

Edited by
**Jennifer Wood and
Benoît Dupont**

Democracy, Society and the Governance of Security

CAMBRIDGE

Democracy, Society and the Governance of Security

Edited by

Jennifer Wood and Benoît Dupont



CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo

Cambridge University Press
The Edinburgh Building, Cambridge CB2 2RU, UK

Published in the United States of America by Cambridge University Press,
New York

www.cambridge.org
Information on this title: www.cambridge.org/9780521616423

© Cambridge University Press 2006

This book is in copyright. Subject to statutory exception
and to the provisions of relevant collective licensing agreements,
no reproduction of any part may take place without
the written permission of Cambridge University Press.

First published 2006

Printed in the United Kingdom at the University Press, Cambridge

A catalogue record for this book is available from the British Library

ISBN-13 978-0-521-85092-6 hardback
ISBN-10 0-521-85092-4 hardback
ISBN-13 978-0-521-61642-3 paperback
ISBN-10 0-521-61642-5 paperback

Cambridge University Press has no responsibility for the persistence or
accuracy of URLs for external or third-party Internet websites referred to in
this book, and does not guarantee that any content on such websites is, or will
remain, accurate or appropriate.

Democracy, Society and the Governance of Security

The promotion of security is no longer a state monopoly. It is dispersed and takes place through the practices of states, corporations, non-governmental actors and community-based organizations. But what do we know about the ways in which 'security' is thought about and promoted in this pluralized field of delivery? Are democratic values being advanced and protected or threatened and compromised? Wood and Dupont bring together a team of renowned scholars to shed light on our understanding of the arrangements for contemporary security governance. Offering a 'friendly dialogue' between those who argue that democratic transformation rests in the development of strong state institutions and those who propose a more de-centred agenda, the scholars in this volume bring cutting-edge theoretical analyses to bear on empirical examples. This volume will appeal to researchers in the fields of criminology, political science, sociology and security studies.

JENNIFER WOOD is a Research Fellow at Security 21: International Centre for Security and Justice within the Regulatory Institutions Network, Australian National University. She also functions as the Canadian Coordinator of the Project for Safe and Just Communities in Argentina.

BENOÎT DUPONT is Associate Professor of Criminology at the Université de Montréal, Quebec. He is the author of *Construction et Réforme d'une Police: Le Cas Australien* (2003) and co-editor, with Mike Enders, of *Policing the Lucky Country* (2001).

Contributors

SCOTT BURRIS, Professor, Beasley School of Law, Temple University and Senior Associate, Johns Hopkins Bloomberg School of Public Health

ADAM CRAWFORD, Professor and Director, Centre for Criminal Justice Studies, University of Leeds

BENOÎT DUPONT, Assistant Professor, International Centre for Comparative Criminology, Université de Montréal

ANDREW GOLDSMITH, Professor, School of Law, Flinders University

LES JOHNSTON, Professor and Research Director, Institute of Criminal Justice Studies, University of Portsmouth

IAN LOADER, Professor of Criminology and Director of the Oxford Centre for Criminology, University of Oxford

PETER K. MANNING, Brooks Chair of Policing and Criminal Justice, College of Criminal Justice, Northeastern University

MONIQUE MARKS, Research Fellow, Security 21: International Centre for Security and Justice, Regulatory Institutions Network (RegNet), Research School of Social Sciences, Australian National University

CLIFFORD SHEARING, Professor, Regulatory Institutions Network (RegNet), Research School of Social Sciences, Australian National University

NEIL WALKER, Professor of European Law, Law Department, European University Institute

JENNIFER WOOD, Research Fellow, Security 21: International Centre for Security and Justice, Regulatory Institutions Network (RegNet), Research School of Social Sciences, Australian National University

Foreword

This is a timely book that echoes important developments occurring in other fields. Pluralism in law is now an important trend in legal theory. The ‘anchored pluralism’ for which this collection of essays is arguing may also become a thread running through various innovative approaches to the theory and practice of security.

The book has a theoretical and a pragmatic focus and it succeeds in many things. I will mention four of these. First, it is a welcome exercise in conceptual analysis, as it tries to spell out the meaning of a new set of joint notions – governance, node, pluralism and the governance of security, just to mention a few – that are taking an increasing place in theoretical discourse. The authors make a convincing case that these concepts are the building blocks of a robust perspective that future research will have to take into account.

Second, the essays go far beyond definitional issues and the explanatory power of their key notions is truly put to the test. One such key notion, which is approached from different angles in the book, is that of ‘nodal governance’. This notion implies that power flows from a nexus of connected – but not necessarily co-ordinated – agents rather than from a single well. Despite its trendy garb, nodal governance may prove to be a useful tool, as it allows us to overcome two obstacles to building a new paradigm for reflecting upon the exercise of power. First, thinking about power and its potential effects has been hindered by the centripetal–centrifugal polarity. Either power accumulates in a single locus, according to the traditional *centralization* model, or it is dispersed, in accord with the no less ancient *decentralization* model. What is common to both of these models is that they view power as a single kind of stuff – the force of the state – that is either put in one place or tucked in several corners. What they fail to capture is that it makes little difference whether all the ministries are located in one capital or spread out over the whole territory, as long as they remain *state* ministries. Not only does the idea of nodal governance escape from the *one-centre/no-centre* pseudo-alternative, but, more crucially, it does away with the *single stuff* mythology: depending

on its agent, power can be public, private, hybrid or yet uncategorized. Getting rid of the single stuff mythology also means moving beyond the second obstacle to thinking lucidly about power. This monumental obstacle, still very much insurmountable in countries that have experienced centralized government, is *statocentricity*. Statocentricity does not only rest on the belief that all power is governmental; it also asserts that all valid discourse on power must be grounded in things political. Just as theology was the sole fount of religious thought in the West when there was only one religion, political theory claims to encompass all knowledge on power when force is vested exclusively in the state.

Third, the authors of the various chapters in this book have a normative outlook and they do not claim to be above pragmatics. A normative focus can be variously interpreted. At the least, it implies arguing for what ought to be done. This book takes a much bolder approach and dares to pronounce on moral issues. In this time and age when moral discourse is proffered in a key more consonant with angry elevator music than a Bach cantata, a genuine voice is a welcome sound, even if it is dissonant. Finally, it must be stressed that the various authors of this book are engaged in a vigorous debate, an activity less placid than dialogue and now more needed. Although united by the urgency to think anew about security, these writers have healthy disagreements on basic issues. Writing a foreword to this stimulating collection is frustrating because one has to keep from jumping into the fray. But not for long, as all readers of this book will feel.

JEAN-PAUL BRODEUR

Acknowledgements

As with any collection, there are many individuals who have made essential contributions ‘behind the scenes’. We would first like to acknowledge some members of our broader intellectual community, both near and far, whom we have had the privilege of engaging with and learning from on a regular basis. Our colleagues from the Regulatory Institutions Network (RegNet) have inspired us to look beyond our disciplinary boundaries, not only to explore connections with broader transformations in the fields of governance and regulation, but to be concerned about what they mean for the fair and equitable distribution of security outcomes for all human beings. We would in particular like to acknowledge the invaluable contributions of John Braithwaite, Peter Drahos, Jenny Fleming and Peter Grabosky. We are also very grateful to Nina Leijon, whose research and administrative support was central in making this project happen. In Montreal, colleagues from the International Centre for Comparative Criminology (CICC) provided us with another source of inspiration and discussion over the meaning of security and the various morphologies it might take. Here, Jean-Paul Brodeur, Maurice Cusson and Mylène Jaccoud deserve a special mention.

We have also had the honour of working with practitioners and scholars from different parts of globe. Our participation in the Project for Safe and Just Communities (PSJC) in Argentina continues to be near to our hearts, and has opened up our eyes to the challenges of democratic transformation in social, political and economic contexts that are profoundly different from our own. Special thanks to Enrique Font for allowing us to be included, in the modest ways that we can, in his pursuit of forms of security governance that privilege human rights. We would also like to acknowledge the generous financial support of the Canadian International Development Agency as well as the support of the Centre for International Studies, University of Toronto in managing the PSJC.

We have also benefited greatly from collaborative projects devoted to research and innovation in the field of security with which we are currently involved in Australia and Canada. These projects have been made

possible by grants from the Australian Research Council (LP0346987; LP0348682) as well as from the Social Science and Humanities Research Council of Canada (410-2004-1637) and the Quebec Research Fund for Society and Culture (2004-NC-20738).

Finally, we should like to thank Shannon Dallas and Valerie Dupont for their continued loving support of our work.

Contents

<i>List of contributors</i>	<i>page</i> vii
<i>Foreword</i>	ix
<i>Acknowledgements</i>	xi
 Introduction: Understanding the governance of security	 1
JENNIFER WOOD AND BENOÎT DUPONT	
1 Reflections on the refusal to acknowledge private governments	11
CLIFFORD SHEARING	
2 Transnational security governance	33
LES JOHNSTON	
3 Two case studies of American anti-terrorism	52
PETER K. MANNING	
4 Power struggles in the field of security: implications for democratic transformation	86
BENOÎT DUPONT	
5 Policing and security as ‘club goods’: the new enclosures?	111
ADAM CRAWFORD	
6 The state, the people and democratic policing: the case of South Africa	139
MONIQUE MARKS AND ANDREW GOLDSMITH	
7 Necessary virtues: the legitimate place of the state in the production of security	165
IAN LOADER AND NEIL WALKER	
8 From security to health	196
SCOTT BURRIS	

9	Research and innovation in the field of security: a nodal governance view	217
	JENNIFER WOOD	
	Conclusion: The future of democracy	241
	BENOÎT DUPONT AND JENNIFER WOOD	
	<i>References</i>	249
	<i>Index</i>	285

Introduction

Understanding the governance of security

Jennifer Wood and Benoît Dupont

This collection of essays has an explanatory as well as a normative focus. On the one hand it tries to establish and clarify what it is that we know, as well as that which we don't know (at least very well), about the ways in which 'security' is thought about and promoted within diverse empirical contexts. Based on what we know, and recognizing what we don't know, this book shares some key concerns about how the advancement and protection of democratic values is being threatened or compromised by contemporary arrangements for security governance. In light of such worries, various theoretical and practical ideas for ways forward are argued, and in some cases vehemently so, by contributors to this volume.

What we, as editors, hoped for in preparing this book was to provide more structure to the 'friendly dialogue' that has been occurring between those advancing different descriptions and explanations of what has been happening and/or those offering different assessments of what is at stake for the future of democracy and what to do about it. In reading the chapters herein it will become clear that there is more agreement about what has been happening than there is about what to do about it. None the less, there remain important differences in the ways in which scholars describe and explain contemporary developments, reflecting their use of different conceptual and analytical tools. In this way, the book is intended in part to provide an opportunity for 'taking stock' of similarities and differences in scholarly opinion. While the themes and issues raised in this collection are undoubtedly complex, and probably raise more questions than provide more answers, the idea for the book itself emerged from the stance that we (and hopefully others) share that 'superior explanatory theory (ordered propositions about the way the world is) and superior normative theory (ordered propositions about the way the world ought to be) arise from an explicit commitment to integrating explanatory and normative theory' (Braithwaite 2002a: ix-x). If this book has made but a modest contribution to this 'integration' enterprise, it will have achieved its core purpose.

This introductory chapter is intended primarily to establish the core explanatory themes of this collection, leaving a consideration of normative issues and agendas to the concluding chapter. Presumably, the best place to start is with the one conceptual pillar that supports all the various chapters, which is the notion of the 'governance of security'. The term 'governance' in this context refers to conscious attempts to shape and influence the conduct of individuals, groups and wide populations in furtherance of a particular objective – in this case, 'security'. It can be similarly described, just as Shearing does in this volume, as 'shaping the flow of events' (Parker and Braithwaite 2003). The key theoretical influence on the term is Foucault's notion of 'government', which refers essentially to the 'right disposition of things, arranged so as to lead to a convenient end' (1991: 93). In line with the Foucauldian claim that 'political theory attends too much to institutions, and too little to practices' (Gordon 1991), to govern means 'to structure the possible field of action of others' (Foucault 1982: 220 cited in Simon 1997: 174).

Notwithstanding the theoretical (and hence potentially off-putting) nature of the term 'governance', it can and has been utilized to make the very practical point that collective goods, like 'security', are promoted by a range of institutions including, but not limited to, those of the state and its military and criminal justice organizations. The chapters in this book illustrate this 'plurality' through various empirical examples and cases, such as the participation of 'commercial military service providers' at the transnational level (Johnston), the establishment of inter-agency networks in anti-terrorist efforts (Manning), the 'marketization' of public policing (including patrol) and forms of 'enclosure' such as 'gated communities' and privately owned shopping malls (Crawford).

While the contributors to this volume agree that pluralism is a general trend, the ways in which they describe, explain and assess this plurality differ. The contributions by Shearing, Johnston, Burris and Wood promote a 'nodal governance' approach (Johnston and Shearing 2003; Shearing and Wood 2003b; Burris 2004; Drahos 2004; Burris et al. 2005), one which 'refuses to give conceptual priority to any particular locus of power' (Johnston, this volume: 34). While the term 'nodal governance' is relatively new in its usage (see Kempa et al. 1999 for an early conceptualization) its intellectual origins can be traced to the work of Shearing and Stenning (1981; 1983; 1985) some two decades ago on the rise of 'private governments' (Macaulay 1986), defined by Shearing as 'non-state entities that operate not simply as providers of governance on behalf of state agencies but as auspices of governance in their own right' (this volume: 11). For the past two decades Shearing has been arguing, with increased vigour, that scholars must move out of a 'state-centred view

of governance', which he sees as a 'particularly tenacious paradigm' that 'needs to be eclipsed' (13). He adds, '[t]his is so not simply because this . . . view of the world is preventing us from developing an understanding of the world that captures what has been taking place, but because it is limiting normative thinking' (13). More recently, Shearing, along with others, has suggested that a 'nodal conception' of governance provides a means of breaking out of this paradigm. 'Just what the role of the state is and how it does or does not relate to other nodes should be an empirical question and not one to be decided *a priori* on the basis of conceptual claims such as those of Hobbes and Weber' (27).

A 'node', Burris summarizes (2004: 341), is 'a site of governance exhibiting four essential characteristics:

- Ways of thinking (*mentalities*) about the matters that the node has emerged to govern;
- Methods (*technologies*) for exerting influence over the course of events at issue;
- *Resources* to support the operation of the node and the exertion of influence; and
- An *institutional structure*'.

As both Johnston and Wood point out, the general line of empirical inquiry that Shearing advocates has to date been pursued in ways that focus largely (but not exclusively) on the 'mentalities' and associated 'technologies' of different governance nodes. This has led to the identification of, and distinction between, 'risk-based thought and action' (Johnston, this volume: 35) – seen to reside 'naturally' in corporate governance (Johnston and Shearing 2003: 76) – and a 'punishment mentality' seen as deeply embedded in the practices of criminal justice institutions (Johnston and Shearing 2003). In his chapter on transnational security governance Johnston seeks to move beyond such a depiction of ideal typical nodes to explore ways in which, and the extent to which, proactive (risk-based) and coercive military technologies are melded. For example, 'governments are now turning to contractors for operational services that either require or make more likely their use of force' (44). In recognizing this complex 'mixing' of ways of thinking and acting within and across nodes, Dupont points out that the language of 'privatization' 'restricts the transformation of the security field to a dichotomous and simplistic analytical framework impervious to the infinite combinations possible . . . Hence, the continuum approach, with the "public" and the "private" at each end, and various unpredictable combinations of pluralization and commodification in its middle, seems more appropriate to depicting the current situation' (this volume: 87).

Both Manning and Dupont place more conceptual emphasis on ‘networks’ of security governance, and seek to advance our understanding of how networks are constituted in particular time- and space-specific contexts. Similar to Johnston’s critique of ideal typical descriptions, both of these authors see the formation of networks in terms of continuous, iterative and more or less temporary processes carried out by a range of security actors (nodes) according to different positions of power. Based on two case studies of American anti-terrorist activities (the 2002 Salt Lake City Olympics and the 2004 Democratic National Convention in Boston), Manning echoes Johnston in arguing that risk-based thinking differs across the local, state and federal agencies that come together to manage terrorist threats. ‘Risk’ and ‘security’, he argues, are ‘imagined’ and constructed by agencies according to their own ‘tacit knowledge’ and established ways of acting on particular problems. He contrasts, for instance, the risk-orientation of local police with that of federal agencies like the Federal Bureau of Investigation. Whereas the police (due to their primarily reactive capacity) imagine risk according to categories of crimes and criminal sanctions – what Simon would describe as the ‘governing through crime’ approach (1997) – federal agencies deploy a more future-oriented, long-term perspective centred on an ‘intelligence-based’ perspective. Manning’s study reminds us that established ways of acting on problems – organizational ‘habits’ as it were – shape ways of thinking; ‘the objects of concern, what is seen, are sustained by the practices that have developed over time to detect them’ (82). Furthermore, ‘networks’ are best seen not in terms of crystallized structures, but as more or less temporary hubs of practice. “‘Network’ is a metaphor... that does not assume shared aims’, but does assume behavioural interchange and practices that ‘intersect to form a consistent concrete system of action’ (54).

Manning’s work points to the need for further research – that deploys a range of methodologies, including ethnography (as he has done) – on the highly site-specific and contingent nature of network formation. Dupont makes a similar point in his study of how governance ‘auspices’ and ‘providers’ (Bayley and Shearing 2001) engage in ‘power struggles’ with one another (and even within their own organizations) as they seek to ‘jockey’ for important positions in the field of security delivery. Based on data collected for an ‘oral history’ project sponsored by the Australian Institute of Criminology, Dupont looks at what police commissioners (both active and retired) had to say about those actors in the security field with whom they engaged, aligned with or contested, namely political actors, unions, the media and community groups. The comments of commissioners revealed ‘how their field of possible actions was shaped or

constrained' (this volume: 96) by these actors. He further examines 'how police commissioners exercised their agency and manoeuvred through this field' (97). Dupont contends that the power plays engaged in by commissioners involved 'accumulating', 'investing' and 'trading' different forms of what Bourdieu (1986) describes as 'capital' (economic, political, cultural, social and symbolic) in order to promote their particular organizational interests. Such power struggles are geared towards a 'broader tacit outcome', where the public police are the central and most 'professional' guarantor of security, an outcome that others have similarly observed in the power struggles of police unions (Fleming et al. in press).

Notwithstanding such power struggles, some contend that the public police do, by their very nature, possess a rather 'sacred' status and cannot be seen simply as 'one node among many' (Crawford, this volume: 137). Consistently with Dupont's analysis, Crawford examines ways in which different policing and security providers relate to and engage with one another in a 'mixed economy'. A key dimension of this mixed economy is the development of a 'second tier of policing and security [that] has mushroomed sometimes blind to, at other times in conflict or competition with, and at yet other times hand in hand with or steered by, state policing' (111). He sees this second tier as of a very different character to that of state policing which 'occupies a residual position, one which is both symbolically and normatively different from other forms of security provision' (112).

Crawford deploys the conceptual framework of 'club goods' in unravelling the strategies of particular interest groups – either residential or commercial – in their quest for additional security. His analysis shows that the pursuit of privileged access to security depends as much on private providers as on the capture of public goods such as policing, and their enclosure to the benefit of mini-sovereignties. 'Security clubs' engage in 'power struggles', as Dupont would put it. 'They can use state policing as a background asset, sometimes drawing it into the foreground for symbolic or instrumental purposes. In so doing, they can exploit its general, all-encompassing and sacred mandate' (Crawford, this volume: 136).

Marks and Goldsmith make a similar point about the 'residual' character of state governance. They argue that notwithstanding the democratic potential of community-based governance structures (which must be assessed very carefully), the state is, philosophically and practically speaking, best placed to manage and deliver security in an equitable manner and in accordance with universal normative standards. Drawing from the South African experience, they view the rise of private security as a 'supplement' to inadequate state-provided security, implying that 'large lacunae of unpoliced space' remain (this volume: 158). They further add

that '[w]here state protective services have been unreliable or absent, community reliance upon the alternatives will almost always, we suggest, reflect necessity rather than unimpeded free choice or a freely chosen preference with a realistic possibility of *exit* or *voice*' (163; italics in original). For those who do subsist in 'unpoliced space', it is the state that is 'best placed in terms of capacity, legitimacy and effectiveness to provide equitable policing services' (139–40).

Marks and Goldsmith's view is supported by Loader and Walker's contention that 'the state's place in producing the public good of security is both necessary and virtuous' (this volume: 167). From an instrumental perspective they argue that the 'security of any individual depends in some significant fashion upon the security of others, and thus that the very idea of "private security" is oxymoronic' (Loader 1997b). They explain that the 'objective security situation' of an individual is optimized only if one's own self-protection measures are complemented by the security-producing activities of a range of citizens, groups and agencies that can so contribute. In addition to this instrumental dimension of security, they also argue that there is a social dimension: 'The individual, in order to *feel* confident in his or her ability to pursue his or her ends without interference, must feel reasonably secure that the conditions for the effective and ongoing realization of his or her objective security are themselves reasonably secure' (Loader and Walker, this volume: 186). Furthermore, Loader and Walker argue that security has a 'constitutive' dimension. The pursuit of security both reflects and constitutes a 'we feeling' based in a form of 'political community' bound by its 'affective commitment to put things in common'. They suggest that it is states, or their 'functional equivalents', that are best placed to engage in 'instrumental ordering work *and* in the work of cultural production of social identity' (193).

This stance that states are a 'necessary virtue' (Loader and Walker, this volume) in the production of security for all must be tempered by an awareness, and concrete empirical assessment, of those 'vices' that have concerned state sceptics over the years. As Loader and Walker concede, '[t]he state *can* be and often has been a physical and psychological bully. It *is* prone to meddling, to interfering where it is not wanted. It *does* take sides, and in so doing packs the hardest punch. It *will* tend towards stupidity' (183). While Marks and Goldsmith contend that states, in Loader and Walker's words, are 'indispensable to any project concerned with optimizing the human good of security' (183), they acknowledge 'there are clear transformation deficits' in the democratization of South African policing. What is required is to 'understand why police continue to act in ways that are undemocratic and to think about ways to promote speedier change within these organizations' (Marks and Goldsmith, this volume: 144).