminality, the chief talking head in the segment is "independent expert" Ian Bogost of the Georgia Institute of Technology, who has studied the rhetoric of persuasive games in depth.

If the Pentagon's experts deride the legitimacy of rhetoric as a cultural practice, Bogost occupies himself with its defense. In his book, *Persuasive Games: The Expressive Power of Videogames*, Bogost draws upon the authority of the "2,500 year history of rhetoric" to argue that videogames represent a significant development in that history.

I will attempt to articulate a new form of the art of persuasion that is distinct from both verbal and visual rhetoric. I call this form procedural rhetoric, the art of persuasion through rule-based interactions rather than words or images. This new form of persuasion is deeply tied to the core affordances of the computer: running code. But unlike some forms of computational persuasion . . . I argue that videogames have a unique persuasive power. Not only can they support existing social and cultural positions (the purpose of so-called "serious games"), but also they can disrupt and change these positions themselves, leading potentially to significant and rapid social change.⁷⁷

Given that Bogost and his *Water Cooler Games* web log coeditor Gonzalo Frasca were actively involved in the detective work that exposed the depth of professional incompetence involved in the government's lineup of witnesses, it is appropriate that Bogost is given the final words in the segment, which call upon the ethical obligations of a collective "we." As Bogost says, "We should be deeply bothered by this. We should really be questioning the kind of advice that Congress is getting."⁷⁸

On the *Nightline* segment, Pentagon spokesman Daniel Devlin is still arguing that secondary audiences seek out content that gratifies their violent urges. He points out that Samir's *Battlefield 2* footage was discovered on insurgent websites and thus was

evidence of related criminal intent: “They are on hostile websites. That’s where we found them, and that’s all the research team is looking for.”⁷⁹ In response to Devlin’s assertions that intention can be construed relative to its audience rather than to its author, SonicJihad/Samir points out that a “ten-year-old kid” could do a “Google search” to discover the original audience and motivation behind the video, thus repeating his initial contention that a lack of online research skills was a core problem for Congress, as it was for the Reuters reporter.⁸⁰ Of course, Samir continues to protest that his game doesn’t deserve any status as a rhetorical object in the *Nightline* segment, and the game-play’s persuasive content is also downplayed by reporter Tapper as “not an advertisement for anything.”⁸¹ But those interested in a rhetorical reading of this particular form of cultural software might not accept Samir’s claim of total ideological and communicative neutrality.

Indeed, some educational specialists praise games like *Battlefield 2* precisely because they allow players to assume the identity of other political and social actors, even when that identity position might be conventionally seen as an opponent or enemy position. For example, literacy theorist James Paul Gee has defended the pedagogical opportunities in even widely reviled first-person-shooter games by pointing out how they manifest situated learning in semiotic domains that encourage risk-taking, discovery, and the transfer of acquired skills. In his reflections about what he learned from playing as the malevolent “Shadow” in *Sonic Adventure 2*, Gee points out the value of more complicated “cultural models,” even if they entail a recognition of moral ambiguity: “Of course, video games are just as easy to design to allow you to play a sinner as a saint. Indeed, this fact has generated a good deal of controversy. While the video game world is replete with heroes who destroy evil, it also contains games where you can be a mob boss, a hired assassin, or a car thief.”⁸²

Because these games present villains as well as heroes, the domestic production of videogames is always potentially regulated, especially in the environment surrounding the SonicJihad hysteria. Just two weeks after Samir’s montage of game-play was shown to Intelligence Committee members, the House unanimously voted in favor of H.R. 1145, the SAFE Rating Act, a bill to ban the sale of violent and sexually explicit videogames to minors. Congressional legislation designed to limit consumption of videogames, particularly by the young, has included a number of distinct bills: the Truth in Video Game Rating Act, the Video Games Ratings Enforcement Act, the Family Entertainment Protection Act, and the Video Game Decency Act of 2006.

The Children’s Crusade

Certainly, consternation over the youth of potential consumers of anti-American multimedia punctuated the May 4 hearing. The tender age of seven was mentioned several times as if it described a major sector of the potential audience for jihadist

Internet materials. Even nominal critics of administration policy seemed to accept the legitimacy of cultural norms about reaching an acceptable age of media majority when it comes to online participation. For example, Representative Hastings claims that “on the Internet a child can learn how to make a bomb,”⁸³ and Representative Harman makes an explicit play to the paternalism and maternalism of legislators by commending the witnesses and saying, “Peter, to the extent that you can share with us what you’re doing about this, it would be helpful and finally—we’re all parents here, and some of us are even new grandparents—the comment made that the target audience is 7 or perhaps younger than 7 is truly chilling, so if you could include that in your response, I’d appreciate it.”⁸⁴

The rhetoric surrounding the concept of a “child-safe” Internet has a history of legislative consequences in the past decade.⁸⁵ In July 2005, both the Senate and the House passed resolutions urging the Federal Trade Commission to investigate the rating of the videogame *Grand Theft Auto: San Andreas*—a rating making it accessible to minors—as a case of possible fraud.⁸⁶ These sentiments about digital threats to children date back to what the Clinton White House called a “Family Friendly Internet,”⁸⁷ which was the motivating factor behind the Children’s Online Privacy Protection Act of 1998,⁸⁸ which is still struggling to overcome Constitutional challenges, though it continues to drive legislative agendas today.⁸⁹

Plato similarly privileges the interests of the young in the regulation of cultural media. He argues in *The Republic* that dangerous forms of public discourse—like immoral tragedies or chaotic epics—can corrupt the polis, the Athenian city-state, by encouraging imitative behavior among immature members of society who may be moved by virtual spectacles, mere imitations of imitations. By arguing in favor of having a virtuous philosopher-king banish corrupting poets, Plato prefigures many of the same arguments appearing in congressional transcripts concerning the fear that terrorists and pedophiles were using the Internet too freely. As Plato puts it, “And in the case of sex, anger, and all the desires, pleasures, and pains that we say accompany all our actions, poetic imitation has the very same effect on us. It nurtures and waters them and establishes them as rulers in us when they ought to wither and be ruled, for that way we’ll become better and happier rather than worse and more wretched.”⁹⁰ Similarly, legislators argue that children exposed to violent or sexual content from virtual environments risk becoming damaged citizens of the state.

Just as regulating the behavior of foreigner enemies reflects fears about irresponsible domestic use, attempts to constrain the behavior of pedophiles actually may sometimes tell us more about legislators’ anxieties about the communicative powers of the young themselves. The day before the House Intelligence Hearing about SonicJihad, there was a hearing in the Rayburn Office Building on “The Sexual Exploitation of Children over the Internet: What Parents, Kids and Congress Need to Know About Child Predators.” The May 3 hearing was convened by the Subcommittee on Oversight

and Investigations from the Committee on Energy and Commerce. It was the third hearing on the subject of how sexual predators use technology to prey upon their victims, and it was assembled in a more capacious room than the SonicJihad hearing. The room was even equipped with a semicircle of fixed leather chairs that contributed to an environment suggesting ceremonious deliberation rather than a mere preliminary briefing.

Although generally the discourse about pedophiles necessarily excludes children themselves, because it is assumed to be preferable to shield the young from objectionable content, some minors outside the regular circuits of adult rhetorical production are deemed capable of bearing witness in the public sphere by virtue of personal firsthand experience with victimization.⁹¹ The star witness for the day was Russian former orphan Masha Allen, whose story may be as much about the failure of the social safety net that allowed her to reside with an adoptive father with a history of abuse as it is about the traffic of images of exploited children on the Internet.⁹² In the webcast of the hearing, young Masha makes a compelling witness in favor of focusing on cyber-regulation. Her occasional awkwardness as a speaker seems only to enhance her credibility. In the videotaped record, her hair is pulled back by a large barrette, and she peers through off-kilter glasses at the prepared comments she is holding. She is dressed like a typical teenager in an informal scalloped white top, pink button-down sweater, and simple necklace and earrings. Yet she speaks fluently and expertly in this high-pressure rhetorical situation.

“You have to do something about the Internet,” Masha insists.⁹³ This order to legislators for action reflects her confidence in the government’s ability to effect dramatic change and solve complex problems. She compares overcoming the technological challenges of surveiling illegitimate online exchanges to the scientific and territorial accomplishments of the space program. As Masha declares, “If we can put a man on the moon, we can make the Internet safe for kids.”⁹⁴

Although this request may seem patently unrealistic to anyone who understands how a global distributed network operates, Masha asserts her authority from the standpoint of victimization and comes off as an articulate and credible spokesperson nonetheless.⁹⁵ She begins her narrative with her life in Russia, depicting an alcoholic mother who tries to kill her, followed by misery in an institutional orphanage where the other children are themselves abusers and thieves.⁹⁶ After arriving in the United States, she describes an isolated life of captivity, starvation, sexual assault, and humiliation with her adoptive abuser, in which her tormentor kept her physically prepubescent: “the size of a five year old when I was ten.”⁹⁷ She only begins to stammer once, over the question of how “any could let a pedophile adopt a little girl,” because the phrasing was mistyped in her printed statement.⁹⁸ As Masha points out, much of the adoption procedure, including her abuser’s selection of her from photographs of potential candidates for adoption, took place online. In some of the digital images

supplied by the orphanage to her abuser via the Internet Masha says she was naked.⁹⁹ Like the terrorists who change the names of their operations and move to other websites, the adoption agencies that handled cases like Masha's are represented as roving entrepreneurs in perpetual flux.

It is interesting to note that traditional mass media channels are shown as considerably less threatening than the distributed networks of the Internet in Masha's discourse. For example, Masha says that television exposure was considerably less traumatic: "A lot of people are surprised that I wanted to go public with my story. But I've been on the Internet since I was five years old. Going on a television show wasn't going to hurt me."¹⁰⁰ In other words, her message is that broadcast media do not make children vulnerable in the way that online communication does.

Criminalizing File-Sharing Practices

Surprisingly, this hearing is as much about the rhetoric of illegally downloading copyrighted music as it is about child pornography on the Internet. Before the committee, Congressman Phil Gingrey, M.D. of Georgia argues for the updating of a "twenty-year-old civil statute" with Masha's Law:

Current civil law allows victims of child sexual exploitation to recover damages of no less than \$50,000. However, federal copyright law provides statutory damages of no less than \$150,000 to be awarded to the copyright holder when a song is illegally downloaded from the Internet. Masha's Law allows the civil remedy for the dissemination of child pornography to be equal to other illegal downloads.¹⁰¹

The Kerry-Isakson bill that takes up "Masha's Law" in the Senate also makes explicit the connection between downloading music and viewing child pornography. On Senator John Kerry's website, in a press release on how "Downloaded songs carry a penalty three times greater than exploited children," he exclaims "It's wrong that we have tougher penalties for downloading music than for downloading sick images of infants and children."¹⁰²

Masha herself serves as an advocate for this equation of unauthorized online behaviors in her testimony before the committee:

Usually, when a kid is hurt and the abuser goes to prison, the abuse is over. But because Matthew put my pictures on the Internet the abuse is still going on. Anyone can see them. People are still downloading them—we get notices from the FBI every time someone is arrested for it. I want every single one of them to go to jail and really be punished. But that's a problem too.

I found out last summer that if someone downloads a song off the Internet the penalty is three times worse than if someone downs child pornography. I couldn't believe it! How can this be? That's when I decided that we had to change the laws about downloading child porn. Senator Kerry and Senator Isakson and Congressman Gingery and Congressman Tierney introduced bills

in Congress that make the penalty the same as downloading songs. That was a few months ago. There hasn't been a vote on it. I want every single member of Congress to sponsor these bills and I want the Congress to pass them right away.¹⁰³

Despite these expressions of impatience with the progress of elected representatives on passage, her desire for speedy legislative action was ultimately gratified. Masha's Law became law on July 27 that same year, as part of the omnibus Adam Walsh Child Safety and Protective Act, which passed both houses of Congress unanimously.

In her essay "Surfin' the Net: Children, Parental Obsolescence, and Citizenship," Sarah Banet-Weiser has argued that it is children's technological competence and the associated fear of parental obsolescence that spurs constituents' fear of and hostility toward the online cultural practices of the young. She points out that the ideology of the sexually innocent child who is also disengaged from productive participation in corporate capitalism can be historically situated as a relatively recent phenomenon, as Michel Foucault, Philippe Ariès, and other theorists grappling with the history of the institution of childhood in relation to sexuality and death have done.¹⁰⁴ Banet-Weiser claims that blocking and filtering software emphasizes the deployment of covert strategies to maintain these structures of authority. She untangles the cultural logic in which "if adult guidance is no longer needed to navigate the complex ways of the Internet," other forms of moral and intellectual hierarchy might also be threatened.

However, in her testimony, Masha often seems to desire overturning the sanctity of adult authority that Banet-Weiser describes. For example, she claims to want to reverse the position of the viewer and the viewed, so that professional adult voyeurs can become objects of an inquisitive public gaze themselves.

There are a lot of cases of people who downloaded my pictures and I want every single one of them to be punished as much as possible. . . . The people who are doing this should be afraid. We know who they are. A lot of the people downloading these pictures are professionals. They are doctors and teachers and ministers. We're going to put THEIR pictures on the Internet and tell people what they are doing. People stopped downloading songs when they found out they could be sued. We're going to sue these guys too—every single one we find out about. I want to tell them, "You're not doing this in secret anymore. Everyone can find out who you are!"¹⁰⁵

Despite their relatively unequal positions of social power, given that the abusive adults are "doctors and teachers and ministers," Masha, with her cohort of abused victims, wants to turn the tables on sexual offenders taking part in covert Internet practices by making them afraid and exposing them to view.

Masha is correct that pedophiles are now the ones featured on websites from state and federal authorities. Unfortunately, this circulation of images of pedophiles in the interest of surveillance and retribution has been the cause for vigilante justice, such as a 2006 case in Maine in which two sex offenders were slain by an outraged Canadian

dishwasher, who subsequently shot himself when cornered by police.¹⁰⁶ Unlike other government websites, which can be remarkably difficult for visitors to navigate, federal and state registries that map the location of sex offenders are remarkably user-friendly, with easy-to-read Mapquest-style representations of neighborhoods and arteries of transportation.¹⁰⁷ As additional visual aids, mug shots may be posted along with other personal information.

By using the status quo of draconian penalties for the downloading of music as justification for harsher consequences for pedophiles, rather than focusing attention just on those who traffic in a visual economy that depends on the sexual exploitation of children, debate about legalizing some forms of downloading and about new digital practices is stifled with a dramatic equivocation. Rather than allow the public to question the justice of the existing system in which astronomical federal fines are levied for relatively petty individual intellectual property crimes, these consequences are taken as a norm for all types of digital misbehavior. In other words, the logic goes like this: the penalty for this minor crime is really punitive, so we should make it the standard by which we judge major crimes. Of course, that reasoning makes no sense, even on the level of the simple if-then causal statement, assuming that minor crimes deserve minor punishments, and major crimes deserve correspondingly major ones. Furthermore, a law designed to protect the rights of minors to have control over their own persons is connected to another law that disproportionately targets these very minors' digital practices, because teenagers are particularly likely to be skeptical about claims from the film and recording industries that everyday file sharing constitutes piracy.¹⁰⁸ Despite Masha's claim that "People stopped downloading songs when they found out they could be sued," as of 2006, when a number of studies were conducted, there appears to be little evidence to support her assertion that litigation has significantly affected the frequency of peer-to-peer file sharing.¹⁰⁹

Unfortunately, by equating two dissimilar user behaviors, the common practice of downloading digital music and the extrasocietal transgression of downloading child pornography, Masha's Law sets the stage for new regulatory attempts by the Department of Justice to control file-sharing practices. Like the SonicJihad hearing, Masha's hearing also uses a form of statistical hyperbole in which the number of digital files and cash proceeds from transactions are magnified in each iteration, as the adult witnesses from law enforcement agencies add their own expert testimony to her own.

Although ostensibly aimed only at pedophiles and terrorists, in late May 2006, Attorney General Alberto Gonzales formally requested that Internet service providers and search engine companies keep records of online behavior for up to two years. Not drawn to the public's attention was the fact that once records are kept, they can be subpoenaed for any legal proceeding, including civil cases involving intellectual property disputes.¹¹⁰ Thus, the prosecution of those who believe that their access or replication of digital materials for creative, critical, or pedagogical purposes is covered under

“fair use” could be further facilitated by a government agency. Furthermore, it is worth examining the actual surveiling technologies that are being funded by these programs and praised in the epideictic rhetoric of the Department of Justice. For example, among those being commended by the Attorney General in 2006 was Wyoming agent Flint Waters, who developed software designed to catch sexual predators, software that could also be used to monitor other prohibited peer-to-peer transactions. Dubbed Operation Peerless and later Peer Precision, the system targets file sharing specifically. However, such technical specifics were glossed over in Gonzales’ speech honoring “his extraordinary contribution to cybercrime investigations.”¹¹¹

Advocates for free culture, the creative commons, or digital rights may be especially troubled by this subtext. For example, Tarleton Gillespie has written about how “cyber-safety” discourses get repurposed by entertainment industry interests who produce supposedly educational materials for K-12 students that urge them to “respect” copyright while ignoring the existence of fair use, particularly in learning contexts.¹¹² In *The Anarchist in the Library*, Siva Vaidhyanathan has argued that a dangerous conflict between oligarchy and anarchy is putting deliberative discourse in the public sphere at risk. Although Vaidhyanathan believes that file sharing only represents one recent manifestation of peer-to-peer activities that have been perceived by prevailing institutions as subversive for centuries, he argues that powerful interests who would like to control intellectual property are fostering fundamentally undemocratic practices of litigation and legislation through oppressive copyright law. These interests are controlling the discourse of the *bruits publics* by which exchanges of information normally take place in democratic public spheres.

I have had the luxury of similar conversations with composers, musicians, record company executives, and hackers. Few of these rather subtle and complicated terms of debate have worked their way into the rhetoric of policymakers in Washington, D.C., or Brussels, Belgium. Most newspaper accounts of peer-to-peer battles have changed from sports or crime to business stories. It’s not yet a cultural story, an ethical story, or a political story.¹¹³

In other words, Vaidhyanathan documents patterns of discourse from an informal culture oriented around a communal secondary orality, which is sending a very different message about free culture and copyright than the one in the formalized “rhetoric” of policy makers about illegal downloading that gets translated into the print media, perhaps partly as a matter of economic self-preservation for corporate entities.

Public and Private

The other problem with treating child pornography as an object of political discourse on which to base decisions is that it is by definition not visible and not public. Speeches, testimony, and official reports about exploited children show this in their

use of certain paradoxical forms of Orwellian language. For example, the FBI program for collecting data is called “Innocent Images.”¹¹⁴ Bruno Latour has talked about “making things public,” but child pornography makes only the pedophile into the antisocial monster who can be shown, while the products which he manufactures and exchanges can only be witnessed by designated experts. Assistant Attorney General Alice Fisher testified to this effect during the Masha’s Law hearing:

I have seen some of these images, and, just like the Attorney General said, they make your stomach turn. I don’t think many people realize how difficult it is for the law enforcement professionals who have dedicated their careers to this difficult work. It is revolting to view even one of these images. Imagine having to view hundreds and thousands of them—repeatedly, on a daily basis—in order to build the cases against offenders. That is what these dedicated professionals do, and it is challenging and traumatizing on a deeply emotional level. I join the Attorney General in personally thanking all of those in law enforcement and elsewhere who are enduring those challenges and working hard to protect our children.¹¹⁵

Similarly, the discourses of terrorists are relegated to the work of expert analysis, such as the interpretations of the SAIC witnesses in the intelligence hearing, but at least some of these jihadist artifacts can be shown to congressional representatives.

Furthermore, the social actors who serve as justification for these hearings never appear to bear witness for themselves. In “The Promises of Monsters,” Donna Haraway suggests a possible interpretation that can be applied to the rhetorical function of these atypical Internet users, who are outside society and its norms and yet central to its signifying functions. In her essay, which is designed to question fundamental assumptions about subjectivity, society, and technology, she situates the modern cyborg without accepting traditional critiques of the creature’s artificiality¹¹⁶ and observes that “nature” itself is “a topos, a place, in the sense of a rhetorician’s place or topic.”¹¹⁷ Haraway analyzes a range of contemporary rhetorical figures that serve as *objects* of political discourse rather than speaking *subjects*—astronaut, fetus, cells under “attack” by the HIV virus—and considers how certain social actors can be appointed to speak for those designated as not capable of bearing witness in their own names. In one of her footnotes Haraway points to the Latin etymology behind the word “monster”: “Remember that monsters have the same root as to demonstrate; monsters signify.”

Terrorists and child molesters are similarly monsters who *show*, although perhaps what they show is our anxiety about the cultural slipperiness of digital rhetoric and the fact that electronic communication is a hybrid, composed of public and private practices, characterized by modes of orality and print, oriented toward production and consumption, and coded both for user and machine. In political discourse, these monsters are often used to merely *tell* citizens that there are threatening dangers to public security, which must be dealt with by the institutions of the political state, even as the state apparatus becomes increasingly more virtual.¹¹⁸

Of course, when you look for them, monsters are everywhere. In an April 20, 2004 speech about the PATRIOT antiterrorism act, President George W. Bush explains the need for new digital and procedural tools to fight crime. He justifies these new practices by the presence of such “monsters” among us:

We couldn't use roving wire taps for terrorists. In other words, terrorists could switch phones and we couldn't follow them. The Patriot Act changed that, and now we have the essential tool. See, with court approval, we have long used roving wiretaps to lock up monsters—mobsters. Now we have a chance to lock up monsters, terrorist monsters. (Laughter and applause.)¹¹⁹

The linguistic play between the words “monster” and “mobster” suggests a substitution of terms, as one surveilling technology, the wiretap, is supplanted by another, Internet monitoring. Similarly, Congressman Gingrey talks about the “monster who adopted” Masha and sexually abused her, and Masha herself says, “For five years, I was held hostage by a monster.”¹²⁰

As massive archiving projects, these initiatives are also fostering inverse forms of once dreamed-of digital public library projects that were stymied by a series of policy decisions that delayed building the necessary information infrastructure or guaranteeing universal access. Now while private corporations are pursuing large-scale scanning, digitizing, and indexing of print texts that some may see as deservedly part of the public trust, government agencies are dedicated to the storage of secret documents. In short, the order of responsibility has been inverted: private companies handle the public record, and public agencies manage a private record. For example, the FBI's “Innocent Images” program specifically calls itself a form of “National Archive.”¹²¹

During a short period of twenty-four hours in spring 2006, two congressional hearings showcased many of our policy makers' anxieties about digital rhetoric and the subversive potential of an emerging information culture. Certainly, this anxiety about a digital revolution is understandable, given that the transformation of traditional institutions by digital media and networked societies has been hyped with utopian or dystopian narratives about a radically new public culture and barraged with a range of philosophical objections dating back to Plato. Even long after new communication practices, such as file sharing or videogame play, have become remarkably widespread, if not mundane, the idea of a threat to public safety is promulgated and used as a powerful explanatory narrative to the American citizenry.