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SHADOWING PRACTICES: ETHNOGRAPHIC ACCOUNTS OF PRIVATE EYES AS ENTREPRENEURS

by

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A Dissertation
Submitted in Partial Fulfillment of the Requirements for the
Doctor of Philosophy

Department of Speech Communication
in the Graduate School
Southern Illinois University Carbondale
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DISSERTATION APPROVAL

SHADOWING PRACTICES: ETHNOGRAPHIC ACCOUNTS OF PRIVATE EYES AS ENTREPRENEURS

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Craig Lee Engstrom

A Dissertation Submitted in Partial

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for the Degree of

Doctor of Philosophy

in the field of Speech Communication

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AN ABSTRACT OF THE DISSERTATION OF

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TITLE: SHADOWING PRACTICES: ETHNOGRAPHIC ACCOUNTS OF PRIVATE EYES AS ENTREPRENEURS

MAJOR PROFESSOR: Nathan Stucky, Ph.D.

In recent years, entrepreneurship studies scholars have begun studying entrepreneurship from a process-oriented philosophy and with an interest in the prosaic, everyday practices of entrepreneurs. In keeping with these “new movement” approaches, I have tried to “catch” entrepreneurship as it is happening within the field of private investigations.

An in-depth, two-year field study of private investigators engaged in the entwined practices of investigating and entrepreneuring was conducted. Methodologically, I shadowed five private investigators and interviewed an additional 25. Because shadowing is an emergent methodology, an in-depth discussion of conducting and writing shadowing research is provided. As noted in this discussion, it is important that writing remain primarily descriptive yet linked to dominant contemporary discourses. Consequently, an overview of dominant narrative themes in popular and academic discourses about private investigating and entrepreneurship are included. Based on the framework of this methodology, dominant narrative themes, and field notes, various culturally-situated accounts of private investigator practices are offered.

The findings of this research project suggest that private investigators use various rhetorical and practical strategies to successfully and simultaneously complete investigative and business-related tasks, such as “planting suspicions,” using gender and race to strategically position themselves in relation to others in opportunistic ways,

and incorporating contemporary technology into their work routines. Drawing on actor-network-theory, I argue that opportunities are enacted through a series of taken-for-granted and everyday interactions among subjects and objects.

This research privileges descriptive accounts over theory-building. However, the descriptive accounts of the practices of subjects and objects suggest pragmatic solutions for private investigators to create and manage entrepreneurial opportunities. For example, I propose that private investigators should collectively engage in practices that further professionalize their field. Such professionalizing activities would include, among other things, engaging in knowledge accumulation through academic and professional research activities and professional association public relations campaigns. Insights are also provided regarding the role of rhetoric and technology in opportunity creation and destruction.

Readers interested in organization communication and theory will find many of the descriptions to be empirically rich examples of ethno-methods used by actors in highly institutionalized contexts. Similarly, these scholars may also find the descriptions to validate recent arguments regarding organizing as “hybridized actions” (or action nets) occurring in multiple spaces, places, and times. The examples herein demonstrate the usefulness of shadowing as an approach to understanding organizing practices, especially in fields where actors are always “on the move.” Readers interested in private investigating will find many of the examples rich in techniques that will enhance profitability. Finally, readers interested in entrepreneurship studies will undoubtedly find many novel potential research projects that are embedded in the various thick descriptions throughout the document.

ACKNOWLEDGMENTS

This project could not have been completed without the support of Southern Illinois University Carbondale, which provided me with a Dissertation Research Fellowship. Without this award, I would not have had the time to conduct in-depth field research and write this document. In addition, my parents' continued support of my academic pursuits, including paying for some expenses incurred during this project, was more than helpful.

This project could obviously not have been completed without the five private investigators in Illinois, Texas, Missouri, and Georgia who granted me access to their work lives for over a week at a time. Shadowing can be helpful to both the shadowee and the shadower, but I know the latter often gets more from the experience. I hope, however, that some of my ideas and insights during the shadowing process were helpful for them. Additionally, my gratitude extends to the other professional investigators who were willing to sit down and talk with me so that I could ask them many questions in sometimes lengthy interviews. It was obvious by the numerous phone calls they received during the interviews that their time was valuable.

I would like to thank my dissertation committee members—Drs. Bryan Crow, Ross Singer, William McKinley, and John Warren—for offering me helpful feedback on the near-final version of this document. Special thanks go to Dr. Nathan Stucky, my dissertation advisor, and Professor Emeritus Lenore Langsdorf, my graduate advisor, for providing me guidance throughout my academic tenure at Southern Illinois University.

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CHAPTER 1: THE STUDY OF MUNDANE ENTREPRENEURIAL PRACTICES

> It was a fundamental mistake…to interpret economics as the characterization of the behavior of an ideal type, the *Homo oeconomicus*. According to this doctrine traditional or orthodox economics [i.e., neoclassical doctrine] does not deal with the behavior of man as he really is and acts, but with a fictitious or hypothetical image. It pictures a being driven exclusively by 'economic' motives, i.e., solely by the intention of making the greatest possible profit. … No man is exclusively motivated by the desire to become as rich as possible; many are not at all influenced by this mean craving. It is vain to refer to such an illusory homunculus in dealing with life and history. (Ludwig von Mises, 1949/2007, p. 62)

This project is located within the "new movements" research about entrepreneurship, which specifically looks at entrepreneurship through relational, political, geographic, discursive, and prosaic lenses (see Hjorth & Steyaert, 2004; Steyaert & Hjorth, 2003, 2006). Within these movements scholars understand entrepreneurship as not just an economic phenomenon, but largely as a social one. Following this current of research, I describe some of the everyday work-related practices of professional investigators[1] and the objects that make up the profession of private investigating. The focus of this project is specifically on the prosaic and discursive practices of private investigators—e.g., communicative interactions, meetings, surveillance activities, performances of identity, and written accounts and reports. From the data that derived from observing and documenting these inter-related practices, I describe how the field of private investigations is constituted as a profession, as well as how private investigators perform entrepreneurially in their everyday work. The results of

[1] Professional investigator is now a term commonly preferred by private practitioners (Sennewald & Tsukayama, 2006). I will interchange the adjective professional/private with detective(s), investigator(s), and eye(s) so that the writing does not become monotonous. For example, professional detective and private eye describe the same type of individual—someone who engages in investigative activity *for hire*.

this study have been compiled into a praxeological report of private investigating as an entrepreneurial endeavor.[2]

While I filter private investigative practices through the academic lenses of communication, organizational, and entrepreneurship theory, I do not assume that private investigators see entrepreneurship in the same way as "new movement" scholars. Neoclassical economists' assumptions about the world prevail, and private investigators have adopted various institutionalized myths about competition and governmentality.[3] Through interviews, therefore, I have tried to understand how private investigators make sense of their practices and how they understand entrepreneurship. In chapter 3, I will show that the dominant accounts about entrepreneurship in the United States describe entrepreneurs as people who start their own business, take risks, coordinate the factors of production, organize, innovate, compete scrupulously, and are keen to opportunity discovery (Shane, 2008). Private investigators do describe themselves as entrepreneurs in these terms. However, they also use words that describe entrepreneurial praxis in processual ways, e.g., creating, developing, making, and collaborating. Private investigators use a language of opportunity discovery and creation, and a language of becoming and fixity.[4]

---

[2] I use the term "praxeology" for two reasons. First it means the "study of practices," which captures the essence of the spirit of phenomenologically-inspired "practice theory" and ethnomethodological approaches, which include the observation of discourse (including communication, narrative, and *objects*) in action. Second, it is the term used to describe the method of economics research preferred by Austrian School economists, which provides the philosophical basis of my approach to entrepreneurship studies.

[3] I am using the notion of "institutionalized myth as reality" as developed by John Meyer and Brian Rowan (1977) who, borrowing from Peter Berger and Thomas Luckmann (1966), overturned the conventional Weberian theories of social structure as emerging from rationalized action. These authors suggested that institutions are enacted ceremoniously through an ongoing performance of sedimented, taken-for-granted practices often based on non-rational beliefs (i.e., myths).

[4] See William B. Gartner, Nancy M. Carter and Gerald E. Mills (2003). What I empirically found is consistent with their theoretical suggestions.

Private investigators are members of a larger socio-cultural milieu and are, therefore, active participants in creating, maintaining, using, and shaping socio-cultural narratives about private investigating and entrepreneurship. Likewise, they are also constituted by these stories. I have tried to account, therefore, for the academic and popular culture discourses that shape both private investigations and entrepreneurship. Practices that are regulated by these discourses are highly institutionalized and taken for granted. For example, people largely accept “gender” as a natural phenomenon (as opposed to socially constructed), monogamy as the “appropriate” way to be in intimate relationships, and, at least in the United States, efficiency as a result of competition. Private investigators’ organize much of their professional activities around these “objective realities” and beliefs. Just how they entrepreneurially use, enact, and challenge these discourses in everyday praxis was a primary concern of this project.

In writing a monograph that draws upon ethnographic techniques, including rhetorical and literary conventions for understanding and representing the professional practices of private investigators as entrepreneurs, I feel that it is fitting to begin with a personal account from the field that more concretely introduces readers to the project and expresses some of the assumptions that guide my choice of topic, method, and writing style.

Private Investigating and Entrepreneuring: A Personal Account

A person in transition between Peace Corps and graduate school is likely to take the fastest route to saving money. Living at home and getting a job through connections was, for me, the fastest means of achieving this goal. This is how it came to pass that I negotiated at random hours the streets of the Dallas/Fort Worth Metroplex as a licensed private eye. In my dark grey Ford Escape, I sought to capture the seemingly shady activities of clients’ targeted subjects on recorded video. In the office, I also helped the

agency owner with several business-related issues, such as maintaining the financial books and developing marketing strategies.

In June 2007, two years after leaving my employment as an investigator and quasi business consultant in pursuit of a graduate education, I returned to the field as both an ethnographer and investigator. My goal was to make quick money for a summer trip and to complete research as part of an independent study. On a drizzly and cold morning, I was assigned a skip trace case for a corporate client. “Skip tracing” is a colloquial term used to describe the process of locating someone’s whereabouts, often, though not always, for creditors. In other words, to trace the path that someone who “skipped town” took. We had located the target’s last known address and wanted to establish that she was still living there. We also wanted to identify her current place of employment. The task was to locate the target’s vehicle by identifying the registered license plate that we had already obtained from the Texas Department of Motor Vehicles and follow the driver (presumably the vehicle’s owner and our target) throughout the day. I was unable to locate the vehicle, and the client agreed that I should set up surveillance on the apartment. I established a visual position on the target’s apartment door just after dawn and began a lackluster wait.

In keeping with my academic and entrepreneurial sensibilities, I would often read books while sitting in my vehicle during stakeouts. On this particular day, it was Michel Foucault who kept me company. I was reading, interestingly, *Discipline and Punish* (1977/1991). One particular passage stood out due to its relevance to the context:

> [Eugène François] *Vidocq marks the moment* when delinquency, detached from other illegalities, was invested by power and turned inside out. It was then that the direct, *institutional coupling* of police and delinquency took place: the disturbing moment when criminality became one of the mechanisms of power. *A figure had haunted earlier times, that of the monstrous king, the source of all justice and yet besmirched with crime; another fear now appeared, that of some dark, secret understanding between those who enforced the law and those who violated it.* The Shakespearian age when sovereignty

> confronted abomination in a single character had gone; the *everyday melodrama* of police power and of the complicities that crimes formed with power was soon to begin. (Foucault 1977/1991, p. 283; my emphasis)

Vidocq, a French privateer and crook-turned-cop, is the entrepreneur-quintessence of the private investigations industry.[5] According to his own accounts (cf. *Memoirs of Vidocq*, 2003), he was the first director of the Sûreté Nationale, a civil security and detective force. He founded one of the first modern private investigation agencies, "Le Bureau des Renseignements," in the early part of the 19th century and collaborated with other ex-convicts to run his operation. While he successfully worked as a hired police informant and spy, he was simultaneously hired by citizens to conduct investigations that the police were thought inept to handle. Vidocq also introduced many techniques and practices to criminology that continue today, such as record keeping, ballistics, shoe impression analysis, and using criminals as informants. He also filed the patent on indelible ink and unalterable bond paper. Using what we may call his "prior knowledge" and criminal social network (Shane, 2000), he was able to recognize profit opportunities that were emerging due to the changing social, political, and discursive conditions that Foucault so poignantly illustrates. According to Foucault, the modern mechanisms of policing became not only possible, but also fundamental to maintaining social order around and since the 1800s (Foucault, 1977/1991, 1978/1994).

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[5] Based on the Schumpeterian conception of entrepreneurship, which sees "that the function of entrepreneurs is to reform or revolutionize the pattern of production by exploiting an invention, or, more generally, an untried technological possibility for producing a new commodity or an old one in a new way…" (1942/1976, p. 132), Vidocq certainly can be considered an entrepreneur. But unlike a significant amount of contemporary entrepreneurship research that takes a more cognitive approach by focusing on the entrepreneur as subject and their opportunity as object (Seymour, 2006), my focus is on *how* Vidocq, within the sphere of everyday communicative praxis and work, was able to enact and grasp such opportunities (this follows the processual and "enactment" narratives to opportunity that are characteristic of a praxeological approach). I am also interested in the social and historical conditions that made his activities, techniques, and inventions profitable as socially sanctioned activities.

Doing surveillance had its moments of fun and was “easy money,” as one private investigator I shadowed frequently said. It is awesome to realize that my activities have a rooted history. Foucault’s chilling passage, however, haunts me. I was covertly observing and surveying people’s actions as they came and went from their dwellings. I was making money by providing a service using practices that Vidocq himself may have engaged in, but I was also reproducing, in my own small way, entire moral orders and institutions. I was, at the very least, assuring that in our society it is hard to “skip town.” I was also participating in the reproduction of the mechanism by which control and safety in the credit market is asserted. I was holding people accountable for their debts; thus, I was reproducing a power dynamic between corporations and private citizens. Using institutionalized practices of private investigating, the powers vested to me by the state as a citizen, and some regulatory statutes that regulate non-licensed citizens from engaging in certain activities,[6] it was possible for me to engage in a highly lucrative business practice.

At approximately ten o’clock in the morning, a cleaning crew arrived at the apartment under surveillance. I recorded to video the cleaning crew’s activities. It seems that we had just missed locating the client. Because our “no guarantee” clause in our contract assures that we get paid whether we get results or not, this was not good news for our client. It was great news for our agency because our client agreed to continue the investigation until we located the target, which we eventually did by contacting a relative that the apartment complex had on file as an emergency contact. One of the investigators called this relative and pretended to be a former classmate wanting to send the target an invitation for a reunion, a practice known as “pretexting.” “We sent the invitation to [the apartment of record] and we got a ‘return to sender,’” he told the target’s

[6] This point regarding regulation is very important and will become a major point in chapter 4.

relative in an alluring voice. The relative, without much pause, gave the investigator the information. Such productive deception provides exciting stories for detectives to tell. While using these tactics may be questionable,[7] they are recognized as necessary tricks of the trade (Sennewald & Tsukuyama, 2006). My justification was that the deception of trying to conceal one's whereabouts to avoid contractual obligations is more perverse than deceiving someone in order to hold another accountable to his or her tacit civil obligations. It is always easier, I recognize, to justify one's actions when on the normative and legitimate side of power.[8]

Reading the Story: Casting Some Light on My (Shady) Assumptions

The above introductory story, which I hope establishes my ethos to talk about this topic, begins to shed light (so to speak) on what this project is about and some of the assumptions that I bring to it. A story, and hopefully an entertaining one, is rich in theoretical details (van Maanen, 1995). I see science not as an accumulation of knowledge, but as an ongoing conversation that culturally participates in telling us who we are as a people; and, "if science is conversation, then scientific texts are voices in it" (Czarniawska, 1997, p. 7). To add my voice to our understanding of private investigating,

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[7] So questionable, especially in light of the Hewlett-Packard scandal (see Wong, 2006), that private citizens' rights to pretext is now a contentious legal issue. In most circumstances, private investigators are not provided any special privileges above the everyday citizen (see Hankin, 2009); often legislation passed to restrict access to personal information or pretexting is a challenge to private investigators' ability to practice. Creative practices that seemingly seek to disrupt, preempt, and maintain certain privileges will be discussed in chapters 4 and 5.

[8] Following Michel de Certeau (1984), I see power as being both productive and destructive. Normative power describes routines and practices of everyday life that are sanctioned as appropriate. In this text, my goal is to describe practices of private investigators and not pass a judgment on them. This is why I am not claiming to be engaged in a "critical" analysis. While my attitude toward critical sociology is not as critical (pun intended) as Bruno Latour's (2005), I have to admit that I largely agree with his critique of contemporary critical research for its desire to *explain* others' practices as if they are being controlled by a puppeteer. My critique of critical scholarship does not make me anti-democratic, quite the opposite. When I discuss historic and situated discourses of entrepreneurship, my preference for an alternative to dominant narratives will become apparent.

entrepreneurship, and communication studies, I am using an ethnographic style to describe the practices of private investigators as entrepreneurs. I hope that by highlighting some of the assumptions, definitions, and concerns more explicitly now, readers will better understand the rationale for some of my writing choices.

Assumption 1

This is a study of the everydayness of entrepreneurship in a professional field (see Hjorth & Steyaert, 2004; Steyaert & Katz, 2004). Sitting in a vehicle or negotiating with a client to do more surveillance may not seem exciting, but it is part of the process of the business of private investigating and part of the process of rhetorically enacting opportunity. As a prosaic study of everyday practices, I bring to this project a distinct process philosophy and interpretive ontology. Following practice theorists, I understand the social as “a field of embodied, materially interwoven practices centrally organized around shared practical understandings” (Schatzki, 2001, p. 3). Meaning and knowledge are co-constituted through ongoing communicative and social interaction. Drawing on actor-network-theory (ANT) as well, this study can be characterized as a praxeological study of entrepreneurship *and* entrepreneurial objects (technologies and opportunities) as they emerge and are exploited in everyday human action (i.e., dialogue, performance, narrative, and so on).

Assumption 2

While I am open to embracing multiple definitions of entrepreneurship, in this study I begin with a loose definition of entrepreneurship. Borrowing from Chris Steyaert, I define entrepreneurship as a “process of creation that connects the everyday with the artistic” (2004, p. 9). In communicative praxis, entrepreneurship is “a form of art, [an artful] practice-oriented endeavor that requires a sensitive and committed engagement

with a range of phenomena in the surrounding world" (Berglund, 2007, p. 75).[9] Entrepreneurship, therefore, is not necessarily limited to the domain of business venturing or the creation of organizations. To read and observe for my academic and investigation jobs simultaneously, as I did that drizzly morning, may be commonly referred to as "multi-tasking." This practice, nevertheless, is an artful use of time (arguably a scarce resource) in a creative, productive, and (some may say) efficient manner. It can be described, therefore, as one of the entrepreneurial events that constitute my existence as an entrepreneur. As Steyaert (1998) notes,

> Every entrepreneurial attempt is written on a daily basis, with many actors on multiple scenes simultaneously searching to move existing realities through creative actions into new worlds. Entrepreneurship is a creative process enacted through everyday practices: it is never done, and always going on, a journey more with surprises than with predictable patterns. As such, every entrepreneurial endeavor follows and writes its own story. … / Every existing entity unites the multiplicity of the world and thus creates identity and meaning out of its relationship with other entities and parts. Conversely, new possibilities come into existence out of 'that which has become,' and the created event becomes involved with what is in turn being created anew, creating yet another new event. (pp. 15-21)

From these situated events, products and services, business entities, organizations, institutions, and even the concept "entrepreneurship" emerge and become recognizable. In other words, these "fixed" entities are outcomes of the practices and technologies of "entrepreneuring." Following and narrating the story of an entrepreneurial endeavor as it occurs in everyday practices is a project that closely adheres to ANT scholarship, which

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[9] While individuals, including entrepreneurs, are motivated by some kind of "itch" that they hope to scratch (i.e., an intention), the praxeologist is only interested in intentionality as a directedness toward concerted movement with others. As von Mises (1949/2007) notes, "the field of our science [i.e., praxeology] is human action, not the psychological events which result in action" (pp. 11-12). To express wishes and rationalizations of planned or accomplished actions is a form of action, and can be captured in an interview (another action event), but these enunciations must not be confused with the actions to which they refer. The praxeologist is interested in action as "a real thing" (von Mises, p. 12). This is why, in addition to interviews, shadowing (explicated in chapter 2) is a good method for praxeologists.

is an application of technology studies to ethnomethodology and other phenomenologically-inspired research (see Czarniawska, 1997; Latour, 1994).

To "verb"[10] entrepreneurship is to claim that it is an activity that is always *becoming* in and through an active and intersubjective process—i.e., it is socially constituted. Thus, Vidocq may have put in motion the activities that established several organizations and practices that have become institutionalized, but he couldn't have done so unless he engaged in practices with other actants.[11] To scholars of entrepreneurship studies, verbing entrepreneurship may appear as a radical idea, perhaps even dangerous for the field because it brings yet another perspective into what they argue is an incoherent field (Welsch & Liao, 2003). But it really is not that radical, nor dangerous. People accept, for example, that public investigators are defined by what they do, and we have a verb that captures the spirit of this—"to investigate." It would not seem odd for a detective to say that she or he is "investigating a case" and know what techniques are involved in this. The absence of a body of research that captures *the processes* and everydayness of entrepreneurship leaves the academic field in a (linguistically) vulnerable position (Steyaert, 1998, 2004).

I am aware that to some scholars, especially those in search of a Kuhnian (1970) utopia achieved through imposed and enforced consensus in entrepreneurship and

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[10] An alternative word that could be used in place of entrepreneuring is "intervening" or "undertaking." Entreprende (from which entrepreneur is derived) is the French verb meaning "to undertake," which is a combination of the Latin words "entre" (between) and "prendre" (to take). I prefer entrepreneuring to both words because "undertaking" is too often association with contractual, funeral, and difficult tasks. Intervening also seems aggressive or is too easily associated with the entrepreneur as the interventionist that stabilizes disequilibrated markets, a problematic neo-classical assumption (explained in chapter 3).

[11] Vidocq was no doubt pivotal in establishing institutions, even in the classic sense of the term as taken-for-granted practices (Berger & Luckmann, 1966). However, I will not claim that he (or any individual) was an "institutional entrepreneur" (a construct that is now fashionable in contemporary management and organizational literatures). An institution is formed through repetitive practices and consistent narratives that emerge slowly over time. Thus, an "institutional entrepreneur" is an oxymoron (Czarniawska, 2008a, 2009).

organization studies (e.g., Welsch & Liao, 2003), my approach and definition casts me immediately as (a) suspect. While I may be culpable of adding yet another perspective to the already “accumulative fragmentalism” in entrepreneurship (Welsch & Liao, 2003, p. 33), I am no criminal in the academic enterprise. I offer my voice and perspective with the belief that “organizations [including academic disciplines] with access to more varied images will engage in sensemaking that is more adaptive than will organizations with more limited vocabularies” (Weick, 1995, p. 4). Privileging more paradigmatic discourses and definitions of a phenomenon at once strengthens the reach of academic fields and appreciates the complexity of human phenomena. The success of academic fields is due in part to the varied languages that each paradigmatic perspective brings to understanding social phenomena. I respectfully agree, therefore, with scholars who claim that more cumulative and replicable research leads to a stronger field, with the caveat that they are also not arguing that this research replace other approaches to the studies of human practices. In other words, positivist research does have its place and purpose in keeping our understanding of a phenomenon vivid, but so do critical, interpretive, and postmodern approaches.[12]

I am not making a relativist argument, but rather a relational one. Nor am I claiming that we should create jargon as a means of insulating and protecting our disciplines. This seductive trap can often become a tool of exclusion, making our fields more vulnerable (van Maanen, 1988, p. 28). Ethnomethodology, for example, is an awesome approach for understanding people’s everyday practices. This study, in many ways, is ethnomethodological in character and informed in large part by my love of this powerful lens for seeing just how our social world is “endogenously produced, naturally

[12] This claim may appear contradictory when I assert in chapter 2 that shadowing should avoid taking a critical turn. My claim is not that critical perspectives should be avoided in the study of prosaic entrepreneurship, but that shadowing methodology is limited. A more general “critical ethnography” is certainly encouraged, but a “critical shadowing” is not.

organized, reflexively accountable, ongoing, … being everywhere, always, only, exactly and entirely, … with no time outs, and with no possibility of evasion, hiding out, passing…" (Garfinkel, 1991, p. 11). However, you will not see words like "artfully extrusive reflexivity," "autochthonous order properties," or "endogenous coherence of figural contexture" in this document. Partly because I admittedly do not fully understand what some of these obscure phrases mean, but mostly because I agree with John van Maanen's (1988) argument that if ethnomethodologists are not careful they will write themselves out of existence. I understand that the epistemological and ontological divides between research programs can be great; however, I remain optimistic that our desire to understand the world in multiple ways is what defines our academic *field of practices*.[13]

I am also aware that the claim that everyone, including academics, engages in entrepreneurial practices may make some readers uncomfortable. But as William McKinley (n.d.) notes, the practice of being an "intellectual entrepreneur" is important in today's academic climate, where novelty and fashions are rewarded (see also Czarniawska & Sevón, 2005). Being fashionable, however, is not a bad thing. Fashion, as a collective of choices, tastes, and ideas, "introduce[es] order and uniformity into what might seem like an overwhelming variety of possibilities" (Czarniawska & Sevón, 2005, p. 9). However, what is fashionable is, by definition, imitation and less attractive. Consequently, academics who are able to articulate the next trend position themselves as key players in the marketplace of ideas and will be rewarded in terms of prestige and "profits" (e.g., tenure and salary increases). The differences between business entrepreneurs and intellectual entrepreneurs are slight. Both groups link the everyday with the artistic and both tend to desire to build a brand around their names.

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[13] Defined thoroughly in chapter 2, section 2.

Assumption 3

I assume that there are common practices private investigators—whether as agents of an organization or as sole-proprietors—share as investigators and as entrepreneurs. Not all private investigators own their own business, of course, but all investigators are engaged in the daily and mundane activities that are generative of a recognizable field of practices. It is the "business of investigating"—a stand in term representing many taken-for-granted and institutionalized communicative and organizational micropractices—that constitutes private investigating as its own recognizable profession. As a professional group, membership may not be limited to "card carrying members," but to those who are culturally competent. There is a professional jargon ("skip tracing" and "pretexting"), standardized processes, and a legal infrastructure that an investigator must know and follow. Just because an investigator is able to meet the state licensing requirements, has the start-up capital to start a business venture, and holds a paid-for membership with a professional association (e.g., Texas Association of Licensed Investigators), does not ensure financial or professional success. If private investigators do not speak or perform "private investigator" competently, which includes knowing how to sell their services and "fit in" with potential clients' expectations, their professional and business tenure may be short-lived. Being able to perform the dual roles of investigator and entrepreneur simultaneously becomes crucial to business sustainability, and I propose that this is consistent with most, if not all, professions.

Describing how private eyes perform these dual roles comprises a large part of this text. In infidelity cases, for example, it was not uncommon for the investigators I shadowed to play on the doubts and suspicions of clients to yield additional investigation time: "Well, she [or he] hasn't gone anywhere… *yet*"; "She [or he] is where she said she'd be, *for now.*" In this project, I seek to account for these communicative,

entrepreneurial practices in descriptive ways. While I will describe the field of private investigating, focus will be primarily on how investigators practice entrepreneurship.

Assumption 4

Similar to assumption 2, I assume that as a coherent field of practices, the business of private investigating occurs in institutionalized contexts. Because institutionalization is an ongoing reproducible process of intersubjective accountability, enactment, and sensemaking in situated contexts (Berger & Luckmann 1966; Garfinkel, 1967, 2006; Schutz, 1967), and sensemaking and routines are grounded in identity construction, are ongoing, and are socially bound (Weick, 1995), (professional) fields and their organizations are always in a process of becoming. In other words, fields of practices are always transforming and changing. The basic image for representing *things*-in-motion in entrepreneurship and organization studies is that of Heraclitus's aphorism, "You cannot step twice into the same river, for other waters are continually flowing on" (as cited in Steyaert, 1998, p. 19). This does not mean, however, that the everydayness of investigating and entrepreneuring is radically dynamic and unique—institutionalization implies historicity and control. The river may flow, but practices become sedimentation along its foundation in an ongoing process of eroding and depositing. It also does not mean that the field cannot be shaped and controlled systematically. Practitioners are often working to influence the direction of their field.

The example provided by Foucault (1977/1991) of Vidocq illustrates this point. The changing social conditions in late 18th Century France provided the appropriate institutional context to turn his criminal and entrepreneurial sensibilities into legitimate business practices. Some of these practices (e.g., ballistics and print analysis)—whether by chance or apprenticeship—were replicated in the United States, where organized policing was largely a private enterprise until the late 1800s (Weiss, 1979). Taking field notes is an example of a taken-for-granted practice that has both been sustained and

changed over time. First, the mere idea that it had to be invented would likely strike contemporary investigators as absurd—it is just a routine part of doing investigative work. Nevertheless, the form, content, style, and rhetoric in contemporary “field notes” and “reports,” as well as how they are produced and per-form on investigators, have changed over time. In particular, the introduction of video and audio recording equipment has altered report writing. It is unlikely that an investigator, no matter how much of a luddite she or he is, would avoid using video surveillance whenever possible. From what I observed, field notes are fewer and reports are longer. In today’s mediated world, “seeing [not just reading] is believing.” Yet, I will show that the report still remains a sellable product, a fixation of investigators, and as a technical document, continues to mediate the field of practices as an actor-network. The report also influences the constitution of other fields of practices (e.g., the legal field) long after the investigator is detached from it.

In addition, and particularly in more recent years, professions have become increasingly governed by law. For example, some states and cities have laws regulating who can become a licensed investigator, whereas other states—e.g., Alabama, Idaho, and Wyoming—do not require any form of special training or licensing. The criteria and rationale for regulating private investigators varies, but a Pennsylvania Supreme Court ruling summarizes in clear terms why Vidocq, despite his supposedly superior investigative skills as a former convict, would again find himself on the opposite side of the law:

> The [Pennsylvania] Private Detective Act [of 1953] was designed to afford the citizens the service of detectives whose reputation, moral character and ability were beyond reproach. *The emphasis [is] to restrict this privilege to only the best qualified, both morally and by training*. Unlike the normal policeman, *the private detective does not have the supervision of a hierarchy of the department in which he serves*. He makes the judgments as to the manner in which he acts and the matter in which he becomes involved. By virtue of this Act, he is permitted to intrude upon the privacy of individuals and other

> entities in multiple areas… In conferring such *awesome power*, the state, through its legislature, has prescribed *strict qualifications* for those who would become *licensed* detectives. (*Sentry Sec. Inc, In re,* 417 A2d 190, 195-196 [Pa 1980]; my emphasis)

In the above ruling, the high court assumes (by way of institutionalized myths[14]) that hierarchal supervision inhibits corruption (i.e., public police are not able to be corrupt because of a hierarchy, which private investigators do not have) and, given the legal requirement for a minimum of three year's supervisory experience in a public police department, that *only* former police supervisors have the moral character capable of owning a private detective business. Describing such points in this monograph will not serve to argue correctives, but to demonstrate how field practices are institutionalized.

Assumption 5

Closely related to the fourth assumption, is the fifth. I understand a field of practices as being located in and largely regulated by dominant discourses transmitted through language in narrative form.[15] Discourses are "a specific series of representations, practices and performances through which meaning are produced, connected into networks and legitimized" (Pettersson, 2004, p. 181). Discourses influence the background expectancies that interlocutors bring to everyday social interactions, and regulate much of what is accepted as legitimate or real. In Berger and Luckmann's (1966) framework, discourses are a source of the "recipe knowledge" that constructs our reality.

Discourses are not fixed or neutral (Foucault, 1984). Vidocq's practices in an earlier time cast him as a criminal, in another a legitimate business person. Like Vidocq,

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[14] According to Meyer and Rowan (1977) and DiMaggio and Powell (1983), laws emerge as institutionalized typifications of taken-for-granted practices, are followed ceremoniously as myths, and function as coercive pressures on organizational forms.

[15] I explain this in greater detail later, but for now I should note that I understand life as largely enacted through narrative. Situated discourses, for example, as they share and participate with other discourses in the "texture of communicative praxis" (Schrag, 2003, p. 23), over time produce a dominant social narrative that informs future practices, and vice versa.

individuals are constantly being cast as “types” in the ongoing narrative of everyday life. Discourses help people make sense of their own and others’ actions, but sometimes in problematic and threatening ways. This makes “problematizing” discourses appealing to me. In this project, however, I am only concerned with how pervasive narratives *potentially* regulate investigative practices and shape entrepreneurial opportunities within the field of private investigating.

In keeping with the desire to situate this study in relevant discourses and to use these discourses to understand private investigators’ practices, I forgo a traditional “literature review.” Instead, I provide an introduction to the relevant narratives (i.e., accounts) about investigating and entrepreneurship that influence how private investigators, researchers, and other cultural participants understand these professions. Accounting for and engaging with these narratives comprises the text in chapter 3. By locating my work within the relevant popular and academic accounts, readers should better understand how I arrive at particular conclusions about professional investigators’ practices.

Introduction to the Field of Private Investigations

A Bit of History

The birth of contemporary private investigating, as previously mentioned, has its roots in a turbulent 18th and early 19th century France.[16] The industry’s forbearer, Eugène François Vidocq (1775-1857) was born, according to his own accounts, on a night that “rain poured down in torrents [and] thunder rumbled” (Vidocq, 1935/2003, p. 1). As a result, a midwife concluded that his career “would be turbulent and stormy” (p. 1). His “turbulent career” sets the ongoing dance between deviance and (private) policing, which is at the foundation of modern liberal governmentality, and which

[16] I recognize that forms of citizen-investigating, especially as part of defense work in public trials, probably dates to antiquity. Furthermore, this is the Western story of private investigating and, therefore, it likely has a much older non-Western history.

continues to create profit opportunities for private investigators (see Foucault, 1978/1994). Vidocq was a two-bit thief, army deserter, and convict who spent five years of his life brawling, gambling, prostituting, pickpocketing, and engaging in large-scale brigandage. Despite his multiple incarcerations (and escapes), his fortune changed when he saw profitable opportunities by working as an informant and spy.

Vidocq eventually rose to prominence as a chief of police, criminologist, inventor, Parisian entrepreneur and, eventually, private eye. He started, for example, a paper factory and holds several patents. He is credited with the introduction of undercover work (he was the early "master of disguise"), ballistics, anthropomorphics, record-keeping systems, early forensic laboratory work, procedures of field investigations, and using paid informants. Many of his informants were his criminal friends, and he had no qualms of engaging in graft, extortion, and kidnapping in order to obtain results. As Robin Walz (2003) notes, "the fact that Vidocq retired after fifteen years of official service with assets approaching half a million francs, substantially in excess of his annual salary of 5,000 francs, added circumstantial weight to suspicions that the *Sûreté* chief promoted extralegal activities" (pp. xii-xiii). Through his life and field stories—which are recounted in his *Memoirs de Vidocq* (written around 1827;1935/2003) and inspired his friend Honoré de Balzac's literary works, as well as authors Alexandre Dumas, Victor Hugo, and Eugène Sue—Vidocq emerged as the original "detective as anti-hero" and "hero of the bourgeois." These two hero types continue to be reproduced in modern pulp fiction, the social imagination, and the ongoing melodramas of our socio-political lives (see chapter 3).

The heritage of private investigating in Europe soon made its way to the United States of America where, until around the 1850s, policing largely fell upon private citizens (Weiss, 1979). In this sense, private investigating and private policing preempted the public form. While some major cities began establishing public police

departments and sheriffs were performing some law enforcement duties in the countryside, both were insufficient at providing all the necessary services that came with Western expansion and modernization of cities. Both were also (justifiably) seen by citizens as inept and corrupt (Gaines, 1999). For example, early police forces were under the control of mayors who frequently handpicked officers loyal to them. As a consequence, police protection was often only available to the mayor's political allies and officers would, at times, intimidate and punish adversaries. For example, "being framed" was literally the practice of chiefs of police (likely at the direction of politicians) hanging framed pictures of individuals that were to be closely monitored or toward whom criminal charges were to be fabricated.

It was in this climate of fear that private policing formalized into organized corporations. The desire by the general public to receive higher quality services and to counteract the corrupt practices of the public police created profit opportunities; thus, business for private policing and investigating flourished. The companies were so successful that a Chicago mayor, Republican John Wentworth, provided in an 1857 newspaper editorial the following diatribe:

> [I]t is a lamentable fact that whilst our citizens are heavily taxed to support a large police force, a highly respectable private police is doing a lucrative business. Our citizens have ceased to look to the public police for protection, for the detection of culprits, or the recovery of stolen property. (as cited in Gaines, 1999, p. 24)

While public agencies seem to be far more respectable today, there is a sense among private investigators, some economists (e.g., Roger Koppl), and Civil Libertarians, that citizens are again turning to private detectives to help resolve crimes and injustices that the police are either unwilling to handle or perpetuate. While a private system may be more favorable at times, it does not mean that they are infallible or necessarily better than their public counterparts (see Churchill, 2004). During the early 1900s, for example, private detectives working for the railroads supposedly sent a lot of innocent men to jail,

and hence the phrase “being railroaded” came into existence (Gaines, 1999). Furthermore, serious issues and concerns arise with private military and private policing (which are much different than investigative services) offered by private companies like Xe Services (formally Blackwater Worldwide).

In the early days, neighborhoods would often pay for the services of a private patrol officer. Some private companies provided general services to all citizens (e.g., Chicago Detecting and Collecting Police Agency, established 1857) while others charged businesses a nominal fee for “beat patrollers” who walked the streets and alleys looking for riffraff and checking business doors throughout the night (e.g., Merchant’s Police Company, established 1858). The most successful and comprehensive agency of all was the Pinkerton National Detective Agency (originally North-Western Police Agency; shortened herein to Pinkertons), which provided services to both individuals and businesses. The company was founded by Allan Pinkerton (the self-labeled “Vidocq of the West”; Walz, 2003) and Chicago attorney Edward Rucker. The agency provided security protection, private military contracting, and detective services. Pinkertons famously foiled a plot to assassinate President Abraham Lincoln, provided him protection services during the Civil War (i.e., it created the Secret Service for the Union), and was the prototype of today’s Federal Bureau of Investigations and Interpol (Horan, 1967; Weiss, 1979). Pinkertons was, by all extents, the country’s *only* national police until the early 20th century, employing at times more agents than the standing US Army (Horan). However, it is worth noting that private companies competed more with one another than with public agencies (Gaines, 1999).[17]

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[17] This remains the case today depending on how competition is defined. There are many ways in which the public and private sectors are described in languages of competition. There are areas, for example, in which public and private detectives’ investigations may be at odds with each other. Furthermore, private investigators are not allowed to attend the same training sessions offered to public officers though they are, in some states, regulated by the same government agency. While not the primary focus of

Pinkertons' main source of revenue was government contracts and other large corporations. In 1855, for example, the company signed a contract to protect six railroads for a yearly retainer of $10,000 (Gaines, 1999). Companies like Pinkertons were especially useful to transportation and other interstate companies. With the absence of national public agencies, private investigators could pursue fugitives into any jurisdiction and, therefore, aided public police in this regard.[18] It was the protection of large companies, however, that came to tarnish the reputation of the private industry for a time. During the labor disputes of the late 19th century, private agencies were employed by their clients (e.g., mining companies, railroads, and cattle companies) to infiltrate unions, protect business assets during strikes (which often took the form of agents beating protestors and working as scabs), and enforce homestead laws and other contracts (Churchill, 2004). This often led to volatile and deadly encounters between private agents and laborers. The public grew more resentful of the exploitation of private agencies' power and saw them as doing the dirty work of capitalists. Pinkerton eventually prohibited his agents from involvement in lawful activities of labor unions; Pinkertons' image, however, was so tarnished that the US Congress passed the Anti-Pinkerton Act in 1893, which continues to be a contentious issue for private security contractors.[19] Despite the image of the private investigator having been tarnished, the

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this study, some public investigators moonlight as security and personal protection agents. Depending on city ordinances, these officers may be able to retain their power to arrest and wear their uniform while working as private contractors. The public-private police officers are able to charge more for their "added services" and are often preferred by businesses over the private officer who has very little statutory authority. In this case, competition between public and private entities is most obvious.

[18] Bounty hunters continue this service today; however, private investigators frequently note that there is a "huge ass difference between the two" (Interviewee 5).

[19] 5 U.S. Code 3108; Public Law 89-554, 80 Stat. 416 (1966); ch. 208 (5th par. under "Public Buildings"), 27 Stat. 591 (1893). The U.S. Court of Appeals for the Fifth Circuit, in *U.S. ex rel. Weinberger* v. *Equifax*, held that "The purpose of the Act and the legislative history reveal that an organization was 'similar' to the Pinkerton Detective Agency only if it offered for hire mercenary, quasi-military forces as strikebreakers and armed guards" (see also "*GAO Decision B-298370; B-298490, Brian X. Scott* [Aug. 18, 2006]).

public image of the private eye as a trench-coat and Fedora-hat wearing sleuth who lives a life of mystery continues. This is largely contributed to the image's compatibility with rugged individualism and "truth and justice" narratives (see chapter 3).

As an investigations company, Pinkertons is not as prominent today. Modernization (and militarization) of police departments, the rise of the Federal Bureau of Investigations, changes in legislation, and growth in competition forced large companies like Pinkertons to focus primarily on security service for private entities. In the1960s, the company dropped the word "detective" from its logo and letterhead (Morn, 1982), though it seems to be reemerging. Pinkertons now operates as a division of Sweden-based Securitas AB and is still one of the largest employers of private security personnel in the United States.[20] Besides uniformed guard and security services, Securitas provides specialized consulting services to organizations in several industries through its division Pinkerton Consulting and Investigating (www.securitas.com).

Pinkertons consulting is a potential rival to the small investigative agencies in this study; however, most of the agency owner-investigators I interviewed did not mention them as a potential competitor. This is not inconsistent with the research findings that suggest that rivals are often described as those of similar size, technology, and geographic location (Porac, Thomas, Wilson, Paton, & Kanfer, 1995). In chapter 4, I suggest why small agency size may be fitting to the field of private investigating. I make an argument in chapter 6 that these agencies ought to form stronger associations to counteract the growing regulatory legislation restricting their important investigative practices.

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[20] Pinkertons was acquired, along with longtime rival William J. Burns Detective Agency, in 2001 by Securitas AB. It has over 250,000 employees in over 30 countries. Ironically, Securitas is under union organization through the Services Employees International Union.

A Bit of the Present

Almost all of the agency owners I interviewed were sole-proprietors or had a handful of employees or contractors. Small-to-medium sized companies in the private sector still tend to focus primarily on process serving[21] and security services niches. This is largely due to the fact that economies of scale and knowledge can be achieved in these sectors. While I did interview two agency owners who operated in the process service niche, I primarily interviewed agency owners who focused on general investigative work. This means that most of the agencies were small. Many of the private investigators I interviewed purposefully avoided process serving because it requires more overhead and employees. For them, process serving was a premium or courtesy services they offered to their biggest clients. Three private investigators I interviewed advertise that they specialize in "hard serves." [22] For example, Interviewee 10 serves papers to high profile figures living in Texas border towns overrun by drug cartels. He charges thousands of dollars rather than the typical market price (currently $35-$65 per paper).[23]

After World War II, social and civil changes (e.g., the increase in stricter sentencing rules and the emergence of worker's compensation insurance) increased the demand for paper process and domestic investigations. Defense attorneys and insurance agencies needed a cadre of people to deliver court summons and do other surveillance work. Small private investigator firms were perfect outlets for outsourcing this remedial task, so attorneys and other companies reduced their use of Sheriffs and Constables, who were seen as slow and over priced. (The credit crisis of 2008 has only further pushed the demand for delivery of court summons and eviction notices.)

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[21] "Papers" is the common parlance for court documents and subpoenas.
[22] In other words, people who are difficult to locate, are deliberately avoiding the service of papers, or are high profile and potentially dangerous.
[23] Investigators get paid for a paper even if it is not served, though the standard is three (or more) *good* attempts.

Arguably, the emergence of dual-earner families further increased the opportunity for both partners to use and pay for the services of investigators when they suspected relationship infidelity. Thus, there has always remained a need for the type of data gathering and surveillance services that an individual private eye can provide. Private investigating activities in general, but surveillance in particular, is a labor-intensive activity. With lower overhead and the various rules and regulations of each state, the individual investigator has location-specific knowledge and can provide specialized, client-specific services at a much lower cost than larger agencies. One reason some small companies have a price advantage in surveillance-related cases is due to how they classify field investigators as contractors. This practice may be illegal (see chapter 4), but for now it reduces a small company's tax burden and small companies have not drawn much attention from state and federal regulators.

Until the 1960s, there was little regulation of the private investigations industry. To date, there is still no specific federal law regulating the profession and state laws vary. [24] Some laws, of course, regulate private investigators indirectly (e.g., privacy laws that apply to all citizens). Laws governing private investigators are regulatory in nature and do not specifically authorize any special privileges or powers not afforded to the average citizen. A major concern shared by investigators, and an opinion that I share with them, is that citizens' powers are decreasing at an alarming rate. In the US, for example, the power to obtain and execute warrants and make arrests has been given solely to public police. Until the 1980s, however, one investigator explained that he was able to take out warrants during his investigations into employee theft. Another example is that it is difficult to obtain "public data" about an individual without his or her written

[24] Nine states still have no licensing requirements. These states are Alabama, Alaska, Colorado, Idaho, Mississippi, Pennsylvania, Rhode Island, South Dakota, and Wyoming. In 2007, Missouri implemented statewide licensing requirements. In some states, e.g. Pennsylvania and Rhode Island, a license may be issued by counties.

consent. While this may sound appropriate, it makes it difficult to skip trace, investigate potential business partners, and hold government and business leaders accountable through access to "public data." As is often the case, there are exceptions to some of these rules. For example, bounty hunters and some private police can arrest individuals (see Gaines, 1999; Hankin, 2009).[25] Legislative rules shape fields of practices and create and destroy (profit) opportunities for private investigators. The consensus among interviewees was that regulatory changes have been mostly harmful.

The Private Investigations Marketplace: Perceptions and Financials

The individual professional investigator, despite the various legislative and social changes that influence the field, is not generally at risk of disappearing. While some agency types may vanish, opportunities for profit and employment in private investigations are projected to grow faster than the average for all occupations. The Bureau of Labor Statistics (BLS), which offers the best (not optimal) data about the industry, projects that there will be an 18% increase in employment during the next decade. While job growth will be high, competition will remain keen (U.S. Department of Labor, 2008). The increase in private investigations is due to an increase in heightened security concerns, litigation (despite tort reforms), and the need to protect confidential intellectual and physical property of all kinds. The proliferation of criminal activities on the internet, especially illegal downloading and identity theft, and the proliferation of affordable electronic devices have increased the demand for private (particularly corporate) investigators to control internal and external financial losses, to monitor competitors, to complete comprehensive background checks (which include criminal and assets) of employees, and to prevent industrial spying. The same tools, however, have

[25] Though recently, following the execution of four police officers in Seattle, some political commentators are suggesting that bail bonding be eradicated. This situation could lead to a situation in which only wealthy people could await trial (to prove innocence or guilt) outside of jail.

made it possible for many individuals and companies to do work that once was only possible for private investigators and other specialists with large investments in expensive equipment.

According to BLS (U.S. Department of Labor, 2008), in 2006 there were approximately 52,000 active private investigators in the US. About 30% of these were self-employed. It is these types (i.e., agency owners and sole-proprietors) that were shadowed and interviewed as part of this study. The financial data, calculated by the Department of Labor, does not account for self-employed investigators and there is no agency or association that seems to keep these records. This makes it difficult to know whether the agency owners I interviewed make more or less money than the average corporation-employed investigator, or which sectors are most financially lucrative. According to the BLS, Around 34% of the jobs were in investigation and security services,[26] which would include private detective working for sole-proprietary agencies.[27] Around 9% of those included in the BLS data worked for department or general merchandise stores (e.g., Home Depot). The remaining 27% worked in law firms, employment services companies, insurance agencies, banks, and other corporations.[28] Private investigators who work for a single organization on their payroll (not as a contractor) do not need a license (e.g., for a law firm, insurance company, or other corporation).

Many private investigators, especially those who work as sole-proprietors, are retired peace or military officers. Yet, despite their expertise, private investigators are not

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[26] This figure does not include security guards, who have separate occupational codes OOH 33-9031.00 and 33-9032.00. Security means, for example, corporate espionage and retail guards.

[27] Problematically, many agency owners, despite it being against IRS rules and potentially illegal according to private investigation statutes in some states, “hire” investigators as 1099 contractors (herein referred to as 1099ers). This means that these individuals would likely comprise the 30% of the self-employed calculated by the BLS and, at the very least, skews all of the statistics for the industry.

[28] For example, United Airlines (see Sennewald & Tsukayama, 2006, p. 12).

generally thought of as *professionals*. The first inclination in the general public is to think about private investigators and their covert work following deadbeat parents and cheating spouses. Thanks, in part, to the dominant popular culture and academic narratives, the private investigator is not seen as a competent individual who aids in civil and criminal defenses, investigates murders and workplace deaths, and recovers or thwarts billions of dollars in financial loss for companies each year. Their technical expertise remains poorly understood. For the most part, even private investigators are critical of their colleagues. Many of the investigators I interviewed often complained about the work of other investigators or that there are too many unlicensed investigators operating illegally. More prominent investigators have not been much help to their less-famous colleagues. Lake Headley, for example, claimed to be the greatest private investigator in the world by renowned prosecutor Vincent Bugliosi, wrote the following tirade about the profession:

> I can categorically state that with few exceptions people will be happier, richer, and generally better off if they stay away from private investigators. Until recently most states demanded no requirements whatever from a person wanting to become a licensed p.i., and even today the regulations are laughably lax. In some states all that is needed is the purchase of a business license. The field is wide open for hustlers, con men, adventurers, quick-buck artists, incompetents, and other unsavory characters. (Headley & Hoffman, 1993, p. 20)

This general sentiment, obviously articulated by Headley with a degree of sarcasm and a desire for more professionalization, leads to a conclusion that private eyes would benefit from increased professionalization.

Professionalization, or at least the perception thereof, may increase the wages of investigators. There may not be a causal relationship between the perception of prestige and the wages of public and private investigators. There is, however, a discrepancy between the two. The median wage of an employed private investigator in 2008 was $20

per hour or $41,760 per year (U.S. Department of Labor, 2008).[29] This figure is consistent with the wages paid to the 1099ers who worked for the investigators I shadowed.[30] Their public counterparts, however, made a median wage of approximately $30 per hour or $60,910 per year for a "full-time" employee (U.S. Department of Labor, 2008).[31] Based on interview data, agency owners were consistent with the occupational data provided by the BLS for the top 10 percentile wages (approximately $75,000 net profit). However, some were much more financially successful. Eight of the investigators who participated in this study were making more than $250,000 net profits. But about the same number of those I interviewed suggested that they are lucky to make $30,000 a year in profit. Nearly 33% of the individuals I interviewed were retired law enforcement or military, so much of this income was merely supplementary to their pensions.

Interestingly, almost all of the agency owners that I interviewed were thriving in the midst of the recession which began in early 2008. It seems that the continued high level of divorces, child custody disputes, parent-child kidnappings, domestic abuse, marital and relationship infidelity, home invasions, and fraud continue to drive the demand for investigators' services. The proliferation of internet social networking sites in general, and cheaters and sex sites in particular, will likely continue to increase the need for both personal surveillance and electronics analyses. Additionally, increases in addictions and mental disorders may continue to drive demand for the need of private investigators in business and domestic sectors. With public law enforcement focused upon illegal drug suppression and violent crime reduction, private investigators are likely to be retained by small- to medium-sized companies to investigate employee theft, (potential) business partners, suppliers, and customers, and other property or intellectual crimes perpetuated against them.

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[29] See §33-9021; http://www.bls.gov/oes/2008/may/oes339021.htm
[30] Most contractors were paid $15-20 per hour for investigative work.
[31] See §33-3021; http://www.bls.gov/oes/2008/may/oes333021.htm

This is not to say that public police are disinterested in the concerns of business victims; however, in budget-strapped municipalities, the police may not be able to undertake a lengthy investigation to recover property. The goals of public investigators are to protect “the people” and not a single organization or person, which *is* the *principal* goal of a private detective (Sennewald & Tsukayama, 2006). The goals of private and public detectives also differ in regard to desired ends. The public investigator is seeking prosecution for crimes committed against the public-as-victim and gains prestige based on this goal; the private detectives’ goals are to protect the pecuniary interests of their clients and seeks financial profit for doing so (though profit can increase with prestige). Thus, if a valet parking agent is suspected of taking items from customers’ cars or an employee is stealing merchandise or vandalizing business property, this is not going to receive the same priority for a public detective as the string of robberies in the community. However, a company often wants to avoid any public knowledge of the investigation or the crimes its employees commit. In the case of valet parking agents, the goal of the company may be to catch the thief and avoid negative publicity. In short, the private detective agency of today continues to play an important role in protecting private property and interests, as well as maintaining institutional orders.

Defining Private Investigator

Up until now, I have been using the term private investigator rather loosely. It is obvious that I am talking about small agency owners and not investigators who work for large corporations. I would like to specify exactly how private eye (agency owners) is to be understood within this text. By definition, a private investigator is any individual who engages in the practice of examining, studying, searching, tracking, and gathering of physical or testimonial evidence with the objective of serving the (profit) interests of an individual or organization. Based on this definition, an investigator who works as a loss-prevention specialist, accident investigator, sexual harassment investigator, or internal

computer forensic specialist (just to name a few) for corporations like Wal-Mart, American Airlines, Liberty Mutual Insurance, or Citibank are, by definition, private investigators. In this study, however, these investigators are of little interest and are referred to as *corporate investigators*. They are employees of a corporation rather than a private detective agency. I have not considered them as entrepreneurs, even though they engage in entrepreneurial activities for their employers.

The private investigators of interest in this study are those who operate their own private investigations agency (with or without employees) and are small business owners (i.e., less than $7 million in sales[32]). I have studied private investigators that fit the dictionary definition of an entrepreneur: “one who organizes, manages, and assumes the risks of a business or enterprise” (www.merriam-webster.com). In many instances, entrepreneur-private investigators frequently do work for large companies and may even be kept on retainer. However, they may advertise and be engaged in several different types of investigations simultaneously. Typically, the entrepreneuring private investigator is a generalist, though several interviewees have been able to find lucrative niches as specialists.

Whether a private investigator considers him or herself a legal investigator, corporate investigator, insurance investigator, employee background specialist, or computer forensics expert (just to name a few), they were of interest to this study only if they could be considered, literally, their own boss. This is an important point for me to belabor because there are individuals who call themselves legal investigators and, by definition, are private investigators even though they do not have a license (since they work in-house for a civil or defense attorney). Needless to say, they do not likely worry about the day-to-day operations of the business where they work (i.e., law office). In this

[32] Based on US Small Business Administration *Table of Small Business Size Standards*, 2008.

instance, the professional as entrepreneur is an attorney, not the investigator. On the other hand, there are private investigators who are entrepreneurs but only work for legal defense attorneys (i.e., they are legal investigators). Furthermore, as the brief history above demonstrates, complications further arise since laws frequently change. During this study, for example, Texas passed a law requiring all computer analysts and electronic forensic specialists to obtain private investigator licenses. These individuals, who operate their own computer business and do “investigative work” (a very vague term) for multiple clients, must now be licensed as private eyes. This not only created and destroyed opportunities for some, but it raised an issue about cross-pollination and competition between professions. Some computer forensics professionals are now begrudged private investigators (legally), but would rather not classify themselves as such. They consider themselves computer experts, *not* investigators. Yet, some of the individuals I interviewed do computer forensic work as private investigators. In short, the subjects who participated in this study had to identify as a private investigator, meet the criteria of licensure in their state, and operate their own business.

Why this Study?

The purpose of this project is to provide accounts of the social and cultural practices of private investigators as entrepreneurs. Through these accounts, I describe how private investigators are also “entrepreneuring” in everyday communicative interactions, which includes the recognition of opportunities that emerge from within everyday practices. From a pragmatic and methodological perspective, I chose this topic for four reasons: 1) accessibility, 2) previous experience and personal interest; 3) a seemingly high level of interest among scholars and non-scholars alike (i.e., greater chances of publication); and, 4) my perception that private investigators are highly entrepreneurial and use the everyday lifeworld in opportunistic (not solely profitable) ways. In various contexts, I have observed private investigators’ everyday

conversations with one another, with their clients, and with "professional gatekeepers" (e.g., TALI). In this text, I have tried to account for the economic, historical, social, and discursive conditions, as well as popular narratives, that create and constrain the possibility (i.e., opportunity) for doing private investigating (e.g., using one's gender and race strategically) and becoming a *legitimate* private detective (e.g., laws).[33]

This project informs entrepreneurship studies by adding another account of prosaic entrepreneurship from a process-oriented perspective (see Hjorth & Steyaert, 2004), informs communication theory by demonstrating the entrepreneurial dimensions of language and discourse (see Schrag, 2003), informs institutional theory (in organization studies) by providing an account of how the private investigations industry is ceremoniously enacted (Meyer & Rowan, 1977), and informs all three disciplines by demonstrating how shadowing actor-networks can provide new insight into how our social world is constituted through private investigators' work. I hope, however, that my project will be of some utility to investigators, who generously granted me access to their business lives. If nothing more, I hope that this research will provide a better understanding of the complexity of their work and its importance to our society, regardless of how ordinary much of it is. Few would argue that *private* investigators are engaged in business enterprise, yet there is little discussion about the entrepreneurial practices of private investigators. Finally, I hope that we may all benefit by an artifact that, while not a direct challenge to popular and neoclassical beliefs about our economy, reflects an alternative perspective of entrepreneurship. On that note, just a reminder: I

[33] The term "legitimate" is used to designate the institutionally recognized rather than the culturally accepted. For example, a person may appear to cultural others as a private eye and be hired to do investigative-related work, but may not be legally-authorized to do this work. Additionally, a legally-authorized professional investigator may appear to cultural others as not very "PI-like."

am interested in *describing practices*. As such, this project is largely a descriptive, not a prescriptive, project.

This document will answer many questions, but also create new ones. The value of using an interpretive approach and praxeological writing style instead of a scientific, logic-centric style is that it helps encourage new engagement with the social world. To loosely paraphrase van Maanen (1995): through our style of textwork, theory becomes and answers emerge. Through the descriptions of the accounts herein, we may find a path to understanding that at first remains unobserved; or in the case of this study, a metaphorical street lamppost that allows us to see our subject(s) more clearly. Just as bits of data (a video, a photo, a conversational moment) inform our descriptions and theories, so too do our descriptions and theories inform our data. What is data without pre-understanding of what we should be looking at anyway? And just as I could not deal with all the fascinating topics that emerged in the field, I understand that my written accounts herein may generate unintended or alternative interpretations. I do not discourage readers for snooping them out.

Finally, and not an equivocal detail because I present it last, I must note that in order to maintain an ethical relationship with private investigators I have used techniques that may describe a practice but obscures, alters, or leaves out details. At times I have been obliged to leave out entire field descriptions. While I describe the individuals I shadowed and their practices in Appendix B, I have at times obscured from which investigators certain practices were observed. For narrative fidelity, I have tried to divulge as much information as I can; for ethical concerns, I tried to keep some practices in the shadows.

I am also aware that there was some information that I was not privy to while in the field. In order to maintain the integrity of their work or to project a particular image, some investigators did not allow me access to certain meetings and many may have

used impression management to try to control my perceptions. I have tried to provide indications of when this happened. However, this generates even more interesting questions. If investigators tried to manage impressions then they had to use deception in order to do so. They are, in some sense, “masters of deception.” Much of their work, as mentioned above and described in greater details later in this document, requires that they engage in (deviant) pretexting practices in order to uncover others’ “deviant” behaviors (Shulman, 2007). If they are masters of deception, is it even possible that I would have been able to tell when they were trying to impress something on me? And, if I could, were they failing at their professional practice? Or does this show they are good at entrepreneuring?

Given the unending possibilities of such questions, I suggest that this document be read using the same advice I gave myself while in the field: much can be gained by paying attention to what remains obscured, hidden, or unobservable. Sherlock Holmes (Doyle, 1892/2009) gave us useful advice about paying attention to these pesky, (hidden) prosaic details:

> *Inspector Gregory:* "Is there any other point to which you would wish to draw my attention?"
> *Holmes:* "To the curious incident of the dog in the night-time."
> *Gregory:* "The dog did nothing in the night-time."
> *Holmes:* "That was the curious incident."

My desire to account for the small details that are seen every day but often go unobserved guides this look into the everydayness of two entwined creative practices—private investigating and entrepreneuring.

CHAPTER 2: METHODOLOGY & METHODS

Why I Begin with Method(ologie)s

Researchers following standard protocol usually follow an introduction by discussing relevant literature and recent theoretical developments or limitations in their field. I am breaching this normative protocol for three pragmatic reasons. First, I want to forefront that I am much more interested in working with and describing “social stuff” (which includes non-tangible things like ideas) than “theorizing” about social phenomena.

Second, I entered this project first as practitioner and then as researcher. I did not do a literature review before engaging as a participant-observer in the field of private investigating. I was first a private investigator and then an ethnographer. When I decided to study the field of private investigations from an entrepreneurial perspective as a researcher, I used primarily “ready-at-hand” stock knowledge (admittedly scholarly readings comprise a large portion of this knowledge) to develop my approach to the field. I prepared by reading literature on methodologies and methods used by praxeologists and ethnomethodologists. For pragmatic reasons, I eventually settled on shadowing methodology.

Finally, I initially avoided a literature review about private investigators because I did not want to be too influenced by scholars’ “explanations,” “legitimations,” and objectivations of second-order constructs regarding the profession (Berger & Luckmann, 1966; see, especially pp. 92-104). I conceptualized private eyes as individuals who must engage in entrepreneurial praxis and went to the field to see just how they practice their profession as entrepreneurs. Similarly, I do not want to lead readers with academic explanations before they more fully understand how methodological choices color my observations and writing choices.

I have always thought that beginning with a literature review is a peculiar way to explain one's ethnographic research. It is certainly a way to demonstrate to an audience that the author is in touch with current research trends and the scholarly conversation. But the questions we ask as researchers and the results that we find have as much to do with our methodological attitudes, access to instruments, and paradigmatically sanctioned practices as with the literature we read. Beginning with theoretical discussions, while an effective organizational pattern, is not the only way to begin. For some research it is a poor way to begin. Human studies research that focuses on the everyday speech and prosaic practices of actors in their own contexts is an example of such research. It is best to focus foremost attention on the narratives and methods social actors rely on to hold together their social order.

Focusing on methods first makes sense in that we are always already in need of *a way*, more than anything else, to pursue actors and objects. As certain contemporary rhetoricians and philosophers have noted (e.g., Walter Fisher, Ernesto Grassi, and Martin Heidegger), in the beginning was the *logos*, which, in the early days, "meant story, reason, rationale, conception, discourse and/or thought. Thus, all forms of human expression and communications—from epic to architecture, from biblical narrative to statuary—came within its purview" (Fisher, 1985, p. 74). It was because of *logos* that a God could say "Let there be light." But for this statement to be actualized there had to be a method or, more accurately, a *methodus*. And, like *logos*, *methodus*—derived from the words "meta" (after) and "*hodus*" (a traveling, way)—used to be richer in meaning. In the early days it meant "pursuit, following after" and not just "scientific inquiry." It seems accurate to say, therefore, that if we want to understand a phenomenon, we are always in need of a *methodus* to pursue after the *logos* that it follows (literally, method allows us to "shadow" praxis). The method we choose will affect what and how we observe.

My Connection to Other Praxeologists: A Methodological History

My fascination with method began when I was a child. I never was much interested in *general explanations* of *why* stuff happens; I was more fascinated with the *particular details* of *how* stuff happens. It was for this reason that I was always interested in political activities (namely rhetoric) and entrepreneurship. My family has both politicians and entrepreneurs. I used to love to watch them work. I diligently observed how they interacted with others and how these interactions either succeeded or failed to obtain a marginal gain for interactants. Sometimes I would have to wait patiently to see whether a particular communicative event or persuasive claim had much effect. Often, I would have to search for answers: "So whatever came of such-and-such?" I had already begun living an ethnographic life.

I paid close attention to how my parents' businesses operated on a day-to-day basis, which is to say I watched *work practices*. I observed my mother "keeping books," "drafting contracts," "moving push pins" from one jail and state to another jail and state on a map (i.e., coordinating van movement), and "calculating profitability" based on the most cost-effective route.[1] Of course, this was all contingent on which jails were able to board transportees and interstate commerce commission regulations (i.e., institutionalized rules). When a decision was reached regarding the "best route"—which it never really was—my mom would have to wait to hear from the drivers who made phone calls frequently from gas station pay phones (this was before cost-appropriate cell phones). Plans were always contingent on whether the drivers had traveled beyond a specific point. I observed arguments between my parents and their employees, between my parents and their investors, and between my parents. In short, I was observing how

[1] My parents owned a private prisoner extradition and transportation company for several years.

their business practices shaped the business, but also how the business shaped their everyday non-businesses practices. I was captivated.

I had some of my own enterprises too. I made a small fortune as an adolescent by mowing lawns for neighbors and transporting and selling Little Debbie snacks and other candies to neighborhood kids at a 20-500% markup. I started my first legal business enterprise, Alternative Frequencies Music Entertainment Services, when I was 15 years old. I provided music entertainment with a professional light show at high school and university dances, weddings, and other special engagements throughout Wyoming and Colorado. That I did these things is not that important. What is important, as far as this project is concerned, is how I accomplished them. The practices required to be an entrepreneur felt natural because I had a significant amount of ready-at-hand "stock knowledge" from observations of my parents' practices. Growing up in a political and entrepreneurial home helped me cultivate various *technai*—particularly rhetorical ones—for successful engagement in marketplaces. I picked up the "tricks of the (entrepreneurial) trade" while hanging around my mother like her shadow. I learned that *being in* business required far more than a motivation for profit. I learned how to account for and be accountable to institutions, objects, and other people, which are important to business success. I needed to know how to build and maintain relationships, write a business plan, sign contracts, pay bills, advertise my services, track money in and out of the business, and so on.

My high school fortunately offered many business-related courses as part of their vocational and technical education program. When I was in the ninth grade, I took accounting and economic classes. I liked my other subjects, especially literature and public speaking, but I treasured double-entry accounting. I enjoyed watching how data moved from one account to another, producing information while remaining in balance (barring human error). Crediting one account meant debiting another, for example.

Placing a transaction onto paper required a bookkeeper's decision, which was already based on rules and regulations and a projected report, but the numbers also seemed to want to move on their own. They coaxed the bookkeeper into moving them. From the various meticulous and traceable movements of these figures, balance sheets and income statements could be generated. These "statements" (the numbers were given a voice!) performed for, but also per-formed, stakeholders.[2] Most importantly, they made it possible for interested parties to make decisions.

Any financial statement is an assembly of several movements of numbers, themselves being assemblages, into a single space and place. These assemblages of numbers are based on various interactions between actants (e.g., a bookkeeper and a number and a number and an equation). At the source of any number, nevertheless, is an actant-to-actant interaction. This transaction typically involves a human actor (e.g., a transaction between a car salesperson and a car buyer or a commuter and an electronic ticket kiosk); however, in our computerized world it is possible for computers to now interact and produce transactions without human involvement (e.g., robotic pharmacists filling computer-generated orders, electronic trading systems, and cars operating with a sat-nav system). Transactions are, after all, interactions involving exchange. In terms of financial accounting, they are merely translated into numbers—usually very quickly in a taken-for-granted process (think of any sales transaction at a register) and (eventually) entered into an accounting regime. These (human) interactions, from a qualitative researcher's perspective, remain in need of descriptions. Receipts, in other words, tell a story of a real-life transaction (as long as everyone was being honest) and they set into motion (i.e., mobilize) other workplace practices. For example, once a receipt is produced, the document needs to be entered into an accounting program (or books).

[2] A stakeholder with a balance sheet is an actor-network (discussed later), each works on the other in a transformative process (e.g., balance sheet-analyst or manager-cash flow statement).

Often a computer does this, or more accurately an algorithm in the cash register that communicates with accounting software, which makes this process appear seamless. Sometimes, especially in small businesses, a human inputs the reduced-to-numbers transaction into a computer program (e.g., QuickBooks) at the end of the business day. The various numbers that move into the ledgers from receipts are later used to produce various statements that not only legitimate the company, but also put into motion yet more actors' practices (e.g., the Internal Revenue Service) and procedures (e.g., calculating tax based on the "net profit" itemized on the income statement). These are all fascinating practices worth inquiring and qualitatively writing about, and they are what produce businesses operated by entrepreneurs.

No matter how we convert all these different activities into bits of data—such as field notes, receipts, or digital recordings—they are always traceable backwards (some easier than others) to real-life interactions: to agent-customer conversations, to "inventory manager"-"distribution agent" discussions, to executives writing memos, to public relations personnel creating press releases, and so on. Each of these interactions and transactions produce their own (multiple) accounts that are translated into various data (some numerical and some linguistic) that become "objective" and, therefore, easily moved around other fields of practices. The production of these objective data can also be observed by researchers (a primary goal of strategy-as-practice research).[3] Accounts are traceable backward, but they can also be projected forward as "five-year plans," "market projections," and "organizational environment and climate predictions." In short, activity is always already in some other place (see Strannegård & Friberg, 2002). This is what fascinated me most about accounting: a never ending stream of interactions and transactions, some of which were contingent upon the very accounting practices that

[3] If the goal is to observe the practices that produce objective phenomena as they happen, then shadowing or other participant-observation research is a good method.

were “keeping a record” of other transactional interactions, but all of them having an origin in—for the most part—human interactions.

I would have continued studying accounting and pursued a career as an *accountant of finances* if it wasn’t for managerial accounting; which is, in my opinion, overzealously oriented toward the manipulation of numbers more than actual marketplace transactions. If I had become a public accountant, I never would have discovered ethnomethodology, which allows me to be an *accountant of social and institutional practices*. Ethnomethodology is the study and detailed description of what methods people use to maintain social order. The word *ethnomethodology* was coined by Harold Garfinkel and is developed on a very simple idea: “If one assumes…that the meaningful, patterned, and orderly character of everyday life is something that people must work constantly to achieve, then one must also assume that they have some methods for doing so” (Rawls, 2002, p. 5). The beginnings of ethnomethodology, according to Anne Warfield Rawls, partly began in a “theory of accounts” course that Garfinkel took during his undergraduate years. He came to understand that putting items into an accounting worksheet was already a social construction and “…that construction was accountable to superiors and other agencies in a variety of complex ways” (Rawls, p. 10). Written accounts of people’s mundane interactions can highlight the ways in which our everyday practices are accountable (in all the various meanings of the word). This is what makes ethnomethodology so appealing to and compatible with narrative approaches to praxeology.

Since the modern social world is composed of a large number of interactions that are marketplace transactions, it is not surprising that many of the early phenomenologically-inspired sociologists and economists (i.e., praxeologists)—who

spent time together at the infamous Vienna *Miseskreis*[4] (e.g., Ludwig von Mises, Ludwig Lachmann, Friedrich Hayek, Felix Kauffman, and Alfred Schutz)—had business- and political-related experiences before and during their academic tenures. For example, Alfred Schutz was the executive director of a bank and von Mises's father was a prominent railroad financier. Garfinkel helped his father in a furniture business and this "had some unpredictably happy results" because it was germane to his theories regarding ethnomethodology (Rawls, 2002, p. 9). Garfinkel borrowed heavily from Schutz's work and, therefore, ethnomethodology brought with it much of the phenomenological thrust of praxeology that was collectively developed (though pursued with slight variations) by *Miseskreis* discussants. The pragmatic experiences of praxeology's progenitors must have contributed to their belief that social phenomena should not be solely studied and explained through experimentation or abstract mathematical models. I like to speculate that the early praxeologists learned from their practical business-related experiences—just as I did through observation of my parents' and my own business practices—that it is in the prosaics of everyday human (inter)actions that things like markets, economies, and societies are produced and maintained. In order to understand these phenomena as researchers, we only need to make accounts of others' or our own practices.

Making an "Account" of Prosaic Entrepreneurial Praxis in Marketplaces

The reason I begin with methodology rather than with a traditional literature review should now be clear. As a praxeologist, I begin with the assumption that the

[4] The *Miseskreis* was a fortnightly gathering of a group of Viennese intellectuals from 1924 to 1934. The discussions were formally led between 7:30 pm and 10:30 pm by Ludwig von Mises in his office at the Chamber of Commerce. Informally, these meetings continued at Café Künstler until 3:00 am (Alfred Schutz was usually the last to retire). Among the participants were some of the most preeminent thinkers in Europe. They discussed many issues, but the most popular topics were social science methodology, economics, and history. A favorite topic was Weber's *verstehen* sociology and the ideas of Edmund Husserl (Caldwell, 2004; see also www.mises.org).

objects and subjects of the social world are (re)constituted through ongoing mundane and taken-for-granted practices. I am interested in observing and describing the ongoing interactions among various actants, which include both human and non-human subjects and objects. I am practicing the role of accountant of the communicative, social, technological, and cultural dimensions of the private investigations profession, which generates products and services that are "valuable" both monetarily and non-monetarily. In other words, I want to make an account of and account for profitable entrepreneurial practices in the marketplaces[5] of private investigations.

I use the terms "marketplace" and "account" throughout this study because both are etymologically rich words that work well with a praxeological report of prosaic entrepreneurship. Regarding marketplace(s), I adhere to Michel Callon's (1998) distinction between the neo-classical definition of the market and a more heterodox notion of marketplace. As Callon indicates, "while the market denotes the abstract mechanism whereby supply and demand confront each other and adjust themselves in search of a compromise, the marketplace is far closer to ordinary experience and refers to the place in which exchange occurs" (p. 1). This definition of marketplace brings back the Greek root of the word *agora* (place of assembly) as both a commercial and political space where people went to shop (*agorázō*) and to speak in public (*agoreýō*). *Agora* is the ethos in which the texture of entrepreneurial praxis is linguistically and practically opened up. In short, the marketplace is the space of communitive praxis where a praxeologist desires to do research.

The private investigators marketplace is not a physical location (like a traditional farmer's market), but is a set of conditions that open up the possibility for exchange

[5] I use the plural form here because there is not just one central place (even metaphorically) where private investigators and other constituents (e.g., clients and targets) engage in economic exchange of goods and services.

among various agents.[6] As with other entrepreneurs, therefore, private investigators' object of concern is not economic abstractions (e.g., profit, price, supply, or demand) but the ability to engage in (their) trade. Yet despite this obvious conclusion, many economists and scholars of entrepreneurship studies have almost completely lost focus on marketplaces and, instead, preoccupy themselves with playing around with economic and market abstractions.[7] Ronald Coase (1988) notes that in economics "the discussion of the marketplace itself had entirely disappeared" (p. 3). This would almost be laughable if it did not carry with it such significant loss, which Rajani Kanth (1999) captures in a curt yet eloquent manner: "The apparent rigour of mathematics was recruited avidly by neoclassicism to justify and defend its truistic, axiomatic, and almost infantile, theorems that deeply investigated but the *surface gloss of economic life*" (my emphasis; p. 189). The goal of research should not be to gloss, but to provide deeper understanding. Detailed descriptions achieve this goal. Private investigators may produce economic data that can be abstracted (e.g., gross domestic product based on sales) and may largely come to a similar price point without explicit collusion, but to understand *how* they do so requires observation of their everyday practices.

Regarding "account," I draw on the connotative richness of the word as bookkeeping and narration. The benefit of using the word "account" when writing about economic agency is explicated by David Stark (1998):

> Accountants prepare story lines according to established formulae, and in the accounting of a good storyteller we know what counts. In everyday life, we are all bookkeepers and storytellers. We keep accounts and we give accounts, and most importantly, we can all be called to account for our actions. When we make such an accounting, we draw on and reproduce social orders. (p. 133)

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[6] Describing these conditions is a central preoccupation of chapters 4 and 5.
[7] This is a concern for many in these disciplines. D. North (1977), for example, notes that "it is a peculiar fact that the literature on economics… contains so little discussion of the central institution that underlies neo-classical economics—the market" (as cited in Callon, 1998, p. 1).

Praxeologists are bookkeepers. They maintain detailed field notes when doing ethnological work and they try to categorize these details into coherent themes. Clusters of words and claims come to *account for* various themes that generate theoretical reports. Just like an accountant of finances, the praxeologist must maintain his or her books with meticulous care. If the praxeologist is poorly trained, is not careful with the type of information gathered, is not cautious with how various notes are thematized, and is not trained in how to read various "outputs" of potential theoretical contributions, then he or she is likely not capable of offering anything of theoretical or pragmatic value to a scholarly field. As the popular technological saying goes, "garbage in, garbage out."

Praxeologists are narrators. They must be able to make sense of a large amount of data, summarize it, and assemble information in written reports. They also collect accounts from practitioners (most often through in-depth interviews or participant diaries) that can later be used to find common themes and insights into how practitioners understand and conceptualize their field of practices. In giving an analytic assessment of any sort, whether from ethnological field notes or in-depth interviews, strong rhetorical and narrative skills are necessary if the praxeologist hopes to generate useful written accounts of economic practices that can be interpreted and understood by other scholars, practitioners, and lay citizens. This point has become especially lucid since Deidre McCloskey's (1998) rhetoric of economics projects, which have demonstrated that even the most mathematically rigorous arguments tend to rely on common rhetorical tropes and persuasive strategies.

Because it follows a more classical sense of persuasion and influence, McCloskey's definition of rhetoric is perhaps limited. However, by using her supported findings while drawing on the epistemic and constitutive rhetorics literature (Brummett, 1990; Charland, 1987; Hyde & Smith, 1979; Hartelius & Browning, 2008; Scott, 1967, 1993), it is plausible to argue that the various artifacts, tools, and statements of social

scientists not only represent a field but actually perform fields of practices, marketplaces, and economies. For example, a claim by academics and consultants about entrepreneurship and private investigations, or a measurement that captures and rates the performances of entrepreneurs and investigators, will continually shape and reshape how various constituents engage in their everyday practices regarding a particular phenomenon. As Callon (1998) states, “not only do [business] tools contribute very largely to the performation of calculative agencies and modes of calculation, while allowing the constant reconfiguring of these agencies, they also contribute directly to the shaping of discourse through which these agencies account for their action” (p. 26). Praxeologists must understand, consequently, that their accounts are shaping the field as much as the field is shaping their descriptions. If accounts suggest that competition is better than collaboration in generating higher returns on investment, then competition will be keen, providing further explanations and justifications for an entrepreneur’s competitive attitude. Similarly, if an entrepreneur talks about his or her competitive attitude then this will undoubtedly be a part of the account that generates the narrative the praxeologist writes. But this is the ongoing process of *evaluation* in which all participants in any marketplace must engage: they make individual judgments that are always already collective. Over time, these judgments come to validate some accounts and discredit others.

Since the methodological goals of this study were to observe entrepreneurship and economic exchange “as it happens” (Brundin, 2007) and to provide an account of how private investigators are accounting for the opportunities and threats that they perceive as entrepreneurs, I used both participant-observation and interview methods. From my field notes and interview data, I have made sense of how investigators’ (communicative) practices are constitutive of, and constituted by, specific “social realities.” Their professional associations, institutions, organizations, regulatory laws and

bodies, as well as larger ones like markets, capitalistic forces, family, and so on are co-constituted through their prosaic activities. The report of my findings in chapters 4 and 5 are presented as praxeological accounts. Having obtained detailed notes about how investigators engage with their world and what observable (i.e., "objective") artifacts they leave in their wake, I have described how these various individuals' practices and artifacts make up their field of practices.

Interviewing, as an accepted and legitimate research practice, has already been well described in the literature (see, for example, Kvale & Brinkmann, 2009; Lindlof & Taylor, 2002). Interviews provide researchers with an understanding of how others understand their world, but it is not typically useful for understanding practices as they happen. Interviewees, in recalling events, may not be able to remember how something happened and will likely omit details. For this reason, "interview material is always material for studying the dominant discourse (and deviations from it)" (Czarniawska, 2008b, p. 9). Recently, qualitative interview practices have been criticized for being more like interrogations rather than honest development of *inter*-"views" between the researcher and his or her subjects (Kvale & Brinkmann, 2009). I have tried to adhere to a policy of conducting interviews in a dialogical and "research-as-conversation" manner.

In order to get detailed field notes of practices that I could use to understand practices *in situ*, I needed a (legitimate) method for collecting observations. I chose to use a method described as shadowing. Shadowing has until very recently been void of any serious methodological discussion. For this reason, the following in-depth discussion of the method serves to be both a guide and an argument for this emerging method.

Shadowing Methodology

While techniques similar to those used by contemporary shadowers have appeared in classic management studies (e.g., Mintzberg, 1970, 1973; Walker, Guest, & Turner, 1956; Wolcott, 1973), the particulars of shadowing, as its own distinct

methodology, are emergent.[8] To date, shadowing remains under-described in the research methods literature and has been used to describe a whole range of techniques and approaches (McDonald, 2005). While *qualitative* shadowing shares a kinship with ethnographic fieldwork and other participant observation methodologies, it has many methodological differences that make it unique and valuable in its own right.

In recent years, Seonaidh McDonald (2005), Barbara Czarniawska (2007), and Dominique Meunier and Consuelo Vasquez (2008) have tried to enlighten shadowing with thorough ontological, epistemological, methodological, and theoretical discussions. Borrowing from these articles, I will add my own voice to the debate by clarifying what I think ought (not) to count as quality shadowing research. Because a style of research similar to "shadowing" can and has been used by positive-functionalist scholars to engage in structured observation (e.g., Polite, McClure, & Rollie, 1997; Walker, et al., 1956), I want to emphasize that the discussion that follows is limited to qualitative-interpretivism (see Burrell & Morgan, 1979).

I present axiological claims in favor of practicing qualitative shadowing in specific ways. This is not to suggest, however, that the method is to be avoided by researchers in other paradigms. I have little concern with how positive-functionalists, for example, use the term shadowing when describing acceptable research protocol. Given that shadowing typically focuses on a select individual, is disruptive to the environment in which it takes place, and requires ongoing communication between the shadower and shadowee, it is not likely to be embraced by most positivists any time soon.[9]

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[8] In Appendix A I provide a list of studies that use shadowing-like approaches to the field. As the list shows, only a few use it by name.

[9] Shadowers using an interpretivist epistemology may engage in quantification activities, in particular they may gather descriptive statistics of activity frequency (of course no inferences can be made). However, in keeping with an interpretivist approach, the researcher does not enter the field with pre-determined categories but rather allows them to emerge organically. Pragmatically, research using *a priori* categories does not make sense. Mintzberg (1973) criticizes such research not on the basis of its

I am concerned only with developing an argument for how the method should be used by praxeologists and other interpretive researchers, in particular those doing organizational (communication), professional, and prosaic entrepreneurship studies. I will flesh out what ought (not) to be considered appropriate research protocol—i.e., what is observable, where one can shadow, how data is to be accounted for in field notes, and the *telos* of such research. In general, my overall perspective is very liberal. However, in keeping with praxeological sensibilities, I will argue that in most circumstances scholars should not engage in "critical" approaches or provide explanations. In other words, description should always be followed by more description.

Shadowing and Field of Practices Defined

"Shadowing" is defined by *Merriam-Webster Online Dictionary* in two ways that fit this study well: a.) "to follow especially secretly: trail"; b.) "to accompany and observe especially in a professional setting." As this definition implies, shadowing is a rather common social practice. Young medical students shadow doctors to learn how to make rounds and interact with patients. Junior electricians shadow senior electricians to learn how to follow rules and regulations. In some municipalities, citizens can shadow police officers to learn how they work a beat. As part of their activities when working a case, private investigators shadow suspected cheating spouses, their clients' potential business partners, and workers suspected of stealing from their employers. Agency owners—who, as I will later discuss, often do not implement formal training programs—train most of their field investigators by having them shadow a senior investigator.

The above examples fit the general definition of shadowing used by organization studies researchers: "following selected people in their everyday occupations for a time"

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philosophical heritage but on the basis that researchers who make use of pre-determined categories "are, at a higher cost, offering little more than a diary method" (p. 227).

(Czarniawska, 2007, p. 17) and “following a person… walking in his or her footsteps while taking many field notes” (Meunier & Vasquez, 2008, p. 167). These definitions are not limited to research of actors engaging in their occupations, but could entail shadowing other “types” of subjects: consumers (Miller, 1998), pupils (Sclavi, 1994), families (Lareau, 2003), and marginalized citizens (Capote, 1975). In the social science literature, shadowing is typically used as methods of experiential learning, recording behavior, and understanding roles and perspectives, the latter of which specifies an interpretivist perspective (McDonald, 2005). Meunier and Vasquez (2008), building on McDonald’s argument, suggest that shadowing literature to date can be classified into the managerial (e.g., Mintzberg, 1973), the human cognitive (e.g., Reder, 1993), and the ethnographic (e.g., Bruni, Gerardhi, & Poggio, 2005). They develop their own conceptualization of shadowing as a communicational approach. While I find McDonald’s article more useful in terms of a classification around distinct research paradigms (i.e., functionalist and interpretivist), the communicational approach described by Meunier and Vasquez is clearly interpretivist and, borrowing from Latour (2005) and Michel Callon (1986), considers both human and nonhuman actants within the organizational environment.

Nonhumans and nonliving objects can also be qualitatively shadowed. Deborah Gordon (1999), for example, shadows ants in the Arizona desert to understand how “zillions of ant acts” add up to organized colonies despite their lack of any formal leadership (p. x). From detailed observation and shadowing, she is able to postulate that there is nothing queen-like about the queen, just her ovaries—“she has no special authority or privileges” (p. 13). This insight was a result of careful observation of ant practices from ant-level observations. Gordon does not just study the colony; she studies individual ants as they work along the desert floor. As she notes, “Zoom in, you see the ants—zoom out, you see the colony” (p. viii). Likewise, it is just a matter of personal

desire, focus, and *access* for qualitative social researchers who study human actors. Zoom in, see the actors—zoom out, see the organization, culture, society, and marketplace. Studies of organizations can be ethnographic in character (focusing on many cultural others and their performances in a given setting) or the ethnologist can shadow specific individuals accounting for their practices and interactions with(in) the organizational environment. When time permits, a combination of multiple methods can be adopted. In this study, for example, I used a combination of shadowing, interviews, and participant-observation field research. The use of so many field methods is common in qualitative research, which "relies on pragmatism, luck, and moral sensibility" (Czarniawska, 2008b, p. 10).

Researchers who shadow nonliving objects as actants often do so in conjunction with their ethnological studies in organizational settings (e.g., Adolfsson, 2005; Bruni, 2005; Latour, 1999). Studies of objects-as-actants are usually associated with actor-network-theory (ANT). ANT is "a narratology-inspired approach to science and technology studies" (Czarniawska, 2007, p. 91).[10] In order to account for *how* social phenomena (e.g., organizations, economies, professions, and institutions) are produced and maintained, ANTs engage in a research program that is the *tracing of associations* between heterogeneous material and semiotic elements. The general maxim of ANT is

> 'to follow the actors themselves,' that is try to catch up with their often wild innovations in order to learn from them what the collective existence has become in their hands, which methods they have elaborated to make it fit together, which accounts could best define the new association they have been forced to establish. (Latour, 2005, p. 12)

Researchers must become intimate with actors, artifacts, or activities to make notes of the finest details. As Meunier and Vasquez (2008) note, "this means [researchers] must

[10] ANT is faithful to ethnomethodology but adds the element of tracing how actor-networks (which include objects and objectivated social action) bring together, hold together, or pull apart social reality.

document the flow of … actions over the course of which a set of objects (texts, stories, bodies) in a series of interactions (meetings, hallway conversations, e-mail exchanges) are mobilized" (p. 185). Given the heterogeneous nature of praxis and the possibility that actants can mobilize in multiple directions at once, shadowers must be somewhat familiar with the field of practices they study, have high stamina, and be entrepreneurial while in the field.

The "field" for most traditional researchers is where people live and work. As such, the field is an identifiable, rhetorically claimed, already performed, and legitimated space or place (e.g., IBM headquarters, McDonald's restaurant, elementary school, or university). Following and describing what particular actors do in these spaces/places and reporting them in ethnographies (e.g. Sclavi, 2007; Wolcott, 1973), taxonomies (e.g., Walker, et al., 1956), or a mixture of both formats (e.g., Mintzberg, 1970; 1973) can lead to interesting insights.

To follow objects in general and discursive objects in particular (as well as some subjects), shadowing cannot be limited to a physical setting. For researchers adopting a more ANT-like praxeological approach, the field is used in the sense of a *field of practices*, which "is the total nexus of interconnected human practices" (Schatzki, 2001, p. 2). This definition is consistent with the praxeological approach I have adopted for this study. Studies using the "practice approach," regardless of method (but shadowing is a good one), are demarcated as "all analyses that (1) develop an account of practices, either the field of practices or some domain thereof (e.g., science), or (2) treat the field of practices as the place to study the nature and transformation of their subject matter" (Schatzki, p. 2). Ontologically, theorists taking a "practice turn" approach believe that the "the social is a field of embodied, materially interwoven practices centrally organized around shared practical understandings" (Schatzki, 2001, p. 3). With its focus on how the social is produced and objects manufactured (including social facts), researchers

adopting a praxeological approach to *fieldwork*, with a *telos* of understanding a *field of practices*, are not limited to physical settings, but can take place in cyber, textual, and rhetorical spaces.

Philosophical and Pragmatic Considerations

As the above discussion suggests, shadowing is not limited to qualitative research, may be used by interpretivists and positivists, and can be used to follow subjects and objects (especially discourses) as they move through fields of practices. The techniques used to shadow people and objects as qualitative interpretivist will be explained thoroughly in the next section. What I will address now are the philosophical assumptions that ought to be adopted when one claims to be engaging in shadowing research as an *interpretivist*.

Given that the so-called qualitative turn has overtaken social science in the last thirty years or so and that qualitative research in organizational studies is “expanding if not exploding” (van Maanen, 2006, p. 13), I do not plan to justify or argue for more acceptance of the now institutionalized, if not dominant, approach to fieldwork. I also do not plan to justify *interpretivism,* which is a less dominant, though no doubt an emerging force in social science research. What I would specifically like to argue for is a reflexive awareness among qualitative-interpretive shadowers of the epistemological and ontological assumptions they adopt when they choose to study the lifeworld through qualitative shadowing, which I would argue must use an interpretive epistemology in order to gain the greatest use-potential of the method. I would also like to highlight the unique possibilities, burdens, and challenges that researchers face when they adopt this approach to fieldwork.

Epistemological and ontological assumptions. Richard G. Seymour (2006) notes that entrepreneurship researchers often “avoid the mire of the philosophy of science and ‘skip’ straight to discussions of methodology or method” (p. 137). Per

Davidsson (2004) exemplifies this when he claims in the opening to his book, *Researching Entrepreneurship*, that “You will not find a lot of philosophy of science arguments or references in this book. Let me tell you a secret: philosophers of science often do not know much about conducting empirical research—they simply don’t have the experience and expertise” (p. xi). Davidsson’s “secret” may be an accurate observation. What Davidsson fails to mention, but Seymour draws attention to, is that the opposite is equally true: researchers often use methods without understanding the philosophical premises that guide their research practices. This partly arises from researchers’ nonchalance towards philosophy of science or their desire for fieldwork expediency.

Most notable in communication and organization studies is the common fallacy among researchers that those who use quantitative measures are positivists and those who use qualitative approaches are interpretivists. *Qualitative research*, in the simplest definition, refers to the methodological approaches that rely on nonquantitative modes of data collection and analysis. There are many different types of familiar qualitative research (e.g., critical theory, ethnography, discourse analysis, ethnomethodology, hermeneutic phenomenology, and rhetorical criticism) that represent a broad range of diverse philosophical perspectives, research techniques and procedures, and styles of presentation (Prasad & Prasad, 2002). In other words, researchers can do qualitative research but not adopt an interpretivist epistemology.

Qualitative positivism is a term that Anshuman Prasad and Pushkala Prasad (2002) use to describe the use of qualitative methods under the guise of positivism. Such a research program “…adopts a relatively commonsensical and realist approach toward ontological and epistemological matters. Reality is assumed to be concrete, separate from the researcher, and cognizable through the use of so-called objective methods of data collection” (p. 6). According to McDonald (2005), research in

organization studies published under the shadowing label largely embodies a spirit of qualitative positivism; it "is used as a proxy for a diary study in a situation where the target individuals would not, or could not, take on the recording task themselves" (p. 462). As used by qualitative positivists, shadowing (like other qualitative methods) is a tool that is seen as a neutral means of observing behavior and recoding what is "actually" happening (McDonald, 2005). Researchers instruct participants to treat them as if they are invisible or, more humorously, "as the family dog" (Lareau, 2003, p. 9). My experience using shadowing made me conclude that positivism and shadowing are largely incompatible.

Taking an objectivist approach whereby the researcher attempts to remain invisible or neutral may be a worthwhile ambition, but the possibility and desirability of doing so remains questionable. The shadowee and others with whom she or he interacts will be very aware of the researcher's presence and it is likely that the shadowee, at least for some time, will be fully engaged in the art of impression management. What is more, if the researcher tries to remain distant she or he cannot work to build rapport with the subjects he or she observes. This increases the possibility that the shadowee will restrict access to certain activities or, worse, come to resent the presence of the researcher. The latter is especially likely in situations where the researcher is "studying up."[11] I didn't experience much resistance while shadowing during regular work days;

[11] "Studying up" or "studying sideways" refers to ethnological studies of individual or groups who are in a higher or equal power positions to the researcher. Executives are of equal or higher power than a university professor. The stress of "studying up" is greater due to subjects' willingness to be more assertive and controlling. I experienced this while trying to do qualitative depth interviews at a regional entrepreneurship center. The director of the facility was very excited about the research; however, the more I showed up to conduct fieldwork the more annoyed she seemed to become. Eventually, the tension was so great I decided that the study was not worth the emotional toll. My example is consistent with Mitchel Abolafia's (1998) documentation of the stress he experienced studying traders of a stock exchange, Czarniawska's (2007) tearful experience with a city manager, who informed Czarniawska that she hoped to never see

however, at the investigator conferences I attended the participants became particularly annoyed about the process. In one case, an agency owner asked, “are you going to write *everything* down?” I replied with a laugh to cut the tension, “Of course!” Despite some tension, all the investigators continued to let me hang around.

Shadowers should not be overzealous about building a close friendship either. When the researcher remains distant it is easier to play off the assumptions of the shadowee and keep the activities and conversations directed toward the practices of interest. Although it was stated in the informed consent that investigators signed (but often never read) that I had worked as a private investigator, many of them treated me as if I knew nothing about the field. By not correcting the investigators, they talked about their practices in an instructive manner. If I had continually referred to my connection to other agency owners, shadowees may not have divulged as much information regarding business strategy.

My willingness to allow participants to deceive themselves may come off as problematic or unethical. I would not be the only qualitative researcher to be called into question for this use of covert research or deception (see Allen, 1997). But secrecy and deception are intrinsic to (qualitative) field research for researchers and research subjects (Mitchell, 1993). Admitting to this fact at the outset, which interpretivists do, gives agency to research subjects and treats data as subjective. Interpretivists recognize that “[researchers] may seek to present themselves in one manner or another; as a friend, disinterested bystander, or novice, but subjects can and usually do reinterpret, transform, or sometimes altogether reject these presentations in favor of their own” (Mitchell, 1993, p. 12).

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her again, and Richard Mitchell’s (1993) argument that researchers choose to study people with lower power status because they don’t often resist.

All qualitative researchers, even those using positivism, must build and maintain relationships, negotiate access, overcome issues of (a)symmetry regarding power, and maintain a balance between honesty and secrecy (both in the field and in writing). These issues may be less problematic when doing general observation work of an entire culture or organization: if access is denied in one space then the researcher can go somewhere else, if someone does not want the researcher to “hang around” then she or he can find someone else to “hang with,” if the information obtained is questionable then a composite character can be constructed, and so on. Shadowing, however, presents very unique problems, such as what to do when a shadowee indicates that she or he wants to be presented in a particular way.

The goal of the shadower is to lower, through communicative effort, the chance that a participant would deny him or her access to a particular space or situation; however, the research subject must feel comfortable that she or he can deny the researcher access. If a shadowee does deny access, especially abruptly (perhaps a conversation turns to a sensitive topic), repair work will be necessary. Obviously, one cannot remain distant from the shadowee and have this type of rapport. In writing, it is very difficult to build a composite character when one uses shadowing. Therefore, a great deal of subjectivity and care must go into crafting field reports. Interpretivism is an approach that, through the philosophical tenets it adopts, deals with these issues explicitly.

The philosophical basis of qualitative interpretivism is *verstehen*, which is a principle attributed to the processes of understanding *subjective* realities through (empathetic) insight into the intentionality and meanings ascribed by others (Schutz, 1967). Interpretivists do not seek causal explanations or correspondent theories of truth. Instead, they seek a consensus theory of truth based on understanding, which is an outcome of intersubjective experience (Berger & Luckmann, 1966). By sharing field

experiences with research subjects while in the field, and by developing arguments about the field in relation to others' accounts, the researcher avoids giving eccentric and solipsistic viewpoints. The plausibility of a claim is always "tested" against others' experiences and "prior knowledge." As a result, coherent and deviant viewpoints are exposed. Communication between the shadower and shadowee while in the field is not to be avoided, but instead is encouraged *tout court*.

As a "discourse of understanding," interpretivism seeks to place in a dialectically productive tension, if not reconcile, the bifurcation between the subject and the object (Mumby, 1997). The shadower and shadowee are both objects and subjects and they both *simultaneously* influence the field of practices. This was very evident during my field research. At times, private investigators used me in ways that seemed to be economically meaningful to them. In one instance, for example, a private investigator suggested to a potential client that I was a doctoral student who was his intern to demonstrate "…how serious we [the company] are at hiring highly qualified people in our investigative work." In this instance, I was translated into a "selling point."

Since interpretivism suggests that "theory should be developed through the iterative testing of tentative explanations against the experience of ongoing interaction with group members" (Lindlof & Taylor, 2002, p. 11), I later asked the private eye if my assumption about his intention was accurate: "Of course, but it also helped ease the client. Didn't you see that? You have to understand that people who are hiring a p-eye are already squeamish. Tell them I brought along a person writing a book and you can kiss that contract goodbye [laugh]." Shadowing thoroughly disrupts the divide between the subject-object by throwing the researcher into the middle of everyday experiences. Rather than trying to detach him or herself from the everyday, an interpretivist shadower becomes an important part of each scene. To deal with issues that arise from the fact that researchers may experience reality differently than their participants, that they

influence the environment when present, and that they alter participants practices, interpretivism dictates that the researcher adopt a reflexive attitude. *Reflexivity* is concerned not only with bias, but also with the ethical and political dimensions of the research activities.

So when the natives hide their modern-day electronics when the anthropologists approaches, as a famous “The Far Side” cartoon by Gary Larson hints, the interpretivist is not alarmed. First, she or he knows that after some time these non-routine activities will grow tiresome and research subjects will eventually revert to old habits and inconsistencies will emerge that suggest something is awry. When shadowing is used by organizational researchers to follow managers, executives, and entrepreneurs, the very need to get back to business precludes research participants from acting. When they do, they will often be called out. In one instance, for example, an agency owner instructed employees to “order in lunch, I’m paying” and the employees—whose work space was located in a large open room—simultaneously replied, “Jeez! Aren’t we feeling generous today?” It was possible that the shadowee was trying to show himself as generous, but his employees disrupted this performance.

Second, interpretivists are largely indifferent to research subjects’ managed performances. The positivists’ anxiety that subjects will present a picture of their activities that is biased by their own interests is accepted as obvious. It is, as Czarniawska (2005) notes, “a favorite pastime of all natives, be they Cuña Indians, Polish managers, or Swedish scholars” (p. 18) to manage others’ perceptions of their activities. The management of public perceptions, especially through research, allows professions to gain credibility and thrive.

To get enough data to produce useful descriptions of professional practices, prolonged field immersion and ongoing dialogue with participants is necessary. Interpretivist research, therefore, is characterized by lengthy data collection periods. It is

very unlikely that a person will allow him or herself to be shadowed for more than a week or two, especially in a for-profit organization. That is, of course, unless you have the magical skills of Harry Wolcott, who admits that it was with a great deal of “good fortune” that he was able to commit a principal to shadowing for nearly two years (1973, p. 1). It is important, therefore, that a shadower begin the shadowing project with significant knowledge about the field so that understanding is more expedient. Meunier and Vasquez (2008) argue that “performing real time coding in a reliable way requires highly trained observers familiar with the group member’s goals and activities” (p. 175). There may be instances, of course, in which a shadower may want to enter the field as ignorant as possible. One example would be research on learning or training processes.

Fortunately, contemporary field research can take place in various locations, including the internet (Czarniawska, 2007). Shadowers can conduct exploratory research on the internet or conduct interviews with key informants before, after, or during the shadowing process. In-depth analyses of these same field data can be conducted in order to obtain a better picture of the “realities” of the field. I would argue that the more the shadower understands the field and the organizational environment in which the shadowee works, the more fruitful his or her time with a particular subject will be. One of the benefits of having been a private investigator before I was a researcher was that I knew the language of the profession. Thus, discussions with agency owners could go in directions that would have been otherwise impossible.

Given the above overview of shadowing, it should now be clear what kind of method the qualitative-interpretivist shadower is working with. There are still three issues that I need to address regarding shadowing, each likely to provoke significant disagreement and reaction among fellow interpretivists and shadowers. First, although both Czarniawska (2007) and McDonald (2005) have provided thorough discussions of how to engage in shadowing research, both short-circuit discussions regarding analysis,

claiming that data, for example, “can… be analysed in the same ways as any other qualitative data” (McDonald, p. 457). In shadowing research, data emerges as a process of intersubjective experience, and that

> …shadowing data are more detailed than data gathered through many other approaches… [and] given that shadowing research does not rely on an individual’s account of their role in an organization, but views it directly, means that shadowing can produce the sort of first-hand, detailed data that gives the organizational researcher access to both the trivial or mundane and the difficult to articulate. (p. 457)

Here McDonald (2005) admits that research data are different, yet maintains that data can be analyzed by the same means of other qualitative research. I disagree.

Data can be thematized or categorized like any other qualitative research, but how does one know if data is “mundane,” “difficult to articulate,” or both? Should data be treated as isolated events or as if the various shadowees are in dialogue with one another? To what degree can data be treated as a-temporal or de-contextual? Can or should qualitative data analysis software be used to organize data when shadowing individual(s)? These types of questions deal with issues of analysis and should be engaged as such. I would argue, for reasons I provide below, that no shadowing data (given that it is so detailed) should be “analyzed” (at least not in the traditional sense); rather, it should be presented as a means of getting closer to the phenomenon itself. Interview and other qualitative data that are collected in conjunction with shadowing, on the other hand, can and should be analyzed with the full tool box of qualitative analysis techniques. This is just one benefit of mixing methods.

Second, although interpretivist research is open to explanation of social phenomena and seeks to provide the potential meanings and relations among events, people, and things, field data derived from shadowing should primarily be descriptive. The distinction between description and explanation is slight, but the latter’s use of inferences, assertions of causality between states of affairs, and clarifications can be

troubling in shadowing research. Description sticks to the narrative advice of “show don’t tell.” Good descriptions are not in need of explanations anyway. As Latour (2005) notes, “God is in the details and so is everything else—including the Devil” (p. 137). Reporting in descriptions reduces the possibility that a shadowee will feel that she or he was misrepresented and it avoids adding a double-layer of meaning to what the shadowee has already explained (i.e., theorized).

Lastly, shadowing researchers should, in almost all circumstance, avoid engaging in critique. Adding an “attitude” to data through a subversive worldview (Thomas, 1993) is likely to result in dishonest research agendas. If, however, critique means offering “a more reflective style of thinking about the relationship between [sic] knowledge, society, and freedom…” (Thomas, 2003, p. 45), then “critical” thinking is encouraged. In fact, this should be a *modus operandi* for living. However, when I hear scholars say that they are going to add a “critical lens” to their project, or that something is not “critical enough,” I start to get a bit nervous. It seems to me that these folks are decidedly uncritical by having already made up their minds about what (evil) forces (capitalism, corporations, Republicans, and so on) are at work. They problematically assume that power is asymmetrical and that they, the “critical” and “reflexive” theorists, have insight that the “naïve,” “uncritical,” and “un-reflexive” lay person does not (Latour, 2005, p. 57). Critical inquirers have a decidedly negative opinion about most everything, and consequently their research often “stops being empirical and becomes ‘vampirical’” (p. 50).

Shadowees’ (institutionalized) faith in science and the researcher partly contributes to their commitment to expose their practices to the scrutiny of an observer. While business executives and organizational administrations may be the likely targets of negative social critique, the reports that shadowing researchers produce reflect upon all shadowers, and may determine the ability of others to obtain access. If a researcher

obtains access to a shadowee under the pretext that due diligence will be practiced and they will be fairly reported, then such a commitment should be honored. Of course, this does not mean that the researcher should restrict himself or herself to positive accounts or avoid noting problematic practices; it means that the researcher should put forth his or her best rhetorical efforts to present such information carefully. In most circumstances, the researcher should write collaboratively with the research subjects, seeking their feedback on all scholarship that reports on their activities.

Alternatively, the researcher can be forthcoming about the possibility that his or her practices may be criticized. Some critique can be useful. I have found that many entrepreneurs welcome a bit of critique. Ways to improve their businesses are, in fact, what most of them are seeking by committing to this strange research. Shadowers' feedback can be useful, but one must consider the risks shadowees take in opening their lives to the researcher's gaze.

I am not suggesting that critical qualitative research is problematic or that issues of power or social injustice should be avoided in shadow research. In fact, a researcher might shadow someone engaged in social activism or do activist shadowing research; but this research should remain descriptive. The shadowee's activism and purpose (i.e., what she or he is critiquing) will emerge in the text.

Burdens and possibilities in shadow research. In the previous section, I addressed some of the typical concerns that are raised regarding interpretivist methodology, such as researcher bias, "going native," validity, reliability, and other issues of subjectivity and objectivity. I connected these issues specifically to shadowing, and I hinted that some of these "issues" can be both burdens and possibilities. I tried to project an attitude that most of the so-called "burdens" can be turned into possibilities. In this section, I will discuss these issues, among others, from a much more pragmatic perspective.

Access. The access-negotiation process in shadow research is similar to ethnological fieldwork, but is certainly more complicated than more conventional approaches to fieldwork (McDonald, 2005). In large organizations and corporations, the researcher may have to pass through several levels of gate-keepers just to gain initial access to the subject of interest and may be rebuked at any level. Shadowees may be more than willing to sit for an interview, but would find the idea of a being shadowed unsettling. In companies where security or confidentiality is concerned, the shadowee may have to obtain permission from superiors. These issues partly indicate why observational researchers rarely targets elites and such research is typically "done among the poor, the powerless, the deviant, and in the less developed societies" (Abolafia, 1998, p. 79).

For the most part, access in shadow research is an ongoing affair. The researcher must continue to (re)negotiate access to each and every event, meeting, and conversation that the shadowee engages in. The researcher should never assume that initial agreement constitutes a full commitment to the terms of shadowing. I learned to expect the unexpected and to pay attention to my intuition about whether I was welcome in a conversation, excusing myself when I felt it was appropriate (e.g., "I need to use the restroom, you guys go ahead"). Some shadowees, who were initially reluctant to be shadowed, interestingly gave me unfettered access to their lives (both at the office and at home). Two even gave me access to their financial ledgers. On the other hand, two shadowees who accepted the commitment to be shadowed with ease seemed hesitant once I began writing things down.

Access can be denied, but it may also be more easily obtained once shadowing commences. If, for example, one is shadowing an executive and there is a high level of trust, the shadower will be able to walk into a closed meeting *with* the shadowee. This may not be something an ethnographer, who has not dedicated himself or herself to one

specific individual, can easily do. The shadower, in my experience, is accepted by association. Finding a way in, building trust, and ultimately getting the approval from the appropriate people to engage in shadow research typically involves a lengthy courting process, sometimes longer than the research itself. It took several years and some luck before Marianella Sclavi (2007)—who shadowed members of the Banana Kelly Republic housing cooperative as part of her shadow research in the Bronx—was finally able to gain credible access to the community.[12]

Time. Once a researcher has gained access to the field, she or he will need a lot of (personal) time to do fieldwork. To complete a comprehensive study and reach a data saturation point (where themes are emergent), shadowers will need to either shadow individuals or multiple people (depending on preferences and research goals) over an extended period of time (two years seems to be ideal). If developing access takes just as much time, the shadowing project can take about four years of a researcher's personal and professional life *before* writing manuscripts. This is not particularly problematic for a graduate student or single person, but a researcher with tenure concerns or a family is likely to find this troubling.

Quality shadowing research also requires significant "chunk time." Shadowers need to be able to follow a particular individual consistently, often, and during his or her work day. This means spending three to four days (or more) per week with a particular individual, shadowing him or her for eight or more hours per day, and doing so over several weeks. Of course, this all depends on the occupation of the shadowee, the goal of the study, and how intimate the researcher is to his or her subject—shadowing can take place only within the walls of a particular building or extend into "home life." This is distressing for both shadowee and shadower. From my previous experience working

[12] Unlike some researchers who engage in shadowing without calling it so, Sclavi (2007) describes her method as shadowing and adds her own thoughts regarding the benefits of the method.

with a private investigator, I knew that agency owners' work never stops. So I set out to follow the shadowee wherever and whenever I could. In one instance, I shadowed an investigator for 16 hours, had a 3 hour nap and a shower, and was back out with him for another 12-hour day.

Acceleration. In business and entrepreneurship, *acceleration*—or "the speeding up of social processes – shorter life-cycle of products, higher pace of innovation…" (Czarniawska, 2007, p. 15—poses a problem for researchers who are trying to provide a relevant contribution. I want to make sure that the field of professional investigating is able to get something from my future writing; however, by the time anything goes to press it is very likely that the field will already have changed in ways that makes much of the data or suggestions irrelevant. For this reason, I recommend that shadowers do consulting work and, to compensate for the high cost of doing this type of field research, charge a sufficient fee for insights. Given that a field may be in constant flux, data that is collected during the first part of the study may not be consistent with data collected in the second part. As Czarniawska (2007) notes, it is quite likely that while studying organizations, leadership or industries can and will change. This is the advantage of studying an *action net of practices* that comprise a field of practices. Individual actors may come and go, but practices will be relatively stable (or else there could be no collective entity).

Volume. Given that so much time in the field is required and that the shadower must document as much as possible, it is hard to overstate the amount of data that can be generated from shadow research, especially now that technology allows researchers to gather more information at once. Like with most field techniques, it is difficult to provide a steadfast rule to how much data ought to be collected. McDonald (2005) suggests that "a typical transcript of a day's shadowing might be between 8,000 and 10,000 words" (p. 458). Add, on top of that, two- to four-hour interviews, and field

research obtained from media and other documents, it is easy to see that maintaining and managing field research takes a great deal of effort.

To capture data as it emerged, I always carried a small 3” by 5” steno notebook, on which I could jot notes. I also had accessible a large legal pad, a digital recorder, and a 6” x 8.5” Dell netbook. I worked between these items as the situations dictated, preferring to get most things into digital form as quickly as possible. After each day of shadowing, I would return to wherever I was staying (usually a hotel or a friend’s house) and then begin typing field notes, or orate ideas into the digital recorder (which I would often send to a professional transcriptionist). Consequently, I had a large amount of data in different places that then needed to be consolidated or managed. I was also trying to *coordinate*[13] future field research as well. For example, I was sending initial letters of introduction, follow-up letters, trying to logistically schedule interviews and shadowing events to coincide with each other, and so on. Maintaining this information, along with a high volume of data, was not easy. I used Atlas.ti, a qualitative data management software, to manage and code research data. I used Endnote, a bibliography software turned field note manager, to handle my field notes and internet-based field research.

Recording this volume of data on a daily basis, running around with someone trying to be as attentive and alert as possible, giving both mentally and emotionally to the shadowee and the project, typing up field notes and other important things at the conclusion of every day (“to maintain its quality and contemporaneous nature” [McDonald, 2005, p. 458]), and doing all this while still attending to other personal matters in the evenings, was very exhausting.

Finally, it is important to note that despite the challenges of being in the field, in today’s mediated world, going “to the field,” while time consuming, may actually assist researchers who use the internet as a source of material. As Czarniawska (2007) notes

[13] Coordination is a burden, but it doesn’t warrant its own category in this discussion.

regarding the seemingly infinite amount of data on the web, “going to the field can also be a way of *limiting* research material to manageable proportions – by allowing the practitioners to select material that they find relevant for their practice” (p. 10).

Cost. The issue of cost makes me regret this project and reluctant to recommend shadow research to others. Of all of the methods books I have read, not one discusses financial matters specifically. Let me be brutally honest: If one wants to do something that makes economic sense, stay away from ethnographic methods in general, and shadowing in particular! As Appendix B demonstrates, this project cost me approximately $6,200 to complete, not including lost financial opportunities. When I add opportunity cost for the lost revenue from the work I turned away for my own business, the cost is well above $10,000. The cost of shadowing, unlike ethnographic fieldwork, may be slightly higher because the researcher cannot control who will volunteer, where the shadowing will happen, or when one will be willing to be followed. My (in)convenience sample was based on whoever was willing to participate. These agency owners, unfortunately, did not reside in the same place and were not able to participate in the research at the most convenient time for me, personally or financially.

Financial matters aside, shadowing someone can be intellectually and professionally inspiring, a lot of fun, induce important connections between research and praxis, and get academics engaged in a dialogue with interesting and influential people. However, ethnography and shadowing, unless it can be accomplished near the university one attends (i.e., urban ethnography) is financially, personally, and emotionally costly. Ethnographic and shadowing research is a bourgeois method—it takes time, money, and connections.

Proximity: Insidedness and outsidedness. The final issue returns to a more philosophical concern. Proximity deals with the distance that the observer has from the subject and object of interest. Physically, shadowers will literally be just a footstep or two

behind their subject of interest. (Or in the case of people in mobile professions like private investigating, a car seat over.) The physical closeness helps reduce the emotional distance between the observer and the observed. This distance can, however, create problems regarding insidedness and outsidedness.

In regard to insidedness (observer effect), the obvious issues arise. Because the shadower is following just one person, this effect can be addressed directly by asking questions along the way: “Is your day going as normal?”; “How would you have handled that if I were not here?”; “Am I making you uncomfortable or do you feel like you are able to be yourself?” Additionally, the researcher can discuss issues with employees and observe their reactions: “Does today feel pretty normal for you or is your boss different?” The researcher can also note when the shadowee points to the observer effect: “What are you writing?”

Extended contact with the shadowee can also create issues in which the researcher can “go native” or “rogue” by becoming sympathetic or annoyed with the issues and problems of the shadowee. This is not as problematic as it at first seems. Being sympathetic or annoyed can help the researcher gain insight from an affective level. Sympathy can keep the writing ethical and favorable, but be cautious of annoyance—it can create a negative tone.

Finally, in regard to professions in general and professions that deal with legal issues in particular, spending a lot of time with a shadowee can give the impression to the shadowee that you are “on their side.” They may, given the shadower is a third-party witness who is taking meticulous notes, call upon him or her for various (legal) matters. While I had not considered this issue before I went to the field, it did arise. One of the agency owners was having an issue with a field investigator who had not performed well on multiple jobs. This led to interesting interpersonal interactions between the two parties and some insidious claims about each other. At the end of the week, the agency

owner fired the field investigator. A week later the contractor was claiming that he was going to file a lawsuit against the agency owner, who contacted me to collect “any and all records, especially audio recordings.” A week after that, she or he was planning to “arrange for me to provide a deposition.”

Outsideness deals with the issue of difference and power asymmetry between the researcher and the researched. While the much romanticized notion of building empathy can help alleviate some discomfort in doing shadow research, building a strong rapport can create further discomfort, hijack the project, or itself lead to exclusion. As the shadowee and shadower engage in the general get-to-know-you banter that is typical to the first few hours of shadow research, too much can be disclosed. The fact that I am a Democrat-leaning civil libertarian emerged within the first few hours of one of my shadow events. While this shadow event was fruitful, the shadowee, who often expressed (contradictory) neo-conservative points, was preoccupied with my political affiliation and often turned discussions toward politics, interrogating me about how a “Democrat would view it.” I had to constantly deflect these types of questions and redirect attention to her or his investigative practices.

However, outsideness and power differentials, while taxing issues to deal with while in the field, can be used as the preeminent lens for data collection and analysis. An

> attitude of *outsidedness*… aims at understanding not by identification (‘they are like us’) but by recognition of differences (‘we are different from them and they are different from us; by exploring these differences we will understand ourselves better’)… [it] assumes that an observer can never know *better* than an actor; a stranger cannot say *more* about any culture than a native, but observers and stranger can see *different* things than actors and natives can. (Czarniawska, 2007, pp. 20-21)

In this sense, shadowing is more of an attitude than a technique. It is a dialogic approach that treats the overcoming of differences as a source of knowledge.

Summary and Other Practical Recommendations

Confidentiality must be a constant concern of shadowers. Even when shadowing elites, there is much at stake. Given that shadowing by its nature just focuses on a few people (or one), they are easily identifiable as the main characters in written report. When the shadower begins to write for publication, therefore, serious consideration of the effects of any one statement on the shadowee needs to be taken seriously. The reach of a report goes beyond the shadower and shadowee and reflects on other employees and researchers. A critique of management practices, for examples, can lead to problems for a company, which will undoubtedly have implications for workers.

Shadowing entrepreneurs is particularly problematic. Most entrepreneurs, unlike the popular myth suggests, are not wealthy. Writing about what entrepreneurs are doing may give competitors insight into their unique business practices, exposing them to additional risk. In this report, therefore, I have chosen only to report on practices that will benefit the profession. I have excluded practices that are proprietary.

Czarniawska (2007), Sclavi (2007), and McDonald (2005) have all provided various tips that are useful guides to shadow fieldwork. Their suggestions include, but are not limited to, “never go in cold [be informed]…, write down as much as you can…, [and] find an academic mentor who is away from the organization whom you can discuss your research with if necessary” (McDonald, p. 460); “report back to [participants]” (Czarniawska, p. 23), and be honest, reflexive, and philosophically engaged with regard to methodological assumptions. To date, Sclavi (2007, pp. 293-294) has provided an excellent list of maxims that ought to be adopted by shadow researchers: 1) “Never be in a hurry to reach conclusions. Conclusions are the most ephemeral part of your research”; 2) “What you are seeing depends on your point of view”; 3) “In order to understand what another person is saying, you must assume that he/she is right and ask him/her to help you understand what makes them [sic] right; 4) “The emotions are a

central instrument of cognition if you learn to read their language, which is relational and built on metaphors"; 5) "A good listener is an explorer of possible worlds"; 6) "A good listener is happy to accept the self-contradictions that come to the fore in persona thoughts and interpersonal communications"; 7) "To become an expert in listening you must follow a humor-based methodology. But once you have learned how to listen, humor arises on its own." Sclavi notes that "the seventh rule sums up all others."

How to Shadow Subjects and Objects

Based on the theoretical discussion above, the pragmatics of shadowing humans throughout their day should be clear. Shadowing involves meticulously documenting the activities of subjects and involves the ongoing reflexive practice of thinking about the way in which the researcher and researched influence each other. The researcher simply needs to find a willing participant and move wherever she or he does. The more difficult tasks regarding data collection procedure, analysis, and writing will be tailored to each researcher's preferences; however, the underlying assumptions regarding how shadowing human actors ought to unfold is guided by the paradigmatic assumptions of the researcher's methodological preferences. I specifically provided the guidelines for a qualitative-interpretivist approach.

Because we live in a world of "objectual relationships" that comprise an "object-centered sociality" (Knorr-Cetina, 1997, p. 12), the researcher will undoubtedly catalog various objects that are used, produced, or avoided by the shadowee. Interpretivist researchers, however, need not only document human actors' use of objects as tools, but can, or perhaps *must*, trace the associations and relationships between objects as networks of actants. Drawing on actor-network-theory (ANT), "*objects are* [defined as] *an effect of stable arrays or networks of relations*" (italics in original; Law, 2002, p. 91). The importance of taking into account the relationship of humans to objects and objects to humans is demonstrated well in Latour's (1994) example of the human actor (citizen) in

relation to a contentious object (gun). The actor-network formed is that of citizen-gun or gun-citizen. This hybrid configuration allows us to understand how each acts on the other:

> You are different with a gun in hand; the gun is different with you holding it. You are another subject because you hold the gun; the gun is another object because it had entered into a relationship with you. The gun is no longer the gun-in-the-armoury or the gun-in-the-drawer or the gun-in-the-pocket, but the gun-in-your-hand, aimed at someone who is screaming. What is true of the subject, of the gunman, is as true of the object, of the gun that is held. A good citizen becomes a criminal, a bad guy becomes a worse guy; a silent gun becomes a fired gun, a new gun becomes a used gun, a sporting gun becomes a weapon. (p. 33)

What Latour's example demonstrates, according to Meunier and Vasquez (2008), is that "action is distributed and … is accomplished by *the association of human and nonhuman actors*" (italics in original; p. 184). Human actors do, of course, possess and retain certain attributes that objects (for now) do not, such as emotions, power, and cognition. However, what Latour's example suggests is that these human attributes emerge in interactions with various other actants and that "objects interpellate us" (Law, 1999). Latour is also suggesting that objects, as they congeal into actor-networks, are the "cement" that holds the social together.

Shadowers can also benefit from a focus on objects, which include such things as texts, instruments, and discursive accounts, because they allow researchers "to call on what is *outside* the interaction… [to] 'dislocate' interaction" (italics in original; Law, 2000, p. 176). For example, assume that a private investigator is being shadowed and he is currently trying to locate the most recent address of a "skip." The investigator first enters a *social security number*, which was assigned to the skip more than 40 years ago and was supplied by the client just moments ago via email; the investigator, via the internet, connects to a *database* created ten years ago by a company that merged with another (and, therefore, no longer *literally* exists) and which is located hundreds of miles

away from where the investigator now sits; the database returns several *addresses*, which were keyed in by someone sitting at a desk in Bangalore, India over a year ago; the investigator verifies the skip's address by calling her on his newly purchased iPhone. The process goes on *ad infinitum* until something else redirects the investigator's attention or there is no more "skip tracing" to be done, in which case the investigator may slip back into entrepreneuring activities like "billing the client," wherein new associations will be made and need to be traced.

What the "skip tracing" example illustrates is that the various objects and practices that are assembled or completed in another place and time (e.g., social security numbers, addresses, databases, and data entry) "are *indicators* of the 'network" that largely surpasses the 'present' situation" (Law, p. 176) and are what produce the "social" phenomena (i.e., private investigating, profitable business organization) of the researcher's interest. The object "verified address" exists because of a private investigator and a private investigator exists because of a "verified address," and both exist in relation to many other actor-networks. Together the subject-object *transform* each other. The address is no longer just "out there" as a piece of data but is now a *profitable* object. Only from their relationship is a *transaction* between a client (subject) and private investigator (subject) possible. Not until the client-investigator becomes an actor-network does "finding an address" make any sense. What this means is that social phenomena are fragile, heterogeneous assemblies (Meunier & Vasquez, 2008).

The implications of this for private investigators as entrepreneurs will become clearer in chapters 4 and 5, but what the example above demonstrates is that if one actor-network is broken, the ability to assemble everything together into a coherent practice (entrepreneurship, organization, society) becomes compromised. In short, maintaining social orders requires the proper maintenance of constituting actor-networks. While social practices and actor-networks are often taken-for-granted and can

pass simply as intermediators,[14] interpretive and communicative effort is necessary to maintain proper actor-network connections. For example, private investigators must constantly work to convince other clients that they are important mediators in the process of "skip tracing" (chapter 4). They must also work to convince politicians to halt certain legislation out of fear that certain mediators will be lost—mediators necessary to the production of profit. Of course, they don't articulate this in such abstractness, but a shadower's use of ANT helps provide the appropriate lens for seeing taken-for-granted practices and invisible-to-practitioner mediators that are important to a field of practices.

Shadowing objects is not as common as shadowing subjects. While shadowing objects borrows greatly from ANT (Czarniawska, 2007, p. 358), "methodologically, approaches to studying non-human actors are not well developed" (Bruni, 2005, p. 358). Beyond the mantras of "[take] responsibility for 'the social life of things'" and "follow the actors themselves," ANT has not, by Latour's own admission, "said *how* to follow them" (Latour, 1996, p. 238). Given that some objects are material and others symbolic, there is not, of course, one best route by which to shadow objects. What is more, some objects, with the assistance of other actants, transform rather quickly from something concrete into something ideational. With ultrasound, an embryo can transform into a sonogram. A textual graphic can become an advertisement, and an advertisement a "suggestion." Some things can be followed in the present, some have to be traced through textual accounts from the past, and others must be "projections" into the future. But given that the process of shadowing subjects borrows from interpretivism, ethnography, and other participant observation methods, it seems reasonable that the process of shadowing objects can also borrow broadly as well. In order to not get lost in

[14] Mediators are things that transform and translate; their input is not the same as their output. Intermediators are taken-for-granted black boxes in a situation. There inputs and outputs are the same, they don't affect anything in a situation. A banal conversation, therefore, can be a complex mediator and a working computer can be an intermediator. A down computer, however, can quickly become a mediator (Latour, 2005).

generalities, I shall provide examples of studies in which researchers have shadowed objects, and which are consistent with the approach I took in this project.

Method: How to Follow Objects[15]

Ethnographic. In her book on shadowing method, Czarniawska (2007) provides an overview and in-depth description of various studies that demonstrate the process and outcome of following objects (Adolfsson, 2005; Bruni, 2005; Frandsen, 2009; Latour, 1999). What all of these studies have in common is that they are ethnographic in nature, which is to say that human actors are being shadowed as part of the research process. The actions of human actors, however, are treated symmetrically with nonhuman actors as the researcher follows the "hybrid character of action" (Meunier and Vasquez, 2008), "[which] means…document[ing] the flow of…actions over the course of which a set of objects (texts, stories, bodies, [technologies]) in a series of interactions (meetings, hallway conversations, e-mail exchanges) are mobilized" (p. 185).[16]

These studies also engage in a process of (re)tracing the connections and transformations of objects through different spaces and times as they shape a particular scene. An observable interaction need not require the physical (i.e., visible) presence of a respondent, only the imagined "response presence," such as when people "correspond" through email (Czarniawska, 2007, p. 16). This is why conceptualizing these as studies of action nets is important: they are accounting for actions that go beyond the immediate by following objects not necessarily as physical entities but as things that continue to transform in the presence of other actants (in particularly humans). Thus, when Bruni (2005) shadows software he is doing so as a retracing of processes that have already unfolded, and uses these as his guide to where to go next

[15] For a great listing of actor-network-theory literature, which includes great examples of studies to emulate, as well as some of the critiques and rebuttals, see the following website maintained by John Law: http://www.lancs.ac.uk/fass/centres/css/ant/antres.htm
[16] Meunier & Vasquez's study is also ethnographic—they "followed a project of science and technology diffusion in a Chilean governmental organization" (p. 185).

as an ethnographer. When he observes, for example, that “the printout of the day’s appointments is one of the first objects consulted [by nurses] in order to verify the presence of other objects [patients, appointments], and it is the software that manages the timetable of patient examinations” (p. 369), he is highlighting how the software is an actor in this particular scene because it “manages” timetables (without a computer, the practices would likely be much different; a scheduling department may no longer be needed). A human actor has to put information into the software and it takes a human actor “to tell” the software to print a particular table. As an ethnographer, therefore, Bruni can retrace the sequence upstream to see who inputs the tables and what the process of printing them out entails.

This is precisely what Ann-Christine Frandsen (2009) did when she retraced the accounting process in order to understand how a “rent” was charged to a Psorasis unit. The process required moving from organization to organization trying to account for all the contracts associated with the final figure billed to the unit. The complexity of the procedure led Frandsen to see, among other things,

> accounting as a ‘space/time/value machine’…which works by having its references circulate… inside and outside human and non-human ‘actants’, thus connecting them into and as a network…. What accounting names and counts thus becomes not only textually stable but the basis for coordinating thinking, acting and the use of resources in ‘lived’ space while designating whatever is articulated in its named numbers as ‘valuable.’ (p. 105)

These studies emulate Latour’s (1999) pivotal study of soil samples. In this particular shadowing exercise, Latour “followed the chain of transformations that changed the soil samples taken in the Amazon forest into a scientific paper, a voice in the debate over if the forest advances or retreats, whether or not it was being eaten by a savanna” (Czarniawska, 2007, p. 92). In 1991, Latour followed a group of scientists into the jungle and as they studied the environment, he studied the researchers. Using the soil as the object of focus, Latour followed the samples as they were collected,

organized, transported, analyzed, diagramed, summarized, and published. According to Latour, all of these transformations were necessary because in the “academic debate” the forest cannot be included. Things must be changed into words and images in order to enter a debate. The point for Latour (1999) was as follows:

> A thing [soil in this case] can remain durable and transported farther and more quickly if it continues to undergo transformations at each stage of this long cascade. / It seems that reference is not simply the act of pointing or a way of keeping, on the outside, some material guarantee for the truth of a statement; rather it is our way of keeping something *constant* through a series of transformations. Knowledge does not reflect a real external world that it resembles via mimesis, but rather a real internal world, the coherence and continuity of which it helps to ensure. (p. 58)

Following human and nonhuman actants in this style of research allows researcher to not lose focus on all the important constituents acting (even the most humble of them) to form a particular assemblage. And they may help the researcher potentially avoid some of the ethical concerns which comes with writing as if the human subjects are responsible for all the successes and failures of the organizing activities in which they are involved. Focusing on nonhuman actants while shadowing humans gives researchers permission to engage in research endeavors like a detective. They search the environment for material (i.e., objective) evidence of people’s practices and intentions. They collect witness and expert testimony of those they shadow and encounter in the field. They do all of this in order to build forensically-viable cases (forensic in the sense of scientific evidence and arguments).

Textual. There are various textual approaches to tracing objects as they participate in socio-cultural activities (e.g., narrative, historical, and rhetorical). But any approach is likely to follow a similar pattern, which is summarized by Czarniawska (2004): 1) “Watch how the stories are being made”; 2) “Collect the stories”; 3) “Provoke story telling”; 4) “Interpret the stories (what do they say?)”; 5) “Analyze the stories (how

do they say it?)"; 5) "Deconstruct the stories (unmake them)"; 6) "Put together your own story"; 7) "Set it against/together with other stories" (p. 15).

An example of a textual approach that is consistent with ANT is John Law's (2002) analysis of the various stories in a brochure about the British tactical strike and reconnaissance warplane called the TSR2. In this study, Law traces the TSR2, a socio-cultural and technical object (that did not materially exist) as a discursive form in a text. The TSR2 was commissioned by the British government in the 1950s and was being designed and promoted by the British Aircraft Corporation; however, the plane was never built because the project was disbanded by the Labour government in 1965. By focusing on the various pictures, tables, maps, and other exhibits in the brochure about the TSR2, Law reveals how the TSR2 did exist in culturally meaningful ways. He also suggests that it did not exist as just one singular *thing*, an aircraft, but also, among other things, a weapons system, a fuel system, and a heroic, masculine pilot's aircraft.

By identifying the various potential readings of the various stories that the aircraft tells in each of its representative forms (and if they "tell" they act), Law demonstrates that objects that appear singular and centered may actually be plural and decentered. When shadowing objects in text, the researcher's task is to follow the routes by which each object's *effect* is reassembled as a constituent of the whole of social practice. In this instance, the multiplicity that the single aircraft assumed moved actors in different political directions and, ultimately, may have led to its non-material existence. In chapter 5, I describe how equipment is transformed into marketing materials and how opportunities (objectified practices) are enacted by entrepreneurs.

How to Write and Evaluate Praxeological Writing

"De-scribing, inscribing, narrating, and writing final reports are as unnatural, complex, and painstaking as dissecting fruit flies or sending a telescope into space" (Latour, 2005, p. 136). Yet, this is a necessary step and one that can be approached

from a myriad of different methods. The ways of writing up shadowing research are many. The end result of field work could result, according to Czarniawska (2007), in an ergonography (descriptions of work practices), ethnography (description of culture), or theoretical, dramaturgical, and multimedia accounts. Each of these types of presentations of fieldwork can take on various forms from taxonomy to narrative. A narrative account can be designed in many ways, such as realist, impressionist, and confessional (van Maanen, 1988), and can express many attitudes, such as representational, critical, postmodern, genealogical, and postcolonial (Clair, 2003).

In this study, I sought to present praxeological accounts that describe practices and objects that constitute the field of practices of private investigating. I am guided by writings about ethnography (e.g., Clifford, 1988; Geertz, 1973; Goodall, 1994, 2000) and draw on various ethnographies in general, but entrepreneurship in particular (e.g., Bruni, 2005; Johnstone, 2007; Montoya, 2004). The accounts presented in this study are written in a descriptive, praxeological style. I provide prosaic accounts of everyday private eye work activities that can be read as entrepreneurial—i.e., activities wherein opportunities are discursively and praxeologically constituted and discovered. The value of this approach—which focuses on description of banal experiences of entrepreneurs and a writing style that dramatizes without sentimentalizing (Czarniawska, 2008b)—to communication and entrepreneurship studies is that it captures the liveliness of practices that are often “deadened in the language of ‘scientific rigor’” (Berglund, 2007, p.75)

Praxeological accounts should adhere to the usual principles of *realist* ethnography because, as previously mentioned, researchers do not want to explain; rather, they ought to stick with descriptions. Shadowing is also an ongoing intersubjective collection of data, so in most regards the data obtained has already been “explained” and interpreted both in interviews and during shadow events with private investigators. However, any study of the mundane—whether it is shadowing or some

other interpretive method—must adopt the principle of “ethnomethodological indifference,” which “bids the researcher from assessing correctness, appropriateness or adequacy in articulating the practices and organization of endogenous order” (Emerson & Pollner, 2001, p. 120). This does not mean, however, that once articulated (i.e., written up) that the implications cannot be appraised. Similar to ANT accounts, praxeological accounting is not “mere description” (Latour, 2005); but it is also not “the ‘unveiling’, ‘behind’ the actors’ backs, the ‘social forces at work’” (Latour, p. 137). A praxeological account seeks to show how various social practices (re)produce social orders. Applying a “theoretical attitude” should be done with caution: “Much like ‘safe sex’, sticking to description protects against the transmission of explanations” (Latour, p. 137).

Realist tales follow the convention of a documentary style of presentation that is “focused on minute, sometimes precious, but thoroughly mundane details of everyday life among the people studied” (van Maanen, 1988, p. 48). Praxeologists provide accounts of routine life provided by their fieldwork associates. But unlike realist ethnographies (which tend to follow a more positivist sentiment), shadowers treat field experiences and interviews as co-constitutive and do not assume an omnipotent pose. As a consequence, “Knowledge claims are inevitably positioned and partial… [and] researchers should reflect on and account for the contingencies of their [and the participants’] claims” (Lindlof & Taylor, 2002, p. 11). Shadowing, from a praxeological perspective, should reflect a tone that information and insights were generated in a dialogic fashion.

The *telos* of any narrative that a praxeologist writes should pursue a writing strategy that presents details in a playful and eloquent style. As Latour (2005) notes, “A good text should trigger in its reader this reaction: ‘Please, more details, I want more details’” (p. 137). Pragmatically, this should not be a very difficult task because, as Bruyn (2002) notes, it is from within the mundane that we find the sublime. To illustrate this

point, Bruyn cites Mitch Albom's interview with Morrie Schwartz, a sociologist who died of ALS (Lou Gehrig's Disease). When Albom asked what Morrie would do with a day of perfect health, he replied:

> Let's see… I'd get up in the morning, do my exercises, have a lovely breakfast of sweet rolls and tea, go for a swim, then have my friends come over for a nice lunch… Then I'd go for a walk, in a garden with some trees, watch their colors, watch the birds, take in the nature that I haven't seen long now… That's it. (*Tuesdays with Morrie*, 1997; as cited in Bruyn, 2002, p. 2)

This description, excerpted from an interview, eloquently demonstrates how a simple conversation can evoke emotion more powerfully than an explanation. We don't need Albom to explain what this means in regard to issues of mortality, cultural values, suffering, sickness, dying, living, disease, and death—the reader gets it. Of course, gathering and presenting detail after detail in a manner that captures the spirit of an experience is a painstakingly slow and onerous process. (Nothing about shadowing or ANT is easy.) [17]

Alasdair MacIntyre (1981/2007) notes that "human beings can be held to account for that of which they are the authors; other beings cannot" (p. 209). Writing in a praxeological format, therefore, must come with its own set of criteria for holding a researcher accountable for the quality of his or her writing. I propose readers evaluate writing based on whether the praxeologist adheres to the fundamental characteristics of *narrative rationality* (a story's credibility based on its plausibility) as described by Walter Fisher (1987): *narrative probability* (a story's coherence and integrity) and *narrative fidelity* (a story's claims are based on believable assertions about social reality).

The Particulars of this Study

Having discussed why I chose to focus on methods so heavily, the epistemological and ontological assumptions regarding shadowing, how to write and

[17] Latour (2005) notes that "the acronym A.N.T. [is] perfectly fit for a blind, myopic, workaholic, trail-sniffing, and collective traveler" (p.9).

read praxeological accounts, and how to shadow subjects and objects, attention can now be given to the particulars of this study. Shadowing method was appropriate for following professional detectives through their everyday work life, which is rarely located in a single setting (e.g., office building). By focusing on specific private detectives rather than on a single organization, I was able to get a better sense of private investigators' daily practices, conversations, work-related activities, and so on.

I initially went to the field to understand how the profession of private investigation is profitably produced by accounting for investigators' mundane practices, cares, and concerns. I realized very early that investigators obsessed about some non-human objects that are important to producing and maintaining their profession (e.g., reports and laws). I could trace their practices to the object (a report), but I had to look at the report itself as an object that then has an effect on other fields of practices (e.g., families, courts, and laws). While in the field, I listened to how investigators talked about laws, but I had to focus on the "laws themselves" and trace what practices were largely being shaped by these laws. In what follows, I describe the procedures and specifics of my interactions with subjects and objects.

Subjects

Over the course of one and a half years, I interviewed 30 private investigators in person (26) and by telephone (4). All of these interviews were recorded with the exception of two (I did not have my recorder handy). Details about each interviewee are provided in Appendix B. About half of the agency owners I interviewed had been in business for more than ten years. This is significant because, on average across all industries, according to data produced by the U.S. Small Business Administration, only 45% of new firms last five years, and only 30% last ten years. There is no data specifically available for the private investigations industry. By the admission of an executive officer of the Texas Association of Licensed Investigators (TALI) and the

sentiments of many interviewees, there seems to be a high number of failed firms in the profession. With luck, I interviewed individuals who were among the more successful.

I shadowed five agency owners for a total of 267 hours. Typically, shadowing occurred over a four day period, but two shadowees were followed twice for a total of 1.5 weeks each and one was shadowed for two days.[18] On the high end, a day of shadowing was 21 hours long and on the low end, just 7 hours. I shadowed a white female in Atlanta, Georgia; a Latino male in Houston, Texas; a white male in Glen Carbon, Illinois; a white male located near St. Louis, Missouri; and a white male located in Dallas-Fort Worth, Texas. I also draw on my two years of experience as a field investigator to assist in the sensemaking process. For such a small sample, I was fortunate to have spent time in the field with individuals whose strategy focused in very different aspects of the business: process serving, domestic cases, criminal and civil defense, fraud investigations, and skip tracing.

Regardless of whether an investigator was interviewed or shadowed, all of them went through a recruiting process that I thought would allow me to capture the more entrepreneurial among the field. My assumption is that individuals who are entrepreneurial would see my work as a potential opportunity for them (e.g., free marketing). I first selected geographical regions that I knew I could easily get to and where I had friends or family (to save money on lodging). These areas were St. Louis, Chicago, and Texas (I knew I would attend some of the TALI conferences, so I did not focus on one city). I then did a Google search using a combination of key words (e.g., “Texas private investigator,” “Dallas PI,” and “St. Louis private detective”). I searched through the first 30 links, believing this would indicate that they had many relevant links to and from their websites (they were institutionalized), likely had metatags embedded in

[18] This shadow event was the last and I had already reached a saturation point; however, this event was very rich. The investigator gave me full access to his financial books and had several appointments I was able to observe.

their webpage (they were attentive to internet marketing strategies), or had hired the services of a web optimization company (they understand the importance of investing in marketing). I also visited the websites who had advertised through Google AdWords (sometimes up to 30 companies had sponsored links). I repeated this search on Yahoo!, though the results were very similar. I also obtained agency names, addresses, and website links by visiting professional association websites.

On an Excel spreadsheet, I logged important information (e.g., agency name, address, email, phone number, and URL) in a format that could be easily filtered. I excluded a small number of agencies at this phase because I could not find any contact information on their website (in general, most private investigators' websites are terrible). Using a form letter, but tailoring it to appeal to each agency owner, I printed letters on cotton-fiber paper with a replication of university letterhead. I sent these letters to over 200 agencies. 12 letters were returned to me by the post office due to "an insufficient address." Within two days of sending the letters, I was contacted by about 10 agency owners. Interestingly, the ones who called first were also the ones that I shadowed. In two instances, the agency owner in Atlanta, Georgia (who was a referral) and the one in Glen Carbon, Illinois, called me the day after I sent the letter, and by 10 am. This suggests to me that they immediately contacted me upon receipt. This attests, perhaps, to their entrepreneurial sensibility. Again, I presented myself as a potential opportunity, and given the data mining that took place while I was in the field, it was clear I was their research subject as much as they were mine.

I followed up each letter with an email within a week. If I was contacted, sometimes several phone calls would be required to secure an interview. All shadowees were first interviewed and, depending on my feeling about the openness of an interviewee, I would pitch the idea of shadowing. Three investigators proposed that I

shadow them before I could extend the offer. The letter writing process recruited 15 of the interviewees, all others were recruited by snowballing and post-conference follow-up.

Objects

Shadowing events and interviews revealed that two objects were particularly important to investigators—legislation (i.e., laws) and reports. Of primary interest was how private investigators translated everyday social practices into a report, a document that can move beyond the field of practices of investigating into other fields (e.g., insurance). The moving between fields is what produced the potentiality for profit (see chapter 5). To shadow these objects, I tried to get interviewees in later interviews to describe the process of writing reports to me. I also asked to see redacted reports, which some investigators were willing to share. Regarding laws, I had to investigate which legislation seemed important to the investigators or important to practices within the field. For this research, I turned to books regarding legal issues in the profession (e.g., Hankin, 2009) and some of the generic books that hinted at important legislation (e.g., Brown, 2007). I also obtained lists of upcoming legislation from professional association websites. Focus on ways of speaking about and performances of agency owners with equipment provided insight into what technologies are important to them.

From the insights I have gained, I hope investigators will be able to improve training methods and business ownership strategies. As a study of entrepreneurship, shadowing provided me with an approach to “catch [entrepreneurship] as it happens” (Brundin, 2007, p. 279). Shadowing is a useful approach to studying a field of practices that is (supposedly) comprised of actors always in a process of becoming: moving, changing, adapting, discovering, inventing, and so on.

Shadowing and interviewing are not, of course, the only methods that I could have used to study the profession of private investigations. However, they were useful methods for studying prosaic practices and discourses within the field. These methods

focus on practices and participants' interpretations of discourse. For this reason, I now turn to describing common themes in academic and popular representations of private investigating and entrepreneuring.

CHAPTER 3: PROSAIC & ACADEMIC NARRATIVE ACCOUNTS

The goal of this chapter is to account for some of the pervasive popular culture and academic themes about private investigating and entrepreneurship. Narrative accounts impress upon fields of practices by influencing actors' perceptions and practices (Pollner, 1987). They affect, therefore, the prosaic descriptions presented in chapters 4 and 5.

In this chapter, I treat academic articles and popular texts (which include new media) as "story-telling" artifacts that can be "plotted" into relevant themes. These artifacts' themes often supply the taken-for-granted assumptions that are inherent in our knowledge of social phenomena. For example, I will suggest that most stories of successful entrepreneuring and private investigating tend to be encapsulated in the symbolic domain of the male—i.e., stories in which shrewd, pragmatic, creative, promiscuous, and adventurous individuals succeed. Consequently, the fields of private investigations and entrepreneurship are overwhelmingly dominated by men and they engage in practices that can be read as masculine. According to PI Magazine, females comprise between 15 and 20% of the private investigations profession (www.pi-magazine.com). This figure is not inconsistent with the rate of female business ownership in the United States, which is a stunningly low 27% (Shane, 2008).

The collection of stories into themes means adding coherence to a multiplicity of voices in a limitless supply of artifacts. I accomplished this task by first limiting my focus to artifacts that are likely to influence social understanding. I used television shows and news articles for popular accounts and peer-reviewed articles for scholarly accounts. I then thematized the artifacts from my culturally-situated perspective; reading, watching, and listening to prove or disprove my hunches regarding the fields of practices. I am reporting only themes important to descriptions in chapters 4 and 5. When available, I

use articles that have already described pervasive themes (e.g., Bruni, Gherardi, & Poggio, 2004).

In this chapter, I first define what is meant by “narrative account” and describe what can be gained by thematizing the literature regarding private investigating and entrepreneuring in this way. Accounting for themes in stories is a practice that is consistent with the sociology of knowledge (Berger & Luckmann, 1966) and process-philosophy orientations (Czarniawska, 2004; Hjorth & Steyaert, 2004; Schrag, 2003). I then, in turn, provide the prosaic and academic themes of private investigating and entrepreneuring. In the conclusion of this chapter, a few brief paragraphs preview chapters 4 and 5.

Narrative Account Defined

According to Donald Polkinghorne (1988),

> narrative is a meaning structure that organizes events and human actions into a whole, thereby attributing significance to individual actions and events according to their effect on the whole. Thus, narratives are to be differentiated from chronicles, which simply list events according to their place on a time line. Narrative provides a symbolized account of actions that includes a temporal dimension. (p. 18)

While Polkinghorne uses the term story and narrative synonymously, I distinguish a story from a narrative in that the former remains without a plot or temporal-cultural coherence. In this sense, story is much closer to Polkinghorne’s definition of chronicle. A story, in my use of the term, is an account of incidents and events; whereas narrative is the addition of a *storyline* by plotting, thematizing, and culturally relating a story’s content and structure to other stories and social knowledge.

Actors within fields of practices inhabit a holistic space of expression—or texture as Schrag (2003) refers to it—that is, for lack of a better term, “messy.” Social actors bring order to this mess by doing that which is primordial to *homo narrans* (Fisher, 1985)—they narrate. Which means that they tell stories as a process of sensemaking;

however, whatever they tell must also make sense. In sensemaking, actors translate their practices and localized accounts into a narrative form. This prosaic and taken-for-granted process adds coherence to everyday life. However, while the "language of expression [which includes story] is the language of showing, of setting forth, of making manifest" (Schrag, 2003, p. 33), unreflexive actors take for granted the organizing and interpellating processes of narratives.

The role of the analyst is to reveal some of the features of the "seen-but-unobserved" assumptions and logics of dominant narratives. The themes within narratives comprise what I call herein a *narrative account*. A story may itself take into account several themes, but themes largely determine what kind of stories and practices will count. Among stories, therefore, dominant perspectives emerge. These stories' themes are informed by, but also inform, everyday communicative praxis. People adopt and perform particular characteristics of the dominant roles within these narratives—often to appear legitimate (see Berger & Luckmann, 1966; Meyer & Rowan, 1977). Narrative is constitutive of personal and organizational identity (Brown, 2006; Czarniawska-Joerges, 1994). In this sense, narratives are culturally- and temporally-specific accounts that provide rationales for courses of action.

Narratives are a form of *expressive discourse* (i.e., it has a meaning-making function) within the space of communicative praxis (see Schrag, 2003); they carry a "surplus of meaning" beyond any one particular account.[1] As Steyaert (2004) notes, "stories are thus interweaving personages that 'speak' with each other from their own developing languages" (p. 15). Stories "speak back" to praxis and further regulate who and what is discernible as an authority or authentic participant in a field of practices.

[1] The implications of the narrative's surplus of meaning to prosaic entrepreneurship can be found in Steyaert (2004, pp. 13-16).

Another way of putting this is that narratives, which emerge from meaningful-action-as-texts (Ricoeur, 1991) and written discourse, function as a mode of communication and as a mode of knowing (Czarniawska, 2004). Narratives hold us accountable to one another by directing our actions, but can also “develop consequences of [their] own” (Ricoeur, p. 153). Regardless of the intent of an (inter)action or written text, narratives can take on different meanings and generate unintended effects.

In the following sections, I report on the academic and popular narrative accounts of entrepreneurship and professional investigating with keen interest in describing some of their shared features. Each individual media or scholarly article is treated as a discursive artifact (or story) that participates with others in constructing a particular narrative account about entrepreneurship and private investigating. What is provided below is not a hermeneutic exegesis or in-depth narrative analysis. I have simply synthesized a body of works into a story of stories by following a basic approach offered by Polkinghorne (1995), who suggests that “analysis of narratives moves from stories to common elements, and narrative analysis moves from elements to stories” (p. 12). In short, I have searched for the surplus of meanings that overflow the intentions of particular speakers, particular actors, and particular authors.

Collecting stories and finding the dominant narrative themes in them is important to a praxeological project because the process elucidates what storylines put isomorphic pressures on fields of practices.[2] As noted in chapter 2, praxeologists are bookkeepers who describe what counts. In other words, praxeologists need to describe what narrative themes likely regulate actors’ practices, interpellate identities, and reproduce social orders (see Czarniawska, 1997, 2004; Stark, 1998). Narrative accounting is a scheme

[2] This follows the logic of DiMaggio & Powell (1983), but suggests that *discursive pressures* are as equally important as coercive, mimetic, and normative pressures (see Lawrence & Suddaby, 2006).

that, among other things, elucidates what myths and ceremonies are culturally important and likely structure organizational fields (DiMaggio & Powell, 1983).

Accounting for narrative themes running across multiple stories contextualizes claims about a phenomenon. From these accounts, a praxeologist can then compare and contrast how actors' practices keep up with, add to, disrupt, maintain, play with, go along with, perpetuate, and so on, the *mythos* embedded in narratives. The *telos* of a praxeologist is description, but much can be gained from contrasting narrative accounts with observed practices. The goal is not to explain a cause or effect between the two, but rather to seek understanding as to how narrative accounts and practices remain (mis)aligned. In chapter 4, it will become clear that some dominant narrative themes about private investigating have created and may likely destroy opportunities for some agency owners.

The notion that narrative accounts about a field can bolster or inhibit opportunities within a field of practice is consistent with prosaic, narrative, and discursive approaches to entrepreneurship studies. Hjorth and Steyaert's (2004) collection of essays in their second book of the new movements series—*Narrative and Discursive Approaches in Entrepreneurship*—and a recent special issue in the journal *Entrepreneurship & Regional Development*, spearheaded by Steyaert and Jerome Katz (2004), demonstrate that much can be gained from understanding narratives' role in the creation, destruction, enactment, and discovery of opportunities in various contexts. Narratives regarding entrepreneurship, which include those about opportunity, provide the assumptions by which practitioners, researchers, and theorists (blindly) go about their business (Gartner, 2001, 2004).

Entrepreneuring involves the ongoing process of "reading texts" for inspiration and then translating interpretations (i.e., new ideas and processes) back into the social

narrative.[3] What narrative approaches to entrepreneurship suggest is that all humans, as *homo narrans*, are creative and "entrepreneurship is a matter of everyday activities rather than actions of elitist groups of entrepreneurs" (Steyaert & Katz, 2004, p. 180). This is not to suggest that all individuals seek monetary profit (though the themes of the capitalistic narrative are certainly seductive), but that entrepreneuring and the success and failures of entrepreneurs (and what they do every day) have a lot to do with storytelling. For this reason, it is important for praxeologists to identify the dominant themes in academic literature and popular media.

Chapter Methods and Artifacts

The popular culture artifacts that I collected and thematized come from a wide range of sources, including web-based media, television programs, news articles, and (non-)fiction books. The scholarly artifacts come from a collection of academic sources, including edited books and peer-reviewed articles that I was able to access through EBSCO, Academic Search Premier, and Lexis-Nexis databases. I gave attention to works that discussed the profession and to artifacts wherein the authors appealed to private investigating (often to invoke mystery). For the most part, scholarly texts about professional investigating are difficult to find. Articles evoking the mystery of private investigating—e.g., methods articles by ethnographers (e.g., Goodall, 1994)—and literature analyses of fictional detective books were most common.

To collect artifacts, I ran searches through Google,[4] Amazon, and Academic Search Premier using key words such as "private investigat*," "private detect*," and "professional investigat*". There were far too many popular texts to read, so I used my best culturally-situated hunches to guide the collection of artifacts. The outcome of the

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[3] Sometimes entrepreneurs' ideas are too ahead of the narrative and, lacking rhetorical skills, suggest ideas that scare others. Many of Nikola Tesla's inventions, e.g., wireless electricity, scared the public and led some investors to withdraw capital.

[4] I completed separate searches with other Google engines—e.g., Google News, Google Books, and Google Scholar.

peer-reviewed journal and scholarly books yielded a much more manageable size: there were only 156 unique journal articles between the search terms (most regarding fiction literature) and just a dozen or so contemporary books specifically geared toward the profession.

Analysis of the texts followed the step-by-step procedure provided by Czarniawska (2004), which I already outlined in chapter 2, section 3. I completed this part of the study while shadowing and interviewing. This allowed me to see if agency owners were aware of the themes in narrative accounts, which they often brought up without my prompting. For example, they often criticized the popular television show *Cheaters*, noting that these shows perpetuate “a myth that private investigators are nothing more than ‘sleazy sleuths spying on people’s sexual affairs’” (Interviewee 04). When they made such critiques, I used it as an opportunity to verify other themes I was uncovering. This demonstrates the importance of going to the field to filter large data obtained via texts and the internet (Czarniawska, 2007).

The examples and references from artifacts that I use to support claims are representative of the larger collection of artifacts. The purpose of this chapter is not to provide a textual exegesis, but to provide a general account of the narratives that underlie assumptions and myths regarding the fields of practices of private investigating. As a general rule, actors do not do in-depth analysis when they read and interpret texts; they simply consume and share ideas as they construct reality (Berger & Luckmann, 1966).

Prosaic and Academic Narratives of Private Investigating

Popular Narratives of Private Eyes

In popular culture, “private detective” conjures the image of a shadowy, yet perceptive, witty, and endearing (male) figure in a Homburg hat and trench coat. The image of J.J. Gittes (Jack Nicholson) and his partner Lawrence Walsh (Joe Mantell) in

Roman Polanski's *Chinatown* comes to mind. Other film and television series that project similar, but varied, representations of the private detective are *Magnum PI, The Rockford Files,* and *Dick Tracy*. For older generations and fans of old-time radio programs, it may be the smoky voice of Richard Diamond that gives the impression that private detectives' work is exciting.

The image of the private detective portrayed in film and books has its origins in the embellished stories of Vidocq (Walz, 2003). It was his pals Honoré de Balzac, Victor Hugo, and Alexandre Dumas who used Vidocq's exploits as inspiration for many of their fictional works. This coupling of investigative work and fiction immediately elevated the conception of the private investigator's work into the mythic realm: "it became the force of order and rationality battling the chaotic and scary forces of darkness…, and living on and endlessly transmogrified…in countless crime novels, movies and TV shows, has proven to have fantastic resonance. And it has thoroughly infected our notions of crime in the real world" (Walz, p. x).

In popular press books about private investigating—e.g., *Private Investigators & Bounty Hunters* (Gaines, 1999), *The Complete Idiot's Guide to Private Investigating* (Brown, 2007), and *Private Investigation, Security Science, and Public Service* (MacHovec, 2006)—there appears to be a tension between wanting to embrace the nostalgic narrative of the shad(ow)y profession while inscribing a professional and legitimate narrative of the private investigator in pursuit of truth and justice. For example, in the forward to *Introduction to Private Investigating*, Joseph A. Travers notes,

> The private investigation industry has changed dramatically in the past half-century. From a time when the typical P.I. had the reputation of being a booze-slugging, woman-chasing roughneck—to today's investigators, professional men and women dedicated to preserving justice in the public and private sectors. (2005, p. xi)

Lest people think that private investigating has become a humdrum professional career, writers of "how to" books are keen to remind readers that it is not "just a job": "A career

as a professional private investigator can be emotionally rewarding, entertaining, and exciting. It's much better than working for a living" (Brown, 2007, p. 17). Regardless of whether private investigators were or are "roughnecks" or "professionals," Travers is correct about one thing—the field has changed *dramatically*. Dramas and narratives play out in everyday interaction and become cognitive schemes through which people make sense of investigators' "rational" practices. Similarly, it is through narratives that people obtain a recognizable identity (Czarniawska, 1997), which is why private investigators are not often identified as entrepreneurs or professionals, while police officers and rich Silicon Valley tycoons are. Two themes that were prominent in private eye narratives are "unprofessionalism" and "autonomous man."

Unprofessionalism. From popular representations of private investigators in reality television shows and news sources, it is hard to see private investigators as professionals. In the reality television show *Cheaters*, a Dallas-based private investigations company engages in domestic surveillances for clients ("the complainant") who suspect that their spouse or long-term significant other is engaged in infidelity. Spliced with interviews and some narration, *Cheaters* documents the activities of a cheater ("the suspect") with his or her paramour ("the companion"). While there is nothing abnormal about the surveillance footage, the show adds an element of drama by allowing the client to confront his or her partner after evidence of infidelity has been obtained. This confrontation often turns quickly into an example of domestic violence and has placed fear in some potential clients about hiring private eyes. While shadowing in Dallas and Atlanta, I documented two phone calls during which a potential client specifically asked if they will need to confront their partner or if the surveillance video will be shown on television. Other interviewees mentioned they receive similar calls.

In *Love Decoy: Sex Stings*, Phoenix-based private investigator Sandra Hope (Mate Check PI, LLC), her boyfriend and business partner Tom Scharrer, and her

daughters Jasmine, Xanadu, and Kashmir, document their lives as well as their private investigative activities. The type of investigations that they conduct is referred to as "fidelity checking" and "baiting," which involves tempting the client's partner with the prospect of hooking up with the decoy. The client hires Mate Check so that their temptresses (two of the investigators are former strippers) can check the client's partner's fidelity. Once the wayward lover's devious intentions are sufficiently enticed, a meeting (usually private) is set up in a location that can be rigged with hidden cameras or publicly videotaped. The client and Sandra's team sit in a nearby van and watch the situation unfold live. Seeing his or her significant other take the bait, the client typically goes into an emotional tantrum and storms in on the surprised partner. Usually many epithets are tossed about, and in several episodes physical violence ensues. In the episode "The Rock and Roll Romeo" (Season 1, Episode 2) the client storms into a bar's dressing room (for the band), tosses water on her partner, and slaps him. When there is not much drama, Sandra and the decoys will verbally lambaste the cheater or try to stoke the client's frustrations. For example, in the same episode, the client is reconciling with her partner when Sandra says, "You're going back to the same thing [name]; he just got done putting his tongue down another woman's throat." In the pre-surveillance interviews the clients are often encouraged to be confrontational. Sandra hints that the best time to confront them is when everyone is around (which obviously means when the camera crews are too). But when one is emotionally charged, this is the worst time to confront a partner—there is an increased the risk of physical violence. In the episode "A Family Affair," (Season 1, Episode 1) the police arrive on the scene of the confrontation.

Interestingly, Hope criticized *Cheaters* for "provoking confrontation" just three years prior to making her own reality television show. She was a guest on MSNBC's "Scarborough Country" on December 19, 2005, and was asked to give her opinion regarding the indictments brought against *Cheaters* staff for provoking a confrontation

between Rafael and Maria Gutierrez. At the time, Maria had a protective order against Rafael for alleged assault. After uncovering evidence of her infidelity, *Cheaters* staff arranged for Rafael to confront his wife at her workplace, which led to charges being sought by Maria. In commenting on "Cheaters," Hope seems to suggest that provocation is neither usual nor preferred:

> I think that wanting to see if someone is being faithful is one thing, but provoking it and making people aggravated and into a violent situation is another…. When I have watched the show, I see a lot of provoking, making the other party angry, upset into a violent situation. I've been doing private investigations and finding cheating spouses for 11 years, and you just don't run into this. ("Scarborough Country," 2005)

It would seem that the entertainment and financial gain for Hope is now more important than maintaining the profession.[5]

The reality of these "reality shows" is that they showcase practices that most private investigators try to avoid, particularly because confrontation can lead to legal problems. Despite domestic surveillances being "easy money," most private investigators prefer to avoid doing them because of the high emotionality of clients (interviewee 26). What is more, most investigators understand the risk of violence that comes with domestic cases, some of which have ended in murder and murder-suicide, as was the case with interviewees 26 and 29. Popular press books encourage investigators to be cognizant of the risks of domestic cases: "We made it a policy…never to tell the exact location of their cheating spouse until the following day" (Brown, 2007, p. 14). Nearly all of the investigators I interviewed said that they also adhere to such a policy, frequently citing the Clara Harris incident as a premier example of why one should not give certain details from the field about target activities. In 2002, Clara Harris

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[5] Interestingly, during the same discussion, the producer of *Cheaters*, Bobby Goldstein argues that there is a moral value to these shows: "I think there's more than just entertainment value, Catherine [the show's host]. You know, we are protectors of the seventh commandment: Thou shalt not commit adultery. And some people find that has a lot of merit as well" ("Scarborough Country," 2005).

hit her husband with a car and ran him over two additional times. This all happened in a Hilton Hotel parking lot (Nassau Bay, Texas) after the investigation company she had hired, Blue Moon Investigations, told her that they had documented her husband with another woman at the hotel.

In an episode of *Sex Decoys* ("Web Wanderer"[6]), a target is brought to his and his girlfriend's apartment for a confrontation after he is caught on surveillance cameras receiving a lap dance from Kashmir. Expecting to continue his fling, he enters the apartment with an unconcealed fire arm attached to his belt. He is greeted by the production crew, other investigators from Mate Check, and his girlfriend, who begins to yell at him. The situation, according to Tom, "was escalating fast." Tom, therefore, un-holsters the gun and refuses to give it back to the target, who eventually leaves his apartment apparently without it. Tom's actions could constitute theft. Moreover, the documentation of these incidences, especially those that get physical, is not good for the client. Not only does confrontation make the evidence largely useless in court, but it could be evidence of domestic violence. In other words, these shows often demonstrate poor private investigating, illegal activity, and works against clients' interests.

The unprofessional activities of these reality television shows are, of course, critiqued by other private investigators (at least until they have their own reality show). For example, Florida private eye Bill Warner (2009) claims on his blog that Hope is "trailer trash with a badge." While I agree with most of the points raised in Warner's blog rants, his writing is poor, he presents his case on a cluttered and amateurish blog page, and his tone toward another professional is, frankly, unprofessional. So in this sense, he is also guilty of generating a largely negative representation of private investigators.

Despite Hope's problematic representation of the field, news channels have capitalized on the show by inviting Hope to serve as a pundit and commentator about

[6] Season 1, episode 4.

various social issues, especially infidelity. Her exposure on news media, in turn, increases her popularity and the chance that television viewers will be exposed to her brand of investigating. Yet, despite the few appearances of private investigators to give commentary regarding issues of infidelity, the news media largely does not seek the advice of private investigators for other social matters or report on positive practices. It is much more likely, as my analysis of artifacts suggests, that the news will report on negative practices of the field.

In recent years, stories of private investigator misconduct have dominated the headlines. The Hewlett-Packard (HP) case, in which outside private investigators were hired in 2005 to obtain the source of a media leak from the board (Kaplan, 2006), and the Anthony Pellicano case, in which he was sentenced to 15 years for illegal wiretaps and racketeering on behalf of high-profile Hollywood clients (Barnes, 2008), are two examples of negative media. In the HP case, investigators used highly questionably "pretexting" activities—e.g., pretending to be HP executives or journalists in order to obtain phone records. They also sent emails with embedded software that could trace computer activities without user knowledge. These practices led to the resignation of several board members; investigations by the State of California, the FBI, and Congress; and criminal charges (Donovan, 2007). The passage of the "Telephone Records and Privacy Protection Act"[7] is a consequence of the HP scandal. But the damage to the field extends beyond this one provision, as the following outtake from a *USA Today* article demonstrates: "Phone records aren't the only traces of your life that can be *had for a buck*. / Individuals' medical records, places of employment and class schedules are just some of *the nuggets* data brokers obtain by impersonating others, a practice known as pretexting" (my emphasis, Davidson, 2006, ¶1-2). The rhetorical condemnation both reduces the legitimacy of the field and supports the numerous proposed state and

[7] H.R. 4709, codified at18 U.S.C. §1039 (2007)

federal bills that, if passed, will severely limit the practices of private investigators (see http://www.nciss.com). Clearly, the media narrative about private investigating leads toward the "hired gun" images that are prevalent in the fictional ones. Investigators must (and are willing to) lie, steal, and cheat to satiate their need to make money: "too many PIs' main concern is getting paid" (¶12). In short, private eyes are known to work "for sizeable fees" (Tergesen, 2005) and will do just about anything for anyone, which includes helping murderers (Motia, 2008).[8]

Given the number of times private investigators find themselves in the media for violations of the law, it doesn't help that in many of the "how to" books regarding the profession, especially the best among them (e.g., MacHovec, 2006), there is little discussion of legal principles. MacHovec, for example, who holds a doctorate degree in clinical psychology, correctly asserts that "ignorance of the law can lead to serious errors, painful embarrassment in court, loss of confidence in you by colleagues and company, lost business, and even the miscarriage of justice when a guilty person goes free" (or, I would add, when an innocent person goes to prison). However, he only gives a scant two pages (pp. 152-154) to the discussion of law. He also does not offer much advice about where to get the training or what laws to know.[9] Worse, he indicates that a great learning tool is Hollywood movies. At the end of each chapter he lists movies worth watching (e.g., *Witness for the Prosecution* [criminal court proceedings] and *The Usual Suspects* [interrogations]), but he does not indicate whether these are good examples, poor examples, or teaching tools.

Autonomous man. If popular depictions of private investigators are largely those of unprofessional roughnecks, these roughnecks are male, particularly since "private investigations is a field that requires a great deal of courage…" (Travers, 2005, p. 4). Not

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[8] Some agency owners refer, sadly, to criminal investigations as "dirty work."
[9] Ron Hankin's (2009) and Charles Nemeth's (2004) books are good places to start.

surprisingly, most of the artifacts I analyzed from news sources almost always cited a male investigator. Where women are described as valuable to the profession, they are seen as good tools for covert work ("most people don't expect women to be PIs" [Interviewee 05]). Allan Pinkerton supposedly hired the first female private detective for this reason. Kate Warne approached Pinkerton and expressed her wish to become a detective: "Though Pinkerton had never heard of a female detective, he leaned back in his chair and asked why she thought she could be of value. Mrs. Warne carefully detailed how she could 'worm out secrets in many places to which it was impossible for male detectives to gain access'" (Horan, 1967, p. 29). According to investigators, women can be good covert operators due to a lack of public expectation. The Detective Training Institute advertises:

> In several types of assignments, women have often been more effective than their male counterparts. Women are now actively recruited by detective agencies because they have done very well when assigned to surveillance activities, interviewing subjects, and conducting telephone pretext calls. (http://detectivetraining.com)

In the narratives of female success, the sorts of assignments that women seem to excel at are "baiting surveillances" (they use their sexuality), speaking with other women and children (they are softer), and playing on people's false assumptions in pretexts (the benefit from the dominant male-centric discourse).

The expectation that mostly men are private investigators seeps into popular texts in the most superficial of comments. Of course, certain biases in popular accounts of private investigating do give women some advantages in the field. Similarly, age and race can be a field advantage, though these are often not mentioned as factors in the "how-to" books. From my own experiences as a field investigator in Dallas, I can attest that advantages come to those who are young. Most people simply did not suspect I was a private investigator. Similarly, one of my interviewees, a black female investigator (Interviewee 08), indicated that she "often obtains things that others [e.g., white

investigators] would not be able to, especially in more urban areas." Making money as a private eye is entwined with practices of race, class, and gender.

In most stories, there is little accounting or representation of other images besides the autonomous (white) man. While non-fiction accounts often do not portray private investigators as playboys, they are praised or critiqued for their ingenuity and ability to get things from people. Given this sort of image, there are some financial risks to private investigators; especially those who do not fit the typified image of the private eye. While I certainly fit most of the criteria, I often sensed that my age was a factor in how clients interpreted my field activities, especially when I did not perform well. Additionally, I could sense that my age was a factor when negotiating contracts with potential clients. For example, they would ask in a suspicious tone, "how long have you been doing this?" or more directly, "are you sure you are qualified?"

The equipment of the investigative world also has been biased by popular accounts. I once video recorded from up the street in my Ford Escape a client's husband, who knew he was being followed. He walked down the street and knocked on a van window before going to his mistress's house (located across the street from his and his wife's house). He later claimed he wanted to know if I wanted something to eat or drink. He obviously thought that private eyes use vans. This is why no private eye I interviewed or shadowed drove a van.

Academic Narratives of Private Investigators

Academic discourse about entrepreneurship and private investigating also perpetuate narrative accounts that are constitutive of and constituted by the popular culture stories. From an academic standpoint, there are few texts about private investigators available. The majority of scholarship concerning the investigative profession tends to favor public or corporate detectives' work (Sennewald & Tsukayama, 2006). This is despite the fact that in the United States the private profession largely

precedes public policing (see Weiss, 1979, 1981) and is one of the fastest growing professions in the United States (U.S. Department of Labor, 2009).

Public police departments have been experiencing severe financial shortages for decades, and are now taking on extra counter-terrorism duties in the post-9.11 era. With skinnier budgets and more duties, departments must make strategic choices about which cases to investigate. Most of their resources are now aimed at revenue-generating activities (issuing citations), domestic disturbances, and investigating major crimes such as murder, rape, armed robbery, and drug-related activities. Fraud, larceny, missing persons, and “white-collar” crime are often left under-investigated. It is no surprise that the fastest growing sectors on the private side are finance and mortgage fraud investigations, followed by identity-theft cases (Motia, 2008). Other common cases that private investigators take on are wrongful death, work-related injury, employee theft, investor-related background investigations, kidnapping, and corporate counter-surveillance (U.S. Department of Labor, 2008).

Despite these trends, the few academic texts that I have located about private detective services tend to focus on the seedy side of the profession—such as the use of deceptive practices (e.g., Gill & Hart, 1997; Shulman, 1994, 2007) or its historic coupling with private interests or corrupt public policy (e.g., Churchill, 2004; Weiss, 1979, 1986)—and its (problematic) representation in media or fiction (e.g., Broe, 2005; Broes, 1992; Jackson, 2003). Other academics use private investigating as a metaphor, often perpetuating the popular culture images. Ethnographers, especially, like to draw comparison between ethnographic fieldwork and private investigating, evoking the (sexy) image of the private investigator “casing” a culture in order to uncover “dirty data” (e.g., Atkinson, et al., 2007; Goodall, 1994, 2000; Mitchell, 1993; Shulman, 1994).

The greatest body of academic literature that focuses on investigations as a (professional) field, rather than using it as metaphor, covers internal corporate

investigations or private policing. These articles are written by faculty in law, criminal justice, accounting, and economics (e.g., Geddes, 1989; Gill & Hart, 2007; Hankin, 2009; Montgomery & Majeski, 2005; Nemeth, 2004). What this means is that there is an academic discipline around identifiable jobs within corporate investigation—e.g., computer forensic technicians, forensic accounting specialists, and loss-prevention specialists. There is no similar coherent research agenda tailored to private investigators and their techniques or needs. This reduces social legitimacy and makes practitioners have to rely upon anecdotal evidence to support their practices. To make this point, I will use the discussion regarding the role of females in the field:

> Consider the female employee who received an obscene phone call. If a male investigator were conducting that interview, some of the language during that conversation, language that could tie in with a past or future case, might not surface. A female investigator would probably obtain the entire conversation, word for word. Ideally, then, a female investigator would do the follow-up interviewing on sex-related offenses involving female victims. That is also true where children are witnesses. As a rule, small children will confide in a female more readily than in a male, and older people feel more at ease with investigators closer to their own age. (Sennewald & Tsukayama, 2006, p. 100)

It may or may not be true that females have an advantage over men as investigators. Sennewald and Tsukayama are relying on “common sense” (i.e., narrative accounts based on doxa). They could rely on gender communication research to train male investigators to adopt practice typical to women, but research testing these pedagogical practices would be necessary. Sennewald and Tsukayama never cite a single study to support their sweeping claims throughout the book.

The absence of research is a reflection of the state of the profession—researchers do not have an incentive to take this field seriously. In Sennewald and Tsukayama’s (2006) 300-page textbook, they only have a total of 45 citations, and most refer to legal cases or popular press articles. That textbook and how-to books are written with few or no citations to studies is troubling for a profession; there is no body of

knowledge to help give the field legitimacy or to draw upon. Until an identifiable research paradigm develops, private investigations will be subservient and dependent on literature in other fields, which largely serves public and corporate investigators' practices. While private investigators may engage in practices that are similar to public and corporate investigators, they do have marked differences worthy of consideration. Until serious academic writing and research occurs, the popular male and unprofessional themes in narratives will continue to dominate.

Prosaic and Academic Narratives of Entrepreneuring

This section was completed in much the same way as the previous. There are academic studies that have already accounted for themes in popular stories about entrepreneurship. For this reason, I do not offer as many examples directly from popular culture artifacts and instead draw on these academic articles.

Popular Narratives of Entrepreneurs

Mention the word "entrepreneur" to a person and it will likely conjure up images slightly similar to the private investigator: a heroic and triumphant, creative, and hard-working (male) businessperson who has built an organizational "empire," sometimes with just pennies of net worth. Allan Pinkerton, Andrew Carnegie, Bill Gates, Steven Jobs, Sam Walton, and "those guys that started Google" are a few of the likely characters who fit the ideal-type image of *homo economicus.*[10] In US-American culture, stories about successful and rich business people are pervasive, and we admire those who have seemingly defied the odds. For example, the "great entrepreneurial success story" of how FedEx started with just a few planes and grew into a $36 billion global delivery juggernaut has become a part of corporate Americana. The story of its birth tells of Fred Smith's legendary college term paper in which he first advanced his idea of an

[10] For an excellent account of masculinity and entrepreneurship see James Catano's (2001) *Ragged Dicks: Masculinity, Steel, and the Rhetoric of the Self-Made Man.*

overnight-delivery service and was supposedly given a C by his Yale professor (which Smith says is an inaccurate portrayal) to the infamous trip to the Las Vegas casinos—where he won enough hands of blackjack to meet a payroll and avoid bankruptcy ("Fred Smith on the Birth of FedEx," 2004). Such stories, and there are several amazing stories I could have drawn from, often promote entrepreneurship as solely a profit-seeking business endeavor and often in individualistic terms, whereby one or two individuals have a "eureka" moment or discovery and exploit an opportunity. Successful or failed entrepreneurs, however, are constituted by several factors, including historical timing of their life, industry changes, previous experiences, and social networks.

In the United States, especially, it is the lure of riches that are the hook of most of these stories. There is a reason I am writing about Fred Smith, the CEO of FedEx, and not Fred Smith, my high school English and literature teacher. Smith, the teacher, is likely just as intelligent and hardworking as the average CEO. Yet, entrepreneurs are treated as the saviors of capitalistic economies: "Entrepreneurs that start and run small businesses will be the propellant in this economy" (Jardin, 2008). English and literature teachers, however, are just as important to capitalism. The *Harvard Business Review*, for example, suggests that quality writing and the ability "to read fiction to the bottom line" are important factors in managing creative and productive enterprises (see Czarniawska-Joerges & de Monthoux, 1994). Nevertheless, with the economy and environment in turmoil, it was "Joe the Plumbers"[11] that would save our economy. Politicians', political pundits', and "news personalities'" ways of speaking about economies and business people largely reinforce the image of an entrepreneur working independently while thinking only about profits (and low taxes). In other words, the social and mundane dimensions of entrepreneurship are often left out of the stories in favor of getting straight to the profitable ending.

[11] A phrase made popular during the 2008 United States Presidential campaign season.

There have already been several studies of entrepreneurial metaphors and narrative in popular texts and practices (e.g., Bruni, Gherardi, & Poggio, 2004; Down, 2006; Johansson, 2004; Nicholson & Anderson, 2005; Sørensen, 2008; Stewart, 1990). These studies highlight that the public narratives of entrepreneurship (or "false clichés" as Simon Down calls them) are infused with storylines of "manliness"; "risk and bravery" (entrepreneurs are risk-takers, employees are not); "ambition and growth" (entrepreneurs seek change, not routine); "autonomy and self-sufficiency"; "bureaucracies and corporations" (entrepreneurs are not beholden to rules and procedure) (Down, 2006, pp. 89-102). Louis Nicholson and Alistair Anderson's (2005) longitudinal study of metaphors in news stories printed between 1989 and 2000 is a thorough analysis of popular themes about entrepreneurship. What they found in their analysis was some shift, albeit slight, and mainly in the level of hostility, in the myth that emerges from the metaphors used in stories over the decade: "The entrepreneur in 1989 is portrayed as battle protagonist, fighting a class war or broad range of opponents using psychological warfare. … / In 2000, the entrepreneur is an aggressive protagonist in battle, 'nuking' and 'culling' rival businesses or governments" (p. 161). They further highlight that, regardless of what sort of individual she or he is (savior or fiend), the entrepreneur is always in control:

> The entrepreneurial myth stretches to cover the evil wolfish entrepreneur and the supernatural angel-like guru, the successful skyrocket and the community corrupter. However, the extensive range of traits making up the entrepreneurial myth have a common element; agency. Whether as creator, seducer, aggressor, charmer, savior or pursuer, the entrepreneur is always active, rather than the object of someone else's agency. (p. 163)

While such articles are critical of some of the dominant themes, the authors' arguments are aimed not so much at "main street" entrepreneurship, but at large corporations. Most critiques of entrepreneurship still favor small start-up companies.

Consequently, in the majority of stories about entrepreneurship (whether from a positive or negative angle), the less-positive and black-market practices of entrepreneurship are left out (this is also true in the academic narratives; see Baumol, 1990; Rehn & Taalas, 2004a). Drug dealing and telemarketing enterprises may have much more in common than our stories permit. If Vidocq's story reminds us of anything, there is often a very thin line between criminal and legitimate business practices. Our favored stories about entrepreneurship also don't deal with failure, so we have poor understanding of why businesses fail and why so many people rush dangerously into business. For every story of success, there are more stories of failure (Shane, 2008). There is, unfortunately, little discussion in popular press about the wasted deployment of resources of a failed business or firm created by venture capitalists just for the purpose of selling the company for profit. When someone can claim "We're mass-producing the start-up," as Paul Graham, founder of Y Combinator, has, citizens should be concerned about the sustainability of this approach and its effect on local economies.

Finally, stories of entrepreneurship largely focus on businesses and not *practices of* entrepreneurship. It is unlikely, therefore, that the founders of the Red Cross, Boys and Girls Clubs, and the neighborhood church are going to be considered entrepreneurs. They may be said to be entrepreneurial or be categorized as "social" entrepreneurs, but rarely, if ever, just entrepreneurs. All of these stories, according to Scott Shane (2008), perpetuate myths about entrepreneurship. The myth that entrepreneurship is always good for the economy[12] or that people start businesses in "start-up" industries are particularly dangerous ones. A significant amount of capital and other vital resources are lost in business venturing, particularly because entrepreneurs tend to start businesses in saturated markets with high firm failure rates (Shane, 2008). The myth of the savior entrepreneur is also pervasive in academic narratives about

[12] On this point, see also Baumol, 1990 and Baumol, Litan, & Schramm, 2007.

entrepreneurship. Some scholars, however, as I shall show in the section on narratives in entrepreneurship studies, have begun to challenge these myths.

Academic Narratives of Entrepreneurs

Unlike private investigations, entrepreneurship studies is an established academic discipline. There are professional academic associations (e.g., United States Association for Small Business and Entrepreneurship) and several other disciplines have an entrepreneurship caucus or division (e.g., Academy of Management and American Economic Association). There are disciplinary journals (e.g., *Entrepreneurship Theory & Practice* and *Entrepreneurial Economy*) and other journals frequently publish articles on entrepreneurship (e.g., *Organization Studies*). There are also numerous (text)books and anthologies on the topic from a variety of paradigmatic and ideological perspectives. Most importantly, courses are taught and degrees are conferred at several universities throughout the world.

Not unlike most human studies disciplines, entrepreneurship studies has its typical paradigmatic in-fighting and insecurities, particularly in recent decades as the various “turns” and “posts” have emerged and disrupted scientism’s stronghold on the human studies disciplines. Prying entrepreneurship studies from the positivist grip has not been easy. With its bizarre quantitative measurements, game theory, and abstract mathematical language, neoclassical economics has become the “queen” of the social sciences (McCloskey, 1998). It is, consequently, the neoclassical definition of the entrepreneur that has dominated the field for some time (Seymour, 2006). That the entrepreneur emerges as an “ideal type” in neoclassical economics as a rational agent that has the ability to coordinate, control, and equilibrate disorderly markets while rewarding society with new products, services, and an accumulation of wealth, is not surprising. It parallels the narrative of positivist science. It is also not surprising that entrepreneurship scholars have preoccupied themselves for so long with trying to

understand the psychological attributes and traits of entrepreneurs (see Gartner, 1988; Shane & Venkataraman, 2000) or that such research has found that entrepreneurs possess the following attributes: “a propensity for risk,” “strong leadership skills,” “self-motivation,” “a strong ego,” and “a desire to make money” (see Ray, 1993). These are largely the same characteristics that are pervasive in account of other sciences. As Berger and Luckmann (1966) and Weick (1995) note, we have simply enacted the reality we projected. These attributes are simply reified typifications. If the narrative suggests that mostly these people are entrepreneurs, it is likely that mostly these “types of people” will become entrepreneurs.

In recent years, it has become fashionable to take an Austrian School approach to entrepreneurship, particularly among scholars with an interest in opportunity as the primary object of focus (see Holcombe, 2003; Kirzner, 1973, 1997; Shane, 2000; Shane & Venkataraman, 2000; Plummer, Haynie, & Godesiabois, 2007). Even though Austrian theorists—namely von Mises and Friedrich Hayek—remained skeptical of positivism, many of the assumptions of the neoclassical doctrine still persist in studies of opportunity.

Popular definitions of opportunities describe them “as situations in which new goods, services, raw materials, markets and organizing methods can be introduced through the formation of new means, ends, or means-ends relationships” (Eckhardt & Shane, 2003, p. 336). Where attempts have been made to explain the origins of opportunistic situations (e.g., Holcombe, 2003; Kirzner, 1973; Plummer, Haynie, & Godesiabois, 2007; Shane, 2000), the discussions have been primarily theoretical and based on an understanding of opportunities as discovered objects that exist independently of entrepreneurs’ actions, as byproducts of disequilibriated markets (e.g., changes in taste or technological advancements; Kirzner, 1973; Plummer, et al., Schumpeter, 1976; Holcombe, 2003), and unintended consequences of individuals’

creative and destructive meddling in markets (Schumpeter, 1976). Based on these assumptions, scholarly discussions about opportunity identification can be classified into at least three coherent explanations: active search, prior knowledge, and creation.

Active search. The first common account of opportunities is that they are discovered by *active search.* It is assumed that markets operate in equilibrium as a result of the collective, price-motivated decisions of maximizing actors. Markets operate in modes of perfect competition where supply and demand are balanced at a particular price. Because markets are balanced and efficient at equilibrium, there are no additional profit opportunities. However, a disruption in a market may push it into a state of disequilibrium and create an opportunity for profitability. A disruption may be a higher input price, environmental problem, or change in tastes. (Focusing on how the disruption came to be is of little interest.) Opportunities in this model are considered to originate from the disruption and, therefore, are external to entrepreneurs' actions.

According to the neo-classical tradition, an opportunity is simply any occasion for arbitrage (i.e., high profits). Because all actors are assumed to possess perfect knowledge about markets, any opportunity presents itself as an *equal* opportunity for all. Entrepreneurs in this model, therefore, are individuals who actively step in and take first advantage of an equally obvious opportunity. Self-identified entrepreneurs are always "on the lookout" and aggressively act whenever or wherever an opportunity arises. The image of the entrepreneur in this orientation is that of the self-motivated risk-taker who wants to make large profits; i.e., the popular cultural myth of the competitive, money-driven individual. The advantage of this approach for researchers is that opportunities are easily operationalized as monetary gain. A limitation of this approach is obvious: it is assumed, for example, that everyone had an equal chance of discovering the internet search engine and its revenue generating potential. Another limitation is that it is a-historical and a-contextual. In order for the opportunity of "private investigating" to be

possible, a market disruption must have occurred in Vidocq's France. Such an approach, however, does not account for the constitutive factors of disruptions.

Prior knowledge. This theme suggests that *prior knowledge* explains why some individuals discover opportunities while others do not (Shane, 2000, 2003). This perspective is largely espoused by entrepreneurship scholars borrowing from the Austrian School of economics, particularly Kirzner (1973, 1997). According to the Austrians, opportunity discovery is contingent on subjective knowledge. Shane (2003) argues that prior knowledge moderates the relationship between technological inventions and opportunity exploitation. Austrian economists are still largely interested in the role of the price mechanism in generating profit and loss, but "[they] believe that equilibrium approaches [of the neoclassical school] fail to offer a satisfying theoretical framework for understanding market processes" (Shane, 2003, p. 449). Austrians recognize that, in practice, markets are almost always in a state of disequilibrium (Chiles, Bluedorn, & Gupta; Kirzner, 1997; Shane, 2000).

As the market oscillates between surpluses and shortages, opportunities are common, plentiful, and always awaiting discovery. Knowledge is assumed to be distributed asymmetrically in a society, so opportunity identification is contingent on a person's knowledge, experience, and timing. The fact that Sergey Brin and Larry Page, the founders of Google, were Ph.D. students at Stanford University likely explains why they recognized an opportunity to improve internet search engines. That Vidocq had spent a great deal of time as a crook gave him access to informants and an intimate knowledge of how criminals operate, which was important to the emerging notion of "policing." Individuals, according to Austrian thinking, have knowledge specific to time and place that is not available to others (Hayek, 1975/2007). The explanation given by scholars adhering to this approach for unexploited opportunity is that there has yet to be a timely union between the opportunity and the person possessing the appropriate "prior

knowledge" to recognize it. As Kirzner (1973) notes: "Entrepreneurship does not consist of grasping a free ten-dollar bill which one has already discovered to be resting in one's hand [as neoclassical economists assume]; it consists in realizing that it is in one's hand and that it is available for the grasping" (p. 47). An implication of this approach is obvious: entrepreneurial opportunities are abundant, but they cannot be understood *before* they are discovered (Seymour, 2006). It is difficult to account for unseen or abandoned opportunities in this research.

An entrepreneur is understood by Austrian-influenced scholars as any individual who acts on information distortions. Though they may demonstrate an "alertness" that others do not (Kirzner, 1973), entrepreneurs do not necessarily engage in an active search process. An entrepreneur may passively discover an opportunity if she or he possesses the necessary knowledge to discover and exploit it (Hayek, 1945; Shane, 2000). Individuals can certainly scan the market horizon looking for previously unrecognized opportunities, but unless they have the appropriate information they are likely to fail in their search. In this model, it is again assumed that opportunities originate in the market and are external to entrepreneurs' actions. It is recognized, however, that entrepreneurs can subjectively influence the discovery process by obtaining knowledge and experience that will help them to identify opportunities. This is why it has become a favored perspective among many business educators (DeTienne & Chandler, 2004). Although this perspective is preoccupied with opportunities as an objective economic phenomenon and treats prior knowledge as cerebral, its focus on the subjective nature of opportunity discovery offers insights that are useful to a praxeological perspective. I use, therefore, aspects of this tradition in making sense of how everyday social practices are generative of private investigators opportunities.

Creation. The final perspective relating to opportunity identification is a *creation* perspective. This perspective is characteristic of what Shane (2003) labels

Schumpeterian opportunities (after Joseph Schumpeter). These opportunities are described as radically new and novel rather than incremental or improved. Sources of Schumpeterian opportunities have been classified in the entrepreneurship literature as originating from technological changes, political and regulatory changes, and social and demographic changes (Shane, 2003, p. 23). The function of the entrepreneur, based on this view,

> is to reform or revolutionize the pattern of production by exploiting an invention or, more generally, an untried technological possibility for producing a new commodity or producing an old one in a new way, by opening up a new source of supply of materials or a new outlet for products, by reorganizing an industry and so on. (Schumpeter, 1976, p. 132)

Schumpeter, as is apparent in the above definition, saw entrepreneurs as heroic figures who, through the introduction of “new combinations,” destroy and replace entire markets (Chiles, Bluedorn, Gupta, 2007). This process, what he termed “creative destruction,” creates profit opportunities. Once a market is created and destroys another, Schumpeter (1976) argues, opportunities in the new industry quickly diminish as imitators enter the market. The implication of this approach is that entrepreneurs are creators of opportunity but often as the unintended consequence of their willful tinkering on the processes and structures of current market practices.

Brin and Page, according to this perspective, created the opportunity for a new search engine by doing research (i.e., “tinkering”) that led to the destruction of the then-current search platforms. Many search engines now imitate Google by using Google-like platforms and advertising schemas. Schumpeter, like the neo-classical scholars, would say that the search engine market now operates in state of equilibrium. The Austrians would argue that the search engine market is working toward equilibrium but there are likely unexploited opportunities to be discovered. Vidocq created new processes for investigation, which have now been imitated to the point that they are largely taken-for-

granted as profit producing. Schumpeter never offered an explanation for why entrepreneurs intrude into efficient markets (Witt, 1992),[13] but the concept of creative destruction does offer at least one (simplistic) explanation for the origins of opportunities.

These three trajectories—active search, prior knowledge, creation—in current discussions largely take a perspective based on the so-called law of supply and demand. It is assumed that markets will exist in or tend toward a state of equilibrium due to the competitive nature of markets. This does not necessarily have to mean that markets are driven solely by the pecuniary self-interest of maximizing agents as suggested by neoclassical economists. Austrian economists suggest that market behavior need only rest on the assumption that human action is purposeful and that we have a "propensity to manipulate scarce means consistently toward the achievement of adopted goals" (Kirzner, 2005, p. 467; see, especially von Mises, 1949/2007). Many entrepreneurship scholars have now begun to reject the neoclassical perspective in favor of both Schumpeterian and Kirznerian opportunities. As Shane summarizes, "Kirznerian opportunities reinforce established ways of doing things, whereas Schumpeterian opportunities disrupt the existing system" (Shane, 2003, p. 20). Regardless of what supposedly dis/equilibrates markets, the limitations of these approaches are the same: 1) they treat markets as mechanical operations; and, 2) offer opportunities as objective "things" or specific moments that wait to be "discovered" and exploited.

In this project, I borrow some useful concepts from each of these schools. For example, from the Austrian perspective the useful concepts of "prior knowledge" and

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[13] My assumption is that Schumpeter never explains why people meddle in markets because it seems self-evident that they may be motivated by factors other than profit. Brin and Page, for example, were motivated by the desire to practice science as part of their ongoing activities as Ph.D. students. Through this process they recognized a limitation in current search engine platforms and set out to develop a new one. When Brin and Page saw that web users were using their platform, they realized advertising could generate profits.

subjectivism and from the creation perspective I borrow the idea that opportunities become objectivated over time. But I focus instead on everyday practices wherein opportunities are *enacted*; a focus consistent with prosaic approaches to entrepreneurship studies (Hjorth & Steyaert, 2004). In rethinking entrepreneurship as a social phenomenon, entrepreneurship scholars have come to recognize that entrepreneurship is not a practice of an elite or risk-taking few, but a common vocation of many. Thus, entrepreneurial activity occurs in everyday circumstances and in almost any context (Johnstone & Lionais, 2004; Rehn & Taalas, 2004b; Steyaert & Katz, 2004). These approaches tend to suggest that opportunities are *enacted* from within everyday circumstances. By focusing on how opportunities are constituted in and through everyday interaction, praxeologists come to see opportunities not only as object-like-things, but the practices through which entrepreneurial opportunities arise (Seymour, 2006). It is a praxeologist's task to describe and explain just how and in what ways these individuals' (communicative) efforts are entrepreneurial or produce opportunity. It is for this reason that Steyaert (1998, 2004) suggests that entrepreneurship studies are in need of more descriptive, prosaic accounts of entrepreneurial becoming. The assumption is that enacting an opportunity occurs slowly over time and through an active and social process.

Using an enactment approach, opportunities are recognized and exploited through an intersubjective process of meaning making. The goal of researchers is to understand the process and the objectified opportunity. My approach seeks to take into account how an entrepreneur encounters an opportunity within the world and work of others. As Seymour (2006) notes, "[t]he entrepreneur becomes aware of an 'opportunity-like-thing' because of their work and the practical involvement in the world" (p. 149). The limitations of the three approaches described in this section is that they abandon discussions and examples of the marketplace—the pragmatic world of the

entrepreneur—in favor of theoretical and economic models. By not describing the social conditions or everyday practices in which opportunities are constituted, researchers are taking for granted a significant part of the phenomenon under examination (Steyaert & Katz, 2004). A praxeological examination from the standpoint of practice theory, which borrows greatly from extant scholarship on opportunities but rejects its positivist-functionalist undertones, will provide entrepreneurship with an enriched understanding of how opportunities are (communicatively) enacted and abandoned *in situ*. A focus on practices and objectified opportunities can provide insights into both opportunity enactment and abandonment.

Conclusion

In this chapter, I reviewed the literature in relation to private investigating and entrepreneuring from both prosaic and academic texts, highlighting in particular some of the themes that are embedded in discursive artifacts about these fields of practices. I did this in order to elucidate the particular themes within "narrative accounts," which are constituted by and constitutive of these fields. This discussion contextualizes the descriptions in chapters 4 and 5.

In the prosaic and academic narratives of private investigating, there emerges a serious issue regarding the field's legitimacy. In many ways, the current storyline creates a metaphoric "wild west" that is ripe with opportunity for any agency owner willing to strike out on his (or her) own. This image of the private investigator is consistent with the popular narratives of entrepreneurship. The following example from an internet article illustrates this point:

> What traits do all wealthy business owners have in common? … / Well for starters they have vision. They see opportunity everywhere, and they are always looking for ways to do things better and more efficiently. Entrepreneurs do not look at problems as being problems, but rather they see them as opportunities to make a difference... and a fortune. … / The same opportunities are available to everyone, but it is only a small group of people who see them and utilize them. ("What

traits do," 2009, ¶3-5).

Another popular claim is that successful entrepreneurs are not college graduates. While such claims are supported by anecdotal data, evidence provided by researchers disproves such myths (see Shane, 2008). While it is true that Michael Dell, Bill Gates, and Steven Jobs all dropped out of college, and that Richard Branson, Walt Disney, and Henry Ford did not finish high school, data show that "the average start-up founded by a college graduate has 25 percent greater sales than the average start-up founded by a high school drop out, and the average start-up founded by a person with a graduate degree has 40 percent greater sales than the average start-up founded by a college graduate" (Shane, 2008, p. 120).

What these data suggest in regard to private investigating, whose profession is threatened due to issues of legitimacy, is that creating legitimized educational programs to educate the next generation of private investigators may mean greater sales for all firms. I will not claim that academia is the Holy Grail of professions; however, as some of the descriptions in the following chapters will suggest, more work is needed to rid the profession of the icon of the Fedora, trench-coat man. Serious public relations work to develop an image of specialization and professionalization should commence. Developing research within academic institutions is one way of building legitimacy while simultaneously counteracting negative accounts of the field.

Finally, while there seems to be consensus that entrepreneurship is going to sustain the economy by searching out new and unique opportunities, the descriptions I provide in chapter 4 will suggest the opposite. By making private investigating more mundane and taken-for-granted, i.e., legitimate, the profession will likely become more profitable and sustainable. Likewise, it is from within the taken-for-granted and legitimated practices (e.g., laws) that opportunities may come to exist. Opportunities are not waiting to be discovered, but are reproduced every day through simple interactions

based on various constitutive factors. Opportunities, as actor-networks, become objectified (in discourse) and, therefore, gain salability as products and services. Once object-like-things have formed, we can trace these opportunities around fields of practices to understand whether they are yielding, for actants, the greatest use-value and profits. But to see just how these opportunities are enacted and used, we must work against popular and academic (positivist) assumptions. It is my hope that what I provide in chapters 4 and 5 will demonstrate that praxeological accounting methods are not only possible, but desirable.

CHAPTER 4: SHADOWING SUBJECTS—THREATS AND OPPORTUNITIES

In the first three chapters, I provided an introduction to this study with a focus on the assumptions that I bring to the project, discussed the opportunities and challenges of shadowing and interviewing methodologies, and cataloged some of the narrative accounts that socially frame entrepreneurship and the field of private investigating. In this chapter, the common themes related to agency owners' practices as entrepreneuring and investigating subjects will be reported. In particular, I will account for everyday threats—defined as everyday challenges that detract attention or practices away from the enactment of opportunities—that agency owners face. I will also describe how they enact opportunities. I have not abstracted subjects' practices and comments in order to add to disciplinary theory; though I do draw upon theoretical frameworks about rhetoric and social order to offer some insight into how private investigators are successfully accomplishing their everyday work as entrepreneurs.

This chapter is organized into three parts. In part 1, I provide details about a particularly interesting field experience that I had with a shadowee 2 (S-2). This experience not only encapsulates many of the themes presented herein, but also became the catalyst for many discussions with other participants. In part 2, I list and describe—from my own observations as well as in investigators' own words—some of the prosaic threats entrepreneur-investigators face. In part 3, I describe how opportunities are being rhetorically enacted within the field of private investigating.

A Profitable Field Experience

S-2 (also Interviewee 15; I-15),[1] a recently retired police officer, had been moonlighting as a contractor for a little more than a year with an agency near St. Louis,

[1] The numbers associated with interviewees are ordered by when they were sent for transcription, not conducted. This means that interviews conducted during the same time period may have inconsistent numbering (see Appendix B).

Missouri. Upon his retirement, which was just weeks before I met him, he had made a unique arrangement that would allow the agency owner (Interviewee 26; I-26) to focus less on surveillance and more on other types of investigations. An agreement was made that S-2 would build the surveillance unit, which focused primarily on insurance and domestic cases. Each year I-26 would take a smaller percentage of the profits until the business was fully under new ownership. This would have reduced S-2's risk of entry and would have facilitated a profitable exit for the agency owner.

The arrangement between S-2 and I-26 was atypical. Most agency owners, it became clear from interviews, do not have an exit strategy. Shadowee 1 (S-1) and Interviewees 13 (I-13) and 26, were the only three who had concrete business plans. S-1, who encouraged me to ask other agency owners if they had an exit plan, was certain that they would not. He was correct. Interviewees were often perplexed by the question. According to interviewees' accounts, they would likely "just stop accepting business and retire when ready"; or, alternatively, they would simply pass it off to one of their senior investigators. Private investigating is a knowledge-intensive and low-asset profession, so it is not clear what value an agency has beyond its owner's expertise and personality. As interviewee 22 (I-22) noted,

> You could just sell your clients. But even then, if [to] one of your steadier clients, before you leave, you say 'I'm selling the business to Craig. Craig's now gonna take over,' and this kind of stuff. They may call you one time and not get that warm fuzzy feeling with you, or something, or for whatever reason they never call you again, so what's it worth? I don't know. It's not like selling a liquor store or a restaurant. I can't put a number on that.

The interesting arrangement between S-2 and I-26 was also marked by a great deal of trust and loyalty between agency owners and their employees/contractors which, for reasons that will become clear in this chapter, are lacking in the profession. Six months after our initial conversation, I revisited both I-26 and S-2 for follow-up interviews. By then, the arrangement had dissolved. According to S-2, he "want[ed] to

explore other options." According to his former business partner, "he [S-2] has too much of a 'cop mentality.'"[2] When I noted that they had made a buy-sell arrangement, I-26's response surprised me: "no way would I *ever* consider selling my business." This example demonstrates why it is important but hard to capture entrepreneurial strategies as they happen. Strategies may be pursued for some time and then abandoned. Had I met S-2 and I-26 at another time, I would not have known about this strategy.

S-2's business interests and concerns for profitability were revealed during our conversations. He frequently discussed, often without prompting, the ways he was growing his clientele. As we drove by a golf course, for example, he mentioned that on his way back from Springfield, Illinois, he stopped for lunch at a golf course restaurant:

> This guy sits down next to me at the bar and, you know, I have a proclivity for talking, so I just strike up a conversation with him. Turns out [that] he's an insurance adjuster for [insurance agency] over there in St. Louis. So we exchange business cards and arrange to play golf. The other day, when I call him up to schedule a game, he asked if I would submit my paper work so that he could get me on the approved vendor list. So they ain't lyin' when they say it's important to play golf when you're in business.

Shadowing allowed me to observe S-2 engaging in business-related practices that would not arise in an interview. Three out of the four days that I shadowed him, S-2's entrepreneurial practices were directed toward surveillance-related cases.[3] For example, while in the office he worked on writing and editing reports, made a compilation DVD of surveillance videos for a domestic case, and billed clients using accounting software. While in his vehicle, he assisted his field investigators with surveillances and engaged in

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[2] This theme was pervasive in interviews, even among those formerly associated with law enforcement. Interviewees noted things like, "to work with police officers, you have to first get past their egos in order to train them" (Interviewee 30, I-30). It is also expressed in books: "Cop wannabes don't make good private investigators" (Brown, 2007, p. 11).

[3] On the other day, he served a few court summons and then he used me to help him move some heavy personal items from one house to another (he was in the process of moving).

his own surveillance-related activities. At the time, he was just beginning a new case. He drove around doing “pre-surveillance activities.”

Regardless of whether he was in his vehicle or in the office, S-2 fielded phone calls from potential clients (9 in total). All of them, except one, wanted to know how much it would cost to find out if his or her spouse was engaged in relationship infidelity. (The non-infidelity case was an issue of child custody. A parent of a child wanted to conduct surveillance on the other parent to see if she was adhering to court orders.) Based on the conversations he had with these individuals, the hourly rate and the estimated price of the investigation varied. The retainers quoted were between $700 and $1500. These prices were all offered rather quickly and without any formal process (i.e., he simply quoted the price based on the conversation). When I asked about the disparity in price among cases, S-2 noted that he “based [his] quote on the specific details of the case.” Major determinants of price variation were the estimated length of surveillances and “a feeling” about how much money the client had to spend: “It all depends on how much money the client has and the estimated length of the case. … The more estimated hours, the lower I may go on the price.”[4] The hourly rates provided were $85 to $125 an hour. The per-mile rate for vehicle expenses remained consistent at $0.75 cents per mile. Field investigators, he noted, would be paid $20 an hour and $0.28 cents per mile. (This was consistent with all agency owners’ pay to contactors and employees.)

As part of his ongoing daily practices, S-2 “engage[ed] in ‘important boss behavior,’” such as scheduling investigators for future surveillances and calling his field investigators to obtain “field updates” or to “just chat to alleviate the monotony.” At the time of shadowing, the company was working a case that involved trailing a client's former employee. The target had an adjudicated cease-and-desist order against him.

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[4] Some investigators rarely asked clients how much they had to spend on an investigation. They would base this on impressions obtained during conversations.

The target had supposedly stolen trade secrets and clients when he left the client's company, a violation of a "no-compete" clause in the target's employment contract. The investigation was to see if the individual was adhering to the order. During phone conversations, S-2 and his field investigators speculated that the target was not violating the court order, but "may be selling drugs." As S-2 noted, "there is a lot of suspicious activities going on around the place." I only met one field investigator assigned to the case, who was also a former police officer. It is not surprising, therefore, that they engaged in such games of speculation (i.e., it is part of the "cop mentality").

From what I observed while "sitting on the house" with S-2, his speculations seemed somewhat farfetched. For example, a person was standing on the porch talking on a cell phone and smoking a cigarette and he was "convinced that he [was] 'the look out.'" What would be interesting to know, but would require a lengthy experimental study, is whether their prejudices were hindering the investigation. What I could document is the way S-2's suspicions of the individual came across rhetorically in telephone conversations with the client. One phone conversation went as follows (my notes are in brackets):

> He's [the target] *definitely* up to something, we just aren't sure *yet* what it is. I mean there's something suspicious going on. [He is planting a suspicion masked as a point of clarification, a selling strategy]. As I've said before, we are 99.9% certain he is not in violation of the court order [foreground to the client that the original objective is not likely to be met], *but* something suspicious is definitely going on in there [house under observation; the "but" indicates that other useful information may come from a lengthened surveillance]. I am just calling to confirm that you that *you want* us to continue the *investigation* because your retainer is exhausted. I am going to need another $2000 by tomorrow if *you want* us to continue the *investigation*.[5] [The client speaks for some time, but must indicate

[5] The repetition of the words "you want" and "investigation" rather than "we" and "surveillance" invoke different impressions of what the investigator is doing. Investigators almost always used the word investigation. They also always gave clients the final decision regarding field activities. While they may suggest ideas, private eyes rarely engaged in unauthorized activity. "That way, when they [clients] are angry about their bill, I can just say, 'Well you wanted us to continue doing that and so we did.' This

> that he'll give more money.] I think that's a good idea. I mean, even if we don't get something on him regarding a violation of the court order, maybe we'll get something that can be helpful to you. I mean, they're *definitely up to something*.

The tone of S-2's voice and the hint that something suspicious was going on are rhetorically creating a need, albeit subtly, for the company's specialized surveillance services. S-2's language choices are part of the prosaic practices that rhetorically *define* a problem and *convince* the client that his or her investment is worthwhile. Without this everyday rhetorical practice, shared by investigators across the field, the actor-network of investigator-client-target would be meaningless. The client (and potential clients) must remain convinced before, during, and after an investigation of a private investigator's *interpretations* of social practices. Private eyes must successfully present a case that their services are worth the price. Being in the business of private investigating means, among other things, knowing how to understand client needs, interpret targets' activities, and sell an investigator's expertise and services in such a way that convinces clients and jurors. In other words, the business requires a considerable amount of hermeneutical and rhetorical work. This type of "rhetorical work" appears to be largely institutionalized and taken-for-granted. Most investigators did not account in interviews for the importance of their speech practices.

Using client-supplied intelligence, S-2 "spot checked" and mapped the potential routes that the target of an upcoming surveillance could take. This is an activity that he "[was] not charging the client for, but would allow him to do a better job." This practice highlights the sometimes incompatible tensions between good business and good investigating. The cost of doing pre-surveillance can be high, and is often not approved by clients; however, it is an activity that some private investigators do in order to complete a better investigation. If a successful outcome of the investigation is increased

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reduces the chances that our billing will be challenged by clients who don't think we got them good results. There are no guarantees in this business" (I-30).

by pre-surveillance activities, than such “free work” may lead to more satisfied clients and more referrals. Pre-surveillance, in other words, is not only good for investigations but is an investment into customer service. The value of such potential advertising offsets, in the long term, the immediate financial losses. S-2’s objective for the pre-surveillance was to identify at each location the best places to “set-up” during the surveillance, describing his practices as follows: “what we are up to right now, I have different locations where I know the guy is going and I am just going to do quick spot checks, drive bys, and see where we are going to set up.”

As he approached one of the first locations, S-2 indicated that when we arrived at the location he was going to ask me where I'd set up if I was the investigator, adding assuredly, “of course, I'll already know before you do where the best place to set up is.” Regardless of what conditions or factors a private eye faces, “typically the goal is to establish a position where there is a good line of sight, where one can ‘blend in’ or not be too exposed, and where there are multiple exit routes” (Interviewee 3; I-03). Certain objectives may, however, lead to a prioritization of some decisions over others. For example, if the case will be closed by “getting burned” (caught by the target), one may forgo opportunities for multiple exits in order to increase the ability to “blend in.”

Supposedly, the target of the surveillance frequented Jack’s Place after work. Jack’s Place is a pub located in a strip mall on Illinois Route 157 and North Main Street, Caseyville, Illinois (see Image 4.1). It was believed that the target would rendezvous there with his alleged mistress and then travel with her to another unknown location. The objective was to find out where the two went and to document their activities after leaving Jack’s Place. Of course, there was no guaranty that the target would go to Jack’s Place; but he worked at a large factory, so it was impossible to know where he would be parked when his shift ended. Showing interviewees Image 4.1 and an interactive Google map (http://tinyurl.com/y8agm2h; example shot provided as Image 4.2), I said: “Just

suppose that the target will be at this location. How would you set up if you had to follow someone in and out of the parking lot?”

Image 4.1; (Google Maps, 2009)

As these maps show, this is not a surveillance-friendly area. The parking lot is not large, so it is possible that the target would see an investigator, other patrons would inquire about the investigator’s activities, or vehicles would obstruct the investigator’s line of sight. If an investigator chose to park in the lot (Image 4.3, C or D), they said that it would be necessary to park closer to the pub (location D). This would exacerbate the problem regarding the investigator's cover being blown. Given the lack of development in the area, there were not many places to park off site. An investigator could park across the street in the Happy Cow restaurant parking lot (Image 4.1 and 4.3, area A), where S-2 suggested he would park, but the problem with this, according to several interviewees, is the high volume of traffic on route 157 and the strange medians and dividers in the road (Image 4.2 or Image 4.3, B). If the target exited the parking lot and traveled north, an investigator could potentially lose him or her.

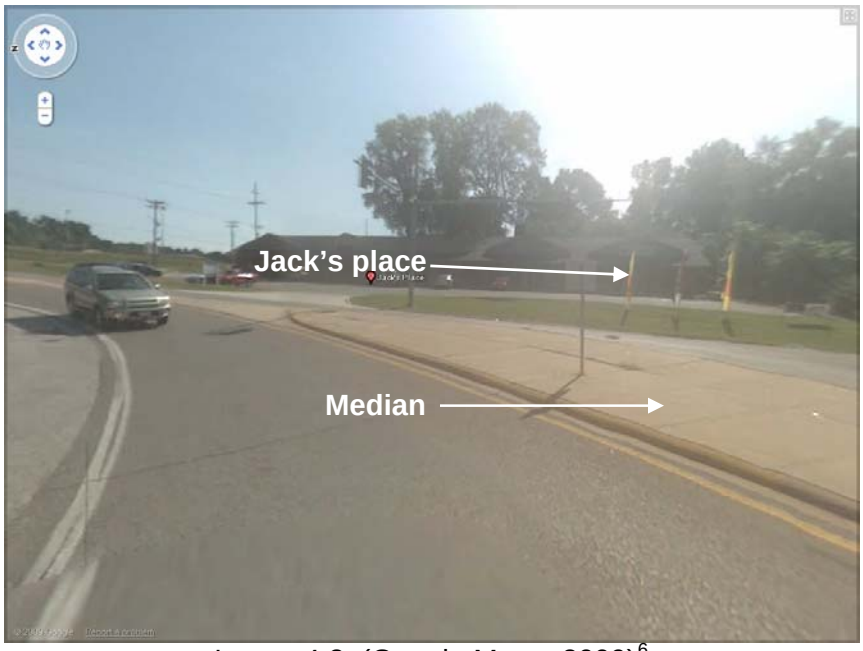

Image 4.2; (Google Maps, 2009)[6]

Since this was a standard infidelity case, some concern about getting burned seemed warranted. However, I thought priority ought to be given to not losing the target (domestic clients often don't have much money), so I chose area C (Image 4.3). My intuitive opinion, therefore, was contra S-2. But we were both consistent with other investigators. Of the 23 interviewees that were asked about this scenario, 10 chose area A, 9 chose area C, and 4 chose area D (Image 4.3). All interviewees struggled, however, to give a concrete answer. Interviewee 23 (I-23), for example, suggested that "it would all depend on the circumstances, so it is difficult for me to say right now. I mean, this place looks good [pointing to area A, Image 4.3], but this thing here [pointing to point B, Image 4.3] would almost make me want to set-up here [pointing to area C, Image 4.3] and I'd have to take my chances." Some even questioned the intelligence, "the investigator [referring to S-2] took the client's word that he [the target] would show up at

[6] This is an example screenshot of interactive map shown to investigators during interviews. To experience map and walk around, click on image or follow link: http://tinyurl.com/y8agm2h.

this place [pointing to Jack's Place, Image 4.1]; it sure would be nice to have a tracker on the vehicle. I would question the intelligence more" (Interviewee 29; I-29).

Image 4.3; (Google Maps, 2009)

With the assistance of Google Maps, this field experience became a profitable one. My use of these new media technologies to obtain insights from interviewees, adds credence to photo elicitation as a useful ethnographic exercise (see Harper, 2002). Foremost, the disparate explanations that I received suggest that it is not clear to investigators whether there are more or less effective field practices, especially when taking into account financial constraints. Consistent with the claim that investigating is both an art and science (Sarre, 2009), investigators seemed to rely on intuition or anecdotal evidence to support their decisions. Attempts should be made to scientifically understand these artful practices and to develop methods that will help private eyes hone their skills.

Besides insight into investigators' decision-making processes regarding investigations, this field exercise, and the subsequent field interviews regarding this scenario, provided insight into business-related decisions. It was clear that surveillance strategies were prejudiced by agency owners' financial concerns. First, many agency owners criticized S-2's practice of pre-surveillance, suggesting it was obvious he was a former police officer:

> Oh, that make sense now that you mention he's a former cop and new agency owner. He's [referring to S-2] obviously used to using that endless pot of money that public agencies have for investigations. When you're in this on your own, you can't waste money on 'pre-surveillance activities.' I'd like to, but I can't afford it. But I never thought of using Google Maps to do it. This is an interesting idea. (Interviewee 18; I-18)

Second, when I asked if they would change their decision regarding where they'd park if they knew the client had very little money, those who initially chose point C (Image 4.3) would solidify their decision and say something to the effect "oh, then I would definitely park here [pointing to area C]" and those who chose to initially park somewhere near area A, said they would switch to area C. When asked why, most said something similar to interviewee 10 (I-10), "it makes sense to be more risky, and I wouldn't want to lose him in this crazy intersection [pointing to area B, Image 4.3]. I want to get the best possible results, and in this case if I don't get him on the first try then I'll have wasted my client's thousand dollars." Only three interviewees (I-20, I-22, and I-24) said they would try to convince the client to pay for a second investigator in another vehicle. I-24 added that "[he] would still have two investigators and 'eat the costs' if the client couldn't afford it…, as a matter of principle for doing a good investigation" (I-24).

The field experience described above and the insights from interviews based on this example encapsulate many of the themes about agency owners as investigator-entrepreneurs that I will present this chapter. Among other things, the example shows the importance that agency owners place on making decisions that simultaneously work

to enhance their investigative and business interests. In this sense, my descriptions of S-2's everyday practices support my general thesis that private eyes are always already entrepreneuring as they engage in everyday investigative practices. Often the goals of business and the goals of investigating are compatible, but they are also at times contradictory. It takes (communicative) work to turn environmental pressures and prosaic threats into opportunities. The descriptions from shadowing and interviews reveal just how investigators overcome these issues.

Environmental Pressures and Prosaic Threats

The field of private investigations is under assault by various environmental pressures, including increased new entrants, increased competition from both private and public agencies, and legislative changes. Combined with the lack of alternatives to the popular culture accounts outlined in chapter 3, which tend to portray a more shady storyline of private investigating, the future of some private investigating niches are uncertain (e.g., process serving and skip tracing). In this part, I will highlight prosaic threats to the field. While private investigators discussed several issues that are common with all business owners in the United States, such as health care, I have not included these as separate themes despite a strong inclination to do so.[7] I have chosen to stick with issues specific to private investigations.

Low Professional Barriers to Entry

Barring highly specialized expertise in certain niches, the barriers to entry into the field of private investigations are relatively low. Although it is regulated by many state legislatures, the requirements and process of meeting agency ownership are not particularly stringent. In states with the most stringent rules, such as California, Illinois,

[7] Appendix D provides an outtake from an interview that describes this issue.

New York, and Texas, the basic requirements for owning, managing, or being employed by a licensed company are still low.[8] In Texas, for example, the licensee must

- be at least 18 years of age;
- be of good moral character;
- not have been declared as incompetent by reason of mental or physical defect or disease;
- not be a registered sex offender;
- not be drug or alcohol dependent;
- not have been dishonorably discharged from the armed forces;
- have a minimum of three years experience as a full-time private/legal investigator with a licensed agency or attorney or three years compensated experience as a full-time investigator or supervisor experience in a public law enforcement agency.

Texas's rules are relatively similar in states that require licenses.

Regulation of licensing also varies by state. For example, in some states it is regulated by the Department of Public Safety (DPS), which oversees primarily public police (e.g., Texas), and in others it is regulated by a Department of Professional Regulations that oversees a variety of industries from hair stylists to private investigators (e.g., Illinois). In Pennsylvania, licenses are issued by county judges and there is no state board that oversees practices. Consequently, it is hard to hold an investigator accountable for wrongdoing. Even in states that have boards, investigators complained about poor oversight. For example, I-21 noted that the board did not help her resolve an issue regarding poor business practices,

> I [am] very disappointed with our board too. I had an incident where…an investigator that I hired in Dallas didn't follow through and provide a tape for me, and so I filed a complaint with the board. So they assigned a [board] investigator[9] and … it took him over six months to contact the [private] investigator and to secure this tape. And then it took him another three or four months to get the tape to me. And I was hired by an insurance company… [that was] going to sue me [for the tape]…. It was a nightmare, and so [when] I got the tape, I popped it in. And it was two minutes [long]! Less than two minutes of some surveillance footage! And I thought this trooper

[8] See California Business and Professional Code §7512-73; Illinois Private Detective Act 225 ILCS 447,8 Article 15 §10; New York General Business Law, Article 7 §172.1; Texas Occupational Code §1702.113

[9] In Texas, these are Texas State Troopers.

> should have known, looked at the tape, it was useless to me. I couldn't use it. … So I sent a complaint to the board and to the association listserv. (I-21)

A popular theme discussed by interviewees was the issue of unlicensed investigators, so I asked what I-21 proposed as a solution to these issues:

> I think [regulation] should be [from] a different agency, but that's just me. I think it's, I think they have so much to do at DPS that I don't even think they take us seriously. And they're overworked and understaffed over there, and half the time they don't know what the right hand's doing versus the left hand. And I hate to say it but it's true.

Interestingly, in Texas the professional investigations industry lobbied to raise its own rates to pay for more DPS investigators. According to interviewee 9 (I-09), the former president of the Texas Association of Licensed Investigators (TALI), the increase in licensing fees helped raise millions of dollars in funds, which were used to hire an additional 27 regulators. The issue could be, however, that regulators prioritize regulation of armed security companies.

Interviewee 5 (I-05) was so frustrated with her state regulatory board that she was convinced the answer to the problem was deregulation of the profession:

> I don't believe in licensing in our state. And the only reason I do not believe in it is because I have no clue what they've [the board] done in the past, and I just – they don't do anything for us if you ask me. They don't do anything but go against us, and I just don't know why they exist. … If you research what exactly the boards do I don't think you're gonna find a board that supports the private investigator. They just give the private investigator a hard time. Now don't get me wrong, there are people out there practicing private investigation that don't have a license, but it's almost like they don't go after them.

Regardless of one's opinion on how to address the problem, these complaints highlight the issue of poor oversight and regulation in the profession. Some boards publish online the results of complaints. Of those that do (e.g., California, Georgia, and Texas), the pattern seems to be that each month there are a dozen or so censures and license revocations (usually for not meeting insurance requirements).

The simplicity of entry into the profession and the lack of ongoing regulation affect private investigators' everyday business practices. For example, in Illinois an undergraduate degree can lower the requirement to just one year for license qualification. One interviewee said she or he would "*never* hire someone with a four-year degree. Even though they may be better employees in many ways, they're also much more likely to be the kind to use me to get a license, steal some of my contacts, and then become my competition."[10] Interviewee 8 (I-08) stated she "was currently looking up various websites and planning to call a few investigators she trusts to see if they can recommend someone to do an investigation in Dallas. You just can't trust everyone." While I was shadowing S-5, he noted that he was "concerned because business had been slow." During a phone call with his field investigators, he asked them to "look at the DPS website and find expired licenses and then pretext these agencies to see if they're operating without a license."

The general concern for many agency owners was that "registrants" and "PERCs"[11] would use their company to obtain important contacts, gain experience and knowledge, develop a social and professional network, and ultimately meet the qualification for agency ownership. They also were concerned that some would "moonlight on the side."[12] These concerns seem legitimate. The licensing process and low start-up costs makes hiring additional support risky to agency owners. Consequently, this affects how agency owners prosaically interact with their field investigations, which is not very well. Shadowees S-3 and S-5 spent, on average, two hours per day micromanaging their investigators in person and over the phone. They

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[10] This interviewee asked that I do not provide any identifiers in regard to this statement.
[11] Field investigators in Texas and New York are called "registrants." In Illinois, they are called PERCs for "Permanent Employee Registration Card" holder.
[12] In colloquial US English, "moonlighting" typically means taking a second job in addition to one's primary occupation. Agency owners used it a bit differently, referring to contractors and employees taking jobs as if they had their own agency. In many regulated states, this would be a misdemeanor violation.

also often communicated in a manner that could be interpreted as belittling and hostile—e.g., yelling at them over a minor error: “Dude, I can’t teach you common sense!” (S-5).

Common Skills, Low Standards, and Poor Training

Another challenge, in the same vein as the issue above, is that the skills required to be an investigator are neither highly regulated nor technical. In other words, education does not present itself as major barrier to starting one’s career as a private investigator. This leaves the field wide open for new entrants. In most states, there are no special credentials or certification programs. Not one agency owner I interviewed required, as a condition of employment, that a field investigator have any sort of post-secondary education. With the exception of two larger companies (those with more than 10 employees), agency owners indicated that they did not have formal manuals, such as business plans, occupational safety plans, standard operating procedures, or employee handbooks. To get started with a company, one must simply pass through an informal application process with the company owner,[13] go through a background screening (if required by law), and *perhaps* go through a “cash-cow” training program.[14] In some states, this training is required by law, though not always adhered to by agency owners. In Illinois, for example, the law regarding training is stated as follows:

> Registered employees [PERCs] of a private detective agency shall complete, within 30 days of their employment, a minimum of 20 hours of training provided by a qualified instructor. The substance of the training shall be related to the work performed by the registered employee and shall include relevant information as to the identification of terrorists, acts of terrorism, and terrorist organizations, as defined by federal and State statutes. (IPDA 225 ILCS 447, Article 15 §25a)

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[13] At a TALI conference session on business management, a session leader noted that “for many of you, I know you often hire people during your first phone conversation.”

[14] This was the term used by I-22 during our interview. As with seven other interviewees, he criticized online PI training programs that “have you read some stuff and then take a quick quiz and they send you a little certificate that says, ‘Now you know how to be a PI.’”

From what I gathered from Illinois-based interviewees, they interpret “qualified instructor” as themselves or their senior-most investigator. No information is provided either in statute or by the Illinois Division of Professional Regulation as to what constitutes “qualified instructor.” This appeared to be the same in Georgia, where S-3 was engaged for 30 minutes in a heated phone conversation with a state bureaucrat about what qualified as continuing education credit. Interviewees in Illinois did not seem too concerned about adhering to this rule, likely because there are no filing requirements. By statute, “It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer” (IPDA 225 ILCS 447, Article 15 §25c). As interviewee 20 (I-20) noted, “Most private investigators engage in problematic business practices based on the assumption they won’t ever be audited. And this is risky business behavior that undermines the profession.”[15]

In Texas, where no formal training is required, a registrant must pass an online “level-1” quiz administered by the Texas DPS. I-24 thinks “the quiz [was] created for idiots and would be laughable, if only *armed* security guards weren’t taking it too.” The pre-employment exam, which I took as part of my own employment in the industry, asks test takers 40 true-false and multiple-choice questions, much like the following two examples obtained from the DPS website:[16]

> Example 1: To find out the spelling or the meaning of a word
> a) use a dictionary.

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[15] I took the 20-hour program offered at a local community college and I can’t say it qualified anybody for work in the profession. The instructor mainly told silly “war stories” from the field, cracked sexist jokes, and, among other things, noted that “I have to talk to you about terrorism, let’s talk about how worthless TSA [Transportation Safety Administration] is.”

[16] http://www.txdps.state.tx.us/psb/testing/index.htm

b) ask your partner.
c) call your high school teacher.
d) spelling iz not important.

Example 2: Using simple, short words and sentences makes your report more accurate.
a) True
b) False

On first brush, the two questions seem somewhat silly, if not offensive. But in fairness to DPS, one must admit that the test writers have a sense of humor and are seemingly more interested in distributing information about taken-for-granted protocol and registrants' rights than in guaranteeing quality professionals. For example, interviewee 13 (I-13), who owns the largest firm out of all interviewees (39 investigators), indicated that he promoted a senior investigator to quality control manager: "His job is to read all reports for grammar, consistency, and objectivity." I mentioned this earlier interview to shadowee 1 (S-1), who had obviously become frustrated while working on a tedious project of compiling one PERC's field reports into a single document. It was around two o'clock in the afternoon on the second day of shadowing and S-1 wanted "to have an early day." So he was working fast. At the time of his expressed frustration, he had been working on the task for about 45 minutes. Suddenly, he let out a deep gasp, leaned back in his chair, and thrust the keyboard drawer back under the desk. As he lit a cigarette, I fired up my digital recorder. It had been idle for some time as I sat patiently documenting his copy-and-paste activities and writing fieldnotes detailing the features of his smoky office. "You know," I said, "this guy down in Texas has hired someone to do just that [indexically referring to what he was doing], because it is his experience, and I would have to concur, that people can't write worth a damn in this profession." S-1 replied,

> Now, that's true. I'm the one that does this usually. It's horrible. The way these people write is horrible. They'll write in all caps. …Here's the thing that bugs me, they don't use complete sentences. They'll say 'Showed up at scene.' 'Car was in parking lot.' 'License plate

> was….' What happened to "the"? What happened to complete sentences? I know that you're good in English. I took college English, three or four semesters of it. That's my pet peeve, when someone doesn't use proper English.

What S-1 inadvertently points out in his statement is that for a growing agency, he hasn't implemented any formal (training) procedures. His employees continue a practice that he finds frustrating. What is more, when I asked him about formal training programs, he indicated that new hires "ride along with older investigators for a couple of days." Consequently, it is likely that bad habits are transferred from one investigator to another. During a recent visit to his firm, however, he highlighted changes he is making to curtail these issues. His employees are all engaged in the process of documenting practices for the purpose of an employee manual. But what his admission and the Texas DPS quiz demonstrate is that sometimes what seems like "common sense" (e.g., looking up the spelling of a word in a dictionary) is curtailed for various reasons, not limited to laziness, poor training, desire for expediency, lack of time, or arrogance.

Low start-up costs

In the state of Texas, a competitive state with higher-than-typical licensing and insurance requirements, the capital investment required to start an agency is very small, roughly $3,000 (see Table 4.1). This figure assumes that the owner-operator would operate the company as a home-based enterprise and would be using his or her own personal vehicle, cellular phone, and internet connection to do private investigations- and business-related work. It is likely that the investigator will have accumulated the necessary equipment while working for another firm, so this is not included in the initial start-up costs. Consequently, it is assumed that the figure will be substantially higher for individuals who do not have much equipment to begin with (e.g., retiring public detectives who meet licensing requirements but have never had to supply their own

equipment). I am also assuming the owner would want to start an S-Corporation or Limited Liability Company, which, unlike a sole-proprietorship, requires filing fees.

Table 4.1. Private Investigator Agency Start-up Cost (Texas)

Item	*Cost ($)*
Name Registration with Secretary of State	$ 40.00
Certificate of formation (Corporation, LLC, or S-Corporation)	$ 300.00
Attorney paperwork fees	$ 49.00
Class A License	$ 350.00
TDPS Subscription Fee	$ 11.00
FBI Fingerprint Verification	$ 25.00
Exam fee	$ 0.00 (+ $100.00 each retake.)[b]
Business insurance (min. $1 million coverage required)[a]	$ 750.00 (annual, assumed pay yearly schedule)[c]
Advertising	$1,200.00[d]
Total	**$2,725.00**

Notes. [a]Varies by state. Most common is a $500,000 policy (Brown, 2007).
[b]In Illinois, the exam cost and filing fees are approximately $400.00.
[c]Depends on insurer and state. This estimate was based on the average of five Texas agency owners' annual premiums. In all states the insurance will be double for investigators licensed to carry a concealed weapon.
[d]Calculated based on starting a website and paying for some advertising both on internet and traditional print (e.g., yellow pages).

Table 4.1 demonstrates it is very easy to "hang out a shingle" in the profession, as the idiomatic expression goes. This is why it is risky for agency owners to hire field investigators and other employees. Disgruntled or self-interested employees can easily establish their own operation. Several agency owners even admitted that they had begun their own agency in a similar way. But this situation is not only risky to the individual agency owners as an issue of competition, but may be damaging to the profession because it means an increase in firm failure rates.[17] Initial investment aside, it is expensive to stay in business and get beyond the start-up phase in any industry (Shane, 2008). Once in operation, private investigators' monthly expenses can be

[17] In Illinois, for example, the number of active licensees fell 125 in a single year (2000-2001), when adjusted for new entrants in edition to those who did not renew from one year to the next (www.ifdpr.com).

exasperating. For shadowees 2 through 5, who are primarily in investigation-related work (e.g., defense, domestics, and fraud), their average monthly expenses, excluding payroll, are approximately $6,000 each. Their fixed and variable expenses include things such as database access (e.g., PersonLocate), Internet advertising (e.g., Google and PI-specific search [pinow.com]), webpage hosting and maintenance, yellow page advertising, insurance, vehicle expenses (maintenance and fuel), association fees, utilities, and so on. In other words, just to have a take home a salary equivalent to $4,000 a month, they had to be doing more than $10,000 in business, and some of them were not. According to shadowee 4 (S-4), some months he grosses $20,000, in others he may gross $2,000.[18] S-5 suggested that for new company founders, they should have at least $30,000 in escrow to cover business and personal bills. For established firms, he suggested that it is smart to have at least $60,000 to cover any unexpected bills during slow periods. If the field of private investing is similar to other fields, many new entrants will begin with very little financial cushion, exacerbating the rate at which they fail (Shane, 2008).

High failure rates are problematic for the profession according to several interviewees. First, agency owners may begin an investigation and then abandon it. This is particularly likely when investigations are engaged in lengthy and ongoing cases for insurance companies and attorneys. While some investigations can be reassigned and steps can be taken to exit the industry on good terms, some private eyes do not take this

[18] All interviewees referred to this as the “feast or famine” phenomenon, indicating that the slowest months were near holidays, especially December: “Yep. We ride that ‘feast-or-famine’ roller coaster of ‘it’s quiet then it’s real busy,’ ‘it’s quiet then it’s real busy.’ During the winter, I go snow skiing. It slows down close to Christmas and it stays slow until the middle of January. The courts are closed, so the criminal defense work falls off, ‘let’s just stay together for the children’ and ’joy to the world and peace to all men’ and all that lasts through Christmas, so everybody’s kind of tranquil. But then for Christmas, the wife gets a set of pots and pans or a vacuum cleaner for her Christmas present and then a couple weeks later, she’s cleaning the house and finds a receipt from the jewelry store for diamond earrings and she knows she didn’t get them. So then our phone starts ringing again.” (I-22)

route. Consequently, there are some negative attitudes among attorneys and insurance adjusters about the poor quality of work they get from private investigators. As I-22 noted,

> From time to time I'm asked to speak before a group of attorneys. … They want to know about private investigators. Some have had good experiences, some have had bad experiences, [and] I apologize for the bad experiences. Then you've got some of them that somehow, somewhere in the past had a bad experience with a private investigator somewhere and they say, 'They're lazy. I've tried to get reports out of them, I've tried to get them to do this, they don't want to do it…'

This issue is so important to investigators that it was a common theme at TALI conference sessions. TALI board executives and presenters stressed the importance of TALI members following through with quality work products for attorneys and insurance companies. An attorney who spoke at the TALI Midwinter Conference stressed this point, noting that he simply does not rehire an investigator who doesn't follow through "in order to avoid…the unpleasantness of that type of communication." He also noted that low-quality work has serious implications: "in my cases, the stakes are always the same in one form or another. Is someone going to prison, or not? Is someone gonna be convicted, or not? So the stakes are always high."

Second, low start-up costs mean that one can start a company as a hobby rather than a business, which has consequences on how people deal with clients. This point is made well during a friendly, though intense, exchange between Interviewee 10 (I-10), who has been in business for 13 years and Interviewee 11 (I-11), who has been in business for about 3 years.

> I-11: It's business, but also I want to make my hobby of it.
> I-10: Let me make a comment…
> I-11: …sure…
> I-10: …if you don't mind. And that is, this should not be a hobby type of activity. And the reason for that is, there's hobbyists and there's professionals.
> I-11: Of course.
> I-10: And the hobbyist cannot perform at the level of the professional.
> I-11: When I say a hobby…

I-10: …I didn't mean to criticize.
I-11: No, no, no. I understood you. See, I got my ethics. And I know for a private investigator, you've got to keep your ethics in a high standard.
I-10: Ethics have to be maintained at a high level.
I-11: Right. And when you enjoy what you do, it's a hobby.
I-10: I enjoy my profession.
I-11: It's a hobby, you make a hobby of it.
I-10: No, it's not. It's a business for me.

Though I-11 is making the point that he enjoys his work, what I-10 is suggesting is worth consideration because "framing" is important to professionalization (see Cheney & Ashcraft, 2007). This appears to be something that TALI takes seriously. During an interview with I-09, a former TALI President, he corrected himself: "In our industry, I mean profession."

Competition and Consolidation

So far what I have described regarding the field of private investigating is consistent with entrepreneurship literature. According to Shane (2008), "the data [about industries] show that entrepreneurs are more likely to start businesses in industries that demand less capital, where the average size of firms—in terms of both number of employees and the amount of assets—is lower, and where products are not differentiated from each other" (p. 38). At year end 2009, there were approximately 1,800 active private detective licenses in Illinois, 2,330 in Georgia, and 5,248 in Texas.[19]

A saturated market means that competition is keen, even if some private investigators suggest otherwise. While agency owners may claim that "I always think they're [other agencies] partners and I always think I can give them some advice because I don't think any of them do the things that I do at all… they're never a competition for me. Nobody in my state's a competition for me at all" (I-05), my

[19] See http://www.idfpr.com/dpr/, http://sos.georgia.gov/plb/detective/, and http://www.txdps.state.tx.us/psb/quarterlytotals.htm. Texas data includes private security, which is not represented in the Illinois and Georgia data. If Texas is consistent with both of these states, it is highly probable that there are approximately 2,500 investigative agencies.

conversations with interviewees, observations of mundane conversations, and conference practices suggest otherwise. In fact, Interviewee 04 (I-04) referred me to I-05 because he considers her to be “very aggressive” and “a ruthless self-promoter.” In mundane conversations, shadowees would use various tactics, such as planting suspicions about other companies, to influence the perceptions of potential clients. As Shadowee 4 (S-4) claimed during a telephone conversation with a potential client, “I encourage you to call another investigator to see what his prices are, but be careful! Many guys and gals out there aren’t licensed and are operating illegally. You can link from my website directly to the Department of Public Safety and see I’m legit and have no complaints against me.”

Planting suspicions about other investigators is a problematic practice because it adds to the negative discourse about “seedy” private investigators. But the biggest detriment to the field due to keen competition is that investigators do not often collaborate or work collectively, decreasing the chances of forming strategic alliances in order to counter negative perceptions of the field, proactively influence legislation, and build influential associations. This is the “lone wolf” mentality, which is part ego and part rugged-individualism:

> It’s been my theory for years that if you put ten [private investigators] in a room together, you’ve got 12.5 egos in the room. We are all high ego people, most of us are type-A personalities, and we’re just driven that way. … TALI is a diversified group, and our corporate attorney, who’s also a member—he’s a lawyer and a PI—coined a phrase back when I was president and we were having all this turmoil. He said, ‘We are an organization of mavericks. We all go our own way. We all march to our own drummer.’ I agree.

Given the maturity of the profession and the lack of possibilities for product innovation, one would suspect that a process of consolidation would have reduced the number of competing firms. More quantitative data is necessary in order to better understand this phenomenon. It is not entirely clear how large the market is (by number

of firms or by financial data), whether it is growing or shrinking, and whether consolidation is occurring. Based on the perceptions of interviewees and my interpretation of the limited data available, it appears that the market is growing and consolidating in a small number of niches, such as background verifications and skip tracing.

Consolidation has occurred rapidly, according to I-04 and I-05, in the sister industry of process serving because economies of scale (i.e., court paper volume) and technological innovations have lowered the time and skill-levels required to serve court notices and subpoenas. Only in extreme cases, where a court summons needs to be delivered to a high profile target or in a dangerous area, such as Texas border towns overrun by cartels, can an investigator charge a premium fee (I-11 charges more than $700 per paper in these towns).

Consolidation poses a threat because it reduces managerial control and invites more regulatory scrutiny. For example, in the process service industry, where firms have consolidated, workloads per firm have increased and wages have deflated. Low quality employees and poor monitoring have spelled disaster for some firms. For example, Major Legal, a process company in Minnesota, employed a process server who falsified over 200 affidavits. While the forger faces perjury charges that could land him a life sentence in prison, Major Legal is in the process of dissolving. Law firms and credit agency have also had to spend expensive labor hours reviewing and re-serving defendants (Lore, 2009). This has not been an isolated incident in the post-mortgage bubble economy. The United States Congress, consequently, is considering bringing the process service industry under the Fair Credit Reporting Act. These rapid changes will likely force many companies out of the industry and increase consolidation. S-1 sent me a text message from a National Association of Professional Process Servers (NAPPS) conference, which summarizes the concern of agency owners regarding this threat:

"They [NAPPS members] are so lost as to what to do about technology… and the wave of criticism foisted on the entire process service industry…. There was a big argument about where to begin their efforts or how much it will cost and the benefit derived from it. Sad really. I believe we're dead as an industry eventually. If we don't do something."

Illicit Activities

As with registrants and PERCs, some agency owners are also not engaging in ethical practices. This has had, of course, repercussions for the industry. It has come namely in the form of negative publicity (e.g., the Hewlett-Packard case)[20] and increased regulation that inhibits what a private investigator can do. For example, until the Hewlett-Packard case led to the crack-down and prosecution of several agency owners, it was a common practice for private investigators to produce cell phone records either through industry contacts or through pretexting. I-20 notes that for years he preached against giving cell phone records to clients:

> You know it's, we've had some terrific fights [on the TALI listserv]. I can remember 4 or 5 years ago when we had a half a dozen investigators who managed to get people inside of these cell phone companies. They were selling cell phone records, and I was screaming and yelling over the listserv saying, 'We can't do that,' 'That's blatantly illegal,' and 'Somebody's gonna get arrested for it!' And everyone was telling me to shut up and mind my own business, and that there wasn't anything wrong with it. And then after the FBI busted private investigators all over the US for doing that, and they passed all these laws about pretexting, everyone stopped doing it.

Until the enactment of the "Telephone Records and Privacy Protection Act of 2006," it was not explicitly illegal to obtain others' cell phone records in the United States.[21] However, the practice is ethically questionable. For agency owners who were

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[20] As noted in chapter 3, chairwoman of HP, Patricia Dunn, contracted a private security firm to look into a media leak. The agency used pretexting techniques to obtain the cell phone records of board members and journalists.

[21] Before the law was passed, it was illegal in California. This is why the private investigators working the HP case were eventually sent to prison. It was only a federal crime in the United States to use pretexting to obtain financial records as defined by the

not among the first to be pursued or prosecuted in California, they escaped unscathed. However, one never knows when they are going to become the unfortunate test case for any questionable behavior. For example, investigators regularly noted that they felt they were being monitored by government agencies, noting things like “I get calls all the time, I think from either my competition or the government, trying to get me to do something illegal” (I-04) and,

> I still am convinced that there are some state or federal agencies doing a little fishing because I got a call from this same woman several times, with an out-of-state telephone number, saying that she wants her husband’s cell phone records. I explained to her that I don’t do that, it’s against the law, no investigator is supposed to be able to do that for you legally. ‘Oh, well okay,’ she says and hangs up. So I think there’s some agencies fishing out there to see if you’ll do it and then they’re gonna arrest you. (I-22)

Another example of questionable practices involves the selling of some investigative technology. For example, computer key-stroke loggers, such as SpectorSoft’s Spector Pro, are frequently advertised on private agency websites. The software is designed to allow interested parties (e.g., managers) to log and record everything users do on a personal computer or internet. The software records every keystroke, takes screenshots to obtain pictures of sites, and intercepts instant messages, emails, website visits, and so on. Intercepting electronic information is okay in some circumstances, but if there is “an expectation of privacy,” doing so is a federal crime (18 U.S.C.A. § 2511). While such software may be a legal and useful tool to monitor activities where people do not have a high reasonable expectation of privacy (i.e., work computer), court rulings have since interpreted shared home computers as devices that individuals have a reasonable expectation of privacy, particularly when using password protected services. Even in the workplace these practices raise ethical and productivity concerns (see Smith & Tabak, 2009). A suspicious spouse, therefore,

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“Financial Services Modernization Act of 1999” (Pub.L. 106-102, 113 Stat. 1338). Case law, however, set precedent for legal and civil action.

could be held criminally and civilly liable for using such software against his or her spouse.

Some agency owners, however, still pitch this software for home use. While shadowing an agency owner, she or he[22] informed a potential client about the criminal and civil laws regarding the use of such software, but then proceeded to coach the person about its potential benefits: "…and, look, if you do decide to use this software to see if your husband is engaged in cyber- or even physical-infidelity—it may be helpful to you and can save you some money in the long run—*never* tell anyone, your spouse, your lawyer, me, if you happen to hire me, that you obtained information in this way."[23] Because many state laws mirror the wording of the federal act, one can be punished under state laws too. Of course, not every criminal case will be pursued, but there are civil remedies that can be just as damaging. In Texas, for example, a person whose wire, oral, or electronic communication is intercepted or disclosed has a civil cause of action against the interceptor or discloser. The claimant is entitled to recover $10,000 for each occurrence, actual damages in excess of $10,000, as well as punitive damages and attorney fees and costs (Texas Civil Practices & Remedies Code §123.002-123.004).

Similar programs and software, which can be sent as malware via text message, can extract and intercept cellular phone information and conversations. For example, there are several programs, or "Bloovers," that allow users to hijack and intercept cellular phone messages using Blue Tooth technology. Some software can give users the ability to track a cell phone's geographical location with an accuracy of a few hundred feet. Due to the large hard drives and flash drives in today's cell phones (especially iPhones and Blackberries), it is unlikely that data will be written over. Using technology like Cellebrite,

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[22] Concealed for identity protection.
[23] Nine investigators admitted in interviews that they sell the software and have coached clients in similar ways.

which allows the recovery of “deleted data” from cell phones, forensic specialists and private investigators have been able to retrieve data from employees’ and romantic partners’ cell phones (the legality of this typically centers on issues of phone ownership and password protection).

The major business-related issue facing investigators deals with how to classify and pay registrants and PERCs. Most agency owners treat their “employees” as independent contractors. By doing this, agency owners run the risk of finding themselves in violation of private investigator acts and Internal Revenue Service (IRS) tax codes. In regard to tax codes, the IRS stresses three key common law factors for determining whether someone is a “1099” contractor[24] or an employee—behavioral, financial, and type of relationship. According to the IRS, “The general rule is that an individual is an independent contractor if you, the person for whom the services are performed, have *the right to control or direct only the result of the work and not the means and methods of accomplishing the result* (www.irs.gov; emphasis in original). Agency owners indicated in interviews that they typically offer some training. I observed them directing the field investigator in regard to when and where to be, dictating what kinds of behaviors are acceptable and unacceptable, controlling payment procedures, providing equipment to complete jobs, and so on. Their workers appear to be, by IRS definition, “employees.” The risk to agency owners is that a 1099 contractor may sue for unemployment benefits or they may be required to pay back taxes and penalties. But even if agency owners are not in violation of tax policies regarding employee-contractor status, they may be in violation of private investigation laws. According to Texas law, a non-licensed investigator (i.e., registrant) must be a bonafide employee. I-20 again stressed his concern regarding this issue:

[24] A “1099” is synonymous with contractor. It is the number of the IRS form used to file contract labor. In business settings, these terms are verbed. Employees are “W-2ed” and “we 1099 them.”

> See, your average investigator doesn't understand this. There's another war that I've had with these guys [in TALI]…, if you hire somebody and they work under your license, by definition they're an employee. And you're required to take taxes out, you have to meet certain taxes and stuff like that. Again the easy way out is these guys say well they're not employees, they're independent contractors. Well some day somebody in the tax department is gonna notice that, and they're gonna bust half the PIs in Texas.

This sticky situation clearly poses a risk for private investigator agencies not only in terms of their own potential illicit activities, but in how they must cautiously deal with employees in everyday interactions, especially if they "1099" them.

Enacting Opportunities

In spite of the many direct and indirect pressures that agency owners face on a daily basis, they continue to creatively—though not always cognitively—profit from everyday exigencies and institutionalized practices. In this part, I will account for how private investigators describe opportunity enactment (drawing on interviews) and how they prosaically engage in the process of opportunity enactment (drawing on shadowing experiences), which includes rhetorical practices and performances of identity.

In relation to institutions and institutionalized beliefs and practice, private investigators' various tactics—intentionally or not—open up spaces for them to grasp opportunities, which may also emerge from others' everyday deceptive practices. To cheat, for example, one must engage in practices that leave a trail of suspicious behavior for the investigator to follow and put together. The couple, by engaging in infidelity, creates an opportunity. Without these various socially and culturally constituted opportunities, there would be no need for private investigators. In short, without the sum of all the daily performances of self and others, an objectivated and profitable[25] field of

[25] Although I personally do not define profits solely in financial terms, most of the investigators did. I am also defining "success" as "still in operation." Though this adds to the discourse of entrepreneurship as the study of profit making, it makes it easier to describe everyday practices in terms of a phenomenological intentionality (i.e.,

practices could not emerge. Investigators who are successful appropriate everyday, taken-for-granted social performances to their advantage (including collaborating with others). Such opportunity making, because of its taken-for-granted nature and lack of operationalizability by neoclassical scholars, is not accounted for in most academic articles about entrepreneurship. The lack of understanding of opportunity enactment on the level of everyday interaction, however, leaves very little possibility for understanding what (communicative) strategies may be most productive for entrepreneurs in everyday situations. Communicative practices will vary by profession; thus, these descriptions of opportunities are limited to the field of private investigating.

Focusing on opportunity as enactment, a researcher looks at what practices seem to be producing the object-like opportunities that entrepreneurs “discover.” In this part, therefore, I will describe the ways in which opportunities arise and are enacted, both strategically and prosaically, by private investigators. I will first describe how private investigators draw upon institutions and others' taken-for-granted practices in order to accomplish their investigative and business-related tasks. Second, I will describe the communicative practices private investigators engage in as a means of acquiring business. As the examples will show, enacting opportunities does not require that an entrepreneur create a *new* means-end framework (Shane, 2003), but may use the existing means-end framework in situated and creative ways—opportunity discovery is a conservative rather than radical process (Seymour, 2006).

Institutions and Mundane Practices that Make Possible Private Investigating

Successful private investigators continue to succeed, at least in part, for two reasons. First, they and their social contemporaries continue doing and believing in the same things day after day. Second, social and legal institutions restrain individuals’

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directedness toward a *telos*). The *ends* of a private investigator may be many, but agency owners must break even to stay in operation.

practices. Most of this section is dedicated to the first reason, so I will briefly mention something about the second. Whenever a set of practices is restricted criminally, civilly, or socially, and people have an incentive to curtail another's engagement in these practices, the possibility of doing surveillance and investigative work exists. (This is why lobbying has become such a favored entrepreneurial practice.) For example, while I was shadowing S-3, she received a call from a potential client who wanted to know if her ex-husband, a recovering gambling addict, was violating his court order to halt such activities. She was in the midst of a "nasty custody battle" and, as a condition of seeing his children, the father could not gamble. The potential client had, therefore, a vested interest in knowing whether he was gambling at a casino or, as she thought, on the internet. The restriction on the potential target had opened up an investigative opportunity. S-3 had, of course, an immediate solution—"we can take his trash, put a tracker on his car, or surveil his activities for a period of time."

What is important to keep in mind, however, is that without the various conditions and actor-networks, such as an institution that gives the authority to issue "court orders," a gambling addiction, or divorcing parents, there would be no incentive to do such an investigation. Until there is a court order with an addict and an addict with a court order, there is little justification for a costly investigation. S-3 did nothing to create this opportunity, except participate in a shared cultural belief system that does not typically approve of addiction-father networks.[26] S-3 is simply situated within a particular social world at a particular time. Her own entrepreneurial practices (e.g., marketing) were likely important to inciting this call, but S-3 benefits from the institutionalized social practices that motivated the call. The potential client's knowledge concerning her available options, which appear limited, is a product of the discourses of her time. Even the "seedy

[26] A father with an addiction is not the same as a father without an addiction (see Latour, 1994).

stories," in this instance, may have brought the potential client to the conclusion that private investigators are best suited for what she likely sees as dirty work. There are, of course, other ways that the client could resolve this issue without an investigator. She could, for example, simply do the investigation herself. Anybody can take another's curb-side trash.[27] She could also simply ask her ex-spouse or, through her attorney and court proceedings, force him to prove he is not gambling (e.g., by supplying financial statements). Regardless of the numerous conditions that incited the call, S-3 must rhetorically demonstrate that she has the *means* to transform the court order-addict into a "target" of an investigation.

One would expect that during such calls, the private eye would use rhetorical strategies that demonstrate sympathy. But showing care for the customer does not seem to be the preferred strategy among investigators. Very pragmatically and bluntly, S-3 said that she would need a $5,000 retainer from the potential client. When the woman was being indecisive because of the cost, S-3 hinted that she knew judges in the potential client's county. She also curtly added, "Look, we can give you a peace of mind or, possibly, 100% control of your kids. Either way, you win. This is an *investment* in your future. What is it worth to you? It's a very easy decision. You can't do it yourself; you don't want to look like a stalker. Call me back when you're ready." At first, I was surprised by her tone, but I later realized that all the investigators I shadowed spoke to clients in this way. As I tried to make sense of this with investigators during interviews, they explained that "being curt airs a sense of confidence" (I-29). In short, they must rhetorically create the perception that they are confident in what they do. They also often try to sound busy, perhaps because "a busy investigator must be a good investigator"

[27] To dissuade the potential client from doing any investigation on her own, S-3 said that "she shouldn't do any part of the investigation or else she [the potential client] would appear to be a stalker." While this is a legitimate concern, S-3 is slightly overstating the case and is committing at least two rhetorical fallacies: an appeal to belief and an appeal to fear.

(Interviewee 28, I-28). The woman called back the following day and signed a contract. In the business of private investigations, how and what one communicates with others matters. I-09, who has been in business for more than 30 years, provided a nice summary of this point:

> You just have to be frank with people. You know, I've landed some great contracts just because people liked the way I act myself. So you just tell people you're gonna do a job. You make them believe it. You make them understand that you have experience and expertise. What's the old adage? 'When a man with money meets a man with experience, the man with the experience gets the money, and the man with the money gets the experience.' So you just give them the impression that you're special and you're going to be able to solve their problem.

As with all human actors, private investigators and entrepreneurs rely on their own "prior knowledge" and historicity, and count on others to interpret the *context of experience* of an interaction as they do. The *context of experience* can be defined "…as (a) the content of the totality of meaning-configurations brought together within one moment or (b) as a meaning-context of higher order" (Schutz, 1967, p. 76). In order for a context to be "productive"—and I mean this in all the varying meanings of the word—actors must draw upon the "stock of knowledge at hand," which is understood as "the store of already constituted objectivities of experience in the actual Here and Now, in other words, to the passive 'possession' of experience" (Schutz, p. 78). I will provide three scenarios below that demonstrate entrepreneurial creativity and the enactment of opportunities from within everyday interactions and institutionalized contexts. While contingent on other participants doing what is expected within a particular context, it is the slight variations and deceptions of the entrepreneur-investigator within these scenarios that create a communicative space for opportunity enactment.

For agency owners to enjoy a process of free creativity in spontaneous activity (e.g., playing as a shopper while doing surveillance), she or he counts on cultural others to see the world similarly. In the scenarios below, so long as no questions are asked and

other inter-actants go along with the entrepreneur's game, then the private eye remains in control of the context and can manipulate others. Each act within the scenario need not be performed consciously. The institutional orders and beliefs of all actors, including the private investigator-entrepreneur, will pressure actors to continue doing things as expected. The goals of actors in these situations may be multiple, but we can assume that agency owners are partly doing these activities to improve their business reputation.

Scenario 1: Getting beyond gate keepers. As S-4 and I drove to meet with a client at an attorney's office in a large building near downtown Houston, he informed me that "there are a lot of law offices in this building, and just about a week ago I went to this building to drop off marketing materials to these attorneys." "So how'd that turn out for you?" I asked. S-4: "Not well. I went into the building, but the security guard kicked me out."

As we approached the security reception area near the elevators, S-4 whispered to me, "It's the same guy." It did not appear that the guard recognized S-4. The security guard called to the attorney's office to verify that S-4 had an appointment. The meeting with the attorney was set up to deliver a report, "which could have been faxed, but I told the attorney it would be easier to drop off." After we delivered the file to the attorney's office, which was located on the fourth floor, we then took the elevator to the tenth floor and proceeded floor by floor, distributing marketing materials.

Our arrival at each law office, except for one, went unquestioned. We would enter an office, a receptionist would ask what we wanted, and S-4 would say, "I need to deliver this to [name-of-attorney]." Most of the time, this worked, and the person would take the manila envelope. As we walked out the door, I would catch the receptionist put the envelope into an "in-box" or walk toward an office. In the office where our activities were questioned, it turned into an opportunity for S-4. In this instance, the attorney was present. Taking the manila envelope, the attorney asked "What is this?" Quick on his

feet, S-4 quickly stuck out his hand and initiated a greeting. “Look,” S-4 stated, “I am a *local* private investigator and I am just dropping off these brochures.” “Oh, okay,” the attorney playfully replied, “but didn’t you read the sign on the door that said ‘no soliciting’?” “But I am not soliciting,” S-4 proclaimed, “I am merely dropping this *information* off; I don’t want anything from you. I just want you to know that I have a Master’s degree and am a Spanish-speaking investigator.” It turned out that this attorney was currently looking for a Spanish-speaking investigator to interview witnesses. Just outside the door, S-4 turns to me in excitement, “This is why you don’t pass up any chance to distribute information.”

In a follow up interview, S-4 indicated that besides the attorney we met personally, two other firms from the building had called him. What is fascinating about this example is how S-4 was able to accomplish this marketing activity. S-4 simply played off of everyone’s prejudices and expectations. He used the expected in-order-to motives of the situations and some deception. The interlocutors with whom he interacted deceived themselves by going along with the protocol of a regular mail delivery. S-4 simply set-up the context and the actors did the rest. As Rawls (2006) notes,

> The order of situated action is the important question…, motives are properties of situations and situated identities, not properties of individual actors: ‘Every social relationship will have its peculiar order of motives that the actors assign to each other.’ But while the actors treat these motives as originating inside of the other, they actually belong to the situation, its background expectancies, and its cognitive styles. Furthermore, these motives are not assigned by the one who acts, but, rather, are assigned by one actor to the other. (p. 75)

The receptionists assumed that S-4 and I had received clearance form the security guard, so they did not question our presence. The security guard, similarly, could not foresee that S-4 had entrepreneurial motives. In the situation in which we met, S-4’s motive appeared to be a meeting with a specific attorney. Keeping with normal expectations and routines, but changing his own motives, S-4 was able to get beyond

two gatekeepers. Had S-4 immediately presented himself as a solicitor, for example, it is likely that the marketing materials would not have been passed along. That he put the materials in a plain manila envelope[28] gave off the impression that it was work related, not marketing related. While this example is not what is typically accounted for in stories of entrepreneurship, it is these types of everyday creative practices that play a role in obtaining future business, a requirement of firm sustainability.

During our interviews, S-4 and I interpreted the activities of our day together. I noted that I was surprised the attorney was not upset that he violated the "no solicitation" rule. "And why would they?" he replied, "I am different because I am not listening to that advice; but most importantly, I have an advantage that others do not. I speak Spanish and this is an opportunity for me." S-4 continued,

> And here is an example, one of the attorneys [James], we've been friends, finally got me in working with his firm in 2006. One of the things he promotes when he invites me to attorneys' meetings and all this after-night or after-work types of things—he's a Texan, but you can see that there's some Mexican heritage in him—is 'Hey man, this guy is the guy who [interviews] all our wetbacks.' The language is not the best language, but he gets the point across. A couple months down the line, I will meet the attorney again and she or he will say, 'Hey, remember me from the party? James introduced us. He said you're good at locating…um…,' and I say 'Yeah, remember the word, you mean *undocumented workers*. 'Yeah, that one.' And he [the attorney] says, 'Yeah, I need some help.'

I reinforced his story, offering legitimacy to his claims by saying that "opportunities arise in everyday circumstances and conversations. And the thing is, since you broke some rules, you sort of showcased that you're unconventional." "Exactly!" he interjected. I continued by retelling a story provided by I-02:

> I interviewed a person [I-02] a while back and he said he had been hired by a company to serve a high profile personal injury lawyer in Chicago. The guy was very hard to serve, but the PI ended up calling the lawyer and left a message. He said something about his wife

[28] Here we should not forget the role the envelope plays in making the interaction possible (Latour, 2005). Objects' roles in opportunity enactment are discussed in chapter 5.

> having been in an accident and he was given the business card by a traffic cop. The lawyer called up and they set up a meeting. He sent one of his female investigators and served him. Turns out that the lawyer was so impressed with this that he hired his company to serve his firm's papers.

Though these are interesting examples, it is important not to lose focus on how these opportunities emerge within the world and work of others. They are simply creative uses of the everyday, taken-for-granted assumptions of others. From a prosaic perspective, S-4 and I-02 have not done anything that makes one more entrepreneurial than the other—"creativity… is not an exceptional condition, but an everyday occurrence" (Steyaert, 2004, p. 13).

Scenario 2: Using "things at hand." As I noted in chapter 2, I do not deny that my presence as a researcher influenced shadowees' practices. I was often used by investigators to assist them with various tasks. S-5 asked me to go to a door and pretend I was looking for a friend. As I did so, he shot video of the person who answered the door. I was coached to "pretend [I was] at the wrong house." In another instance, I was asked to "entertain a client" while we waited at a court house so as to distract him while S-3 "took care of business that he should not be involved in." So that we could save time, S-1 asked me to check an electric meter in the back of a foreclosed house (to see if it was on or off) while he took photographs of the exteriors. Among other things, I was asked to reach out of a car window and grab some curb-side trash as the investigator drove by.

I was also useful in business transactions. For example, S-4 used my presence during an initial meeting with a client. We met the client at a Waffle House in order to sign a contract. At the start of the hour-long meeting,[29] he introduced me as one of his investigators, a protocol I suggested to all interviewees so that the clients would not feel

[29] Many investigators criticized the length of this meeting. They try to keep contract signing to fifteen minutes. S-3 was the only one that charged a $250 intake fee, which included an hour-long meeting.

uncomfortable. At one point, while he was selling the potential client on his firm (which was unnecessary, according to S-5, “if the client meets to sign a contract, they don’t need to be persuaded”), S-4 said “our team is highly educated, he [referring to me] is about to complete a Ph.D., I have a Master’s degree, and my colleague [his brother] at the office has certification [in accounting] beyond college.”

S-3 utilized my entire visit as a lucrative venture. Our first few hours together were a little awkward as she struggled to find the appropriate language to describe my presence. For example, during a phone call she awkwardly said, “I have Craig here, a, um, a student from Illinois University. He’s writing a paper about investigating.” When it was clear that this did not receive favorable “wow-like” replies, she tried to adjust her descriptions to little avail. Eventually, I said she should just say that I teach at a university and I am doing research for publication.

During the first half of our day together, she made several calls to create meetings throughout the week with key figures— a sheriff, a defense attorney, a judge, and a television journalist. I thought, at first, that this was not going to yield insight into her everyday business practices. But as our week together progressed, it became clear that this was, in fact, part of her ongoing business strategy. She was, as I-04 had informed me, “a ruthless self-promoter.” It was not that I could bolster her image, but I was a “good reason” to meet with these important people. “It’s Georgia, after all,” she noted at one point, “where connections matter.” A private investigator’s connection to a judge could mean favorable court treatment, something useful in a criminal defense case. S-3’s strong connection to the sheriff’s department meant increased access to the jail, a good thing for any client needing to speak with an investigator or attorney late at night. The journalist, Jim Strickland, is the “Channel 2 Action News Consumer Investigator” for WSB-TV Channel 2, the ABC affiliate of the Atlanta and South Georgia market. S-3 has compiled onto a DVD several of the special investigative reports she

has done with Jim Strickland. She hands this DVD out to everyone she meets. My presence was a “good reason” to meet these important people; she told them I was writing a book about her and needed to ask them questions. By simply meeting with them, she was maintaining lucrative connections.

So valuable are these connections that she is able to charge a higher-than-average rate for her services ($145 per hour compared to the usual $65-$85). When potential clients call her, she mentions these connections frequently: “I personally know Jim Strickland, the consumer reporter for Channel 2;” “Oh, that won’t be a problem, I know the judge up there, so we need to get your hearing moved to that county”; “You might recognize my last name [deleted], you know my family goes way back in that county”; and, “You know, if you need a criminal report filed, I can make a quick phone call and the police will be there quick. My husband is a police sergeant.” During every phone call, except those from clients complaining about their bills, she mentioned a connection, one that would likely be symbolically meaningful to the listener.

Scenario 3: “Doing” identity. In scenario 1, I described how S-4 used his bilingualism as a way to sell his services. (I-08 also uses her bilingualism as a major selling point.) While attorneys seem to appreciate that S-4 is a Spanish speaker, hiring a firm with a Spanish speaking agency owner is not the only option for clients. They could retain the services of an agency with a white, non-Spanish speaking owner. I interviewed, for example, two agency owners who advertise Spanish speaking services, though they themselves do no speak fluent Spanish. One keeps on staff a Spanish speaking field investigator and the other sub-contracts with firms such as S-4’s. These business practices transform field investigators, often a threat, into potential opportunities. This is why one could make a case that having a diversified labor force in the field of private investigations will generate opportunities.

For come clients, they will not be persuaded to hire a Spanish-as-a-secondary-language speaker. Such clients may feel that an interview will require an investigator who is culturally and physically similar to interviewees. This means that when an agency owner claims that his or her company is comprised of “minority specialists,” as I-08 does, people will likely expect that the company and its investigators are minorities. Of course, a white person could claim to be an expert on a particular group of people, as many anthropologists and sociologists do. But as S-4 (I-17) highlighted, his cultural knowledge, in combination with his Spanish fluency, helps him obtain results a non-Latino would miss:

> Here in Houston there was a group of people from El Salvador and Honduras who owned a couple bars. And these were pretty much like whorehouses. But you would never know unless you knew how they operated. And what happened is, you would go in and there were always ladies inside, to make you feel ‘comfortable,’ [that] is what they called it, to give you ‘companionship.’ A lot of the people who went in were undocumented workers, people with no documents to be in this country. They knew about this because they find it in their country. Let’s say you and I go. You and I pay for a beer, which is $2.50 or $3 dollars. Good looking girls A and B come along, you take A, I take B, and we offer them a drink. Their drink costs $13 bucks. $9 for them, the rest for the bar. Those $9 dollars were for the purpose of paying their transport from whatever Central American country or Mexico to here in the United States. Many times, that’s over $10,000. So the Feds went in—FBI, DEA, ICE—they all went in and busted this place big time. Some of the people who got busted needed attorneys and, of course, this is a federal case, so they needed representation. A lot of people didn’t have representation so they needed court-appointed attorneys. So a court-appointed attorney contacted me because he had a female as a client and he needed somebody to interview some witnesses. Come to find out, I went to the federal prison and to ICE holding, immigration holding, to interview 45 women. It became a big case here in Houston. So, I had the good luck to work on all these cases.

In this instance, it may be more productive for S-4, himself an immigrant, to conduct the interviews. His understanding of the operation and the potential identification between him and the undocumented workers will likely open communicative avenues that would

otherwise have remained closed. Trust is established in the course of conversations, but I suspect that S-4's Latino identity was helpful.

In investigating and business, one's identity and appearance does matter. As Bruni, Gherardi, & Poggio (2005) note, "as well as being an economic phenomenon, entrepreneurship can also be read as a cultural one…. [W]hen men and women set up as entrepreneurs they do not separate [their gender from entrepreneurial praxis]; instead, they produce the normative meaning of what it is to be a male or female entrepreneur in a single cultural model framed by a cultural as well as an economic context" (p. 1). While these authors primarily reference the cross-reading of gender and entrepreneurship in everyday practice, the same ethnomethodological rules apply for any identity performance (West & Fenstermaker, 1995).

Many interviewees referenced issues of gender, age, race, class, and sexuality, both as potentiality and as a barrier. Coding of interview transcripts shows that there were 67 references to gender, 66 to age, 54 to race, 47 to class, 6 to sex and 3 to sexuality. Investigators understood that there are certain ways of "doing" gender or race that makes a difference in interactions with potential and actual clients. They also recognized that these constructions have an impact on where an investigator can comfortably do his or her work. In a predominantly black neighborhood, for example, a white investigator will likely draw more attention. Similarly, a black investigator in a white neighborhood may be seen as more suspicious than a white investigator, and a white target may pay more attention to a non-white investigator when being trailed. In other words, "when it comes to doing undercover investigative work, one must factor identity into the equation" (I-29). Many investigators do. I-22, for example, noted during our interview that he was in the process of hiring younger investigators:

> I think I'm gonna take three more [employees] on that are in their twenties because of the alleged-cheating-spouse cases. A lot of these folks are in their twenties, thirties, maybe even forties, mid-forties or

> something, and they're gonna go out night-clubbing. They're out in night clubs on 6th Street and other night clubs around town. And as old as I am, and with all the gray hair, I'll walk into some of these clubs on 6th Street and it's like the band stops and everybody turns around and looks at me like, 'What the hell are you doing here?'

This example suggests that the impressions one "gives off," deliberately or not, matter to the success of a case. These impressions may even determine what niche an investigator settles in. In short, there are rhetorical dimensions to one's corporeality, which can be used to an investigator's advantage, but can also become liabilities in various settings. Utilizing performances of identity and using one's body rhetorically is an important part of the business of investigating. Business opportunities are threatened or enhanced by how one understands and uses these factors in everyday situations. The extent to which investigators' identities play a role in their successes and failures can only be answered through future research.

What these scenarios demonstrate is that not all opportunities necessarily arise through innovation, nor are they "discovered" as the traditional literature tends to suggests (Eckardt & Shane, 2003). Instead, opportunities may be enacted over time through the creative use of communication in situated contexts. From a prosaic viewpoint, creativity is situated within the mundaneity of everyday life.

Rhetorical Practices as Opportunity Enactment

In this section, I highlight the rhetorical practices that investigators use to support their monetarily valuable investigative and business practices. If we could return to the streets of early 19th Century France, where Vidocq was developing some of the important practices of private investigating, things that are taken for granted today—e.g., "interviewing witnesses," domestic spying, or writing reports—would likely have struck people as a peculiar service, especially at five francs an interview and 20 francs an investigation. Billable services that clients simply accept today likely would have been questioned.

At its peak, Vidocq's agency was seeing up to 40 clients a day. He was not, of course, the only agency in town. Thus, he was entrepreneuring as part of his everyday concerns. For example, he had to establish investigator work protocol, market his company, and lobby for the legitimation of rules and procedures (Vidocq, 1935/2003). Furthermore, just as issues arose between the U.S. public and Pinkerton, Vidocq and his crew were heavily criticized by the Parisian public for their lewd behaviors, corrupt practices, and political misdealing (Morton, 2004). Faced with investigator impersonators, Vidocq responded by requiring his staff to carry signed commissions. This was, at the very least, a rhetorical strategy to show that he was committed to operating a legitimate operation. A successful investigator-entrepreneur must do things within the expectations of clients, and defend practices when they are called into question. Agency owners do this very subtly, often dropping references to law (for example) into conversations.

Regardless of whether or not investigators are doing so implicitly or explicitly, they are using a constitutive rhetoric—a rhetorical style that seeks to constitute an audience of "clients" and "potential clients." The private investigator only benefits from institutionalized practices so long as they continue to reveal themselves to potential clients as important. In other words, private eyes have to rhetorically maintain the ideology that legitimates particular practices: "[I]deology is material, existing not in the realm of ideas, but in that of *material practices.* Ideology is material because subjects enact their ideology and reconstitute their material world in its image. Constitutive rhetorics are ideological not merely because they provide individuals with narratives to inhabit as subject and motives to experience, but because they insert 'narratized' subjects-as-agents into the world" (Charland, 1987, p. 143).

Private investigators' roles in the maintenance of ideologies that serve their business interests are also highly institutionalized. This means that they are likely

unaware of their participation in this social ordering. But when private investigators meet their "narratized" clients and other actors in practical circumstances (e.g., interviewing witnesses and testifying to jurors), they must appear legitimate. To appear "as something" requires rhetorical work. In this regard, investigators are always already engaged in the primordial function of rhetoric, which, according to Michael J. Hyde and Craig R. Smith (1979), "is to 'make-known' meaning both to *oneself and to others. Meaning is derived by a human being in and through the interpretive understanding of reality. Rhetoric is the process of making-known that meaning*" (p. 348; italics in original). This hermeneutic and epistemic rhetoric draws from the interpretation of the pragmatic exigencies of the particular space, place, and time, and is creatively translated by entrepreneurs to advocate a "new reality"[30] in which the product or service the investigator is offering "makes sense." The themes that follow are practices that draw from prosaic and institutional orders. They show how private eyes use rhetoric to shape the perceptions of clients in ways that are financially meaningful to the client and investigator. This section is perhaps the most insightful for investigators because it offers rhetorical strategies that are working for others.

Closing the deal. Agency owners consistently pointed out that when they receive an initial phone call from a potential client it is "not a hard sell" (S-3). This is because, as I-21 noted, "when people call they want help. That's why they called us. They don't know which way to turn sometimes to find the information or to get help, so that's what we try to do." Agency owners simply need to demonstrate that they can resolve *some* of the (potential) client's problems. This demonstration is also a rhetorical act, which often takes place, at least initially, via mediating technologies. A potential

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[30] Barry Brummett (1976) notes that "rhetoric is in the deepest and most fundamental sense the advocacy of realities…. It is the function of managing meaning within social arrangements, and is thus a dimension of the countless acts and objects comprising a cultural environment" (p. 38).

client will see an internet page and have initial reactions to both its design and the types of claims that are made on it. This is why I was surprised to come across so many poorly designed websites. Several interviewees criticized other investigators and noted that it projected a negative image for the profession. For example, I-24 noted that "there are these silly magnifying glasses or Sherlock Holmes images [on websites]—I don't understand why most p-eyes want us to be associated with that shit."

Given that websites are increasingly an important site for first impressions,[31] it is not uncommon to find in the first few lines of text the following type of claims: "United International Investigations is an experienced private investigations firm with a reputation for integrity, dependability, and thoroughness" (www.investigateworldwide.com); "We are a full service, professional investigative agency serving primarily the Dallas & Fort Worth metropolitan area…We have investigated criminal and civil cases since 1980 ranging from petty larceny to 1st-degree murder" (www.covert-pi.com); and "Second Nature Research Group is a full service bilingual private investigation agency. Our private investigation agency is licensed, insured and bonded by the state of Texas" (www.secondnatureresearch.com). Through these claims, investigators seek to establish, among other things, an impression that the company has something unique to offer a (potential) client and that, foremost, their experience and professionalism will be used to resolve any issue at hand.

While shadowing and interviewing, I was present for several phone calls between investigators and potential clients.[32] What surprised me most, which I have previously noted, is just how callous agency owners were. They did not try to establish rapport with the potential client. They did not, for example, say things like, "well, I am sorry that you are in the position that you are" or "I understand how painful this must be for you."

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[31] Although the Yellow Pages is still the primary first stop for people seeking local services ("Dial I for Internet," 2008)

[32] Agency owners always answered their phones, even during interviews.

Instead, they interrogated the potential client by asking the following types of questions: “What makes you think that he is cheating?”; “Why do you suspect your business partner is up to something?”; “What do you want to get from hiring a private investigator?” At some point in the conversation, they almost always would claim, “Well, if you suspect that she (or he) is (cheating, stealing, hiding assets, abusing, etc.), you are probably right.” During interviews, I asked why they speak to potential clients in such a brusque manner. Most of them replied that they want to sound objective and they want to project confidence. “Engaging in such gushy talk will make you sound less competent. They are calling an investigator, not a counselor. They [clients] will not appreciate your sympathy; they expect the objective attitude of an investigator” (I-30).

Individuals who call a private investigator, particularly for domestic cases, are initially very reluctant. “I suspect that they likely go through cognitive dissonance about wanting to have someone they love followed. They themselves feel like they’re doing something shady” (S-4). Given that the popular narratives are not particularly positive about the private investigating profession, it likely adds to the dissonance. Potential clients may fear that they are engaged in a seedy business exchange. Consequently, private investigators do not tend to ask for a caller's name or telephone number until later in the conversation. This means that it is important that the person answering the telephone have the authority to speak with potential clients. Callers do not, at least in my experience, feel comfortable leaving a phone number. According to I-01, “A potential [domestic] client’s sensory perceptions are enhanced, they are clued in because they are nervous about losing money or hiring a shady character—so they’ll catch on if you seem to be uncertain about anything” (I-01).

Where the dissonance is less, say with attorneys, they are also still concerned with professionalism. Consequently, “they are searching for whether the investigators sound like they are inexperienced, overselling their experience, what they can do, and

what services they can really offer" (I-10). When I was shadowing S-3, for example, she was obviously more cautious when speaking with her attorney clients, providing clues during the conversation that her investigators would be cautious, "well, I am not going to do anything, especially record anything unless you ask me to." A phone call with a potential domestic case client, however, led to the following claim, "we're going to do *everything* we can to find out if he's up to something." To "close the deal" an investigator needs to deploy various communicative tactics and use rhetorical strategies that work for them. The evidence shows that investigators have developed similar rhetorical styles, apparently independently.

It's an investment. I first heard the claim that an investigation is an investment while shadowing S-3. She was speaking to a potential client who was seeking information regarding her husband's suspected infidelity. As usual, S-3 had the woman on speaker phone so that I could listen to the conversation. The woman rambled for five minutes about all the things her husband was doing to hurt her emotionally. Eventually, S-3 cut the woman off and said, "If you think he is cheating on you, he probably is. What we can do for you is a thorough investigation, which would include following him and recording his activities. We will get as much information from you during your intake so we know when the best time to follow him is." The woman seemed to understand that S-3 wanted to get "down to business" and immediately asked, "well, how much is this going to cost do you think?" "Investigations typically run about $2500 because we don't know how active he is going to be." "I see," the woman hesitantly replied. "Well, let me tell you something, either you want the information or you don't, I can't sell you on that. If you want it, it's worth it to you. This is an *investment* in your future. If we find out he's cheating, *and it sounds like he most likely is*, well let me ask you, do you have children?" The woman replied affirmatively. "Then this is even better for you, because if you're talking divorce this could mean better leverage for custody, child support, and alimony."

After about ten more minutes, the woman agreed to the $250 intake interview, and by the end of the following business day she had signed the contract and paid the retainer.

Investigators typically coached people where to get money (e.g., family). If the person seemed slightly reluctant, they pushed a bit harder and tried to get the client to skip a personal meeting and contract by fax or internet. Many investigators post their contract on their websites and have mobile internet connections so they can always get a potential client a contract. Many also accept payment via internet, so that no matter where they are, the client can get a contract and make a payment or deposit. S-3 explained this practice, "…if you don't get the money right away, they may do something else with it. When you ask for a $5000 retainer… this person might go out and buy a computer or pair of diamond earrings instead. We're dealing with emotional people."

In Georgia, it makes sense to use the language of investment for domestic cases because, unlike most states, it is not "no fault"—proof of infidelity could mean getting more assets from a divorce. It literally is an investment when put in these terms. However, S-3 also told clients that it could be an investment in that "once you provide proof to your husband that you know what he is doing, you might be able to begin mending the relationship." I shared the idea of using the term "investment" with several other investigators, who though it was, as I-17 put it, "excellent advice" (I-17).

Strategic positioning. Agency owners often employ a tactic that I have labeled strategic positioning. This is using one's knowledge, skills, ability, identity, and so on in creative ways to gain power or control over targets, clients, or others. It can also be a form of pretexting, which investigators are particularly good at.

I observed S-3 change her last name several times. She was not pretexting, so I thought this was interesting and asked her about it. She explained, "I have two last names, my maiden name and my husband's last name." She continued, discussing how she manages her image through her office, her website, and her last name:

> If you've got a nice office and everything sounds good, they're gonna hire you. I mean people hire me just on the fact that people think I have a nice website they think is cool, they know I'm a woman, and they see that my name is Italian. And they go, 'well, you're definitely not Italian because you're talking about 'y'all' and I said, I know, my husband's Italian.' So I've gotten business, very big business from the north just on my last name. And I told my husband, this is - my last name is Irish, my last name is [omitted]. And see my dad's brother is a millionaire and he lives in Walton county, so when I go in Walton county or talk to people from there [referring to the person she just talked to], my name is … [First, maiden, and married names omitted].

This example highlights that the rhetor-investigator/entrepreneur uses strategic language that draws upon his or her audience's prejudices. For example, S-3's claim that she "gets business from the north because of an Italian last name," in addition to an earlier admission in an interview that she did not name her company "Southern" because she expected people would think she is stupid, demonstrates how she strategically positions her name to project a particular business identity. I-18 and I-19 (a husband and wife team) also described how they use I-19's accent and I-18's gender in strategic ways:

> CE: So even with attorneys, you would use that sort of language? It's an investment rather than an expense?
> I-18: It's a mixture. I guess an element of it is that I rely on my Englishness as well. I think you have to capitalize on…
> I-19: …On what you got.
> I-18: …on all and any assets that you're able to offer. [You need] to make people think, maybe not think, but make them understand and appreciate that you can do what you say you're gonna do.
> CE: Do you think there is sort of a bias there, a positive bias?
> I-18: I know that's there. I mean, I know it's wrong, but…
> I-19: If you [referring to I-18] had maybe a different accent, it wouldn't go over the same way.
> I-18: I do try to capitalize on it. I think they think 'educated, sophisticated.' As I said, I've met a number of paralegals recently at big attorney offices, and I make sure that they 'enjoy' my accent, my British-ness [laugh]…
> I-19: And then I meet the lawyers. [Indicating she meets with the lawyers because she is an attractive female].
> CE: That's great.
> I-18: We have to play to our strengths, and that's what it's about. We use our strengths, and if it's a male environment, you know what I mean? It's very much a case of working to…
> I-19: Some people don't want, they think men are more intelligent, you know?

I-18: Sometimes, particularly in certain parts of Texas, they only want to speak to a guy. They don't want…
I-19: I get a lot of people that think he's the brains so, great. That's fine. I don't care.
I-18: They think she just answers the phone, so yes, we have to play to that. You're my girl in the office, my office manager. You know, we just have to do that so our company appears bigger than a two-person, husband-wife operations…
I-19: Which I love.
I-18: Keep our perspective, and, yes, I call her my office manager.
[All laugh.]

This strategic gender role playing seems to be common among entrepreneurs. Bruni, Gherardi, and Poggio (2004) provide an ethnographic example from a small Italian production enterprise owned by two sisters,

> According to the… sisters, being mistaken for a secretary sometimes proves useful, because it enables them to follow negotiations from the inside while appearing to be outsiders: especially because they often have insufficient information to gauge a situation, so that being taken for secretaries gives them a chance to acquire it. *We've got an excuse because we're women. /* By way of example, they mention an episode when a customer telephoned (somewhat irritated) about a malfunctioning machine and Franca Somma put him off until the Engineer arrived. By the time the Engineer did so, the situation had resolved itself. When the customer spoke to the Engineer, he asked him to *apologise for me to your secretary* (she laughs). They tell me about another occasion when it was the Engineer who pretended to be a secretary (imitating a women's voice) to 'get shot' of someone who kept on ringing him. (2004, p. 414)

What these examples show is that investigators can rhetorically position themselves using their identity while playing off others' assumptions. Strategic positioning is not used exclusively by entrepreneurs or investigators, of course. Private investigators are, however, particularly good at it.

Planting suspicions. As I briefly mentioned earlier, agency owners also make subtle rhetorical claims that plant suspicions into the minds of their (potential) clients and targets. While S-3 was speaking to the woman on the phone regarding the belief that her spouse was cheating, she noted that "if you think he is cheating, he probably is." Other shadowees also did this. Even on their websites, they use a language of suspicion, "trust

your intuition," "one in three marriages ends in divorce," "adultery undoubtedly causes the greatest heartache in any marriage," "do you suspect a company is acting irresponsibly?" and "do you know who your business partner is?" Of course, they then present their company as the best solution to these problems: "Disprove or confirm suspicions of adulterous spouses with the assistance of one of our undercover agents" (www.secondnatureresearch.com); or, "We help private individuals and non-profit groups hold small and large corporations accountable" (www.covert-pi.com).

While shadowing, I observed investigators plant suspicions during telephone calls. As with their websites, investigators told potential clients to "trust their intuition" and "to believe in their fears," and they would often hint to current clients that the best strategy was to continue an investigation. At the conclusion of one investigation, for example, S-4 had received a phone call from a client who wanted to thank him for a job well done. When asked what the client had decided to do, the client indicated that he and his wife were in couples counseling. S-4 congratulated him, but added a caveat: "I am happy to hear things may work out, but the best thing you can do for yourself is to do a fidelity check in about six months, make sure she is not back to her old ways."

Small delivery companies also tend to hire private investigators. High volume movement of goods creates ample opportunities for employees and drivers to steal merchandise. When S-5 met with a potential client, he noted during the meeting that "employees come up with some pretty creative ways to steal merchandise" and he reminded the potential client that "Robbery occurs every one second, property crimes every three seconds. Chances are they are doing something, even if it is just not driving safely. Money spent on surveillances for a business is never lost. It's either due diligence or peace of mind" (S-5).

Building strategic alliances. Building strategic alliances is a rhetorical strategy that moves beyond direct persuasive claims into prosaic practices and conversations

that function rhetorically. Alliance building typically occurs with attorneys, insurance adjusters, and business owners because domestic clients are typically not good sources for referrals. However, as I-21 noted, “with attorneys, it is important to stay in their minds” (S-21). In other words, private eyes do not typically take clients of cheating spouse cases golfing or send them holiday cards. With insurance adjusters and attorneys, however, agency owners had better because “if they [e.g., attorneys] don’t hear from you, they’ll hear from someone else” (I-07).

Strategies for building alliances were typical. Investigators said they often call their important contacts and have mundane conversations about work and family life and they send flowers on Secretary’s Day. But I was surprised by a few unique strategies. At the TALI conferences, for example, new investigators were coached to target younger attorneys just coming out of law school. Young attorneys, according to a session speaker, “need all the help they can get when they first get started, so offering a discount or some free work is a good strategy to build up their faith and confidence in you. Then as they move up into higher positions within a company or get more business, so do you.” In another instance at the same TALI conference, a lawyer coached investigators that one of the most “strategic things you can do in your relationship with attorneys is not speak with clients at meetings, to know your place.”

Interviewees also noted that it is important to “pay attention” to the paralegals, who often are the ones who must call or find private investigators for a particular case. For this reason, S-4 said he speaks with female paralegals in a “flirtatious” and “flamboyant” manner:

> In many cases… it’s better to talk to their paralegal, so I’ve learned to target the females. They’re your gatekeepers. I’m a thin guy, I weigh 170 pounds. Six foot tall, 32” waist. So I dress and go in my suit and I see some lady. She may not be the prettiest lady, but every time I go in, she must have something nice that I’m gonna tell her. ‘Good morning. Oh my god, that’s a beautiful blouse, love the colors.’ *‘You like it?’* [falsetto voice]. ‘Oh my god, it’s refreshing. It needs to get out

> of this place and go somewhere tropical.' *'Yeah, you're right. How can I help you?'* [falsetto voice] 'This is who I am.' *"Ahhhh."* So, within a week, two weeks, a month, they will call me and say '*[I-17], remember me? I'm the lady who sat and you complimented the blouse?"* 'Of course.' 'Well, the attorney so-and-so wants to know when you could come by and have a meeting with him.' And, I've made like $15,000-20,000 just off of nice comments.

Investigators also stressed the need to complete jobs quickly, "Sometimes attorneys will call us and say 'I need to know who owns this vehicle, I've got a license plate,' or something like that. 'Okay, here ya go.' You have to have quick turn around and…I mean, we have quick turnaround time, and that's part of our strategy" (I-22). What "being quick" *says* is that "you are an important client." Attorneys need to know that an investigator will attend to their needs quickly, especially when it comes to interviewing witnesses. As I-08 noted, "the first one to get to a witness has the advantage. You want to get to them before they change their story."

Rhetoric(al) Matters

This chapter demonstrates that rhetoric matters. The above descriptions highlight that the prosaics of everyday entrepreneuring requires the use of rhetorical strategies both in business and in investigative matters. From the point of view of communication research, what this suggests is that, in addition to developing business skills, entrepreneurs should practice becoming better rhetoricians. Much of the work product that private investigators produce is an outcome of interpretive and rhetorical endeavors. Their preeminent work product, the report, as I will describe in the next chapter, becomes forensic evidence and may even be understood as evidence for deliberative action (e.g., whether or not a business person will cut ties with her or his partner). Persuasion in everyday interactions affects business success or failure. Entrepreneurship researchers should not take for granted the role of everyday rhetorical practices in the constitution of a successful or failed enterprise. Differences in rhetorical styles partly determine which entrepreneur gets venture capital and retains customers.

CHAPTER 5: SHADOWING OBJECTS—TECHNOLOGIES AND REPORTS

> Economic exchange creates value. Value is embodied in commodities that are exchanged. Focusing on things that are exchanged, makes it possible to argue that what creates the link between exchange and value is *politics*, construed broadly. This argument… justifies the conceit that commodities, like persons, have social lives. (Appadurai, 1986, p. 3)

In the previous chapter, I described how private investigator-entrepreneurs engage as subjects in their field of practices, focusing particularly on the rhetorical strategies that they use to enact opportunities. In this chapter, I continue with the theme of rhetorical enactment, but place emphasis on objects that are constitutive of opportunities. Objects interact with other subjects and objects; so they have, in the words of Arjun Appadurai (1986), “social lives.” As social actants, the equipment of the field of private investigations can also enhance or disrupt opportunity enactment.

In order to demonstrate how everyday practices and interactions get transformed into object-like opportunities, I will describe the process of generating reports—the sacred product of the private investigator. The report is the exchangeable value-object of private investigators. While having some qualitative differentiation, the report can be described as a commodity because the intellectual capital required to produce it has been diffused.

It takes a rhetorical effort to produce a report, and some investigators are capable of producing better reports than others.[1] In describing the process of producing a report, I will draw upon actor-network-theory (Latour, 2005) to account for how private eyes hermeneutically document and rhetorically translate others' practices into the report as an entrepreneurial object. I will suggest that reports’ movement into other fields legitimates private investigators’ practices.

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[1] This is so for a variety of reasons. Perhaps some investigators have received better training, they are better writers in general, they are better observers, or they are more motivated.

The tools and objects that private investigators use can be described based on their use, showing in what ways they are important entrepreneurially. For example, the process of documenting an extramarital affair with a video camera, taking the documented activities and putting them into written descriptions (i.e., legal reports), and presenting the report as testimony in a courtroom requires rhetorical effort. The process of documentation, made possible by video reorders, pens and notepads, computers, Adobe Acrobat, and so on, participate in transforming everyday practices (e.g., holding hands in public) into a profitable object (i.e., testimony). The actor-network "investigator-equipment" converts the observed activities into words and images that are used as (forensic) evidence. These arguments—though they are taken-for-granted as being rhetorical—are used to *prove* clients' cases or suspicions. But the field activities could also become *deliberative* or *epideictic* rhetorical data for lobbying, books, blogs, and press releases, which some private investigators and state associations are actively doing (e.g., I-04, I-05, I-21, and I-22).[2]

"Investigative data" has commercial value, but only after it is translated into a report. The report is an artifact that demonstrates that an investigative process has taken place, and it allows investigators to turn everyday action into reportable and accountable profit opportunities. Following an object rather than the investigator yields different insight about private investigating and entrepreneuring. Following objects also demonstrates why entrepreneurs must protect their commodities. So long as the report is understood to be important to actors who desire it (i.e., clients), practices required to produce it can continue to be valuable too. This is an important point. For example, the

[2] Case in point: I-09 noted that many bills against the profession are often proposed by legislators who have been the unhappy target of an investigation. Fortunately, most of these legislators were trailed by non-licensed or non-affiliated members. Thus, he indicated that while he was chair of TALI he would often use examples from his investigations and other members to compare the methods he used to those used by non-affiliated investigators. He suggested that often the evidence of unethical behavior was an issue not of investigators, but unlicensed ones.

attorney-report is only meaningful if the attorney values this relationship. If attorneys begin to suspect that private investigators' reports are "worthless," say because the general public has come to suspect they are typically falsified, then attorneys will no longer be willing to pay for them. An attorney-investigator-report must be meaningful; if not, attorneys will find other ways to obtain information and the mediating role of private investigators will become irrelevant.[3]

In this chapter, I begin with an account of an experience I observed while shadowing S-2. This account highlights the threats imposed by some new technologies. Some objects, as I will describe, often disrupt practices and lower knowledge transfer. These same technologies, however, are also creating new opportunities and strategic possibilities for private investigators. I then turn attention to the report and its production, which requires that investigators translate others' everyday activities into rhetorical, forensic claims. I will provide examples of new reporting methods that are possible with contemporary technology. In the conclusion, I will briefly discuss why describing opportunities from a prosaic and rhetorical perspective is important to entrepreneurship studies.

Private Investigators' Objects: Threats and Opportunities

In chapter 4, I related a story in which S-2 and I discussed how I would set up if I were conducting the investigation at a difficult intersection. This field account begins just as that field exercise was drawing to a close. So that I could obtain his employee's impressions of his management style, S-2 phoned one of his field investigators to arrange an interview. The meeting never occurred. Five minutes after S-2 ended the call,

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[3] The use of the term mediator is important. Latour (2005) notes that "mediators transform, translate, distort, or modify meaning or the elements they are supposed to carry" (p. 39). Banal conversations between clients and private investigators and sentences in reports (the style, grammar, content, etc.) can become important mediators for maintaining the PI-client network. Investigators who do not use mediating communication effectively will not likely retain clients.

the field investigator called back to say that “the target was on the move.” S-2 said that “he’d be on his way to assist him,” but did not ask directions. “Do you know where we’re going?” I asked. “Oh, yeah, I have ‘sat on’ this guy several times already,” he replied, “and I have the location programmed into my Garmin here [GPS[4] navigator].”

As we sped in the direction of the target’s home (Edwardsville, Illinois), traveling northbound on Interstate 255, I did not stop the digital audio recorder. What follows are sections of the transcript from the telephone interaction between S-2 and the field investigator, which highlights the difficulty of giving real-time driving directions and the risks of relying on GPS technology. The field investigator, by his own admission in a brief conversation following this incident, said that he almost always relies on GPS while driving. In this example, the GPS unit creates a communication barrier between S-2 and his field investigator (FI). The following example highlights the difficulty of communicating information in a fast-paced situation that is impeded by technology. (For purposes of giving a sense of the pace of the dialogue, I have included the corresponding audio time stamps.)

01:15:30:: S-2: Hey, where you at, man?
01:15:32:: FI speaking, inaudible. [S-2’s facial expression indicates that he is not happy with something—the investigator has lost the target.]
01:15:39:: S-2: Okay, which way did he go on 157?
01:15:43:: FI speaking, inaudible.
01:15:48:: S-2: Okay, yeah there is. Uh, 157, if you go to the south, it takes *us* by our office. If you go north, it takes *you* up by the client’s office.
01:16:01:: FI speaking, inaudible.
01:16:13:: S-2: Yeah that is, that is 157. I’m coming up on 270 right now; I am about two miles away from that.
01:16:21:: FI speaking, inaudible.
01:16:27:: S-2: Okay, well, go up to 159, to exit 13, take 159, the off ramp at 159, just cross the bridge come back south, or come back west.
01:16:39:: FI speaking, inaudible.
01:16:41:: Yeah, just take that and I will probably be just at 157, just about the time you get to there. Take the off ramp and then just turn… to the right, when you get to the bottom of the hill there is a stop light, veer to the right. Okay, if you go straight, it is going to take

[4] Global Positioning System

> you onto the campus of SIU Edwardsville, you don't want that. Veer to the right, and continue on 157 into Glen Carbon and eventually back into Edwardsville. He is doing a round robin. So, if you find him or catch him in that area anywhere, just let me know and I will meet with you wherever he is at.

In the midst of his cell phone conversation (meaning he is driving with one hand)— which was competing with the annoying music of Gavin Rossdale ("Love Remains the Same")— it began to rain lightly. It was the type of rain that only needs the occasional wipe, so S-2 had to trigger the windshield wiper manually. Including driving, this made four distractions. But S-2 was also simultaneously trying to locate the target's address on his GPS unit, eventually abandoning the effort to keep one hand on the wheel (there were two moments while traveling at 75 miles per hour that he steered vehicle with his knee).[5] When he ended the phone call at 01:22:03 minutes, S-2 noted that I should "not be scared about his driving; sometimes I get back into cop mode, and I am very good at multi-tasking—speaking on the phone, talking over the radio, and driving at high speeds."[6]

The FI called again. I have deleted the short intervals of the FI speaking. The brackets represent the duration of FI's talk:

> 01:23:40:: S-2: Hey, what's up man? [11 seconds] Aaghh, you want to go the other way. Oh! I thought you were coming back to 57 (slight laugh). [2 seconds] I, no, you just want to turn back around. Did you go Maryville? [2 seconds] No, you just want to turn back around and go north. [2 seconds] If you just stay on 159, I, I am coming back up, I'll probably be by his address before you will. [4 seconds] So, I'd. I'd like to meet with you somewhere if you're going to sit on him for maybe another hour or so… [3 seconds] Um, you know where we ate that day? At the 54th Street Bar and Grill? [10 seconds] You're, you're on the road right now. If you turn around and start going north on 159, you will go right past, the, uh, 54th street. [18 seconds] If you are on 159, just turn around and go north and come back the way you were. [2

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[5] Shadowing can be dangerous for a variety of reasons—this is one example.

[6] He is not the only one, of course, that gets into this mode, suggesting that it is a product of our culture, the private investigative profession, or both. On multi-lane roads in heavy, rush-hour traffic, I held up a laptop so that S-5 could read it and S-3 put on cosmetics.

seconds] I thought you were getting back on the interstate when you said, I am getting off of one—[22 seconds][7] Okay, once you've crossed 270, you are going to get back onto 159, come north, cross *over* 270 and keep on coming straight, you'll get through like five or six parking, uh, stop lights. [2 seconds] Yeah there is a big Bank of America right on your left-hand side and you need to turn, I think, just past that one. [2 seconds] Turn, turn left and there will be a Buffalo Wild Wings and all that shit right there, I will be in that parking lot right there.

01:26:25:: CE: Got turned around huh?

01:26:27:: S-2: Yeah, I was giving him directions coming back in on 157 and he was just coming off of 159, so if you go [i.e., turn] right there, you go all the way back down south.

As image 5.1 shows, highways 157 and 159 are parallel and run north and south. It is not clear exactly where the FI is at time 01:15:30, but we can ascertain from S-2's statements that he thinks the FI is traveling eastbound on I-270, between 157 and 159: "…go up to 459, to exit 13, take 159, the off ramp at 159, just cross the bridge come back south, or come back west" (01:16:27). During one of the inaudible moments, the FI must have explained to S-2 that the target did a u-turn, which almost assures that the FI is not on I-270.[8] The FI is not where S-2 assumes, so any instructions that S-2 gives will further confuse the FI. Assuming that the FI is on I-270, S-2 instructs him to take exit 13 (it is exit 12 that intersects with 159) and do a u-turn in order to track back west on I-270. He communicates this message with confusing and contradictory information: "…just cross the bridge [and] come back south, *or* come back west." When S-2 corrects himself, he does it without much pause or emphasis. It sounds, when listening to the digital file, as an illogical either-or proposition. S-2 communicates that the FI can *either* come back south *or* west. I suspect the FI understood what S-2 actually meant, but if he did not

[7] At this point, while the field investigator speaks, he looks at his speedometer and notices that he has slowed to approximately 50 miles per hour. He accelerates back to the posted 65 miles-per-hour limit.

[8] While not apparent in image 5.1, because of its size, there are only two roads—Meridian Road or Glen Carbon Road—that cross I-270 between 157 and 159. Both of these roads are overpasses and have no entry or exit ways onto I-270. This is why I assume that the field investigator is not on I-270, but likely on either 157 or 159 traveling southbound.

understand that S-2 was suggesting he do a “u-turn,” he would have headed south, away from the direction desired. This is one plausible explanation as to how the FI ended up in Maryville (point B). The FI should have simply been told to travel west when he got to the intersection of I-270 and highway 159.

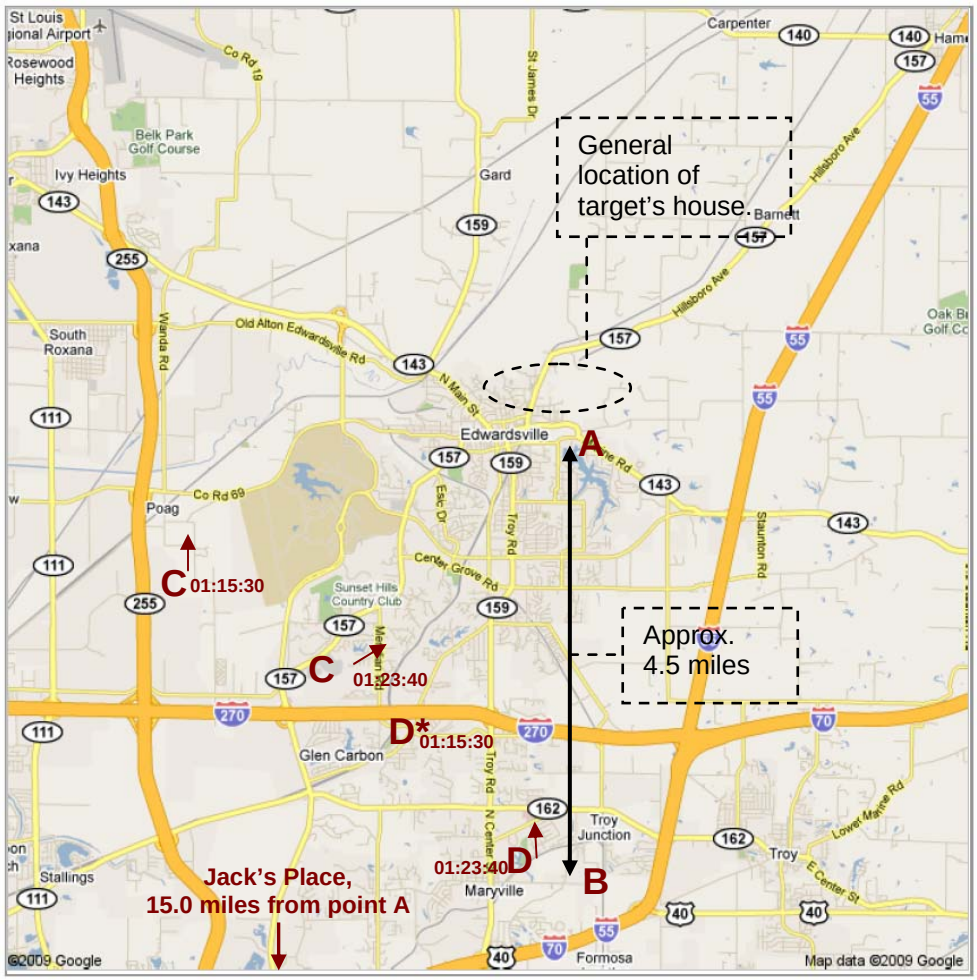

Image 5.1 (Google Maps, 2009)[9]

S-2, traveling northbound on I-255 at time 01:15:30 completed a u-turn, headed southbound on I-255 and then eastbound on I-270. He expected, as his dialogue indicates, that he would arrive at the highway 157 exit at the same time as the FI: “…I will probably be just at 157, just about the time you get to there” (01:16:41). He planned

[9] Notes: A = Edwardsville; B = Maryville; C = S-2; D = Field Investigator; D* = Supposed location of Field Investigator; Arrows = Direction of travel; Times correspond to in-text transcript data.

that the FI, once they intersected, would travel northbound toward the target's home (located north of Edwardsville). When it was clear that some confusion had occurred (at time 1:23:40), S-2 was already on highway 157 heading towards Edwardsville (point A), but the FI was on highway 159 in Maryville. By this time, S-2 had turned the music off, it was no longer raining, and he was driving below the posted speech limit. In other words, he could more fully concentrate on the conversation.

This example highlights the problems that can arise with so many technological distractions in an investigator's environment. It would have been better for S-2 to instruct the FI to pull over and figure out where he was by using a map. From my own experience as a field investigator, I can attest that this is annoying; however, I can now appreciate this as a good practice. Driving and giving instructions may require too much information processing. Furthermore, as the situation illustrates, it is important that each interlocutor be trained in communicating detailed information accurately. S-2 directs the FI to "turn right," which could mean any direction. Had S-2 simply said, "go west on I-270" or "pull over and find out where you are at" (as I frequently heard S-5 tell one of his investigators), the FI could have assessed his own situation and decided what actions he had to take to accomplish the communicated task.

This example illustrates the importance of having company field protocol, training investigators to use such protocol, and learning and practicing how to communicate accurate information in stressful situations. While technology can present a risk to investigators, it can also enhance investigations. The optimal use of any piece of equipment will best be achieved through proper training and practice. Thus, a GPS system can be a great asset because it is faster than a map and can be used to obtain data while in the field; however, the investigator should be trained how to use the system in accordance with company protocol. One of the problems with many small firms is that these operating procedures are often overlooked.

Learning to send and receive information quickly and accurately is a skill that agency owners and their field investigators should practice. With the issue of high employee turn-over described in chapter 4, developing symbiotic working relationships may be difficult. The professional associations should consider developing defensive driving courses for field investigators and require them as part of the certification process. Associations should also offer courses at conferences that help agency owners develop a standard operating procedure.

Agency owners and field agents should also place reliable communication over efficiency:

> …organizations preoccupied with reliability [contrasted with efficiency] may [or should] spend more time and effort organizing for controlled information processing…, mindful attention…, and heedful action…. These intensified efforts enable people to understand more of the complexity they face, which then enables them to respond with fewer errors. Reliable systems are smart systems. (Weick & Roberts, 1993, p. 357)

Agency owners, according to I-13, should train field agents to communicate effectively and use technologies reliably while under stress. I can attest that when one gets a shot of adrenaline while holding a camera, it takes concentrated effort to obtain a quality surveillance video.

Private investigators must also consider that technologies train them. Note how, for example, S-2 may have received inaccurate details from the FI: “I thought you were getting back on the interstate when you said, I am getting off of one—[59].” To get off of highway 159 in Maryville is much different than getting off of 159 at the I-270 junction. But the FI indicated to me during a brief conversation in the Buffalo Wild Wings parking lot that he was lost. As he noted, “I have yet to memorize any streets because I am too reliant on my GPS.” The GPS navigational system has made him a passive driver.

Equipment can reduce an investigator’s ready-at-hand “profitable” knowledge. With GPS navigational devices, investigators can lose their cognitive maps of the

geographical areas in which they operate. Among other things, this decreases the chance that they will impress their clients with this stock knowledge. During telephone conversations, S-5 repeatedly rattled off descriptions of Dallas neighborhoods to potential clients as he set up consultations with them, “Oh, if you work in that area, then let’s just meet at the intersection of I-35 and Walnut Hill at the Denny’s there, I believe it is across the street from the Valero.” While communicating where to meet, S-5 is also documenting that he knows and understands the Dallas-Fort Worth area—a valuable skill to highlight when speaking with someone interested in a surveillance-intensive investigation.

In reflecting upon the incident described in this section, S-2 seemed to understand the source of the miscommunication. As he noted, “Yeah, I was giving him directions coming back in on 157 and he was just coming off of 159, so if you go [turn] right there, you go all the way back down south.” Referring back to Image 5.1, this statement is also not very clear. However, by the time S-2 explained this to me he was driving, listening to music, and trying to open a pack of gum.

Among other things, this field account shows that environmental distractions are problematic, and agency owners should require their new field investigators to demonstrate competency and knowledge in navigating local topography before they are allowed to use GPS technology. This requires, of course, the development of formal control systems, which are absent among small firms in the field of private investigations. While agency owners may be profitable without them, the absence of operational manuals means they may spend more time frustrated and yelling at field investigators—“no, you listen to me when I say pull over, take out a map, find out where you are and find the fastest route to her [the target’s] house” (S-5). Dealing with employees is certainly part of entrepreneuring, but formalization increases control and may reduce frustration and costs. At the very least, formalization may reduce the need

to give so much attention to employee issues, allowing agency owners to focus their daily attention toward other entrepreneurial needs. All investigators spent at least part of their day speaking poorly of field investigators or reprimanding them.[10]

Other technological risks. There are other risks associated with equipment. These technologies, based on interviews and observations, can be classified into three types, “toys,” “liabilities,” and “opportunity destroyers.” Toys are those “gadgets and gizmos” that one doesn’t necessarily need, but are interesting to have. The private investigator today needs far more equipment than the investigator of yesteryear, but she or he does not, in most circumstances, need a beer can camera. In the few instances where such novel devices are required, interviewees felt that clients should assume the costs. The typical investigator will need a quality pair of 7 x 50 binoculars (with inert gas between the lenses), reliable video and still-shot cameras, both with the highest quality optical zoom (100-300mm) and pixels (at least 7 million), a telephoto lens attachment, a high quality night vision attachment for video recorder, a quality computer for doing business activities and editing video, and a DVD burner.

Investigators who specialize in other areas may need more or less equipment. For example, interview experts need a high quality digital recorder and a simple digital camera for taking photos of interviewees, process servers may need to invest in a software tracking program such as ServeNow or Loyal Dog, and investigators who specialize in accident reconstruction may need special, industry-certified equipment and accident diagramming software. While it may be a symbol of status to have a Lincoln

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[10] All shadowees had some sort of communication with their employees and contractors that could be characterized as “conflictual.” S-3 and S-5 spent approximately 10% of their day dealing with or complaining about their employees/contractors. Both tended to speak frequently with field investigators in what I would characterize as an “agitated tone.” Between the two of them, I observed eight conversations with field investigators that escalated into yelling. The length of such conversations varied, but one yelled for an impressive 35 minutes.

Navigator, a GPS navigational device, a Blackberry Gold, or handgun,[11] any equipment that is not *necessary* to the process of completing a job, or its potential marketability, is a toy. While toys may make private investigating interesting, they are not necessary to produce a report; investigative know-how, notepads, pencils, a computer, and a word processor program are all a private eye actually needs (assuming no video, photos or audio recording is requested or needed).[12]

Shadowees varied in the amount of toys they have, with S-04 having the fewest. His office was a simple, one-person room that he rented at a discount from an attorney. He traded down his SUV to a compact car (to save gas) and he turns down any surveillance that would require additional equipment purchases. His entrepreneurial strategy is to increase profits through reduced expenses. Other shadowees seemed to splurge. One investigator's vehicle and office was a mess of cables and electronics, with the latest gizmos (e.g., wireless charging stations). Interviewees similarly said toys can become a financial burden, but playfully acknowledged they have their share of them:

> Yes, I have toys. You've talked to my wife already, I see. Just now she called them toys. But by the time you look at all the equipment *you've got to have*, you know, and I probably do have more equipment then some do. And I probably don't have as much as some. You've got cameras, videos, you've got to have equipment to, uh, transfer the, uh, videos to film so you can send it to you client or put it on CDs. All this *necessary* equipment gets expensive, but then you're in the PI shop or Radio Shack and you see all these cool devices, that's when you get in trouble financially and with your wife. (I-16)

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[11] I include handgun because many private investigators do not carry handguns, though in Texas there seems to be pressure among investigators to carry one: "'You don't have a gun?! Where are you from?' I get that all the time" (I-17). While there is an issue of safety, since several private eyes said they had "worked in sketchy neighborhoods" and two had been robbed at gunpoint, a gun is essential only for those who provide executive or personal protection services. It is important to note that to carrying a gun requires certification and additional insurance. Thus, having a gun will increase the variable costs of doing business.

[12] In most circumstances, attorneys do not want private eyes to audio record interviews because such documentation can hurt a case.

While toys are problematic because they can eat into the financial profits of a company, they can also be, along with other essential equipment, liabilities.[13]

"Liabilities" are so for a variety of reasons, but the three most common reasons cited by investigators are equipment failure and loss, attorney challenges, and legal issues. The risk of equipment failure, damage, or loss is an everyday concern of all private investigators, but especially for those who do a lot of field work and surveillance-intensive investigations. Investigators who do domestic cases, for example, rent various pieces of equipment to clients. While in use, GPS tracking devices and hidden cameras can be discovered and destroyed by targets, short circuit, fall off vehicles, and so on. While GPS tracking devices have decreased in price over the years, they are still between $400 and $1000. While I was shadowing S-3, she spent nearly 2 hours over a four day period dealing with tracker issues; this amounted to 3.5% of her work time (based on a 14-hour work day).[14] She also had her office assistant doing some of this work, diverting the assistant's attention from other important business tasks.

While working in the field, equipment failure could mean losing key information for an investigation. In some instances, there may be no other opportunity to find a witness or catch the target engaged in an activity that is pivotal to a case—"You simply can't ask a fraudster or cheater to redo something" (I-30). While a private investigator's cameraless observations may be good data for establishing patterns, clients typically expect video. Given the low perceived credibility of the profession, an investigator

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[13] For investigators who do not specialize, they obviously can end up with more toys. For some, they purchase junk equipment in an attempt to offer a service they are not qualified to do. For example the "CounterTek Covert Pen Bug Detector," certainly a nifty gadget, is supposedly a "radio frequency detector" that can find wiretaps and GPS units on cars. But as I-20 notes, "It's going to pick up all radio frequencies. Basically, it amounts to a $50-dollar-piece-of-junk. Only investigators, about six of us in the state (Texas), with thousand-dollar pieces of equipment and training will be able to do *serious* electronic sweeps and counter measures" (I-22).

[14] GPS units operate by battery power, which means that once the battery dies (about 5-10 days) it is not traceable by satellite.

usually must have some form of visual documentation. As I-25 noted, “A far as clients and jurors are concerned— if it isn't on video, it didn't happen” (I-25). Even with “no guarantee” clauses in their contracts, investigators admitted they frequently refund money in order to retain important clients. I-13 said during a TALI session he led, “it doesn't matter if you produce nine good reports, [clients] will always remember the one time you didn't get it right. ‘My equipment failed,’ is not an acceptable excuse.” If it fails in the field, equipment can cost a company thousands of dollars. While no interviewees provided an example, I can draw upon my own field experience to make this point. I sat on a house for almost eight hours on New Year’s Eve watching to see with whom a client’s husband arrived and left. I accidentally left the night vision telephoto lens on between filming activities. When the target finally left, the batteries could no longer power the lens. Consequently, I could only record dark shadows. The client was a paralegal for a law firm (i.e., she was a gatekeeper for a potential client). Our agency refunded her money for that night’s surveillance, which was just under $800. However, the attorney she worked for never again used our services.

With the move to digital formats and reliance on service providers (e.g., satellite companies), equipment has become an even greater liability. A database or satellite signal may go down at a pivotal moment. When I shadowed S-3, her office’s phone system was having technical difficulties. She had to pay for technicians to fix the problem. Her phones were not in operation (half a day), so the company likely missed calls from potential clients. To deal with these concerns, many agency owners have created informal contingency plans, such as purchasing two of everything or maintaining relationships with “spy shops,” which can rent them equipment when needed. But this still does not alleviate the everyday stress. While I was shadowing S-5 during a hot summer day, he was having what he called a “Murphy’s law day.” He was trying to install a hidden camera in a warehouse. In sauna-like temperatures, S-5 could not get his

wireless receiver to pick up the camera feed. After two hours of fiddling with it (time he did not bill to the client), he finally declared that “this equipment [is] a fucking piece of junk.”

Finally, equipment poses a liability because, if used inappropriately, private eyes may violate federal and state laws. For example, most states follow the federal rules regarding eavesdropping and wiretap (18 USC §2518). Such laws stipulate that you can record a conversation as long as you are a party to it. The obvious violation of this law would be someone using a boom microphone or radio to eavesdrop on conversations. There are a handful of states, however, that require all parties to be notified that they are being recorded.[15] In Illinois, where the eavesdropping statute is particularly stringent, the law applies even when there is no expectation of privacy. The law stipulates that “a person commits eavesdropping when he uses a device to hear or record all or any part of any conversation unless he does so with the consent of all the parties to such conversation” (720 ILCS 5/ 14-2), and a recording device is defined as “any device capable of being used to hear or record oral conversations whether such conversation is conducted in person, by telephone, or by any other means” (720 ILCS 5/14-1 et seq). Given that it is okay to video record any public activity, where there is no expectation of privacy, the all-party consent to audio recording can easily be violated.[16] To avoid accidentally misusing equipment, private eyes need to understand relevant laws.

Perhaps nobody understands equipment liabilities related to law better than those who do accident reconstruction or brand themselves as “expert witnesses.” These investigators must constantly deal with the prospect of attorney challenges. Prosecutors

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[15] All-party states are California, Connecticut, Delaware, Florida, Illinois, Maryland, Massachusetts, Michigan, Montana, New Hampshire, Pennsylvania, and Washington.

[16] This law raises interesting concerns rarely discussed in scholarly research. For researchers who do conversation analysis, for example, they could be putting some of their research subjects into a situation in which they violate the law. For example, the consenting research participants continue to record while a neighbor visits.

are, according to I-20, “ruthless” to private investigators (who work for defense), treating them as the “lowest form of Earth.” This means that expert witnesses must constantly make sure that they have the “right equipment” and that it is “properly calibrated”: “You’ve gotta have computers and we keep up-to-date measuring tools. So when we go out um, … [we] don’t get challenged about a piece of equipment that is cheap or out of date” (I-16). Investigators who do accident reconstruction or serve as expert witnesses must also demonstrate that they are properly trained and certified. I-20, who attends hundreds of hours of training a year, noted that this is expensive:

> And then there’s, you know, I do what’s called technical surveillance counter measures—TSCM. And that’s sweeping for bugs and taps, telephone taps, eavesdropping and illegal eavesdropping, and ah, there’s only about 6 private investigators in Texas who are qualified to do that. And by qualified, I mean that they’ve actually had some schooling in how to do it, and you have equipment that will actually detect some unsophisticated bugs that are out there. There’s only 6 of us because the schooling costs $1000 a week and you’re talking, to really educate yourself you’re talking somewhere between $8 to $10,000 worth of schooling. The equipment, the most basic thing you can buy is a $3000 piece of equipment.[17]

The more one invests in equipment, the more his or her risk increases; doing a job becomes contingent on the equipment as much as investigator expertise.

Finally, technology has become opportunity destroying. The internet, while it has created many opportunities for agencies, has also hurt many investigators' businesses. Take, for example, the sad-toned admission that I-07 provided during our interview:

> Well, lemme, lemme just sort of in a nutshell tell you where I was. I had two of these offices. I had the one next door. I had five employees. Um, the internet did some damage to my business, because people can go on the internet and look for people

[17] Some agency owners advertise, for example, that they can do electronic countermeasures when in fact they do not have the right equipment of training. As I-23 criticized, “Yeah, they say ‘We do de-bugging.’ And they go down here to the spy shop and they buy a device for $99.95 that has green light, red light on it. And the instructions say, ‘Printed in Taiwan. Put two double-A batteries in it. If the light turns red, you’re bugged. If it’s green, you’re okay.’ Basically it is a transistor radio with no speaker on it…. It’s picking up a bunch of stuff. It’s just so broad, you don’t know if it’s picking up television signals, radio signals, ham radio, CB radio, broadcast, you know?” (I-23).

> themselves. … You know what? And believe it or not, sometimes you can find someone very easily that way. But when it comes to the hardcore skip tracing, that's what I do. So, that's what I have left.

Fortunately, I-07 has many committed clients who continue to supply her with work; although she admitted that the economic crisis has led to a decrease in this business as well. She indicated that she does not do much marketing and I sensed she was exploring a potential career change. Her attitude was also likely cause for some of her business decline. As I probed to see what she was doing to respond daily to the threats brought on by internet technologies and services, it was clear that she had accepted that there was not much she could do. Her conclusion that "all she has left is difficult skip tracing" leads her to avoid practices that could grow her business—marketing, cold calls, web development, and so on. While I did not shadow her to see precisely what she does each day, it is clear she is not trying to make a case for her services. Other investigators indicated that in the age of the internet, they actively try to persuade potential clients from doing the work themselves: "I tell people that they can do a background check online, but how do they know they're *really* looking at the right John Smith? These databases give false results all the time, which can lead to all kinds of problems. My diligence is needed" (I-29). This rhetorical strategy, which could fit within the theme of "planting suspicions" described in chapter 4, is a demonstration of opportunity enactment. As I-07 sits in her office from day to day using the internet to skip trace, she is abandoning potential opportunities. She is not attempting to pursue other niches or retain existing clients, creating a self-reinforcing decline.

Objects as Opportunities

Technological objects increase private investigators' data gathering capacities. A video camera, though it "frames" a particular scene and creates artificial boundaries that are often more limiting than regular vision, can gather details of an ephemeral scene with more detail than a human. Cameras can also playback information. A private

investigator with a video camera, therefore, can obtain data and create evidence not possible 40 years ago. A video camera can also operate without the presence of a human, which means that investigators can conduct multiple surveillance operations at once. For example, a private eye can install hidden cameras near a warehouse for a business client, install a GPS unit on a domestic client's spouse's vehicle,[18] and still be able to physically "sit on a house" at another location. While the investigator surveys the house, the warehouse cameras and the GPS unit continue to collect vital data.[19] This highlights how technology makes private investigating a "hybrid activity" (Meunier & Vasquez, 2008), with profit making practices happening across multiple spaces and times. Investigators who use common technologies and other objects in creative ways can increase revenue streams while also improving their investigations.

Investigators incorporate everyday objects people use into their investigative routines. Many cell phones can now record video. While shadowing S-5, we followed a target and his supposed mistress into a restaurant. By propping his iPhone against the condiment caddy, he was able to record to video targets sitting across from us. While it was positioned awkwardly, the phone was not out of place. It was still *just* a phone to those around us. The taken-for-granted assumption that we were *just* diners with a cell phone made it possible to gather video surveillance without fancy hidden cameras. According to S-5, while in some circumstances one may have to use a button cam, cell phones are much more reliable and user friendly.

The ubiquity and everydayness of the video camera and cell phone is precisely what enables this opportunity for private investigators. [20] We often see people with video

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[18] In most states anyway, but only if both spouses' names are on the title.
[19] The investigator must still *translate* this data. For example the information gathered from a GPS unit often must be connected to other data, such as where the target said he or she was going to be and where she or he actually was.
[20] Agency owners should be cautious in assuming that new hires know how to use a video camera in investigative work. The typical rules of making home videos do not

cameras in public. However, in instances where a private investigator may be questioned about having a camera, he or she needs to have an available explanation. I was once approached by a passerby as I was recording video of a target working in her yard. I had been browsing through a screenwriting magazine at the time. I picked it up and said, “I am a film student and I am waiting for my friend who is supposed to help me with a school project about suburban life. I was bored so I just started shooting video of the squirrels playing.” The passerby apologized for bothering me and went on his way.

Agency owners often incorporate various objects into their pretexting performances. For example, S-5 showed me a unique spy cam that he created out of a Domino's delivery hot bag. The inside of the bag was stuffed with Styrofoam squares, a digital recorder, and a small camera. The lens protrudes through a small pinhole. Wearing a Domino’s uniform, he explained that he will knock on a target’s door. The occupants will likely assume that he has made a delivery error and open up the door to assist him. While they work out the confusion, he records the interaction. In some instances, he needs to obtain data regarding the condition of a home or the occupants of a house. Perhaps he is looking for a missing child, a dirty home unsuitable for a child, or a cheating spouse. Drawing on the prosaics of pizza delivery, this example shows how opportunity-enabling objects become such through an investigator’s rhetorical or practical adaptation to context-specific situations.

Rhetorical enactment of opportunities. As I highlighted in chapter 3, an entrepreneur, at least in the Schumpeterian sense, must have the foresight or “prior knowledge” to create a new manufacturing process, administrative form, product, or

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apply because unique situations arise. S-3, for example, was criticized by a client for providing poor quality video. The video had been shot through a dirty windshield and was hazy. A not so obvious “trick of the trade” is for investigators to keep a bottle of glass cleaner and paper towels in their vehicles. I-22 also said that novice investigators must be taught “common sense” things, such as “flipping the camera to manual focus during a rain storm.” The video camera’s auto focus will keep adjusting to the raindrops, making it difficult to focus in on a distant object.

service. As I also noted, such knowledge is gained through a hermeneutical process. From a prosaic perspective, entrepreneurs must be able to share their vision with others on a daily basis and work to reproduce the opportunity once it has become legitimated. If the product or service is new (meaning not easily comparable to another product or service), bizarre, or complex, the rhetorical burdens are far greater—the gap in hermeneutical horizons between the entrepreneur and stakeholders are greater. Close examination of the rhetorical practices of entrepreneurs in established fields in general, but specifically start-up or new product launches in particular, provides some insight into why products or services succeed where others fail. An objectified opportunity, whether it is a product or service, *was selected in through a rhetorical* process; many are also *selected out* through the same process. Agency owners (like all entrepreneurs) are constantly engaged in a process of interpretative and rhetorical meaning making.

I was fortunate to meet S-1 and I-06 just as they were launching a new product called Service Exchange Network (Serve-X; www.servex.biz). Serve-X is a unique data interface solution that works with existing case management software. As advertised on the company's website, Serve-X enables the communication between a law firm's and a process serving company's existing software so that they can "seamlessly transfer…jobs…nationwide"; "continuously provide live status updates to…case files"; "manage and monitor jobs throughout the service process"; "eliminate duplicate data entry"; "reduce human error"; "increase productivity"; and "increase profitability." Without Serve-X, attorneys and credit collections agencies (may) keep track of cases using particular pre-packaged software (e.g., Collect) and process service companies do the same with their own software (e.g., ProServe 2000). That each professional field has not yet integrated the other's software technologies means that employees on each end of the exchange have to repeat data entry. When the process service company serves an affidavit, for example, its employees have to enter this into their software program and

then relay the information manually (by email, phone, or post) to the attorney firm, who then must update the information manually vis-à-vis their software. With Serve-X, once data is entered on either end and into *any* program, the software program automatically updates the information on both sides “as if by magic” (I-06).

The Serve-X software is provided for free to both attorneys and process servers. Attorneys and collections companies stand to gain the most from it because it eliminates the need for staff to physically track the status of papers. Process service companies are also likely going to absorb the fees charged by Serve-X (although they will also benefit from reduced data entry). A testimonial of an attorney currently advertised in the company’s press releases highlights this point: “We have been using Serve-X for the last two months, and our office loves it! We have been able to cut in one half my [sic] employee’s entire job duties. It would take 2-3 days a week to enter all the services for each file…now [it] only takes 5 minutes. I highly recommend any office that deals with any type of volume process serving to use this as it costs nothing and only a nominal increase in your process serving fees!” Service Exchange Network captures a small fee for every file that transfers through their integrating system. Since process service companies technically work on behalf of their attorney and collection agency clients, I-06 noted that their strategy is to convince attorneys to use the software. Once attorneys adopt Serve-X, they will then (theoretically) “put pressure” on process serving companies to use it.

The idea for Serve-X came about by a fusion between S-1’s understanding of process serving and I-06’s computer programming knowledge and prior experience working with law firms. Of course, it is not an inconsequential detail that both live in the same small Illinois town. This highlights the roles that location, timing, and connections play in opportunity identification (see Shane, 2008; Steyaert & Katz, 2004). From the start, the location of both entrepreneurs facilitated a flow of ideas regarding the

development of Serve-X. By projecting what they thought the software ought to do, they were already shaping the types of rhetorical claims that would be possible. In return, their potential marketing strategy re-informed what kinds of features they gave the software—a complete hermeneutical circle.

The creation and marketing of Serve-X is a human endeavor. This example highlights the active role S-1 and I-06 had in *enacting* the opportunity and how they are rhetorically shaping Serve-X and its position in the marketplace. But we ought not to take for granted the instutionalized practices and objects that made the idea of this type of software possible. For example, the adoption of computer software to manage documents within the fields of practices of law and process serving had already shaped the everyday practices regarding how business is done within these fields. Without these objects operating independently in each field, there would be no need to integrate them. The implementation of a system that integrates the software is not a radical revolution, in the sense that S-1 and I-06 do not have to convince people to change their everyday practices. The ingenuity of Serve-X is that the practices that will be changed (i.e., reducing human interaction in the process of transferring and tracking files) plays into the corporate logic of eliminating human labor in the process of doing business. Thus, S-1 and I-06 are building upon the established and taken-for-granted practices, myths, and objects already influencing the fields of practices where their object—Serve-X—will hopefully become an important interactant and mediator.

Now that Serve-X exists, S-4 and I-06 must *translate* it into selling points, demonstrating in other business objects—e.g., websites and brochures—what the software can do. As S-1 and I-06 interact with customers, they will receive feedback regarding what is deemed important for users and adapt it accordingly. In this sense, Serve-X (the software) will begin to act upon the field and redirect S-1's and I-06's future practices and claims. It is possible, for example, that the software will reduce the amount

of paper and fuel that is used to print and transfer files. Given the recent fashion to “go green” (i.e., be environmental friendly), it would not be surprising if they begin highlighting the ecological benefits of their product. This point demonstrates how objects, like computer software, are translated rhetorically into many things at once: an error reducer, a “green technology,” and a profit enhancer. Of course, if the software does not perform the field in the ways S-1 and I-06 anticipate, they will eventually abandon this opportunity. But one thing was clear during field research: the existence of Serve-X has changed S-1’s and I-06’s daily cares and concerns. From follow-up interviews and brief shadowing field observations, most of their everyday practices are now directed at promoting and attending to Serve-X’s needs; Serve-X (the software) *demands* their attention.

Rhetorical translation of objects into opportunities. The above processes are acts of *translation* because they require transforming an object’s many uses into specific (though limited) symbolic claims. But this is not without limitations or risks. As Law (2002) notes, “to translate is to connect, to displace, to move, to shift from one place, one modality, one form, to another while retaining something. Only something. Not everything. While therefore losing something. Betraying whatever is not carried over” (p. 99). Take, for example, the description on S-5's website where he highlights the equipment (objects) that his agency uses to catch people. Image 5.2 is taken from his agency's website. He uses these photographs as *proof* that he has the appropriate equipment to get high quality video of targets:

> [This] is an example of a target captured on video from a distance of one city block. The surveillance was conducted for an ankle injury and impairment rating. Look closely at the time between the subjects [sic] moving of the couch and the mattress. The apartment was emptied in less than 45 minutes and it was all captured on *our surveillance equipment*.

The full video was likely presented to the client as part of the report. But by creating two still shots—two new artifacts from one—of the target moving large pieces of furniture at two points in time, the agency owner translated evidence into examples of his expertise, which can be placed on his website as marketing devices. In this example, the private eye provides evidence to support his claim that the apartment was “emptied in less than 45 minutes.” What is not mentioned in this enthymeme, because it is obviously implied, is that this should not be possible if someone has an ankle injury. As I will show when I discuss reports, this sort of subtle implication is an important skill for writing an “objective” report. More interestingly, S-5 does not explicitly highlight his expertise in the passage, but instead chooses to foreground the quality of his equipment: “it was all captured on *our surveillance equipment*.”

Image 5.2 – Target moving furniture.

This example would not have been possible without the type of equipment that exists today. What this example illustrated is that the objects produced by the equipment of an investigation can be recycled and used in other ways. With today’s technology, the investigator can easily translate photographs from an investigation into marketing possibilities. The telephoto lens, the camera, and the private investigator work together to *translate* the activities of the target into “evidence” and “advertisements.” The everyday act of translating objects will likely not strike readers as very profound, but this example only further demonstrates how objects and practices are often taken for granted. These prosaic transformations of entrepreneurial objects into rhetorical claims

about one's business add up over time and likely make a difference in who succeeds and who does not.[21]

To highlight how the translations of objects differ across investigators, I will present an example of a database and its report as an object. All investigators use databases; contemporary investigators could not succeed without access to one. But I-17 has translated the use of databases into a claim about expediency and highlights this in a press release: "With more than five years of experience, [company name] has help [sic] many companies and individuals make the right choice about the people they hire. 'We can access information from across the country around the world and around the clock, at the touch of a button,' said [agency owner's name]. This information can be obtained through different databases available only to licensed private investigators like [agency owner's name].'" I-17 is demonstrating the importance of the database, but he is also positioning himself as an important mediator in the process of doing background checks and hiring quality employees. The database, as he notes, is "available only to licensed private investigators." The database is transported into the field of private investigating (thanks to other technologies) and the investigator becomes a mediator that determines a "good report" from a "bad one." Again, here is an example of how the object "database report" can be transformed into an opportunity when rhetorically framed as such in a press release (yet another entrepreneurial object). With the right mix of press releases, especially free ones picked up by local media, an investigator may receive more calls from potential clients. Those who are most visible may be the most likely to succeed as entrepreneurs. But when I-17's strategy is compared to I-07 (who

[21] S-5's strategy is not without risk. A possible interpretation—which could be pointed out by a consultant using rhetorical criticism—is that the equipment is poor. It is hard to identify the target in these hazy photographs. In the field, the investigator would have shot additional video, including the license plate and vehicle identification of the target. This would also not be the only shot of the target. But this is something non-investigators may not understand. The accompanying text on the website should probably include this disclaimer.

feels she is losing business to the internet), it is evident that I-17 is *translating* the internet into a possibility, whereas I-07 is not. While these differences in business practices do not fully explain I-17's growth and I-07's decline, they are likely constitutive factors.

Investigators can also translate equipment in practical terms. Although GPS navigational devices can be problematic for investigators, one of S-1's process servers explained that when he has a pile of court summons to deliver, he can program the addresses into his GPS unit and it will automatically coordinate the most efficient route to each house. I-22 similarly described how GPS devices can help in collecting important data during surveillances, describing the device as an actor with human-like qualities:

> One of the things you and I were talking about… was the GPS. On the GPS units that we have, you can say 'I want you to start when I start.' You know, push the button, say 'Now, start,' when you arrive at wherever you are, let's say a surveillance. And it will track everywhere you go, every turn you've made and so forth. Because there are many times in a surveillance… where you can't remember when he left. I know he went up Interstate 35, but what exit did he take? I think I wrote that one down, but then when he got in that subdivision, he turned left, then he turned right, then he went straight, then he turned left again. And then he stopped at this house, pulled up in the driveway, walked out, went inside the house and came right back out within 30 seconds or something, got in, cranked the engine, and off he went. What was the address? In such an example, we were trying to set up 'cause we thought maybe he was gonna stay there for a while. All you've got to do is when you pass by the front of that house, push the button again and it marks that location. And when you get through, if you can't remember, it'll play back turn-by-turn-by-turn for you on the computer.

This final example not only describes the use of a technology in the prosaics of surveillance, which can produce better results, and therefore a better reputation and more clients, but it begins to suggest how data is obtained and translated into an investigative report—the preeminent commodity of the investigative profession.

Producing the Report

There is perhaps no object more important to the field of private investigations than the report. This is the product that investigators transact with clients, who use the information as evidence to support their personal decisions or case strategies. At the conclusion of an investigation, the investigator hands off the report to the client. So long as all financial obligations have been met, the report is disentangled from the investigator—meaning it is transformed into a commodity as the process of its production is alienated—and transferred as the property of the client. As Brown (2007) notes,

> a private investigator's clients only see the written or photographic results of our work. They don't see the gallons of sweat on the floor of your car after a hot afternoon surveillance [this explains why private investigators' cars smell like sour milk]. They don't feel the fear of a near collision on the freeway when your subject exits suddenly and you jump three lanes of traffic to stay behind him. To them, your product is your report. That's all they see—that and any evidence you collect. (p. 40)

Given this description, it is clear that the report is a commodity. When it is transferred from the private investigator to the client, the means of its production are detached. Commoditization of the report is important to creating a marketplace transaction: "to construct a market transaction, that is to say, to transform something into a commodity, and two agents into a seller and a consumer, it is necessary to cut the ties between the thing and the other objects or human beings…. It must be decontextualized, disassociated and detached" (Callon, 1998, p. 19). Although the report will retain certain distinguishing elements of the subject who produces it, it becomes an objective document—in the sense that it is an object and that it allegedly provides a non-biased account—when it is detached from the investigator.

When the report is "handed off" to a client, it moves into other institutional fields and informs and affects other institutionalized practices. For example, an attorney may

decide to settle a case rather than go to court based on the outcome of an investigation or a husband and wife may divorce. A report is a commodity *and* it influences other institutional fields, so it can be said to have a social life of its own. In this section, I describe the process of its production and illuminate how it likely influences private investigators' practices. Investigators direct their investigative practices toward its creation, so as a "projection" of a present perfect construction, it can be said to direct practices in the present (Schutz, 1967). I will also describe how the report, once produced, continues to influence actors by tracing its ongoing *potential* impact in other fields. I will emphasize that understanding the process of its production could improve training of private investigators and support the creation of a standardized protocol that would be regulated by a professional association. This is an insight that S-4 provided when he compared private investigating to other professions: "part of what makes accountants and lawyers appear to others as highly professional is that they have standardized procedures and reporting standards."

The process of report creation can be simplified into three critical moments: observing, reflecting, and reporting. Of course, these processes often occur simultaneously. My objective in this section is to describe how the report is produced during each of these stages and to capture the hermeneutic and rhetorical practices used in its creation. While pretexting activities are creative rhetorical tactics, they are possible only because social contemporaries operate within a culturally-situated and context-specific "natural attitude." The taken-for-granted practices of the moral order are, therefore, sources of opportunity for private investigators. While the opportunity for doing private investigative work—especially covert work—is made possible by others' mundane practices, the entrepreneur-investigator enacts opportunity by translating others' everyday activities into evidence, which is accounted for in a report. This process

can be said to be hermeneutical and rhetorical because as investigators observe, reflect, and report, they are selecting in and selecting out details specific to a case.

Observing

According to Schutz (1967), “to the natural man all his past experiences are present as *ordered*, as knowledge or as awareness of what to expect, just as the whole external world is present to him as ordered. Ordinarily, and unless he is forced to solve a special kind of problem, he does not ask questions about how this ordered world was constituted” (p. 81). The private investigator no doubt benefits from the unreflexive assumptions that his or her contemporaries have about their everyday affairs. As people move about the world in a “natural attitude,” private investigators can work unimpeded with the assurance that most people will not be too suspicious of their presence, especially in public spaces. Simply put, people enter a mall and see all others as shoppers, unless provoked to see them differently. Part of a field investigator’s task is to act natural and assume people are not paying any attention to their surroundings.

An individual resting at a nearby bench is not typically going to be seen as a cheater, fraudster, or criminal. While some individuals may harbor certain prejudices about certain people, most do not assume the worst. Thus, the woman or man holding hands while window shopping at a clothing store will not appear to others as being engaged in some form of relationship infidelity. Similarly, people do not see others as private investigators. This is why, despite the risks, many targets openly engage in relationship practices (e.g., holding hands) while walking between shops. This could also explain why so many targets end up at malls and other public spaces (a few suburbs away from home, of course). The private investigator is primed by the client to observe the targets’ practices within an interpretive frame not held by others. Consequently, there is an increased risk that an investigator can falsely interpret some behaviors in order to make them fit the frame.

Private investigators explained that targets of domestic cheating cases usually spend the majority of their time doing things in public spaces. While this may seem odd, it makes sense when understood in terms of what constitutes a “good relationship.” People do not cheat solely for sexual gratification, but for emotional reasons as well. To obtain more emotional gratification, and to maintain the relationship, couples have to follow typical interpersonal interactions and do things in public settings.[22] Simply rendezvousing at a hotel is not likely to have the same payoff as a date. The more public a relationship, the more legitimate it appears to others. But the more natural the relationship feels to the targets of an investigation, the more likely they will be exposing themselves to the gaze of a private investigator. Similarly, the individual faking an injury for insurance fraud will be inconvenienced by the deceptive performance of injury. Consequently, such individuals will likely fall back into their “natural” performances, opening a window to be exposed as frauds. As I shadowed S-5 surveying a target, he mentioned that just a few days prior to my arrival the target under investigation “had hobbled into a large home repair center, and despite a claim that he could not lift anything or bend over, managed to go around the store taking items off the shelves. He also dropped an item and picked it up.” All of this was captured on the investigator’s iPhone camera.

In today's technology-infused society, machines and computers have become highly sophisticated tools for capturing mundane, taken-for-granted practices. Equipment such as a car’s black box captures the natural interactions between an individual and parts of the car (e.g., brake pedal) and a cell phone captures communication patterns. It has now become common for people to drive or operate vehicles while talking on cell phones or text messaging. If an auto accident or workplace-related death occurs (say

[22] This is especially the case if the “cheater” is deceptively presenting himself or herself as single to the beau or mistress.

when a forklift operator backs over a co-worker), phone records can indicate whether the operator was using a cell phone at the time of the accident. In many circumstances, these details would be obtained from witness interviews and police reports; however, some new automobiles and most long-haul trucks have been fitted with black boxes and navigational systems. These units capture the most mundane of user activities, such as steering, speed, brake patterns, and travel patterns. This information is used for a variety of reasons, including trucking companies' surveillance of their drivers and target-content marketing. In auto accidents, these devices are now often used to gather vital information regarding the culpability of drivers. In conjunction with the satellite data provided by GPS navigational devices and cell phones, it is now possible for private investigators to triangulate data as a means of interpreting the cause of an accident.

At a greater frequency, insurance companies often request that this type of information be part of the investigative report, particularly in negligence cases. Private eyes noted that they are now interested in learning how to gather and interpret data from these types of devices. In this sense, many investigations now take place within virtual spaces. S-2 (I-15) described the importance of these types of investigations:

> One case that we had going on involved our client trying to show fault that the truck driver that killed their daughter crossed the center line. Interviews of the truck driver and witnesses [suggested] she was that she was in his lane. But we were able to get the data black box from her vehicle and the trucking company. And with the witness testimony that she was in a passing lane and was not speeding, we know she was trying to [legally] pass and she had a consistent speed of 63 miles per hour 5 seconds prior to impact and she does a hard break. At 1 second she is at 17 miles per hour. The truck driver, however, was 63 at 4 seconds, 63 at 3 seconds, 62.5 mph at 1 second and then a hard brake showed he reduced his speed to 47 mph. While he is not totally at fault, we could show 'negligent retention'—he didn't take the proper action to slow his rig down. We took this information in the report back to attorney; he was wowed.

I-03 provided a similar example. He described how he used photographs provided by the police department to conclude that his client's son was not at

fault for an improper lane change that caused an accident, but instead was the unfortunate victim of an over-inflated tire. He was able to deduce this from the "orange v-shape pattern on what appeared to be a blown-out tire." As he concluded, the orange was rust from the air compressor and the pattern on the tire was consistent with over inflation.

The black box records in the first example highlight the interaction between the driver and the automobile. The photographs in the second example provide details that account for the conditions that likely contributed to the accident. These data are used to construct a plausible account about what likely occurred prior and during the accidents. Interpretation is still required to make sense of what is presented in a report and in legal proceedings. The reconstruction of information and its plausibility is directly tied to people's (namely clients' and jurors') understanding of the world within their own natural attitude. The connection between one event and the next must be explained in a way that appears reasonable to others. Thus, observing is not a passive activity. An investigator must know what to look for and how to react to given information *in situ*, which is based on a projection of others' *reasonable expectations*. The projection of possible interpretations will determine the direction (and stopping point) of the investigation. The investigator will need to make many culturally-situated decisions regarding the type and quantity of evidence.

Reflecting

It is often assumed that technology like black boxes and video provide bias-free information. But private investigators know that this is not entirely correct. Private investigators must decide which details are relevant and which ones need to be supplemented with additional information. They must also decide where to point the camera; and while video cameras may provide more detailed information and offer a more accurate representation of a scene than eye-witness observations, cameras still

“frame” activity. This means that many important contextual details of a particular scene are often excluded. Even details inside the frame may be obscured by a camera due to several factors including lighting, shadow contrast, user error, and intrusive objects. The investigator must be constantly *reflecting* on all these issues while continuing the investigative work. How the investigator reflects *in situ* and extemporaneously will affect the interpretations and reporting of data. For example, S-5 described, that he had

> followed a weekend daddy and girlfriend to a child’s birthday party. The [weekend daddy’s] girlfriend comes out during the reception and goes and sits in a car with a stranger. To me it just looks their sitting in the car and talking, which seemed odd, but not a problem. It looked, at the time, that they were drinking something, but nothing worth noting. In reviewing the video, though, it is clear they are drinking out of a square silver flask and chasing it down with coca-cola. If I didn't have camera, I would have missed that.

While this example highlights how the video camera is able to catch details that the investigator missed, it also highlights that because of the camera’s small design, he was unable to see with clarity what was actually going on during the surveillance. Once the image was displayed on his 32-inch television, he was able to see more clearly. The camera restricted what he was able to see in the field. Had he reflected *in situ* on the equipments limitations, he may have taken a moment to look through binoculars.

S-5 noted that he had missed an opportunity to reposition his vehicle closer to the target’s girlfriend’s vehicle or to attach his telephoto lens in order to gain a clearer image of the silver flask. While S-5 indicated that “an investigator could never say for certain that it was alcohol in the flask, the client, the judge, and whoever else who will watch the video will assume that it is.” Why would two people sit in a car during a child’s birthday party? Who drinks non-alcoholic beverages from a flask? What do we typically chase with soft drinks? The answers to these questions tend to lead to a particular conclusion. However, S-5 did not get video that would make it obvious it was a silver flask. As he noted, the image itself would be called into question. “Is it really a silver

flask?" In this case, the weekend daddy was not observed to be drinking. However, the girlfriend's actions could indicate that the child is exposed to unsuitable people. As S-5 noted, he "missed an opportunity."

In other instances, the investigator must also reflect on how data could incorrectly portray a target. While the data is hopefully going to make a client's case, investigators fear providing information to clients that is incorrect or could be wrongfully used against someone. They were most concerned about domestic cases where emotions run high and violence is possible, insurance cases where someone's finances are at stake, and criminal cases where a person's freedom could be compromised. Quality private investigators understand that they may deceive themselves in their observations or that a camera may select out important details. In a hypothetical case, but one that is similar to one I've experienced, an investigator could be following a husband for an overly jealous wife. Perhaps the husband has been acting curiously for some time, but he is not cheating. The investigator may follow the husband after work for a few days and conclude nothing is going on. But then one day the husband suddenly goes to the mall, though he said he was going to be at a meeting. The investigator is immediately clued in that something is amiss.

The target meets a female at a jewelry store. Together they look at various diamond necklaces. At one point, the woman puts on the necklace and the target leans in to take a closer look. The investigator, hoping to get a good photograph, looks down to grab his camera. In those few seconds, the incident is over and the investigator is left wondering what happened. Did the target kiss the woman or make any other intimate contact with her? While this situation may seem peculiar, it does not prove infidelity. Fortunately for this investigator, she constrains her imagination. In fact, the more the investigator observes the situation, the more she begins to see signs that this seems more like a business transaction. At the conclusion of the interaction, the target

purchases the necklace and the two depart with a handshake. The astute investigator will reflect on this situation and conclude more information is needed. The investigator will most likely choose to follow the woman, get her license plate number, and conduct a background check.

In this hypothetical situation, the investigation into the female reveals that she is a fashion consultant and the husband was selecting a high quality diamond necklace for his wife. Of course, the investigator would need to decide when to divulge information to the client. A jealous wife may overreact and ruin an investigation. Giving information to an emotional client could also have adverse consequence for his or her relationship. If the husband is scorned before presenting the gift, all his work will lose its romantic appeal. Regardless of the outcome—whether positive or negative—investigators expressed concern that clients will blame them. Consequently, investigators must always engage in an intensive process of reflection while in the field, as they interpret field data, and as they share it.

Just as the video camera frames situations, so does the investigator when taking notes. An investigator can easily mistake a meeting at a jewelry store as a romantic rendezvous or a dark glass bottle of root beer for an alcoholic beer. As I will show, these issues are addressed in the writing style of reports (e.g., Appendix D). While private eyes try to maintain a reflexive stance, it is impossible to account for every detail in a scene when taking notes. They frame situations and filter information based on the assumed “in-order-to motives” of the target, which are supplied by the client. Schutz (1967) suggest that “interpreting the actor's 'motive' as his *expectations*, we can say that the motivational context is by definition the meaning-context within which a particular action stands in virtue of its status as the project of an act for a given actor. In other words, the act thus projected in the future perfect tense and in terms of which the action receives its orientation is the 'in-order-to motive'... for the actor” (p. 88). Schutz describes

this process as one of placing a call. An actor dials a number on a telephone *in order to* reach a friend. The actor doing the activity and the observer of the activity are always understood within the meaning context of the present future tense, as something that will have been completed. When a target and mistress or beau meet in a mall, others will be interpreting their behaviors based on the assumption that they are there *in-order-to* find good bargains and pass time (for example). The target and his or her accomplice may actually be "just shopping," but the expected *in-order-to* motives of cheating "frames" what details the investigator will account for in a final report.

An investigator must, therefore, decide just what to include and exclude as pertinent details and whether his subjectivity is influencing the interpretation of target's activities. A private investigator may, for example, observe a couple walking through the mall holding hands, but will likely not write this down if he or she is conducting an investigation into insurance fraud. The investigator may simply note "walked through mall with woman identified as [girlfriend's name]. At approximately 1645 hours, [target's name] bent over to pick up dollar bill in front of Neiman Marcus." On the other hand, if the target is being followed in an infidelity case, the investigator may provide more details regarding the activities of the couple but omit details regarding the money. Because the moments are fleeting and details will be lost over time, the investigator must constantly be reflecting on what is important to note and what is not. Too much attention to unnecessary details and inattention to important ones may lead to faulty conclusions. Similarly, the incorrect understanding or the over-application of the "in-order-to-motives" will reduce the private investigator's objectivity and lead to problematic conclusions. Private eyes who account and interpret contextual clues effectively will likely be more successful investigators and, therefore, retain business.

Reporting

Private investigators' entrepreneurial opportunities, as I have described, emerge from everyday interactions, institutionalized beliefs, and the everyday objects that they and others use. While most of their practices are billable, they would not be so if there was no way to detach themselves from these activities. This is why the report is one of the most important inventions. The report provides processed information in an accessible manner and it frees clients from having to be engaged in the process of its production, notably so they have more time to engage in their own sets of practices (e.g., "attorneying").

The report enables private eyes to provide clients with "deliverables," which include photographs, testimony, notes, and so on. Participants in this study noted that providing clients with all the data collected during an investigation would not only be messy, but overwhelming to clients. Clients want a tidy report, often in the form of a narrative. As I-22 noted, "We do narrative [reports]. I have never found a pre-printed report that would have exactly what we need. … I've never had a law firm that wanted bullet points. They've always said 'narrative type report. Tell us. Throw in some photos.' We try to insert photos into our reports. You know, if something was going on, here's what was taking place."[23]

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[23] S-4 indicated that he thinks clients want narrative reports simply for their entertainment: "People want me to give them a story, they want to be entertained. I had an attorney who says, 'Come on, man, give me more meat.' And I said, 'What are you talking about?' 'Well, you know, you gave me meat, but you need more substance.' And I'm like, 'Okay, explain to me.' 'Okay let me, like your report. Uh, here you said, on such date you observed a female and you described the female. But your description of the female was 'long hair, so-so, dressed like this.' I don't care about that. I want to know how she looked. On such date, I traveled to such location and during my surveillance I noticed a female who looked frazzled. And her hair was in a ponytail and she looked sweaty, and she looked like she had come out of a…. You see what I'm getting at?' And I said 'Yeah, I see what you mean. You want me to write you a book.' 'Yeah, exactly, man… I want somebody to tell me a story that I can say 'Hey man, I've got an investigator, he'll tell you the prettiest story there is.'" Since there is no standardized

Investigators are, just as I have described academic shadowers, *accountants* of the social. Private investigators are paid for their ability to translate a field investigation into a coherent and usable document. As much as private investigators are being paid to investigate, they are also being paid for the reduction in uncertainty that comes with the process of doing an investigation. For any client in general, but for professional and business clients in particular, the information presented in a report—a reduction of a lot of details and practices—is what is useful. Clients do not want to do the work required to produce a report because it distracts from their own professional practices and it may not appear to be "objective," which adds an appearance of legitimacy.

The expectations of the client and future readers (e.g., a judge or juror) are partly determined by institutional beliefs about what a quality report ought to look like and what it ought to include. The use of a language of approximation and objectivity, specific details without sounding overly specific in tone (e.g., using the trope "it appeared that…"), military times, and wording that demonstrate due diligence (e.g., providing license plate numbers to highlight identity), are just some of the things that seem to be what investigators consider legitimacy-building techniques (see appendix D—an outtake of a report). That the reports are written in such a nuanced way demonstrates that from the commencement of an investigation to its end, the report is always projected as a rhetorically constructed document. The projection of what should be included in the report provides the intention of private eyes and determines the types of practices and interpretations that the private investigator will make. The report, in this way, is always already completed before any investigation has begun. It frames the overall investigation. Producing a standardized procedure and format for reports, that would be recommended and regulated by state or national associations, could help reduce some

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reporting style, all reports look different; however, all the investigators indicated or showed me reports with the same type of story-like narrative.

of the uncertainties that come with report writing and could further legitimate the profession.

Reports are currently undergoing a metamorphosis. Some of the older investigators still rely primarily on providing a written account and supplementing this with a video on a DVD, but some (newer) investigators are changing the content of the report itself by supplementing written content with embedded video. I-03 noted, “We’re doing things much differently now. For example, if you get a report from me typically they’re emailed and put in a database. I embed my video files and embed my audio files. I’m way ahead of the curve” (I-03). As I-03 hints, clients are starting to expect more from the report itself. Clients don’t want to have to watch a television as they read the report, but to just click a button and watch the video within the report itself. This changes the types of skills and knowledge required for investigators to produce a report. But whether or not an investigator embeds the videos and audio directly into the document, or sends them as supplemental materials on a DVD or CD-ROM, it is expected that the account will be written in a professional and objective tone.

Writing a professional report that appears objective and still satisfies the client is a skill and an art. An agency owner who can do this well is likely to be retained in the future. In private investigations, practiced writing is an important part of the entrepreneurial process. For an investigator, the report is many things at once—a marketing device, a piece of forensic evidence, and a justification for time billed. What the investigator decides to include or exclude is largely based on these concerns. For the client, the report provides information regarding a course of action to take once the information is in his or her possession. The information the investigator includes will open and close pathways for the client.

Attorneys do not typically present the investigator’s report in trial, but use the information within the report to create their own accounts. I-16 said that he typically

takes photographs of scenes of accidents or video records light sequences at intersections. Attorneys pass along the report to an accident reconstructionist, “who feeds the data [the private investigator] collected into a computer and recreates the accident.” Thus, the report is translated into a video image, which is further transformed into forensic rhetoric. A proliferation of YouTube video shows how animated recreation of accidents is becoming popular. One example, that involving a motorcycle and heavy truck, is a good example of this (see http://tinyurl.com/yeb2vbn). This example illustrates how an attorney uses information obtained from an investigation. In such a case, the investigator would gather witness statements from the police report, interview the truck driver and the motorcyclist (if possible), and obtain pictures and measurements from the scene of the accident. To provide accurate depictions, the investigator would take video and photographs from the truck driver’s and motorcyclist’s points of view. As the video demonstrates, by translating parts of the investigative report into a presentation aid, evidence can be connected *visually* to specific violations of law.

In some cases, when it would not serve the interests of the client, the decision to not create an animation is a wise rhetorical choice. Since all work obtained by a private investigator is considered “attorney work product,” any information obtained by a private investigator is not discoverable and therefore need not be presented to the opposing counsel. If the client is an individual, private investigators typically suggest that the client hire an attorney so that the report can be sent to an attorney first. A cover letter is included, which indicates that all documents are “notes to file.” If the report is written and addressed to the client directly, then any information obtained during the investigation becomes discoverable and can be used against the client. As I-24 noted, “Clients sometimes put the cart before the horse. It’s advisable that they always be coached to retain an attorney either before the investigation begins or immediately after it ends. Sometimes what we find does not benefit the client.”

Given that such reenactments can easily transport people to the scene of an accident and evoke emotions, it should not be surprising that more investigative work is directed toward the production of reports with information that can be used to create animations. Five of the investigators I interviewed indicated that they have connections with people who can do accident reconstruction and animation. I-20 is an investigator who specializes in accident and crime scene reconstruction. Because of crime scene investigation television shows, there is a perception among attorneys and investigators that jurors now expect to be exposed to creative and sometimes graphic recreations of accidents and crime scenes. In regard to this matter, private investigators are adapting their reporting and investigative techniques to better serve clients' interests. Those who do not adapt their investigative and reporting styles toward digital and visual reenactment will likely find it increasingly more difficult to get work from attorneys and insurance companies.

At the TALI Midwinter Conference, Frank Branson, a high powered attorney, explained to investigators how he uses dramatic video reenactments "to equal the stakes" for his clients against large companies. In particular, many of his clients are those who file suit against trucking companies for negligent injury and homicide. During his presentation, he showed a video reenactment of a trucking accident that was produced by a professional film crew and Hollywood stunt artists. This "short movie" showed the drivers being denied access to one of the company's repair centers and then, despite problems with one of the truck's axils, continuing to their delivery point. With an improperly maintained truck, violation of laws requiring rest, and in rainy conditions, the truck drivers lost control of the truck and smashed head on into an approaching vehicle. This accident was recreated by the stunt team, complete with an explosion. At the conclusion of the video, an ambulance crew attends to the injured victims. This dramatic reenactment highlights how reporting is still undergoing changes

due to environmental and institutional influences. While Branson could just narrate this story verbally, it is much more impressive to show them visually. It is a slow and expensive process to adapt to these technological changes, but those private eyes who do so will likely have an increased chance of business survival.

What this section has highlighted is that the investigative report, as the primary commodity of the profession, continues to direct investigative practices as the *telos* of any investigation. Once detached from an investigator it moves into other fields of practices. Because the report is often written in narrative form, but always with descriptive accounts, it plays a small, but still important role in (re)producing institutional orders by legitimating or critiquing practices. If the report ever looses this important role in maintaining social order, whether for legal or commercial purposes, the need for billable private investigator practices—which include observing, reflecting, and reporting—will become unnecessary.

Conclusion

As highlighted in chapter 3, until recently most discussion of entrepreneurship focused on entrepreneurs and their opportunities rather than on objects and their constitutive role in the production of opportunities. Where entrepreneurship researchers do focus on opportunities as the object of study, they tend to conceptualize opportunity as something unique, new, or under exploited rather than something prosaic or marginally improved (Seymour, 2006). In short, “the entrepreneurship literature often views entrepreneurial opportunities as resource recombinations that result in new products or services” (Shane, 2003, p. 33). Shane identifies five forms of opportunity typical in the literature: “new products and services, new geographical markets, new raw materials, new methods of production, and new ways of organizing” (pp. 33-34).

From a prosaic point of view, the descriptions in this chapter highlight that opportunities may emerge not as resource recombinations but from the ongoing

combination of resources. Clients expect a particular *style* of report and private eyes will continue to profit from reproducing it in line with expectations. The report itself is a product of having observed everyday legitimized practices of others. The opportunity private eyes "discover" is far from "radical or new," it is an outcome of institutionalized practices. Without significant rhetorical and hermeneutical effort, private eyes' opportunities could not exist.

As new technologies have emerged, investigators are changing the style of their reporting. This incremental change may or may not have a major impact on the overall field. An entrepreneurship researcher in the future may recognize the advent of computerized reporting as a major opportunity that was "exploited" by some. But this only highlights the limitation of historical studies. Change is happening in the field now, but it is much too incremental to be immediately noticeable. A conclusion that can be drawn from chapters 4 and 5 is that the a-contextual and a-historical definitions of "opportunity" may reproduce a story of heroic opportunity discovery that is false.

Opportunities do not necessarily arise "as a response" to the value chain. They exist *because* agency owners continually impress upon other actors that each step of the process in which they are involved is *valuable*. Given the heroic narrative of entrepreneurship described in chapter 3, entrepreneurship scholars may be resistant to accepting that a subtle change in how one uses a GPS unit is part of the process of enacting opportunities or can be a threat. But as I have shown in chapters 4 and 5, such everyday interactions between the entrepreneur and other subjects and objects make valuation of services and products possible. The relationship between an investigator and his or her GPS unit could result in increased investigative success, or it can lead to everyday failures that impact future business. If agency owners use GPS units successfully, this technology will be a constituent in their success stories. If investigators use equipment in ways that undermine success, it may play a role in their companies'

failure. It is these types of everyday successes and failures that add up over time. A company that is successful may not have succeeded through innovation, but by simply paying attention to prosaic details.

CHAPTER 6: CONCLUSION

This descriptive project, located within the “new movements” approaches to entrepreneurship (see Hjorth & Steyaert, 2004; Steyaert & Hjorth, 2003, 2006), focused primarily on the prosaic and social dimensions of entrepreneuring within the field of practices referred to as private investigating. While challenging the neo-classical image of *homo economicus* and opportunity discovery, I attempted to follow Latour’s (2005) advice by *describing* what private eyes do and how they do it rather than *explaining* what these practices mean in relation to academic theory or other social phenomena. I know, however, that descriptive projects can often be unsatisfying. When I read realist ethnographies, I am often left thinking “so what?” So that I do not leave readers unsatisfied, I hope to address this question in this chapter. I will contend that the field of private investigators should work toward greater professionalization. I will also offer some directions for future research. I conclude with one additional account from the field, which I hope inspires a continued hope in private enterprise.

Given the common popular and academic accounts of heroic entrepreneurship, which tend to focus on esoteric entrepreneurs, risk taking, and innovations as opportunity, I suspect some readers could question whether my themes and examples were descriptions of entrepreneurship at all. What does using a GPS unit have to do with entrepreneurship? How does an account of how one uses an iPhone matter? Why so much attention to language? Why describe strategic uses of gender or ethnicity? While not a fully satisfying answer to these questions, I would highlight that one cannot *be* an entrepreneur or “discover” opportunities without engaging with the larger social world he or she inhabits. In other words, entrepreneurship is as much of a communicative phenomenon as it is an economic one. The Greeks seemed to understand this: the marketplace, or *agora*, was a place to exchange ideas and goods. Even in neo-classical

economics, where research focuses on competitiveness, there must be some collaboration. One cannot “outwit the competition,” as a common expression goes, without having tried out various communicative tactics of “outwitting.” To outwit implies a communicative process.

As I noted throughout this document, to catch entrepreneurship “as it happens” (Brundin, 2007), researchers must pay attention to the everyday practices of entrepreneuring subjects as well as take account of stories and objects. Entrepreneurial opportunities aren’t “discovered” overnight; they are enacted over time in the most mundane of circumstances. Entrepreneurs do not succeed by focusing on just one strategy or operating in isolation; they attain the status of entrepreneurial heroes only after they have *become* accomplished. But many of their contemporaries, even those who have “failed,” were important to their success. Without others working to constitute the field in which some entrepreneurs succeed, there would have been few opportunities for the successful ones to discover. Vidocq and Pinkerton may have been notable, but they did not solely make the field of private investigations. This study repositions the entrepreneuring private eye as a much more social being—entrepreneurial and private investigative practices are learned socially, opportunities are enacted socially, and their outputs, both positive and negative, are redistributed socially.

This project has shown that agency owners engage in numerous practices simultaneously. In particular, they use rhetorical and tactical strategies to, among other things, 1) continually obtain and retain clients; 2) adapt to exigent circumstances; 3) coordinate employees/contractors; 4) accomplish the objectives of their fieldwork; 5) produce marketing materials; 6) participate in their professional associations; 7) participate in dialogue with other practitioners in an attempt to establish an ethics; 8) lobby for legislative changes; 9) balance their business life with their personal and family life; and 10) maintain their financial books. All of these activities require communicative

labor, and are best understood through lengthy field immersion and qualitative writing. The examples that I have provided demonstrate how contemporary private investigators of this study continue to be *successful*—at least in the sense that their everyday practices are reproducing their professional field of practices and they are still in business. In time, some of those who I interviewed or shadowed may fail to stay in business. As I have described, their failure could be the result of failed communication in various everyday situations as much as an unforeseen environmental threat.

The various themes I have provided account for just some of the practices that, in aggregate, produce the field of private investigations. This field of practices has specific equipment, clients, targets, and reports. The subjects and objects that I have described *matter* to private investigators and are *constitutive* of the everyday practices that produce (profit) opportunities. I obviously could not account for all practices that are constitutive of the field. The accounts that I did provide will hopefully be informative to future studies and research. When the field of private investigations has undergone consolidation, decline, or expansion, some of the accounts in this study will inform future researchers' interpretations of why some investigators succeeded where others have failed.

This study has, at the very least, provided details that will give readers a better appreciation of private eyes as creative business people, whose craft is always contingent on others' institutionalized beliefs and practices. The detailed accounts herein will hopefully work to counter some of the more seedy narratives. Through this project, readers should have a more nuanced appreciation of entrepreneuring and private investigating—two entwined practices that are important to maintaining social order.

Professionalization

While I was shadowing S-4, he interviewed a witness for a mortgage fraud case in a Denny's restaurant. S-4 asked his interviewee (hereafter referred to as "target") to

provide his occupation. The target noted that he was in “private security.” This led to a conversation regarding whether the target had an agency license or was sponsored by a company. The target indicated that he had a private security agency license (i.e., a Texas class B license). The target had only recently obtained his license. He had been unemployed for over a year, “[he] couldn’t wait for a company to give [him] work, [he] had to create work.” The target qualified for a license because he had been a computer security specialist. He became an entrepreneur out of necessity, which is not an uncommon reason (see Shane, 2008).

During their conversation, S-4 and the target discussed the treatment of the profession by the state. Both laughed about their identification cards, which are small pieces of paper with self-applied mug shots. Although private investigators are not supposed to laminate their identification cards, S-4 did “so [he] could look more ‘professional.’” The interviewee joined in the criticism: “to look more professional I carry this.” He then pulled from under his shirt a chain with a star-shaped badge engraved “security.” In Texas, the issuance of more professional-looking identification should not be too difficult. The Texas Department of Public Safety (TDPS) houses both the Private Security Bureau (PSB) and the Driver License Division.

S-4 believes the appearance of legitimacy can be partly facilitated by something as simple as the state regulatory agency providing more professional-appearing identification cards. Appearing legitimate is important to investigators, who must push back against the negative popular narratives of the profession. More importantly, legitimacy gives private investigators credibility and buffers them against everyday environmental threats. While showing me his identification card, S-4 noted that “one time a police officer rolled up on me while I was doing surveillance and asked for my identification. I showed him my private investigations license and he laughed, claiming that it could not be real. This is why I decided to laminate it. While he was verifying my

identity, the target left." From my own experience in the field, I can verify this claim. When people questioned my presence in their neighborhoods they rarely accept my flimsy identification card. These types of distractions, especially during surveillances, increase the risk of an investigator's "cover being blown" or important details being missed. A client will not care how an investigation failed.

Texas Association of Licensed Investigators (TALI) has taken seriously the importance of professionalization. It was the goal of professionalization that led several private investigators to form TALI in 1971. The association has taken several steps to increase not only its own legitimacy, but that of the overall field. For example, it has created the Texas Certified Investigator (TCI), which requires that the investigator pass an examination that is deigned to *supposedly* identify the best members among their group.[1] TALI members constantly lobby the state legislature proactively (i.e., pushing for a bill requiring computer forensic examiners to have an investigator's license) and reactively (i.e., trying to kill legislation that restricts access to information). TALI also keeps its members updated about legislative changes that affect the field and offers specialized training classes to improve the skill- and knowledge-base of its members. Perhaps one of the most lucid examples of trying to improve the field's reputation, increase legitimacy, and maintain professionalism, was TALI's push for more self-imposed regulation. As I-09, a former president of TALI explained,

> We [TALI and its lobbyist] got a law enacted by simply working with our board [at TDPS]. What it did was it raised our rates [paid to the state on an annual basis]. We got together with the Security Guard Association and we said, 'We want them to raise our own rates. But the raise needs to go strictly to TDPS, not in the general fund.' And it was millions of dollars [in additional fees raised]. And with that money, TDPS was able to get 27investigators to work for the Private Security Bureau. And the director [of TDPS] at first thought nobody was going to want this job—moving from a professional highway patrolman or a criminal investigator—to regulating [security guards and private

[1] This is something that has been criticized by some TALI members; they think that it is cliquish.

> investigators]. He said, ‘who would want that job?’ Well let’s see, it’s plain clothes, you get a car, and it’s eight to five Monday through Friday. So, about 200 troopers applied for these jobs. Actually, it was 27 investigators and four supervisors. So now, the first guy they made a case on for violating the law was a security guard from Nicaragua, illegally in uniform carrying a gun. Guess where the Security Company put him? In the lobby of the INS building in Houston. Is that bold or what? That was their first case. So now, it costs us more [for a license], but look at the benefits. I pay $350 a year for my license, I pay about $1000 a year for my insurance, I pay sales tax—that’s part of my overhead. To compete with someone who doesn’t pay for a license, who doesn’t have insurance, who doesn’t pay sales tax, and will go out and work for half the hourly rate that I would, so not only does it help regulate us, it helps to protect my business. It was good business sense.

This example highlights how sound government regulation can improve the field and protect those who operate legally. While there is some discontent with state regulatory bodies and associations, as I described in chapter 4, these criticisms, juxtaposed with the above positive example, highlight how maintaining associations and regulating a profession are ongoing tasks that require effort and care. To keep its members satisfied, association leaders should engage in deliberative rhetoric through public relations campaigns and legislative lobbying. This not only benefits the organization by increasing membership, but helps agencies by buffering them from environmental threats.

While some state and national associations have been attempting to improve the profession, there has yet to be a strong push to engage more specifically in public relations campaigns to highlight the importance of this profession to citizens, businesses, and consumers. State associations have not yet integrated into one national body or lobbied to impose certification or testing standards. Some associations already give examinations, though they have not become socially or legally legitimized. For example, the National Association of Legal Investigators (NALI) created the Certified Legal Investigator (CLI) program in 1978, TALI offers the TCI, and the Association of Certified Fraud Examiners created its own Certified Fraud Examiner (CFE) procedures. However, these organizations have not yet been able to give these exams and

certifications the sort of prestige and legitimacy that Certified Public Accountants (CPA) have. CPAs adhere to strict professional guidelines set by the American Institute of Certified Public Accountants (AICPA). By having states adopt and legally codify its standards, the AICPA has not only increased the legitimacy of the profession, but they have increased the barriers to entry. Another example is the American Bar Association, which is a voluntary association that sets the standards for law schools and undergoes a process of accrediting them. The association has formulated the model ethical codes related to the legal profession, which have become the standards by which 49 states regulate the profession.

The three current and former state association presidents I interviewed complained that it is hard for them to professionalize and lobby because there is low participation rate in state associations. But as I suggest to them, the 20% membership rate of the American Medical Association certainly does not inhibit it from being an important regulatory and lobbying powerhouse. I also noted that by not engaging in strong information campaigns, much like the California Milk Advisory Board that informs the public about the benefits of California milk and its “real California dairy families” (see www.realcaliforniamilk.com), it is hard for investigators to see the immediate benefits of association membership. A common complaint among interviewees was that their state associations do not keep them informed about its ongoing work. I-07 was unaware that the Missouri Association of Private Investigators (MAPI) existed, and she has been a private investigator for 25 years.

While it may be true that the process of investigating cannot be standardized, no profession can homogenize all of its practices. Accountants and lawyers have to deal with a variety of contingencies and have different personal methods for addressing them. What unites these professions are standardization of paperwork and reporting procedures. I-17 made this point by noting that lawyers have a standard writing protocol

for writing briefs, drafting contracts, and reporting to the court. As noted in chapter 5, the investigative report is the perfect object to undergo standardization. In many ways, there is already an informal code that has been passed along through normative pressures (see DiMaggio & Powell, 1983). If reporting were made legitimate vis-à-vis the state, it would lead to the public perception that the field has high standards. Without strong regulatory standards and mechanisms for legitimating the field, it is not surprising that most new regulations that restrict access to information do not often take into account the private investigations industry.

Deliberate attempts to professionalize can have unintended consequences. For example, it can alienate those who have been in the profession but suddenly lack the necessary credentials to meet regulatory standards, or it may come to exclude particular social groups based on "normative" ethical protocol, which often favors dominant social groups. Lois A. Boynton (2002) explains this concern:

> [P]rogress may be uneven across areas of ethical performance. Even more importantly, the sheer existence of a code of ethics and related documents may be used as 'cover' for lackluster performance in the moral arena. For this reason, compounded by concern for the negative aspects of bureaucratization, some groups with strong social commitments actually fear the professionalization of their work. (as cited in Cheney & Ashcraft, 2007, p. 152)

Most of the private eyes I interviewed harbored this concern.

Professionalization, however, can be a mechanism that creates cohesion within a field of practices populated by a large number of small firms. It can also buffer sole-proprietors from environmental threats. Professionalization is an activity in which "*an occupational group deploys its resources*… [i.e., it's assets] *in its struggle for collective social mobility*" (Macdonald, 1995, p. 51). Without collective resource sharing, entrepreneurs in professional fields made up of many sole-proprietors will have to struggle individually to survive. Amidst immense competition and extemporaneous pressures, especially those imposed by the state, they will find they have few remedies.

In this sense, private investigator-entrepreneurs are likely better off when they stop being “lone wolfs” (I-09) and work together to expand the reach of their field and increase their social legitimacy. This claim is loosely supported by I.P. Popova (2006), who in her study of the rich and poor classes in Russia, noted that both entrepreneurs and professionals are in a higher socio-economic position than those who are not. Both groups shared in common higher educational attainment and a broader array of skills in general. In his analysis of entrepreneurship data, Shane (2008) found that “going to school [including a professional or technical one] *increases* the odds that [someone will] become an entrepreneur” (p. 47). Education, these authors highlight, is an important constituent of financial success. Professions help improve and deliver industry-specific knowledge vis-à-vis research and education. In short, there are economies of learning that come with professional association. A proposition to draw from Popova and Shane is that being an entrepreneur in a professionalized and regulated field likely improves the chances for financial success.

By focusing on their prosaic practices, private investigators can work to improve the profession. One way is to take seriously the implications of rhetoric. Private eyes must take it upon themselves to work against the negative discursive themes in popular culture. They should educate the public by speaking with and advertising to others the importance of their work. Investigators can also learn from one another by discussing at their association meetings strategies and tactics they use in everyday conversations to counteract the negative image of the profession. For example, whenever someone suggests to I-29 that she is a “hired gun,” she replies, “You are implying that I have a profit motive to lie, but I also have a profit motive to not lie.” This is true. If she fabricates reports, it is likely she will eventually be caught. This will not only discredit her reputation and lead to lost business, but she may be reprimanded by the state and have her license revoked. This simple rhetorical claim, among many others, can affect how others

perceive the profession. Drawing from a finding of this study, agency owners should find an alternative tactic to “planting suspicions.” Implying that other agencies are likely engaged in illicit activities or will perform poorly perpetuates the troubling discourses described in chapter 3. While this tactic may have short-term benefits, it can lead to an overall perception that one should not generally trust private investigators.

Investigators should also think about how others perceive their practices and equipment; or, in other words, how practices and objects function rhetorically. Meeting in a messy car or office is not likely to give a potential client a positive impression. Several of the investigators I interviewed had dirty offices and vehicles. I recognize that this is the unpleasant result of working strange hours, often in a vehicle. Agency owners should consider maintaining a clean environment part of their everyday practices. I-13, the most financially successful of all those I interviewed, made a special point of this in a small manual he wrote on the business of investigating: “the industry has always had to battle preconceived reputations and having an office outside of the house helps project a more professional image. …[I]n business, there is certain overhead that you simply cannot get around. I have seen PI’s hold client meeting in coffee shops, which is definitely a no-no in my book.” I-13 advocates the use of executive offices by the day if necessary, but meeting in vehicle or in public spaces is not rhetorically good for the profession. As he noted during our interview: “although other industries are going more to the home-office concept, they typically don’t have to battle the negative perception that our industry is trying to overcome.”

When shadowees dealt with a client regarding a domestic case, they always asked the client to choose a convenient location for them. This is a good strategy, but also opens up the possibility of meeting in the investigator’s vehicle. Sunflower seeds spilled across the floor of a car would certainly make me reconsider hiring him or her, yet this was exactly the state in which I found one the shadowee’s vehicles (who does meet

potential clients in his/her car). In making the decision regarding where to meet a client, or whether or not to rent an office, investigators should consider the financial costs and also the rhetorical benefits of a professional image. The degree to which communication strategies, especially rhetorical ones, impact an entrepreneur's financial position is not clear. To better understand and improve private investigating and entrepreneuring, communication researchers would need to do more research to complement this exploratory study.

Communication Studies and Entrepreneurship

In chapters 4 and 5, I described how communication plays a constitutive role in the creation of entrepreneurial subjectivities and entrepreneurial opportunities. Management and organizational studies scholars operating under the "new movement" banner have already begun to explore the intersections among discourse, narrative, and (prosaic) entrepreneurship. To date, however, research from within the communication discipline of the United States has primarily focused on peripheral issues and anti-Capitalist critique (e.g., entrepreneurship and masculine ideology or corporatization of the public sphere). There has not yet been much research and theory building regarding entrepreneurship as a communicative phenomenon.

There are many ways in which communication researchers in the United States can become important contributors to the scholarly conversations regarding entrepreneurship, especially for those interested in issues of democracy. Now that new movement scholars have begun to resuscitate the meaning of entrepreneurship from its impoverished neo-classical meanings, there is increasing need for studies that explore entrepreneurship as a public—as contrasted with private—phenomenon. Steyaert and Katz (2004) provide a nice argument for the necessity of this type of research,

> The focus on the everydayness of entrepreneurship and the shift from a view of an elitist group of entrepreneurs towards a more encompassing, although anonymous, participation of all kind of

> citizens, has an inevitable political consequence, as it ultimately concerns the democratic process through which people can become integrated in the construction of society. If life as a daily creative formation is enacted through entrepreneurship, chances are created for and by people to make a difference towards their own situation. It is here that the many new variations of entrepreneurship – social, cultural, civic, ecological, etc. – can make a difference as the entrepreneurial endeavours are about reconnecting and repositioning certain groups of citizens (many times the so-called underprivileged ones) in a society that becomes simultaneously transformed. It becomes obvious… that entrepreneurship is far less a private activity than an everyday tactic on the public scene. (p. 192)

As a socially constituted and regulated phenomenon, the policies that are established and the rhetorical claims that actors make about entrepreneurship affect its meaning. As Baumol (1990) notes, "how the entrepreneur acts at a given time and place depends heavily on the rules of the game—the reward structure in the economy—that happen to prevail" (p. 894). What the new movement approaches have already identified is that entrepreneurs—both good and bad—are regulated by acceptable "sets of practices" defined by community standards.

The role of the entrepreneur, as a participant in the *agora*—as a symbolic and material, political and commercial space—does not have to be defined in profit-making terms. No doubt private investigators enjoy profits, but they are much more concerned with how others will view their "work products" as a principle of good investigating, how they contribute to social order and, among other things, how they can provide *valuable* services to citizens in need. Their work is both constitutive of and constituted by their community's ethos. By shifting to the prosaics of entrepreneurship and studying it as a communicative phenomenon, scholars can better understand what communicative strategies in general, but rhetorical ones in particular, might work best at rearticulating entrepreneurship within an equality rather than enterprising discourse. When "communities defin[e] entrepreneurship wherever they see efforts to improve processes,

meet needs, and profit in even in small ways [they] will find themselves awash in [positive] entrepreneurial activity" (Steyaert & Katz, 2004 p. 191).

One of the ways communication scholars can add to entrepreneurship studies is to study the communication of politicians, entrepreneurs, venture capitalists, investors, television pundits, and so on and to report on "framing strategies" that seem to work (or not). Exploring both the potential interpretations, but also correlations between persuasive claims and changes in political activity, may prove insightful. More specifically, communication studies can contribute to entrepreneurship studies by exploring *entrepreneurial communication* strategies in everyday interaction and studying entrepreneurship education vis-à-vis *communication pedagogy.* Below are just a few examples of the kinds of application of communication theory and research that can be conducted in these two areas.

Entrepreneurial Communication

In this project, I combined interpretive shadowing and interviewing. As distinctly intersubjective methodologies, these two approaches are inherently a study of language and social interaction. The descriptions I provided in the ethnographic accounts were produced through a communicative process. That I focused specifically on subjects that could be called entrepreneurs, but also on entrepreneuring *in situ*, meant that I was studying *entrepreneurial communication*. As I contended in chapter 2, interpretive methods should not just be an instrument for studying a theory, but a method for engaging in the very phenomenon of study. Through shadowing, I was able to see how agency owners' communication *accounts* but also what *counts* in the everydayness of professional investigating as a business enterprise. While I provided descriptive accounts, other communication scholars may want to go beyond a descriptive approach and interpret the data more explicitly around a communication theory.

While I tried to avoid theory building, this project was not absent theory. I primarily used institutional theory to suggest that most of what I observed was taken-for-granted by private investigators. While most of my accounts may appear as common sense, especially to some investigators, they do provide points of clarification and have provided participants with new ideas. For example, when I-22 asked, “Am I in the minority or do others still use photographs?” (I-22), I could reply, “No, you are not.” When I shared with others S-03’s language choices, I was met with thankful replies: “Saying ‘it’s investment,’ now that’s a good strategy!” (I-17). I also applied hermeneutical and constitutive rhetorical theory to suggest that private investigators create audiences and publics. Closer examination of private investigators’ rhetorical artifacts and everyday talk, from various rhetorical perspectives, will clarify how private investigators turn everyday language and objects into opportunities.

Intercultural communication scholars can also study strategies of communication between entrepreneurs and clients, venture capitalists, bankers, and other stakeholders in international settings or where there are cultural differences. In a global economy, in a world with ever-increasing diasporas, and in societies still overcoming the history of slavery and colonization, exploring (mis)communication or discrimination among groups in situated entrepreneurial contexts (e.g., business plan pitches) could provide strategies for improved communication and policy changes. For example, understanding the struggles of emigrant groups trying to start businesses may give scholar-advocates the appropriate communicative data needed to make important policy recommendations. Discriminatory social practices are likely stifling innovation and small business growth. Language barriers for non-English speaking refugees in the United States, for example, may preclude them from fully utilizing their skills and knowledge to add value to their communities. They may not be able to complete important government documents or find funding to start a business. If the appropriate social apparatuses were in place,

these individuals could lift themselves and their communities out of poverty vis-à-vis enterprise. It is silly that language barriers should result in lost tax revenues and employment in communities that often need them the most. An ethnological study of a new start-up in an emigrant community could provide insight into how such individuals negotiate the established system and structure as they obtain their business license, go through other bureaucratic procedures, maintain financial accounts, advertise, and establish supply and distribution networks. Those wanting to study this from another angle could also look at how these very issues create opportunities for individuals who have the expertise to help lower barriers to entry for other emigrant entrepreneurs. For example, other emigrants who offer translation or legal services are finding opportunity within disparity. Researchers should also study government rhetoric to see if it is encouraging enterprise among underserved groups.[2]

Whether in a rural setting, inner city environment, suburb, or emigrant community, communication scholars interested in deviance could add to our social understanding of entrepreneurship by exploring the communication practices of those involved in black market or other illicit trade. While potentially dangerous, depending on the type of study, this work could provide policy makers with a better understanding of the type of communication systems or logics used by criminal enterprises. No doubt that Sudhir Venkatesh's ethnographic study of crack dealers, reported in his 2008 popular press book, *Gang Leader for a Day*, and Sclavi's (2007) study of the Banana Kelly Republic in the Bronx, provide important information regarding how the most destitute

[2] The latter type of study was completed by Berglund and Johansson (2004). They studied how a Swedish "Diversity in Entrepreneurship" program used communication and education strategies to counteract discrimination. They found that the program was working overall, but that sometimes the individuals overseeing the program reinforced discrimination and created additional barrier. Berglund and Johansson offered suggestions and solutions based on a critical pedagogy philosophy.

among us are able to survive amidst great adversity (a creative entrepreneurial feat).[3] The role of communication in maintaining or disrupting the social order as various entrepreneurs—from drug dealers to community advocates—within a community compete for resources (particularly its youth) should not be overlooked. When I compare Venkatesh's book with Sclavi's, one of the differences I note is that gangs tend to reproduce a neo-classical logic whereby each person hopes to one day ascend to crime boss whereas community advocates choose a discourse of equality that hopes to produce greater wealth for its group. Clearly, more research should be done to see if these books (or my interpretation of their content) offer reasonable accounts of these groups' practices. Communication scholars could also study entrepreneurial opportunities that are enacted within cyber spaces where people with various "deviant" behaviors now congregate "openly." It would not be surprising to find that in this new type of agora (which may itself be maintained by an entrepreneur), where people with various fetishes can trade, barter, and exchange ideas, opportunities are enacted daily.

Family communication scholars could study how entrepreneurial communication functions within family business. Using concepts developed in this stream of literature, explanations could be offered as to why some family businesses succeed where others fail. Historical texts could be examined to better understand the similarities and differences between founders and their family heirs. In relationships where one partner is an "entrepreneur" and the other is not, examination of communication within the home could provide insight into how and why some strategies are pursued while others or abandoned. It would be fascinating to know to what degree a romantic partner influences the decisions of the entrepreneur.[4] I suspect many businesses start and fail as a result

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[3] Here I would offer actor-network-theory and its emphasis on following objects symbolically. Using ANT, researchers would not have to spend time among drug dealers but could trace the drugs through documentation and testimony of their distribution.
[4] Conversation analysis could especially provide fascinating insights.

of explicit and implicit communication within the home. I placed the word “entrepreneur” in quotations because family communication scholars following the prosaic entrepreneurship stream could make a strong case for treating any stay-at-home parent as an entrepreneur. No doubt that Xenophon, who coined the term *Oeconomicus* (economy)—i.e., household management—understood that this was a rhetorical and creative endeavor.[5] When a stay-at-home parent negotiates with his or her spouse for financial resources, negotiates discounts on products or services, or plans the distribution of food based on exigent and changing circumstances, she or he is engaged in an entrepreneurial process. These efforts are not framed as entrepreneurship because they are not easily quantifiable and not (ac)counted in Gross Domestic Product. I have little doubt, however, that a stay-at-home parent is “being productive.”

Communication Pedagogy

Over the past two decades there has been an increase in articles about entrepreneurship education (see Green & Rice, 2007; Katz, 2003). Calls have recently been made for the entrepreneurship education community to take “more time to reflect on some philosophical and contextual fundamentals of the education process itself” (Hindle, 2007, p. 136). Entrepreneurship education programs should develop more than just engineering or management skills and should avoid using rags-to-riches success stories as inspirational fodder. Instead, educators should emphasize that the entrepreneurial life is common and that being in business for oneself, while personally and financially rewarding, is not likely to yield more take home pay than an equivalent job (Shane, 2008). Educators should also assist students in developing skills necessary for entrepreneurial success, which includes oral and written communication skills, financial and social accounting skills, and obtaining a general understanding of organizing strategies. Entrepreneurship education should focus on the development of

[5] Cicero was a fan of Xenophon and translated his work into Latin.

entrepreneurship competencies through theory and not simply be an “edutainment” experience stuffed with case studies, videos, and visits from entrepreneurs (Fiet, 2001).

Entrepreneurship educators should also reflect on their own profession. They must realize that their pedagogical style must work to improve the creative and artistic capacities of their students as well as the more mechanical ones (e.g., accounting). The critical issue is *how* to achieve these goals while adhering to new movement philosophies that seek to promote an equality discourse. To adhere to new movement philosophies, any outcome of the entrepreneurship education process should be the creation of entrepreneurs willing to serve the greater good by generating profits, increasing employment, organizing resources, and, while doing so, trying to eliminate negative externalities (e.g., pollution).

Communicative pedagogy in general, but performative and critical pedagogies in particular, can be used to teach entrepreneurship as an equality discourse. Communication pedagogy is interested in how communication produces subjectivities both within and without the classroom. By drawing on theories of performance and critical pedagogy (e.g., Pineau, 2002), instructors can use creative exercises that increase awareness about social issues and improve artistic sensibilities. Students and teachers using communication pedagogy would begin with the understanding that through communication we produce different “pictures” of the world, which makes language in a figurative sense our primary means of social construction. There is always a variety of versions of an object and each tells a different story. Some versions tend to become more dominating, fixed and taken for granted; simultaneously, a dominant version can always be challenged, questioned and contracted with alternate versions. By improving students’ and entrepreneurs’ understanding of the role of interpretation and language in the production of social order, they will be better equipped to see potential opportunities. They will also be able to consider social problems produced by

entrepreneurial praxis (e.g., when a firm fails it means non-renewable resources have been lost).

There are already calls within the entrepreneurship literature for alternative, communication-based approaches to teaching entrepreneurship. Czarniawska-Joerges and de Monthoux (1994) suggest that management and entrepreneurship students read fictional, non-business novels to keep in touch with our common humanity. Grace Ann Rosile and David Boje (1996) similarly suggest that teaching postmodernist theory and deconstruction techniques may generate new possibilities and ways of thinking about business-related issues—precisely the skills entrepreneurs need if they are to resolve some of the major issues of our time. Rae and Carswell (2000) propose a life-story approach as a means of assisting students to see how they “act entrepreneurially.” Using a dialogic approach, teachers and students can turn their own lived experiences into reflexive learning. From a communication pedagogy perspective, communication within these classrooms should be studied to better understand which strategies work at achieving the goals of increased creativity, reflexivity, and consciousnesses.

Academic Research about Private Investigating

Given the absence of research about private investigators, both communication and entrepreneurship researchers can play an important role in the profession. Communication researchers, especially in the areas of pedagogy, interpersonal, conflict, and intercultural communication can improve the field. Communication pedagogues could conduct research that tests the efficacy of current continuing education and training programs. Data from surveys and experimental research could be used to develop better programs for small- and medium-sized enterprises. Research from within the communication discipline could be used to test, among other things, the role of immediacy, communication apprehension, power, and accommodation during witness interviews, client meetings, and court room testimonies. Geert Hofstede’s and James

McCroskey's cultural and communicative rubrics are helpful starting points. Strategies developed from this type of research could be used to improve a private investigator's communication with their constituencies. Focus could also be placed on research that obtains feedback from clients regarding what strategies and reporting styles they like best; and such information could be used to develop better training programs and reporting protocols.

As I have contended, more research regarding the interaction between objects and subjects in the field of private investigating could help professionalize the field. While communication education researchers would be interested in how to apply various communication concepts for training purposes, intercultural and interpersonal communication theories and concepts could be used to train private investigators in strategies that are helpful when communicating with diverse groups in a variety of situations. This could lead to improved investigations. Collecting descriptive statistics about strategies used and testing these strategies through experimental design could improve investigators' fieldwork techniques.

Finally, entrepreneurship and communication researchers could assist investigators by developing a comprehensive database of information regarding the profession. As I noted in the introduction, there is very little industry-specific data from which agency owners can draw. This leaves individual investigative agencies operating primarily on anecdotal evidence. Conducting research that captures the various trends within the industry could lead to improved operations, new opportunities, and better organizational decision making.

A Final Account

While I was shadowing her, S-3 spent a great deal of time engaged in a community service project. She had volunteered to assist a local high school's DECA teams prepare for the national competition in Anaheim, California. DECA is a non-profit

corporation dedicated to the development of future leaders in marketing, management, and entrepreneurship. This was one of the moments in the field where I was happy to be an active participant. She and I listened to the national qualifiers pitch their business plans and we evaluated their presentations. Two teams in particular were captivating; they had already implemented their plans and were making profits. One team was selling customized shoes for formal events and the other was selling customized hip hop t-shirts. S-3 had personally invested both time and money into these students. She helped purchase, for example, most of the materials and supplies they needed for their presentations and she assisted them with raising funds to pay for travel expenses.

During our final hours together, we sat in the vehicle and conducted what could be described as an exit interview. This is an important step in the shadowing process. She had shared with me very intimate details about her family and business operations. Obviously, she had the right to ask me questions regarding how she would be represented and what I planned to write about her. But I also needed time to debrief. She had allowed me to be a part of her life for a week, and while we would likely never be friends, she had been transformed from a research subject into an important moment in my academic life.

Just as I was about to exit her GMC Yukon, she received a call from one of the DECA student's parents. He had fallen behind in a class and the school was not going to excuse his absences for the upcoming competition. After a passion filled conversation, S-3 assured the parent that she would make a case for his attendance. As a DECA alumnus, S-3 understood what attending these kinds of conferences can mean in terms of building a young person's confidence. S-3 knew that her advocacy could influence the school principal into giving the student an opportunity to make up his work. When I followed up with her two weeks later, she noted that she had made a successful plea and that all of the activities over the previous week had prompted her to fly to California

to support the students. It is plausible that S-3 did all of these things as a marketing gimmick. To me, however, she appeared to genuinely care about her community. Through her entrepreneurial work, she had made connections with people and had gained some authority to advocate for the student. Shadowing allowed me to catch these special moments of her entrepreneurial life.

Almost all of the investigators I interviewed mentioned that they engage in some form of community service. Without the entrepreneurial endeavors of private eyes, associations like TALI would not exist. These organizations engage in community service activities and allocate resources as well. Following Hurricane Ike, for example, TALI pooled member resources in order to help its members in need. I-09 noted that without this help, he would have likely lost his business. This coordination of resources reveals a positive dimension of private enterprise. This example shows that private eyes are far more than profiteers; it also highlights one of the beautiful moments of an open marketplace. However, these small moments are often overshadowed by unhealthy, ideological emphasis on profits in popular and academic accounts.

Private investigators certainly are an interesting group, but the more time one spends with them, the clearer it becomes that they are just citizens engaged in various practices as a means of providing a valuable service. My hope is that regardless of what direction future research about private investigations should take, it will be with the desire to help this field professionalize, improve its practices, and keep local investigators in business. The value of private investigations is not measurable solely in financial terms, but in the kind of assistance private eyes provide to people in need. In the beginning of this document, I emphasized the importance of focusing on methods and following the path a subject or object takes. This project followed several of those paths. This document was itself a pathway for understanding private investigating as a

valuable profession. I hope the praxeological descriptions herein will inspire some readers to follow the research opportunities that have been planted along the way.

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APPENDICES

Appendix A: Shadowing Research

The following is a comprehensive list of empirical articles using a methodological approach similar to or labeled shadowing. For cataloging purposes, I am building on McDonald's (2005) earlier charting of the research (see p. 468). I have italicized the articles she included in the original. For theoretical and methodological articles, I suggest (Czarniawska, 2007, 2008; Kephart & Schultz, 2001; Latour, 2005; McDonald, 2005).

Table A.1

	Research approach	
Data Collection Methods	*Positivist*	*Interpretive*
Quantitative	*Orton et al. (2000)* *Walker et al. (1956)*	
Mixed	Levine, et al. (2007) *Polite et al. (1997)*	*Bonazzi (1998)* Brixley, et al. (2008) *Fenton et al. (1997)* Forgasz (2006) Lereau (2003)* *Mintzberg (1970, 1973)* *Noel (1989)* *Perlow (1998, 1999)* Perry & Murphy (2008) *Snyder and Glueck (1980)* Wolcott (1973)
Qualitative		Adolfsson (2005) Bruni (2005)* *Burgoyne and Hodgson (1984)* Capote (1975) Cooren (2006) Cussins (1996) *Hirsh (1999)* Jacques (1992) Latour (1999) Meunier & Vasquez (2008)* Miller (1998)* Reder (1993) Sclavi (2007)* Strannegård and Friberg (2002) Vasquez (2008)* *Vukic and Keddy (2002)*

Notes. An asterisk (*) indicates articles that specifically use the term shadowing.

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Appendix B: Research Subjects and Costs

Table B.1.

Descriptions of Interviewees

Inter-viewee	*Business Location*	*Date of Interview*	*Sex*	*Race/ Ethnicity*[a]	*Age*[b]	*YinO*[c]	*Ann. Gross Profit*[d]
I-01	St. Louis, MO	12/01/2008	M	Pakistani	30 – 35	3 yrs.	$35,000*
	Notes						
	I-01, an immigrant from Pakistan, started his company just prior to the legislative changes in Missouri that now require 3-years experience working with as a field investigator or police officer. So despite not having any formal training as a private investigator, he was able to obtain a license and begin business. He moved to the Unites States over 15 years ago and has worked primarily in the service sector. He specializes in cheating spouse cases. His interest in the field began while working as a part-time security officer at a mall during the holiday season.						
I-02	West Frankfurt, IL	2/11/2009	M	Euro-American	50 – 59	26 yrs.	$45,000*
	Notes						
	I-02 started his company in Chicago while still working as police officer (he is now retired). His first company, which he started with a partner, specialized primarily in security. I-02 moved to Southern Illinois to be closer to his wife's mother, who needs specialized care. He sold his stake in the security company, but retained his license. In Southern Illinois he has worked as a consultant to the profession, as a process server, and as a part-time investigator. He has authored two books. He noted that the most important work he currently does is volunteer as a Court Appointed Child Advocate. He was a little reluctant to share proprietary information, sticking primarily to field stories. He is a self-described "old PI…, who's got more BS stories than a drunken' sailor."						
I-03	Pinckney-ville, IL	2/12/2009	M	Euro-American	50 – 59	3 yrs.	$150,000+
	Notes						
	I-03, a retired police chief, was one of the most aggressive agency owners that I have met. He specifically discussed his marketing strategy, his work with defense attorneys, and his "branding" techniques. He wants his company to be recognized as the "block ops guys, the go to people." In addition to defense work, he also does "premium/hard serves" and some surveillance. I-03 and his						

(*table continues*)

	partner, who specializes in investigative-public relations, works for legislators and lobbyists. Both own another company that does corporate training for doctors and corporate managers. I-03 only hires other retirees and he is trying to establish a position for the company in the computer forensics market.						
I-04 ***S-1***	Glen Carbon, IL	2/18/2009	M	Euro-American	50 – 59	9 yrs.	$1 million+
	Notes						
	I-04 (also S-1), though very successful, did not use aggressive language to describe his company. He indicated that he does not engage in tactics to try to weed out the competition, as he feels others do to him (e.g., pretexting agencies to see if investigators would agree to do something illegal). As he continually stated: "I do not want to do things that will bring me 'bad karma.'" He was one of the most helpful and assisting interviewees, providing me with several leads and discussing in detail what he felt were the many challenges the industry faces. He primarily offers process serving services, but he also had a very large investigative unit and recently started a biometrics finger printing service by buying it from a competitor. He also has a real estate business that is valued at over a million dollars. He also just launched another company, Serve-X (a process server software), with his partner (I-06). I-04 has a small office staff, which seemed to be satisfied with their jobs. In a lunch conversation he said he thinks he is a socialist because he believes in public healthcare.						
I-05 ***S-3***	Lawrence-ville, GA	3/12/2009	F	Euro-American	40 – 49	15 yrs.	$185,000+
	Notes						
	I was referred to I-05 (also S-3) by I-04. She is an agency owner that specializes in criminal defense and domestic cases. Our first interview took place over the phone and it was obvious that she was working on something else while we talked. She was one of the easiest interviewees because she would speak without interruption for 5-7 minutes without pause. I-04 described I-05 as a "ruthless self-promoter," and even paid $20,000 to shadow her. He spent a week with her learning how she operates her business. Of all interviewees, I-05 used the most competitive language to describe her business practices. She was also the most interested in how this research could benefit her company. For example, she as asked if I would write something specifically about her. She described that she is most interested in marketing and being her own boss. She does various things to distinguish her company in the marketplace: "I used to spend fifteen thousand dollars a year on DVD's…, so now I'm getting a new one made with new cases 'cause I found a missing person, a missing daughter. And I've been on TV a couple more times…. And then the biggest wave of the future is websites and optimization. So I've invested so much money, and I spend about $3,500 a month and it has already paid for itself…."						

(*table continues*)

I-06	Glen Carbon, IL Office	3/24/2009	M	European	40 – 49	24 yrs.	$250,000+
	Notes						
	I-04 also introduced me to I-06, a business partner and specialist in litigation software. I-06 is not, by definition, a private investigator; however, he develops software for lawyers and process servers that are reshaping the way people do their work in the industry. Part of the software he and I-04 are developing seeks to eliminate data entry and save both law firms and investigation companies money. I decided to include data from our interview, which took place with I-04 present, because he had a very strong understanding of the profession and was an entrepreneur operating within the field. He is actively reshaping everyday work practices.						
I-07	St. Louis, MO	3/11/2009	F	Euro-American	35 – 40	25 yrs.	$150,000*
	Notes						
	I interviewed I-07 in her messy office. She and her office assistant had recently moved out of their other office, consolidating into a single room in order to reduce expenses. I-07 works specifically in the area of skip tracing and criminal profiling. Her primary interest is to do investigative work that can be completed in her office, though she will go out of the office when necessary. She has been on national television, highlighting one of the cases in which she tracked a career criminal and serial rapist via the internet. She created a “fake profile” (one that she knew he would like) and convinced him to come to St. Louis, where he was arrested. She is currently writing a book about her life, she has started a foundation that aids families of survivors of crime, and she speaks publicly about sociopaths and crime. She has been working on her journalism degree for more than fifteen years, and hopes to one day finish it. She has not been able to do so because “business is too good.”						
I-08	Houston, TX	3/04/2009	F	African American	40 – 50	15 yrs.	$500,000+
	Notes						
	I-08, a Certified Texas Investigator (TCI) and board member of TALI, was a very prominent figure at the first TALI conference that I attended. She introduced herself to me, thinking that I was a new investigator and TALI member. Most people spoke very highly of her, indicating that she is one of the few investigators who coaches new agency owners and supplies them with any information and documents that they may need to be successful in business. I-08 and I had made arrangements to have dinner and interview at the conference, but our schedules were not well coordinated. I completed the interview via phone at 11 pm at night while she “multi-tasked” and prepared to go out looking for a witness. The interview started while she was at her home office and ended while she was in her vehicle traveling to downtown Houston.						

(table continues)

	I-08 works primarily in the area of defense and advertises that her company is "minority owned and multi-lingual." She hires investigators with language skills, and currently offers services "in Spanish, French, and two African languages." Her company claims to be "minority specialists" and "mitigation specialists."						
I-09	Beaumont, TX	2/27/2009	M	Euro-American	60 +	40 yrs.	$35,000*
	Notes						
	I-09, a former President of TALI, is a soft spoken man with many years of experience. He was in operation before TALI existed and before there were licensing requirements. He has "done various things over the years" and his business has been "both large and small." He's oscillated between "six-figure" years and $20,000 years. Most recently, his home was destroyed in Hurricane Ike, but TALI members collected donations and supplies to help him "weather the storm." He, like I-09, is a TCI. Like many of the investigators, he received his insurance benefits through his wife. Currently, he is a sole-proprietor but is thinking of forming the company as a limited liability company because he has recently hired a secretary. He has recently "re-niched" after his friend retired and gave him a client, noting: "I've stumbled into a niche now. I do widow checks. In Texas and Louisiana, if someone is killed on the job, their survivor can take a lump sum payment from workers comp, or they can get the maximum workers comp benefit every week for the rest of their life, or until they remarry. And then, extra money for each minor child, or, up to 23, if they're still in school. Well, every year someone has to go visit the widow and find out, number one, make sure she's still alive and Junior's not cashing the checks, and number two, have her sign a form saying she's not remarried and not living in a common law relationship."						
I-10	Browns-ville, TX	2/27/2009	M	Hispanic	60 +	13 yrs.	$100,000+
	Notes						
	I-10 is a lawyer-turned-private eye. He decided to turn to investigative work because of the unfair treatment of suspects during trial processes. He indicated that he wanted to offer defense investigative services that might mitigate sentences of offenders. He prides himself on coaching and mentoring other Latino and Hispanic investigators. While he also did process serving for a period of time, he now only does it in border towns and Mexico for a premium.						
I-11	Tyler, TX	2/27/2009	M	Mexican	40 – 50	3 yrs.	$25,000*
	Notes						
	I interviewed I-11 with I-10. I-11, a correctional officer for a Texas penitentiary, works as a private investigator part time. He plans to eventually do it full time. I-11 is mentoring I-10 about business-related issues. I-11 primarily does domestic-related cases and private security.						

(table continues)

I-12	Atlanta, GA	4/23/2009	M	Euro-American	60 +	30 yrs.	$60,000+
	Notes						
	I met I-12 while shadowing S-3. I-12 is a certified polygraph examiner and does background checks, primarily for insurance and financial institutions. He owns the company with his wife, who deals with client relations and maintains the books. He considers himself "now retired" and is slowly disbanding the company by taking on fewer clients. S-3 was very interested in noting during our interview that she would like to take on some of his clients, though S-3 seemed a little reluctant. We actually went to I-12's business because a client of S-3 wanted to have a "lie-detector test" to prove that he was not mistreating home owners at the exclusive gated-community where he worked. After the client left, we met with I-12, who graciously allowed me to interview him for 45 minutes.						
I-13	San Antonio, TX	2/27/2009	M	Euro-American	50 – 60	30 yrs.	$6 million+
	Notes						
	I-13, described by others as "an entrepreneur who was going to make money in any industry he went into" (I-20), has the largest company out of all those I interviewed. Our interview took place at the TALI Midwinter Conference and was very brief. We were constantly interrupted because people needed to speak with him and he seemed a bit rushed (his leg kept moving up and down at a rapid pace and he would look around to see if he was missing anything). He has written several manuals on the business of investigating (unpublished) and taught a course at the conference called "The Business of Private Investigating." His company employs 39 investigators and he has offices in several states. He works primarily in the civil arena, both for claimants and defendants. He also does a "fair amount of domestic cases."						
I-14	Pinckney-ville, IL	3/28/2009	F	Euro-American	50 - 60	3 yrs.	$30,000*
	Notes						
	I-14 works a great deal with I-03, who referred me to her as a potential interviewee. While she has her own license, she collaboratively works with I-03 so she does not have to assume the risks of operating her own firm. She is also a police deputy, so she does private work part-time. She does plan to do it full-time after she retires, which she hopes will be relatively soon. She describes her work as general investigations and primarily insurance- and domestic-related surveillance.						

(*table continues*)

I-15 ***S-2***	O'Fallon, IL	3/28/2009	M	Euro-American	40-50 *49 y.o.	1 yrs.	$80,000+
	Notes						
	A recently retired police officer, I-15 (also S-2) was in the first year of operation. He recently retired from the police department and has had his private license for only two years. He works primarily with I-26 and has an agreement to take over I-26's surveillance unit, though this was abandoned within the six months that I continued to have conversation with these two participants. He wants to specialize primarily in insurance investigations and domestic cases. He plans to continue to work with I-26, but will likely not continue to do work exclusively for him. The benefit of working with I-26 is that "he has an established reputation and strong advertising presence in yellow pages, internet, and… [so on]."						
I-16	Maryville, IL	05/01/2009	M	Euro-American	50 – 60	15 yrs.	$100,000+
	Notes						
	I-16 is a top board member and executive member of the Associated Detectives & Security Agencies of Illinois (ADSAI). While it is one of the oldest associations (founded in 1933), it is not the largest or most influential. I-16 supposedly has a new business venture within private investigations, but was unwilling to discuss it with me "'Cause…uh…frankly, no one around here has ever done it." He was to have the operation going in September 2009, but relentless Google searches and checks to his website have thus far not indicated that the venture is in operation. His background is in railroad investigations and insurance, and so he has a unique niche as he continues to work with railroad companies. While he takes domestic cases, he typically gives these to his contract-employees and focuses his attention on his accident and civil cases.						
I-17 ***S-4***	Houston, TX	08/20/2009	M	Puerto Rican	30 – 40	2 yrs.	$35,000*
	Notes						
	I-17 is the highest educated investigator that I interviewed. He has a Master's degree in exercise physiology. He got involved in investigations through a friend who is an attorney. His experience in doing research as a graduate student helped him get a job as an in-house law firm investigator. From this experience he realized that he could do investigative work for attorneys, particularly in the area of witness interviews and other investigative services requiring documentation (e.g., interviewing witnesses in fraud cases and accidents). Although he is a relatively new firm, he already has a strong network and a professional image, complete with a downtown office.						

(table continues)

I-18	Granbury, TX	09/04/2009	M	British	30 – 40	2 yrs.	$60,000+
I-19	Granbury, TX	09/04/2009	F	Euro-American			

Notes

The only husband and wife team I interviewed, they both have undergraduate degrees (in business) and formed their company after both worked for attorneys. They currently specialize in the area of legal investigations, both civil and defense. As part of their services, they interview witnesses, serve process, and, though it does not require an investigator license, offer mobile notary services. The two say that their education, professionalism, and his "Britishness" are all very helpful. At the time of the interview, they were catering to the cable and satellite companies, doing signal piracy checks. They were going to sports bars and making sure that they were not pirating or illegally showing pay-per-view events. They projected that their business was growing and felt that having a husband and wife team was unique. They were critical of TALI and were much happier with the work of other associations.

I-20	Austin, TX	09/01/2009	M	Euro-American	50 – 60	30 yrs.	$100,000+

Notes

I-20 was one of the most unique characters I interviewed, and also one of the most popular among other interviewees (i.e., they frequently mentioned his name), although not for necessarily good reasons. People had suggested that they had at one time or another been in a fight over the TALI listserv with him. He was aware of his reputation. As he noted, without being prompted in regard to listserv issues or others opinions of him, "We've had some open fights over the internet, most of the other investigators don't like that I suggest many of the things they're doing is illicit." He has worked as a private investigator in San Francisco, El Paso, and Austin. He specializes primarily in crime scene analysis and investigation for defense, blood pattern analysis, and firearm examination and reconstruction. He often serves as an expert witness. He has recently solved a murder investigation and was given special recognition by the family at the TALI Midwinter Conference (the jealousy among many of the conference attendees was palpable). He says he spends upwards to $10,000 a year on specialized training (not private investigating), attending forensics conferences, typically only frequented by public investigators. He also specializes in electronic countermeasures, which he said only about six people in the state of Texas are qualified to do (though many others advertise and do it). He was one of the more liberal investigators I interviewed, stating that he is very concerned about the encroachment of the state (police) on individual freedom. He prefers to work as a defense expert.

(table continues)

I-21	Austin, TX	09/01/2009	F	Euro-American	40 – 50	10 yrs.	$250,000*
	Notes						
	I-21 (like I-05) began a career in the profession of private investigations for somewhat personal exigencies. She was a single mother in need of a more or less flexible-time job. I-21 has two bachelor's degrees (communication and sociology). She also noted she is a semi-professional photographer. She initially began as a field investigator for an agency, but quickly established her own company. Her small company now employees 6 part-time contractors and she plans to hire more soon, "because her business is doing well." Specializing primarily in the area of civil, domestic, and business investigations, she has a strong web presence with a well-read blog. Like the other Austin investigators, she has her own office space near downtown, "for legitimacy purposes."						
I-22	Austin, TX	09/01/2009	M	Euro-American	50 – 60	15 yrs.	$500,000*
	Notes						
	I-22 is a former Lieutenant at the Texas Department of Public Safety (TDPS). He was forced to take early retirement. While working for TDPS he was trained in the area of electronic countermeasures, a skill set that gives him a unique niche in the private sector. He also specializes in executive protection for international business people who visit Austin. Simultaneously, he works as an on-staff corporate security specialist for a large firm in the Austin area. Of course, he also does not pass up domestic cases. At the time of the interview he employed four investigators but had plans to hire three younger investigators. While employed in the profession, I worked a big insurance case with I-22 in Mobile, Alabama. I continue to do contract for him as his social network manager and website developer.						
I-23	Browns-ville, TX	08/22/2009	M	Latino	30 – 40	3 yrs.	$45,000*
	Notes						
	I met I-23 at the TALI summer conference in Austin, Texas. I started a conversation with him at random and then continued the interview by telephone a few weeks later. I-23 is a bilingual investigator working primarily for a small law firm that specializes in defense work; however, he now has his own agency license, and while serving the needs of his primary client, is also taking on additional work. He worries about operating his young company while his oldest child begins college in fall 2010. I-23 has a bachelor's degree in mass communications and public relations.						

(table continues)

I-24 ***S-5***	Lewisville, TX	11/30/2009	M	Euro-American	50 – 60	8 yrs.	$250,000+
	Notes						
	I-24 had a law enforcement and computer career prior to becoming a private investigator in 2001, partly for economic reasons. Focusing primarily on domestic cases, he has built a fairly substantial client base in the insurance industry as well as the domestic arena. Besides employee costs, he spends about $10,000 a year on advertising, which includes yellow pages, Google, and Yahoo! ads. This is important, according to him, for maintaining a large number of domestic cases, which are not commonly a referral business. His insurance clients, who took several years to retain them, do offer many referrals. Though he has investigated accidental deaths, robberies, and computer crimes, he prefers surveillance. He operates solely out of his home and prefers to meet with clients where it is convenient for them.						
I-25	Houston, TX	09/02/2009	M	Hispanic	20 – 30	1 yrs.	$20,000*
	Notes						
	One of the youngest agency owners that I met, I-25 works primarily for an attorney and does some of his own work on the side. He was able to obtain his license by working part time for a local investigator. He plans to eventually bring on additional clients and only work on retainer for the attorney that now currently employs him. His area of expertise is in civil and criminal defense.						
I-26	O'Fallon, IL	08/07/2009	M	Euro-American	40 – 50	10 yrs.	$350,000+
	Notes						
	I-26 works primarily as an outside corporate investigator, doing fraud examination for small businesses. He is an accountant by training and is a certified public accountant and certified fraud examiner. He started in investigations after the savings and loan scandals, hoping to help farms and small businesses avoid risky investments; this led to doing some investigative work, which he says he found more interesting and better return on investment. He does some domestic cases and for a short period of time, he was planning to spin this division off, slowly selling it to S-2.						
I-27	St. Louis, MO	10/15/2009	M	African American	40-50	6 yrs.	$100,000+
	Notes						
	A former police officer in Memphis Tennessee, I-27 relocated to Missouri for family reasons. He was burnt out on public policing and thought it would be interesting to work in the private sector. While attending a few night classes, he met a young attorney who was looking for someone as a witness interviewer.						

(table continues)

	He started working for the attorney and “was immediately hooked.” Now he works exclusively for attorneys doing mitigation research for civil and criminal defense.						
I-28	Denton, TX	08/06/2009	F	Hispanic	40-50	5 yrs.	$80,000*
	Notes						
	I-28 has owned several businesses, but now works primarily with attorneys on immigration and drug-related defenses. He also offers some domestic services, particular for missing or exploited children. He has a pre-law degree and an undergraduate degree in public administration. He worked for the Texas Department of Public Safety for several years while managing his other small enterprises.						
I-29	Dallas, TX	02/28/2009	F	White	40-50	8 yrs.	125,000+
	Notes						
	I-29 bills herself as a general investigator “doing everything that she can get her hands on,” though most of her work tends to be skip tracing and domestic cases. She complained extensively about the “good ol' boys” network in TALI and felt that she did not get much support or mentoring from them. She also though that they were far too radical and had politicized the listserv. Several interviewees actually left one of the conferences after one of the speaker’s gave a racist diatribe. She also has an interesting niche of checking on nursing homes and child care facilities for families. She was currently in the process of setting up a secret shopper program.						
I-30	Dallas, TX	02/28/009	M	White	50-60	7 yrs.	250,000*
	I-30 is an investigator with perhaps one of the most unique niches. He is a fire and arson investigator, working primarily for defense attorneys. He also offers underwater salvage and water accident investigations. This includes doing boating accident reconstruction and investigations for clients who have been harmed by water pollutants. While he doesn't make a lot of money from investigations, his primary “bread and butter,” as he a called it, is serving as an expert witness throughout the world, but primarily in the United States, the United Kingdom, and Australia.						

Notes. [a] Interviewees were asked to describe their identity. Some categorized themselves by race, others by ethnicity.
[b] I asked interviewees to “just give me a range that you fall into age-wise.” These were their responses.
[c] YinO = Years in Operation
[d] Many investigators were reluctant to give me financial data, so I asked them to just give me a range or estimate of their annual gross income and an estimate of their profit

margins. If they gave me an “about statement,” this is represented with * (e.g., $35,000* = about $35,000. If they said something like “more than…,” this is represented with the figure and a + (e.g., $150,000+ = “more than $150,000).

Appendix B: Research Subjects and Costs

Table B.2.

Personal time and money invested in interviews

Inter-viewee	*Location of Interview*	*Interview Length*[a]	*Assig. Trans.*[b]	*CPAM*[c]	*TTC*[d]	*EPTI*[e]
I-01	Dallas, TX Starbucks	1 h 59 m (119 m)	01	$0.00	$0.00	7 hours
I-02	Carbondale, IL Barnes and Noble	1 h 17 m (43.23 m)	02	$0.70	$30.26	4.5 hours
I-03	Carbondale, IL Denny's	3 h 25 m (31.32 m)	03	$0.60	$18.79	10 hours
I-04; **S-01**	Edwardsville, IL Various locations	6 h 58 m* (28.2 m)	01; 04	$0.85	$23.97	17 hours
I-05; **S-03**	Carbondale, IL Phone	1 h 48 m (76 m)	02	$0.70	$53.20	7 hours
I-06	Glen Carbon, IL Office	37 m (31 m)	03	$0.75	$23.25	2.5 hours
I-07	St. Louis, IL Office	53 m (43.11 m)	02	$0.60	$25.87	7 hours
I-08	Carbondale, IL Phone	1 h 12 m (40.54 m)	03	$0.70	$28.38	3.5 hours
I-09	Dallas, TX Conference	55 m (49.15 m)	04	$0.75	$36.86	3 hours
I-10 I-11	Dallas, TX Denny's (Interview together)	46 m (38 m)	04	$0.90	$34.20	2.5 hours
I-12	Atlanta, GA Office	48 m (48 m)	01	$0.00	$0.00	3.5 hours
I-13	Dallas, TX Conference	21 m (18.39 m)	03	$0.70	$12.87	1.5 hours
I-14	Pinckneyville, IL McDonald's	43 m (43 m)	01	$0.00	$0.00	3.5 hours

(*table continues*)

Table B.2 (*continued*)

Inter-viewee	*Location of Interview*	*Interview Length*[a]	*Assig. Trans.*[b]	*CPAM*[c]	*TTC*[d]	*EPTI*[e]
I-15*; **S-01**	Glen Carbon, IL (Various)	4 h 30 m (80 m)	01	$0.00	$0.00	13.5 hours
I-16	Maryville, IL Office	1 h 09 m (43 m)	03	$0.70	$30.10	8.5 hours
I-17; **S-04**	Carbondale, IL / Houston, TX Phone / Office	3 h 55 m (75 m)	04	$0.50	$37.50	14.5 hours
I-18 I-19	Granbury, TX Subway	55 m (39.48)	04	$1.00	$39.48	8.5 hours
I-20	Austin, TX Office	1 hr 53 m (71.3 m)	05	$0.80	$56.82	7.5 hours
I-21	Austin, TX Office	1 h 15 m (24.76 m)	05	$0.75	$18.57	3.5 hours
I-22	Austin, TX Taco Express	2 h 12 m (42.3 m)	04	$0.85	$35.96	5 hours
I-23	Carbondale, IL Phone	44 m (44 m)	01	$0.00	$0.00	3 hours
I-24; **S-05**	Dallas, TX Various	8 h 55 m (170 m)	01	$0.00	$0.00	18 hours
I-25	Houston, TX Office	35 m (20 m)	01	$0.00	$0.00	1.5 hours
I-26	O'Fallon, IL Office	2 hr 28 m (44 m)	01	$0.00	$0.00	6 hours
I-27	Carbondale, IL Phone	38 m (37 m)	01	$0.00	$0.00	2 hours
I-28	Austin, TX Conference	12 m 12 m	01	$0.00	$0.00	45 minutes
I-29	Dallas, TX Conference	40 m (31.55 m)	02	$0.65	$28.20	2.5 hours

(*table continues*)

Table B.2 (*continued*)

Inter-viewee	*Location of Interview*	*Interview Length*[a]	*Assig. Trans.*[b]	*CPAM*[c]	*TTC*[d]	*EPTI*[e]
I-30	Dallas, TX Conference	43 m (40.31 m)	02	$0.70	$30.26	3 hours
				Totals	$565.--	167.5 hours

Notes. [a] Interview length is actual time of recorded audio. The time in parentheses is the audio time that was transcribed.
[b] This is the number of the transcriptions, which corresponds to data regarding the amount of money spent on transcriptions.
[c] CPAM = Cost per audio minute. This is the fee charged by the transcriptionist.
[d] TTC = Total Transcription Cost; the amount I paid for the transcription service.
[e] *Estimated Personal Time Invested.* The estimated personal invested include time solely given to interview preparation, the interview, listening to tapes, preparing transcriptions or transcribing tasks I completed without the aid of a transcriptionist. Clearly, hiring a transcriptionist saved me time.
* Indicates that there were multiple interviews.
All times are based on actual commute time. For example, if I was already at a conference, I did not include this in the time dedicated to the interview. Also, if I also shadowed the individual, I have not calculated our time together, just stand-alone interviews.

Appendix B: Research Subjects and Costs

Table B.3.

Fieldwork expenses incurred

Description	*Costs*	*Totals*
Equipment		
Atlas.ti: Qualitative Data Analysis Software	$160.00	
Dell Minicomputer	$403.00	
Digital Recorder	$149.00	
Sony USB Foot pedal and Software	$58.50	
Wavepad Sound Editor (free: www.nch.com.au/)	$0.00	
		$770.50
Supplies		
Specialty Envelopes/Labels	$58.28	
Labels	$5.25	
Printer Ink (280 at $0.018 cents per page)	$5.04	
Stamps	$54.00	
Thank you cards	$6.50	
Batteries for digital recorder	$12.00	
		$141.07
Travel		
Vehicle Travel (Includes long-distance travel only)	$3,040.95	
- St. Louis area field research: 1,280 miles		
- Georgia Trip: 986 miles		
- Texas Trip 1: 290 miles (to St. Louis airport)		
- Texas Trip 2: 613 miles (to St. Louis airport, Dallas to Austin)		
- Texas Trip 3: 2,360 miles		
- Total: 5,529		
Airfare/Train	$365.00	
- Texas Trip 1: $123.00		
- Texas Trip 2: $242.00 (returned via Chicago)		
Lodging	$1,030.00	
Meals	$103.00	
		$4,538.95

(*table continues*)

Table B.3 (continued)

Description	*Costs*	*Totals*
Transcription services		
Transcriptionist 02	$167.79	
Transcriptionist 03	$113.39	
Transcriptionist 04	$227.97	
Transcriptionist 05	$75.39	
		$584.54
Miscellaneous expenses		
PI Class at John A. Logan Community College	$55.00	
Conference Registration (TALI)	$110.00	
		$165.00
TOTAL		$6,200.06

Appendix C: A Timely Account about Health Insurance

Health care is certainly a risk to agency owners, which is captured in the following not-so-uplifting exchange I had with I-18 and I-19, a married business team:

CE: Right. So you guys have young children, right? And you both own the business?
I-18: Mm-hmm.
CE: So that leads me to my next question: How you deal with health insurance?
I-18: Yeah, how do we? … Ironically, not that long ago [I had] to go into the hospital.
CE: Really? I hope you're doing okay.
I-18: Yeah. Yes, yeah. But in terms of covering costs, we don't. We don't have health insurance. We need it. But we can't afford it.
CE: Well, your insight would be interesting then. How do you think this changes the dynamic of business ownership in the United States given that there isn't a social[ized] system?
I-18: I don't know. It's difficult. I mean, at the end of the day our aspiration is obviously to generate enough income to provide for these things. I don't know that I would quit what we're doing to, for example, take a job just for medical, but at the same time, how do you cover the costs should the unexpected arrive? My opinion is that there is a place for socialized medical care in this country, I don't know that they've quite figured out the way to do that properly, really, because there's a lot of people that say they're against it, they're for it… I don't know what the answer is.
CE: It's a very costly investment….
I-18: It really is. We looked into the cost, and unfortunately [I-19] suffers from migraines as well. And so to get coverage to take care of that as well…I think it was $800 or maybe $1,000 just for her.
…
I-19: We just started looking into it because after [I-18's] visit to the ER, I said that we just can't afford it. It was just shy of a $10,000 bill.

Notes: While many private investigators start their business after they retire (and thus have company- or state-sponsored health coverage) or have a spouse who works for an organization that provides the insurance for both (e.g., Interviewee 09's [I-09] wife works for a school district), 10 out of the 30 interviewees (33.3%) do not. Almost all of them, despite their varying opinions about a public option, stressed that they fear a medical expense will force them out of business. Other common issues dealt with the potential loss of retirement savings that were used to pay for start-up expenses and increased sales tax and credit card processing fees.

Appendix D: An Example Field Report Written by S-5 (Redacted)

This investigator, a licensed Texas private investigator (License # 123456), at the request of DEBORAH PUBLIC, herein after referred to as D. PUBLIC, set up surveillance at an office building located at 911 Industrial Lane, Plano, Texas, 75074 at approximately 1045 hours. This investigator established a visual position near a gray BMW with Texas license plates (# LIC ENZ). This vehicle is registered to D. PUBLIC and JOHN PUBLIC, herein after referred to as J. PUBLIC.

At approximately 1115 hours, a white male, approximately 40 years old with gray hair, and of average height and weight, exited 911 Industrial Drive wearing a dark blue polo-style shirt, light brown khaki-style jeans and brown shoes. This individual has been identified as J. Public. J. Public entered the gray BMW with Texas license (# LIC ENZ). J. Public traveled eastbound on Industrial Lane. At the intersection of Firelane and Industrial Lane, J. Public turned left and headed southbound toward the President George Bush Toll Road (Texas 190). J. Public entered Texas 190 and proceeded westbound toward Atown. *[We give driving directives, but for brevity I will omit any further driving information in this example report.]* … At approximately 1150 hours the gray BMW with Texas license plate (#LIC ENZ) entered the parking lot of A Mall and parked near the Macy's. This investigator established a position so as to maintain visual contact on the BMW and the entrance to Macy's. It appeared that J. Public was talking on a cellular phone. The conversation appeared to end at 1201 hours.

At approximately 1201 hours J. Public exited the BMW with Texas license (# LIC ENZ) and walked into the Macy's. This investigator followed J. Public into Macy's and to the women's professional clothing section. This investigator was unable to have video surveillance at this time. J. Public met with a white female, approximately 30 years old with brunette hair, and of average height and weight. She was wearing a black top and black business skirt. This woman appeared to be an employee of Macy's. This woman has been identified as Sally Snicker, herein after referred to as S. Snicker. This investigator witnessed a brief conversation between S. Snicker and J. Public. S. Snicker appeared to continue working with a store patron. J. Public waited on a bench near the cash register. At approximately 1214 hours, S. Snicker and J. Public exited Macy's together into the main mall area and walked together to the food court area. We were on the ground floor. S. Snicker and J. Public were walking toward the escalators to the second floor. I established a position so as to take be able to take video with my digital camera. As J. Public and S. Snicker ascended up the escalator, S. Snicker leaned back into J. Public who put his arms around S. Snicker.

At approximately 1225 hours S. Snicker and J. Public ordered food from Mongolian Wok and sat at a table (on the same side of the table) in the food court area. This investigator ordered food and sat approximately two tables from S. Snicker and J. Public. This investigator used a digital camera to covertly capture the activities of S. Snicker and J. Public. During the course of the lunch J. Public gave S. Snicker a small package, and they continued to have physical contact, including approximately five (5) mouth-to-mouth kisses.

At approximately 1310 hours, this investigator observed J. Public and S. Snicker leave the food court. J. Public and S. Snicker walked back to Macy's. At approximately 1313 hours, upon arrival at Macy's, J. Public and S. Snicker kissed. This investigator followed J. Public as he exited Macy's and returned to a gray BMW with Texas license plates (# LIC ENZ). At approximately 1319 hours this investigator observed the gray BMW with Texas license plates (# LIC ENZ), driven by J. Public, exit the parking lot and drove southbound on Atown Mainstreet. […] At approximately 1330 hours this investigator ceased the investigation at the request of D. Public. (End Report.)

VITA

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