D.3.3. 'A report on the ethical issues raised by the increasing role of private security professionals in security analysis and provision'

'A report on the ethical issues raised by the increasing role of private security professionals in security analysis and provision'

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1. Introduction

Private security is on the rise. Although difficulties emerge in exactly estimating the precise amount of private security in the total range of security, the available figures all point into the same direction. Private security has moved lately to a more central stage in science, after years of academic neglect. Traditionally, private security was symbolized by the *Private Eye* as reflected in American movies: a cynical, though male, breaking laws and norms while holding a bottle of whisky in one hand and a blonde *femme fatale* in the other hand. However, this *Hollywood* image of private investigators seems to be outdated. Private security nowadays covers a conglomerate of companies active in all possible fields of security. In this literature review, we will look into the dimension, size and functions of private security as reflected in the academic forum. Further, we will look into scientific discussions concerning explanations for the rise in private security, the functions of private security, the relationship with the state, the relationship between public and private security and the possible societal and political ramifications of private security. After examining the scientific knowledge on the organizational and personal values dominant in the private security sector, we will look at the possible ethical dilemmas embedded in the rise in private security. We will end with some conclusions regarding the current scientific knowledge on private security and possible avenues for further exploration of the ethical challenges to private security. Throughout this literature review we will understand private security companies as 'commercial enterprises using public or private funds to engage in tasks where the principal component is a security of regulatory function' (Sarre and Prenzler 2005: 4).

2. Private policing – facts and figures

Measuring the size of private security is problematic. First, the industry is not a clear defined homogenous group, but rather a 'multitude of industries, large and small, all related to the provision of security services, investigations, crime prevention, order maintenance and security design' (Van Steden and Sarre 2007: 226). The industry flows into a large variety of markets, making accurate classification and counting very difficult. Further, the quality of available official statistical sources varies considerably from country to country. Besides that, most private firms are not to keen to advertise their earning and personnel numbers. The first major study of private security was published by De Waard (1999). De Waard estimated that there were 592,050 security personnel in Europe in a population of 369 million. So there were 160 security personnel per 100.000 population; for the public police the number was 375 per 100.000. However, large variations in personnel numbers existed between countries. De Waard indicated that public police still outnumbered security personnel in the European Union by a rough estimate of 2:1. The situation in 1999 can be summarized as follows (De Waard 1999: 155):

Graphic 1: Absolute and relative number of private security personnel and police personnel in the EU 1999

Country	Population (× 1.000)	Private personnel Total	Private personnel per 100.000 inhabitants	Police personnel Total	Police per 100.000 inhabitants
Austria	7.992	6.000	75	29.000	362
Belgium	10.085	11.200	109	34.712	344
Britain	58.191	160.000	275	185.156	318
Denmark	5.189	10.000	193	12.230	236
Finland	5.066	3.500	69	11.816	233
France	57.667	70.000	121	227.008	394
Germany	81.187	176.000	217	260.132	320
Greece	10.368	2.000	19	39.335	379
Ireland	3.563	5.150	143	10.829	304
Italy	57.057	43.200	76	278.640	488
Luxembourg	398	800	201	1.100	276
Netherlands	15.287	20.200	132	39.216	256
Portugal	9.864	15.000	152	43.459	440
Spain	39.143	53.000	135	186.547	477
Sweden	8.713	16.000	184	27.000	310
Total EU	369.770	592.050	160	1.386.180	375

The most recent figures (CoESS 2008) are from 2008 and are shown in Graphic 2:

Graphic 2: Absolute and relative number of private security personnel and police personnel in the EU 2008

Country	Population (× 1000)	Private personnel Total	Private personnel per 100.000 inhabitants	Police personnel Total	Police per 100.000 inhabitants
Austria	8.210	6.790	83	27.111	333
Belgium	10.414	18.321	176	37.008	356
Britain	61.112	150.000	251	164.154	275
Denmark	5.500	5.250	97	10.483	194
Finland	5.250	6.000	115	8.247	158
France	64.057	117.000	188	235.792	379
Germany	82.329	170.000	206	246.756	299
Greece	10.737	25.000	226	50.171	454
Ireland	4.203	20.000	484	12.209	303
Italy	58.126	55.000	95	325.632	582
Luxembourg	491	2.200	484	1.352	297
Netherlands	16.715	30.000	185	35.996	221
Portugal	10.707	28.000	267	47.949	458
Spain	40.525	89.449	211	200.886	474
Sweden	9.059	10.000	111	16.891	188
Total EU	456.288	43.542	237	66.059	360
Hungary	9.905	80.000	791	29.561	292
Poland	38.428	200.000	524	100.770	264
Slovakia	5.463	20.839	387	14.079	262
Estonia	1.299	4.900	363	3.520	261
Lithuania	3.555	10.000	290	11.526	334
Czech	10.211	28.101	275	47.232	463

Republic					
Slovenia	2.005	4.500	225	7.618	382
Latvia	2.231	5.000	216	9.902	427
Cyprus	796	1.500	205	4.903	671
Malta	405	700	175	1.775	444

As the graphics show, despite the growth in private security, there is still much divergence between European countries. For instance, In Poland, the ratio of private forces is twice as high as public forces. In the United Kingdom, there are almost equal numbers of private and public agents. In Germany, France and Spain there are about half as many private agents as public agents. Italy has both the largest police force in Europe and highly marginalized private forces. European countries therefore can be placed in four major categories if we compare public forces and private agents quantatively:

1. Countries having *more* private agents than public officers: Poland, Hungary, Ireland, Slovakia, Estonia and Luxembourg
2. Countries having more or less *identical* numbers of private agents and public officers: The United Kingdom, The Netherlands and Lithuania
3. Countries having *half* as many private agents as public officers: Germany, France, Spain, Portugal, The Czech Republic, Sweden, Denmark, Belgium, Greece, Latvia, Slovenia and Finland
4. Countries having a *marginal* private workforce compared to public workforces: Italy, Austria, Cyprus and Malta[1]

As said before, the private security industry is not a clear defined homogenous group, but rather a 'multitude of industries', large and small, all somehow related to the provision of security services. It typically includes the work of security guards, corporate security and loss prevention personnel, alarm and surveillance specialists, private investigators, armoured vehicle personnel, manufacturers of security equipment, locksmiths, security consultants and engineers, and people involved in a variety of related roles from private forensic laboratory scientists to guard dog trainers and drug testing specialists (Forst 2000: 22). So we can find one-man agencies, mirroring the stereotype representation of the *Private Eye*, as well as large private security companies as Group4Securicor, currently operating in 115 countries, employing over 530.000 people and ranking as one of the London Stock Exchange's 100 largest corporations; its turnover has been reported as 9 billion US dollar (Abrahamsen and Williams 2009: 3).

Further, private intelligence is on the rise. Currently a large number of companies offer intelligence services and some of them have acquired considerable influence. The most important amongst these are: ASI Group, Control Risk Group, Global Strategies Group, Global Source, iJET, International Regional Security Agency, Jane's Information Group, NC4, Olive Group, Secure Solutions International SIASS - Specialist Intelligence and Security Services, Kroll, Stratfor Tangiers

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[1] For more detailed information on single countries see http://www.coess.eu/pdf/CoESS_Facts_Figures_2008.pdf

International, The Steele Foundation, TranSecur, World-Check, SITE, Hacklyut, and others. Most these organizations are based in the U.S., Britain and Australia and are staffed by knowledgeable employees of the intelligence apparatus who retire seeking work in the private sector which in general provides high fees. For instance, over the last 5 years, 2,435 former senior U.S. military personnel have been recruited in 52 different private security and intelligence companies and 422 of those occupied roles identical to those when in active duty. Due to the strong turnover growth in recent years, there has been large-scale recruitment of individuals that possess enviable skills as well as others from all walks of life and professions (Fringe Intelligence 2009b: 42). It is estimated that 70% of the budget for U.S. intelligence agencies is provided via subcontracts to private corporations. In the U.S. 35% of the operations of DIA (Defence Intelligence Agency) and 95% of the NRO (National Reconnaissance Office) are undertaken by private employees who handle highly confidential projects and gain a full picture of the structure of the American state, but also of the whole world because of the American primal position within the global political system. Generally it can be assumed that the dividing lines between the state and the business world have blurred to a great extent over the past few years. According to Voelz (2009: 587-588), although most of these contractors provide commodity support, goods, and services for non-intelligence related requirements, a quarter are believed to be directly involved in core intelligence mission functions. Reportedly, as much as sixty percent of the Central Intelligence Agency's (CIA) core activities are supported by contractor personnel. Private sector personnel also staff approximately half of the National Counterterrorism Centre's analyst positions. Approximately forty percent of analytical functions in the intelligence community were being provided by contractor support. Private contractor personnel staff roughly half the U.S. Central Command's intelligence positions supporting operations in the Middle East and Central Asia. Another private security sector is formed by private military firms – of course, some large private security companies perform both intelligence, security and military tasks. The 2003 global revenue for this industry was estimated as 100 billion dollar and the firms involved can deliver all kinds of services, ranging from logistical support and training to full scale military violence (Avant 2005: 21).

Within this multitude of industries, even inside more or less clearly defined groups, divisions run deep. Research of Prenzler and King (2002: 3) showed for instance a four-way division of labour in the case of private investigators. Investigators did anti-fraud work, mainly for insurance companies, including surveillance work, interviewing claimants, and making inquiries. Insurance work includes investigating stolen vehicles, accidents, arson and welfare fraud. Second, private investigators were involved in 'legal work', which involves background or factual work for lawyers in civil and some criminal cases. It contains locating and interviewing witnesses or claimants, and locating and analysing forensic evidence. The work also involves the serving of legal summonses to recipients. Third, there are the commercial inquiries. Commercial inquiry can hold a large range of activities as electronic debugging, liability investigations, workplace investigations into theft or harassment and pre-employment checks, trademark and copyright violation, repossession and debt collection to enforce legal contract. Lastly, there are domestic investigations which can include checking partner fidelity in personal relationships, abducted child recoveries and missing person inquiries. But a conceptual problem lies in defining

'private investigators', because there are other occupations that compete with and undertake similar activities. For instance, some fraud is investigated by accountants, specialized forensic accountants as well as private investigators and they can often work together. Other professions that undertake similar activities include, for example, store detectives carrying out simple investigations into shop-lifting by customers and staff (Button 1998: 2-3). Therefore, the empirical and conceptual knowledge on what constitutes the 'private security sector' and how this sector could be subdivided and understood leaves room for improvement.

3. Explaining the growth of private security

The question why the private security sector has expanded so fast during the last decades has been the subject of academic attention. It has been stated that the substantial shifts have occurred rather suddenly by most historical standards. 'It had taken centuries for public policing to establish dominance over privately paid security agents, and less than three decades to reserve the trend,' as Forst (2000: 21) states. The growing private security industry in some countries now employs more staff than the public police (Button 2007: 110). However, before we look into the different explanations that can be distinguished in academic literature counting for the rapid growth of the private security sector, we first have to turn to another disputed question: how 'new' exactly is the emergence of private security?

3.1 New, newer, newest?
According to Bayley and Shearing (1996: 585), future generations will look back on the current era as a time when one system of policing ended and another took its place. Policing is no longer monopolized by the public police. It is now offered by other institutions, most importantly by private companies on a commercial base. 'The police simply do not monopolize policing any longer' (Shearing 2005: 59). Viewed historically, Bayley and Shearing say (2001: 1) it could be argued that the monopolization of policing by government is 'an aberration'. Or in the words of Zedner (2006b: 78): the symbolic monopoly on policing asserted by the modern criminal justice state may just be a 'historical blip' in a longer-term pattern of multiple policing providers and markets in security. However, Zedner emphasises the symbolic dominance of public policing and argues that the shifts that have taken place acquire their significance from this loss of former symbolic dominance rather than structural change (2006b: 82). A significant structural change however lies according to Zedner in the *scale* of private policing. Whereas pre-industrial markets were small and localized, today's markets are global and, at the top end, dominated by multinational conglomerates.

Others however underline the continuity of private policing. Jones and Newburn (2002: 133-134) for instance state that a 'public monopoly' has never really existed. The private security industry was relatively well established even during the 'golden age' of public policing in the 1950s. The idea of a 'public monopoly' over policing was as much 'a matter of image as of substance'; the idea that sovereign states could guarantee crime control to their subjects has been a myth, 'be it a powerful

one'. They argue that current developments are better presented as the 'continuation of a long-term trend extending back several decades', rather than a 'seismic shift' occurring in the last years of the twentieth century. There is continuity as well as change (2002: 134). Private security has always been with us (Newburn 2001: 830). Also Williams (2008: 192; see also Dorn and Levi 2007: 228) suggests that commentators are overestimating the monolithic nature of policing in the period of the 'criminal justice state'. The commercialisation of policing is not a modern innovation, or a reversion to eighteenth-century practices. Commercialisation of policing is 'not something we lost in 1829 and are now returning to; it is something which never went away.'

Looking into private intelligence and the military, we can also distinguish a long tradition of private practices. In the field of intelligence, the most prominent example is the *Economic League*, which holds information on trade union activists and political extremists for dissemination to member companies (Button 1998: 9). Its principal objective was to compile dossiers for industry on individuals suspected of involvement in subversive, i.e. socialist groupings. The League was wound up in 1994 in the face of data protection legislation which would have forced it to open its files. It was reputed to hold information on Gordon Brown, as well as 40 other Labour MPs and prominent trade unionists (O'Reilly and Ellison 2006: 650). Other historical examples are given by Hoogenboom (2006: 373), who argues there is too much focus in the public and academic debate on public intelligence services. Hundreds of private organizations are involved in intelligence, but in politics as well as in science there is hardly any interest in private information operations and the gradual redefinition of intelligence through public–private means.

The market allocation of military security was also never completely eliminated in the modern era, but it was frowned upon (Avant 2005: 30). Private military security was therefore informally organized, secretive and directed to a specific customer base. *Soldiers of fortune* operated in the shadows, as did the covert private military services provided to governments. Singer (2003: 20) also suggests that the 'cartelization of state power' has proven to be short-lived. In fact, the monopoly of the state over violence is the exception in world history, rather than the rule (2003: 19). The private provision of violence was a routine aspect of international relations before the twentieth century. Non-state violence dominated the international system in the past and was very much marketized. Moreover, the state as a rather new unit of governance, drew from the private violence market to build its public power. "Trade must be driven and maintained under the protection and favour of your own weapon (...) Trade can not be maintained without war, nor war without trade," Jan Coen, Governor General of the Dutch East Indies Company, once said according to Singer.

By the seventeenth century, the use of violence was a capitalist undertaking that was little different and in fact highly intertwined with other industries. Wealth and military capabilities went hand in hand. Particular prominent in the business of war was the new class of *military entrepreneurs*. These were individuals who recruited and equipped military units at their own cost and then leased them out, as did Louis de Geer, an Amsterdam entrepreneur who provided the Swedish government with a

complete navy (2003: 28). The current wave of private military firms has however some fundamental differences, according to Singer. The essential difference is the *corporatization* of military services. Private military firms are structured as firms and operate as business first and foremost. As business entities, they are often linked through complex financial toes to other firms, both within and outside their industries (2003: 40). The newest waves of private military agents are commercial enterprises first and foremost. They are hierarchically organized into registered businesses that trade and compete openly and are vertically integrated into the wider global marketplace. They target market niches by offering packaged services covering a wide variety of military skill sets.

Whether private security is a new phenomenon or not, most academics will agree that during the last decades private security is growing in importance and scale. Different theoretical strands can be found in literature for explaining this growing dominance of private policing. In the next sections we will follow the different 'streams of influence' on the privatization of security as distinguished by Newburn (2001: 835-842). In reality, of course, such streams have interweaved and interacted to influence policing and security in particular ways. Most authors agree that changes in security trends emerge typically as manifestations of broader social movements (Forst 2000: 38). As Reiner (1992: 770) states, the 'deeper social changes of post modernity' are transforming the role of the security institution within the whole array of security processes, because for instance the rise of public police itself was a paradigm of modernism, defined by Reiner as the project of organising society around a central, cohesive notion of order.

3.2 The capacity of the state

Fiscal constraints are said to be an explanatory factor for the growth of private security. The 'fiscal crisis', what is according to most commentators the result of the breakdown of post-war corporatism, refers to the budgetary limitations experienced by the state. This leads to a shortfall in public funding for public security organizations. The resulting 'demand gap' comes to be filled by alternative providers: the private security sector (Newburn 2001: 836). For intelligence, according to Gill (2006: 37) the reduction in public intelligence budgets after the end of the Cold War, and the increase in private intelligence budgets is a main driving force for the emergence of powerful private intelligence companies and the blurring of public and private intelligence. According to Avant (2005: 31; see also Singer 2003: 50) the increase in private military security can be tied to supply and demand. After the end of the Cold War militaries were downsized, but within a few years a rash of smaller-scale conflicts unleashed disorder and demands for intervention. Private military firms provided a 'stop-gap tool' for meeting greater demands with smaller forces. However, as Jones and Newburn (1999: 228) argue, the 'fiscal constraint' argument is not convincing. First, public and private security bodies have different roles and perform different functions. Therefore, the growth in private security is not 'simply' a transfer from responsibilities from the public to the private sector. Privatization of security does pose challenges to the way *both* states and markets have functioned in the modern system (Avant 2005: 263). Further, public expenditure on public security has been substantially increased in the last decades. The capacity of the State is however also challenged in other ways. It is not only the fiscal

limits of the state, but also the failure of the state to provide security in sufficient measure to reassure the public (Zedner 2006a: 269; Forst 2000: 42). Crime figures, for instance, are simply too high for the public policing institutions to deal with. This way, the state created a deficit in the supply of security which the market seeks to make good. But this explanation has also its shortfalls, as the number of public police officers has increased largely during the last years and both the economic and political capital allocated to public policing is on the rise (Zedner 2006a: 269). Therefore, as Jones and Newburn conclude (1999: 228), the 'resources thesis' cannot provide a complete explanation. The 'more realistic and persuasive' position they propose is that growing demands by the public have stimulated the expansion of both the public and private sectors in policing (Jones and Newburn 1999: 228).

3.3 Crisis of capitalism

A more radical reading of the rise of private security sees the transformation taking place as linked to successive 'crises' of capitalism. The protection of profit, it is suggested, has become progressively more complicated, and the flexibility and malleability required under late modern conditions favour private over public provision. Put another way, the logic of late capitalism requires and feeds on the commodification of security (Spitzer and Scull 1977; Spitzer 1979). A whole range of governmental services are being privatized and security is therefore just one more governmental sector that became 'a candidate for privatization' (Forst 2000: 38; Avant 2005: 34-35). However, as Newburn (2001: 836) finds, this idea maybe helpful in understanding some of the changes we witness, but it is simply not correct that a simple transfer of functions between public and private sectors has taken place, although some parts of the security functions have been privatized in some countries, for instance prisons and custody suits and prisoner escort (Button 2007: 110; see also Christie 1994; Shelden and Brown 2000). But *both* public and private policing has grown. According to Weiss (2007: 3) however, the 'political economy of private security' has assumed different forms and functions in response to the changing needs of capital and the transformation of the state.

Each era of capitalism occasioned a distinctive security complex; the era we now face demands private security for managing surplus population in failed states that are unable or unwilling to provide governmental security and for managing fear and insecurity in modern societies. Singer (2003: 1) states that the real risk to investment nowadays is not nationalization, but violence directed at employees or facilities. In many of these places, multinational corporation facilities and pipelines are the focal point of fighting ranging from Algeria to Azerbaijan and mining corporation sites are contested in Congo, Sierra Leone and Angola. As such, private military firms are 'investment enablers', providing clients with robust security that make otherwise extremely risky investment options safe enough to be financially viable. And as 'neoliberal policy increases violence and the threat of terrorism by destroying public welfare provisions', the demand for security will rise. Mounting fear for terrorism is indeed good economics in that it creates rising demand for private security (Weiss 2007: 8; see also Singer 2003: 50-52). Also Neocleous (2007: 340) analyses the 'ideology of security' as a 'process of capital accumulation as well as state strategy'. This ideology of (in)security is 'central' to the political logic of

capital as well as to the logic of the state. Focussing on private military companies and using the example of Iraq, Neocleous describes how not only key elements of Iraq's economy were forcefully privatized – as Paul Bremer put it: "*Iraq is now open for business*" – but also that huge amounts of money flew into the security of Iraq, making the private security sector the second largest member of the "coalition of the willing" (2007: 344). Some therefore speak of the '*coalition of the billing*' (Singer 2003: 251). What we see, Neocleous concludes, is on the one hand the commercialization of security, in which security is to be achieved via the activities of capital, and on the other hand the securitization of capital, in which capital accumulation is increasingly being conducted in the name of security. Further, the case of Iraq also shows that private military companies have close ties to oil and mining interests (Avant 2005: 240), further knitting together security and commercial interests.

3.4 Managerialism

A broader approach to the economic, social and political context of private security focuses more on the managerial changes that have affected all public sector providers, especially in the 1990s. Loader (1999) summarized these changes as managerialism, consumerism and promotionalism. Public and private sector organizations are said to share a common managerial ethic, i.e. New Public Management, resulting for the public police in features like devolved budgets, differentiation between 'core' and 'peripheral' employees, customer-oriented work-cultures and the sub-contracting of some functions to outside bodies of the full transfer of others to the commercial sector (Johnston 1999: 180). Neo-liberal approaches are therefore distinguishable from their antecedents, in that they also seek to engineer and harness the market forces of competitiveness and efficiency within state agencies themselves (Kempa, Stenning and Wood 2004: 566). Such developments probably have contributed considerably to the 'marketisation' of criminal justice generally, and of policing and security more particularly. But as Newburn (2001: 837) reminds us, such changes have not led, in any direct way, to a transfer of functions and responsibilities between the public and private sectors. Rather, they have been a further stimulus to the demand for increased protection and to the 'sale' of policing services in the market-place by both public and private policing bodies.

3.5 Responsibilization

The notion that a single sovereign power could govern all social life was enhanced in the last century by the creation of a strong state apparatus and the development of a public police force which had – may it be mostly symbolic – a professional monopoly over the function of crime control. This 'myth of sovereign crime control' (Garland 1996: 448) however proved unsustainable and the limitations of the state's ability to govern social life became more and more apparent. This resulted in a new orientation, which Garland (1996: 452) labelled as the 'responsibilization strategy'. This new mode of governing crime involved the central government seeking to act upon crime not in a direct way through state agencies, but by activating indirectly non-state agencies, organizations and civilians. Phrases like 'partnerships', 'activating communities' or 'creating active citizens' can be seen as characteristic of this new approach. 'Its primary concern is to devolve responsibility for crime prevention on to agencies, organizations and individuals which are quite outside the state and to persuade them to act

appropriately' (Garland 1996: 452). The recurring message is that the state alone is not, and cannot be responsible for preventing and controlling crime. Everyone has to recognize that they have their own responsibility in reducing crime opportunities and increasing informal control; whether they are property owners, parents, residents, town planners, school authorities or retailers. As Bayley and Shearing (1996: 591) formulate it: 'policing now belongs to everybody'.

Garland however explicitly warns that 'responsibilization' should not be considered as the 'off-loading' of state functions, or simply as the privatization of crime control. On the contrary: where the strategy works, it leaves the state machine more powerful than before, with an extended capacity for action and influence (1996: 454). However, one of the consequences of the responsibilization strategy is the stimulation of the market for private security and the erosion of the 'symbolic notion' of the state as the public's representative and primary protector. A further fact that contributes to the stimulation of private security in the context of the strategy of responsibilization is that, as Kempa, Stenning and Wood (2004: 566) state, the dominant neo-liberalism perspective is the deployment of the market as the 'engine of active citizenship'. So citizens and organisations are being 'responsibilized' in a particular context and direction: towards the market. So the strategy of responsibilization merged into parallel strategies of privatization and public expenditure reduction (Garland 1996: 453).

3.6 Risk Society

Using Beck's (1992) idea of the 'risk society', some authors argue that the institutions of modern society are preoccupied with minimising, preventing en managing new hazards and risks (Button 2007: 110). A 'new prudentialism' (Newburn 2001: 837) is underpinned with concerns about future risks, leading to more 'actuarial' than 'disciplinary' approach to policing. These techniques are characterized by a pragmatic emphasis on the management of risks and risky populations and crime prevention. These management techniques fit nicely into the general approach of the private security market. However, as 'risk' is seen 'everywhere', the prevention and management of risk is no longer a task that can be done by governmental institutions alone; it has become 'big business' (Newburn 2001: 838). Further, as Zedner (2006a: 269) argues, by increasing the state investments in security and placing crime and risk at the top of the political and societal agenda, governments generated insecurities and a feeling of insecurity that cannot be easily be assuaged. Successive governments have created a black hole that the private security industry is only happy to plug and the state to see filled.

3.7 Secondary social control

Another lens through which to consider the transformation of policing that is taken place is the idea that 'secondary social control' (Jones and Newburn 2001) has declined; partly through the 'disorganizing processes associated with late modernity' (Garland 1996: 449), partly through the monopolizing tendencies of the state apparatus. So here the focus is more on changes in civil society. The rise of private security is at least partly related to the declining capacity of more indirect sources of social control. Employment in a range of occupations providing 'natural surveillance' and other 'low level controls' as a corollary to their primary functions (bus conductors, railway station masters, train

guards, ticket inspectors etc) has been decreased markedly, removing an important source of secondary social control. As a reaction, private policing is emerging as an alternative 'primary' form of social control, or as a formalization of secondary control (Newburn 2001: 839). Public police is not able to fill the demand for a greater number of services, due to finite resources (Kempa, Stenning and Wood 2004: 568). This decline in secondary control is further deepened by a decline in local institutions of civic engagement - churches, political parties, trade unions, voluntary organizations (Crawford and Lister 2004: 7).

3.8 Changes in property relations

Shearing and Stenning (1981; 1983) advocated in the early eighties a relationship between the rise in private security and changes in spatial ordering. According to these scholars, modern cities are increasingly dominated by so called 'mass private property' or 'hybrid places' (Kempa et al 1999: 200; Kempa, Stenning and Wood 2004): publicly accessible, but privately owned and managed and resulting in a privately defined order. A result of this shift in property relations is that security falls into the hand of so called 'private governments' (Macauley 1986) deploying their own security forces. Shearing and Stenning saw big shopping malls, but also leisure complexes like *Disney World* as examples of these mass private properties. The rise in hybrid places means that an on-going process of social sorting can be noticed, in which 'undesirable people' are separated from the desirables (Kempa et al 1999: 203). The 'neat distinction' between public and private is becoming blurred (Shearing and Wood 2003: 409). The 'public spaces' of mass private property are not 'public' in the same way as are conventional public spaces. According to Mike Davis (1990: 107) however, there is also a proliferation of defended private spaces like gated communities, furthering the decline of public space. More and more people are living behind high walls, with physical or electronic surveillance to restrict access. In the same line of reasoning, Shearing and Wood (2003a: 411) argue that the term 'communal spaces' would be useful to grab all the different spaces to which different sets of 'denizens' have access. There is a continuum of protected spaces that range from capsular residential areas to restrictive clubs and pubs (Crawford 2003: 151–152) that, in contrast to mass private property, are only available to members and/or paying visitors.[2]

However, Jones and Newburn (1999: 233) questioned the supposed relationship between the rise of mass private property and private security, pointing at the actual empirical evidence about the extent and nature of mass private property in Great Brittain. As the growth of mass private property in Britain have been limited, and yet the expansion of private security has been extensive, this 'casts doubt' on the efficacy of the mass private property thesis. They think there is indeed an impact, but more complex and finely-graded. They point, for example, of increasing incursions of the public police into private space. Actions which were once defined as 'private' have been re-defined as 'public' and within the remit of criminal law. Therefore, the 'blurring' of boundaries is not a one-way direction (1999: 240). According to Kempa, Stenning and Wood (2004: 547-575), the private mass property thesis has to be coupled with the insight that there is an increased 'perceived security need' in society in the broader

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[2] The same goes more or less for the virtual world. Internet, although privately owned and operated, has opened a new public sphere with debates about which elements of it are still 'private' and which 'public'. Therefore the internet posesses challenges for the allocation of policing responsibilities between public and private police (Stenning 2009: 24).

context of widening social separation and exclusion between society's 'haves' and 'have-nots'; but also the insight that the market-orientated models of neo-liberalism and neo-conservatism are stimulating citizens to problematize the issue of security in terms of commodity management.

3.9 New surveillance technologies

One of the consequences of the development of new technologies has been the foreshortening of time and distance (Newburn 2001: 842). These new technologies therefore extended surveillance beyond all kind of borders. Further, new technologies can be seen as an 'accumulation' of information for commercial purposes. The result has been the rapid emergence and expansion of markets in surveillance and control. Private security companies use all kinds of surveillance technologies, like CCTV (Wakefield 2005: 530). The 'privatisation of urban space' has promoted a massive increase in the extent to which citizens are subject to constant surveillance within the public realm. Surveillance is even defined as the core function of commercial security, linked to the generic task of providing information for risk analysis (Johnston 1999: 189; Ericson and Haggerty 1997). The combination of technological possibilities and rising private security had the consequence of the rise of private investigations and private surveillance ranging from background of individuals requested by companies to full-scale corporate espionage (Marx 1995). Corporate espionage involves the appropriation of information through improper means and has been on the rise. In the US for instance, trade theft cost Fortune 1000 companies more than $45 billion in 1999. However, the loss was closer to $100 billion from other estimates (Chan 2003: 45). U.S. companies spend a total of $1 billion a year on competitive intelligence programs. The importance of ascertaining competitors' programs and strategies in the business environment is widely noted, and success is often based on the ability to respond to the conditions monitored (Rittenburg, Valentine and Faircloth 2007: 235; Jordan and Finkelstein 2005: 2). Highly trained investigators and sophisticated eavesdropping equipment, once the prerogative of public detectives, are now being deployed by the private sector. Competitive intelligence agencies are reluctant to describe their profession as 'espionage'. They underline that most information can be gained through overt means (Jordan and Finkelstein 2005: 2). But there are a lot of instances in which questionable techniques are being used. Covert private actions runs from the use of disinformation to discredit a competitor or adversary, to direct action or 'dirty tricks', ranging from deception to sabotage (Hulnick 2001: 532).

Sometimes the intelligence efforts of companies are directed at their own personnel, for instance when employees are suspected of trading insider secrets to competitors or when stakeholders are not trusted. The *Deutsche Bank* for instance had private investigators shadow an 'annoying' stakeholder. Sources say the private security company involved was Desa, an agency run by former Stasi-agents. The private spooks even deployed a female decoy to try to get information from the stakeholder (Financieel Dagblad 2009a). Also the French company *Airbus* was caught in the act of spying on its own personnel in order to get grip on supposed corruption. The *Deutsche Bahn* had to admit that it had intercepted and analyzed 147.000 emails of its 75.000 employees in order to find out who leaked embarrassing information to reporters and trade unions (Financieel Dagblad 2009b). Some private

counter-intelligence operations are really like professional spy operations. The *Wackenhut Corporation* used sophisticated eavesdropping equipment and set up a phony environmental organization against a critic who passed on documents regarding environmental and safety problems to regulators and the news media. Private agents stole documents from his desk, went through his garbage, and obtained his personal telephone records (Marx 1995). These examples and other examples of electronic surveillance of the working place have lead to fierce debates on the ethics of private snooping. Terms such as "Orwellian workplaces" and "electronic sweatshops" are used by ethicists, union leaders, and organizational analysts to describe the most intrusive of these settings (Ottensmeyer and M.A. Heroux 1991).

One new specialty niche within the broader field is the ten to fifteen small firms that monitor activists concerned with social issues such as the environment, nuclear power, and animal rights. Their activities vary from simply using public materials to track persons and issues to undercover operations and infiltration (Marx 1995). Other examples are the snooping and infiltrating by *Perceptions International* (Connecticut) at the animal-rights movement, monitoring and analyzing their philosophical and tactical trends (Marx 1995), the infiltration at the request of *Nestlé* by private security agencies into the anti-globalist movement (Attac 2008), the infiltration by *Beckett Brown International*-agent Mary Lou Sapone on instruction of the *National Rifle Association* in the Gun Control Movement and the International Action Network on Small Arms (Mother Jones 2008), or the spying by *Electricite de France* (EDF) on Greenpeace. According to press clippings, the New Year conference of the *European Corporate Security Association* (ECSA) in Brussels was dedicated to left-wing radicalisation. ECSA-secretary General Yvan De Mesmaeker said he 'could imagine that certain groups' are followed by private security agencies. The firm *Dilligence* was named in the article, formed by former American and British secret agents. At their website, *Dilligence* states it is doing research into animal rights activists. The director of the Brussels office of *Dilligence*, Jean-Michel Lavoizard, told newspapers that the company also investigated peace activists. 'These activists can pose a threat, not to democracy, but to our clients: companies. We investigate who they are, how they organize themselves, where they get their money from and what their strategies and capacities are. For that we use not only open sources, but also human and electronic sources' (Fringe Intelligence 2009a: 45).

According to Abrahamsen and Williams (2009: 5), the combination of security technologies and risk-based thinking is counting for the growth of specific parts of private security. Risk is not simply a synonym for danger; it is a particular way of thinking about and responding to potential dangers. It is preventative, not restorative. Primarily actuarial and calculative, it works by designing and controlling spaces, through the collection of statistics and the production of categories of danger, and by surveillance. Risk is, therefore, a way of approaching security that can be deployed by private actors just as effectively as by public ones. It had a universal potential - in principle applicable everywhere regardless of local conceptions of order and justice. As such, it further expands the field of action and impact for private security actors and contributes to the potential transnationalization of their skills and services.

Another way to conceptualize the role of technology in the rise of private security is the thesis that privatization and commodification of security can help governments make the most of advances in information technology in the civilian economy. By developing close relationships, the public security sector can optimise the technological 'spin on'. Privatization will connect the military, for instance, with the civilian sector which is driving technological changes in the information age and will produce the most cost-efficient solutions (Avant 2005: 32). But Singer also points at the changes in warfare itself. Small groups now possess the ability to wield massive power thanks to technological changes and the requirement of advanced technology has dramatically increased the need for specialised expertise which often must be pulled from the private sector (2003: 60-61). Therefore, technological changes lead to a next major alteration in the nature of warfare, namely that many military functions can and are being transferred to civilian specialists. As the civilian role in warfare has become greatly heightened, it is increasingly difficult to draw any precise line between military and non-military occupations; what we witness is the 'civilization of warfare'.

3.10 Spread of consumer culture

According to Bauman (1992: 223), 'security' becomes something to be consumed: it becomes a commodity. Such consumption has not simply to do with material satisfactions, but with manipulating symbols to construct identity. On the one hand, public police managerialism makes the police more business-like. This is the discursive re-presentation of the police as providers of a professional service and of the public as consumers of that service; the remaking of the police as an institution capable of delivering (like any responsive commercial enterprise) an efficient, prompt, courteous, value-for-money, professional service to all its customers. Loader (1999: 376-378) notes paradoxes in this rebranding of the police. One the one hand police tries to mould down consumer demands for their services, thereby stripping the police of their 'sacred status as symbols of Law and Order'. But in doing so, police have resorted to a discourse in which it is generally taken that consumers are sovereign, are offered a choice between alternatives, have preferences which can call for no justification, and can exit with their custom if these preferences remain unsatisfied. Therefore, consumerism risks exacerbating and entrenching public disappointment in the police. Those with the required income and the necessary disposition are increasingly coming to see the attractions of being a 'customer' of the security industry rather than a 'client' of the police.

The commodification of policing is also giving rise to new forms of solidarity, subjectivity and identification and 'new configurations of social exclusion and division' (Loader 1999: 383). Private policing and security can assist in creating exclusive, particularistic orders like shopping malls which create a 'moral order consumption'. Private security hence operates to cement and exacerbate social and spatial inequalities generated elsewhere. The security market offers according to Loader (1999: 384-385) an 'institutionalised exit from politics', an escape from the 'democratic' requirements that attend the struggle for a share of public policing. It enables individuals, organisations and communities to pursue their particularistic and self-defined security requirements without reference to any 'conception of the common good', and free of the obligations associated with the practice of democratic citizenship. It offers individuals the chance to become customers using their purchasing

power to obtain for themselves some private security, rather than citizens seeking to use their voice to secure a piece of the public police cake. This way, private security is serving to 'project, anticipate and bring forth a tribalised, neo-feudal world of private orders in which social cohesion and common citizenship have collapsed' (1999: 384). The more consumer culture comes to dominate, the less human safety will be seen as an elementary aspect of relationships and the quality of the association of citizens with others, and the more difficult it will be to frame policing in ways that clarifies its relationship to questions of democracy, equity and justice (1999: 385).

3.11 Internationalisation

Globalization, which comes along with flows of capital, services, goods and people is believed to make a fundamental reconsideration of the Westphalian order inevitable. Security has to be organized horizontal and disregard borders. But as a result of the 'rigidity and obstinacy' of most states which still function foremost hierarchically in an effort to protect their sovereignty, new networks of 'entrepreneurial' public and private actors have arise (Gerspracher and Dupont 2007: 362). The activities of private security actors, who are not bound by concepts like 'sovereignty', are becoming increasingly transnationalised. Private security agencies act across national borders, forming extended security networks involving the interaction of both independent companies and parent companies directing branch plants in other nations. Increasingly, large private security firms operate at the international level, marketing their services to multinational corporations, non-governmental organizations and governments. They sell expertise and technologies previously restricted to state-security spheres, and often entertain a symbiotic relationship with governments. Some of them receive public funds to manage and deliver police assistance programmes abroad. In other countries government aid agencies regularly outsource police assistance programmes to private or para-public consulting firms. According to Dupont (2004: 81) it is however still too early to nake any conclusive judgement on the importance these 'private nodes' will assume in international security networks. National governments contract private security companies for their ability to operate on an international scale. Private companies therefore sometimes perform 'state functions' like peacekeeping or act as proxies for states. They contribute to UN civilian police operations, carry out coca plant eradication missions in Latin America, train new police recruits in Iraq, or offer data collection and dissemination services. This raises the question of the effect that private actors, whose activities span the whole spectrum of security networks, will have on sub national, national, and state groups. The fact that private actors depend on states or international security organizations for contracts should however 'not obscure' the fact that their main motive is profit rather than justice or human security (Gerspracher and Dupont 2007: 361). Further, as Leander (2005: 805) states, private military firms also have 'epistemic power': they have the position and capacity to shape the understandings of security by shaping discourses, for instance by agenda setting, selecting relevant information and by shaping the self-understandings and interests of security actors. Private military firms contribute according to Leander to the reproduction of a highly specialised security field in which 'experts' authorize an 'increasingly technical, managerial and military understanding of the security field, which, in turn, empowers private military firms.

Private security companies also work for multinational corporations, performing 'justice-like' tasks. According to Kempa i.e. (1999: 215), the ascendancy of private security corporations in the international arena may therefore indicate that market models of 'justice' are brazenly expanding in full view of the state to levels thus far unimagined. In a globalizing world, market pressures, technology and social change create new demands for goods that states have difficulty supplying because the scale is often different from the scale of the nation-state. Further, global human security concerns reached dimensions – environmental, economical well being – that cannot be guaranteed by one state alone. Globalization also leads to the rapid spreading of disorder from one part of the world to another; security has become increasingly diffuse and borders are more complicated to defend (Avant 2005: 33). Further, private policing continues to grow in completely novel forms of spaces wherein states are essentially powerless to act. At the forefront of these is 'virtual' or 'cyber' space, which 'exists' only as an emergent sphere in the hyper-communications links of the Internet. The state is faced with tremendous technological and legal difficulties in policing cyberspace, as it is impossible to physically survey and so 'police' all of the material which circulates on the Internet from any one or limited set of regulatory centres. Additionally, even where disorderly conduct in cyberspace is successfully detected, effective criminal prosecution is hamstrung by myriad legal problems related to jurisdiction and 'tangibility' of evidence. In response to such challenges, private security initiatives have sprung up to regulate cyber-space (Kempa e.a 1999: 215).

4. Nodal security

Notwithstanding different opinions on the 'newness' of the role of private security, and different opinions on the developments underlying the rise of private security, there seems to be academic consensus that today we are facing the multiplication of auspices and providers of security (Shearing 2005: 58). For the field of policing it has been stated that new 'nodes' of policing have emerged and have clustered to form policing assemblages. Policing is in the process of changing from a system in which public police forces provided almost all policing services, to one in which policing services are provided by a range of public and private agencies. It is progressively more difficult to differentiate between public and private: the line between public police and private security has blurred. It is increasingly difficult to differentiate between public and private policing. Complex networks of policing that reflect a mix of public and private security providers are emerging and the areas of activity overlap extensively (Law Commission of Canada 2002: 15). Scholars have advocated for the adoption of a concept of 'policing', defined as a process of networked nodal security, understood as a complex of interlaced systems of agencies which work together to produce order. Such networks of security often transcend the established conceptual boundaries drawn between 'public' versus 'private' agencies, places, and functions (Kempa i.e. 1999: 199). Within a nodal conception of the governance of security, no set of nodes is given conceptual priority (Shearing and Wood 2003a: 404). Rather, the exact nature of governance and the contribution of the various nodes to it are regarded as empirically open

questions. It is assumed that the specific way in which governmental nodes relate to one another will vary across time and space.

For academics the concept of 'security networks' is a conceptual tool that helps understand certain individual agents or nodes that are interconnected in order to authorize or provide security to the benefit of internal or external stakeholders (Gerspracher and Dupont 2007: 352). Private actors were involved from the beginning, as for instance the history of the Pinkerton Agency in the United States shows and private actors are nowadays firmly rooted in national and international security networks. Dupont (2004) however raises the question whether the use of concepts like nodal governance of security, or security networks must remain mainly conceptual and descriptive in order to better understand the shifts that the policing function is undergoing. Or is it the time and place for the academic world to subscribe to a more normative approach? For instance, Johnston and Shearing (2003) argue that nodal security provide opportunities for transforming existing relations in more democratic ways. Before we look more specifically into the benefits and the doubts that circulate in the academic literature concerning the rise of private security and the nodal governance of security, we will first look more closely into some of the questions that arise by the emerging concept of 'nodal security'.

4.1 Competition or cooperation

Much literature on the topic of private security suggests an adversial relationship between public and private security. However, in academic literature critical remarks are made about this supposed rivalry. According to Stenning (2000: 326), when we look at policing, the relationship between public and private police is more often complementary than adversarial, as well as that it is increasingly difficult to identify policing tasks and responsibilities which are the exclusive preserve of public rather than private police. Early analysts of private policing suggested that the respective roles of public and private police were determined by the geographical domains in which they worked: the policing of public places was the responsibility of public police and is to be undertaken in the 'public interest', while the role of private police is confined to the protection of private property in the interests of its owners. Stenning argues that this generalisation is no longer true, as public police obtained more and more power and technological possibilities to intrude the private property and private relationships and more and more public life is being policed by private police.

Dorn and Levi (2007: 228) note some developments they consider as relevatiry for the close cooperation that is developing between private and public policing:

-   Involvement of private security and risk management professionals in the setting up of new systems for exchange of sensitive information, not only between enforcement agencies but also between them and corporate risk management professionals and databases (vehicle crime, plastic card crime, intellectual property);

- Selective funding, by parts of the private sector, of specialist squads and databases (arts and antiques). Private funding introduces new priorities into public enforcement, towards prevention rather than law enforcement per se;
- Strong cultural and professional ties between security specialists in the private sector and in public enforcement agencies (and other public agencies), due to occupational mobility between the sectors and an increasing convergence of common interests.

In their view a merging of private and public security is taken place, with the public sector, to some extent, accommodating the private sector. They point at the interest of countries in supporting their national and allied private security sectors, chasing commercial advantage, facilitated by private security. Private security protects critical infrastructures, thus underpinning the viability of economies; it undertakes competitive corporate intelligence, thus supporting product development and expansion of market share; and it supports shaky regimes or on occasions, plays a role in regime change, in pursuit of 'first mover' investment, trade and concessionary advantages (Dorn and Levi 2007: 231). Known examples of public security accommodating private interests are of course the clandestine arm of U.S. intelligence from time to time helping to protect private assets abroad: from the restoration of the United Fruit Company's holdings in Guatemala, to the ousting of Mohammed Mossadegh in Iran to protect a U.S.- British oil monopoly, to the overthrow of Salvador Allende in Chile at the urging of ITT and others, clandestine operations has seen intelligence professionals use their resources for others' private gain. To a greater extent, Washington provides useful intelligence data and analysis to U.S. firms originating from open source collection. The Commerce and State Departments have become the focal points for the transfer of U.S intelligence data and assessments to the private sector (Arthur 1996: 22). Another way in which the public intelligence community is aiding the private sector is through the transfer of personnel. Through the entry of trained intelligence professionals into private sector intelligence activities, the government is donating some capabilities and knowledge the private firms might otherwise find hard to obtain (Arthur 1996: 25).

Of course, also the other way around is possible: The government's use - or misuse – of the private sector for operational purposes, like the passing of information to the press that is untrue or distorted. Also U.S. firms doing business abroad were used to assist in disinformation campaigns (Arthur 1996: 27). Keefe (2007) points at the emerging 'espionage-industrial complex', leading to a 'gold rush', or a 'national security bubble'. The traditional *Beltway Bandits* - military-industrial giants like Boeing, Lockheed Martin and Northrop Grumman - established during the last year's intelligence and homeland security divisions. According to Keefe, the problem is that the "symbiotic relationship" has turned decidedly dysfunctional, if not downright exploitative. Costs of a lot of projects ballooned, but many projects never got off the ground. Boeing, for instance, would develop the *Future Imagery Architecture*, a new generation of spy satellites that could photograph targets from space. By the time the Pentagon removed the programme from Boeing in 2005, it was five years behind schedule and had cost $10 billion, including $4 billion in cost overruns. And this sort of failure is seldom punished – often it is rewarded.

Other researchers however see relations between public and private policing range along a spectrum from co-production, coordination, indifference, and competition to hostility (Crawford and Lister 2004: 60). Using the concept of the 'extended policing family', they identify four broad models reflecting the different nature of such relations in the specific context of security patrols in residential areas:

- An *integrationist* model whereby forms of private policing are integrated within the 'immediate police family' of the professional state police.
- A *steering model* whereby the police seek to 'govern at a distance' the policing activities of others.
- A *networked model* whereby plural policing providers link together in horizontal partnerships in the co-production of local security.
- A *market model* whereby competition structures the relations between divergent providers.

Each model is to be found to some degree in the 'current patchwork' of plural policing and recent policy initiatives (Crawford and Lister 2004: 60). As Stenning (2009: 22-23) comments: like most families, the 'extended policing family' is not always a very harmonious one, and is frequently driven by jealousies, enmity, competition, conflict and lack of mutual respect and common goals.

In a study on the role of private financial investigative agencies, Schneider (2006: 300-302) found that there is an 'implicit division of labour' between public and private police in money laundering enforcement. The private agencies are engaged in proactive, prevention-orientated work to help companies comply with transaction reporting legislation and regulations. Government agencies are said not to have the resources to provide the comprehensive range of services and intensive work required to ensure private sector companies are in compliance. This 'void' has been filled by private security agencies. According to Schneider, the level of informal and formal cooperation between public police and private accounting organizations is 'unparalleled' within the private policing sector as a whole. There is also a high level of respect among law enforcement officials for the contribution that forensic accountants can make to the investigation of financial crimes.

Williams (2005b: 334-336) however has a different view on the division of labour between public and private agencies in financial crime. The division of labour is a 'reflection of the structural contradictions underlying the governance of capitalistic economies' and the ways in which these contradictions have been translated into police mandates and resources. Governing the economy is something that is best left to the private sector, due to the risk that a more active public response would expose 'the nature of economic organization and thus dramatically reveal the interests of the powerful and the state'. The state is therefore only involved in the maintenance of the boundaries between 'legitimate' and 'illegitimate' business interests and the symbolic reassertion of the legitimacy and credibility of markets during time of crises. Therefore, the 'reigning' view that distinctions between private and public policing are less consequential to contemporary forms of governance betrays the 'highly politicized nature' of the financial field and is counter-productive in understanding the nature of financial governance.

Looking into the sharing of information between public and private security providers, Brodeur (2007: 33) found that the sharing of information is very selective. Private security firms share intelligence with the public police when their clients are private citizens, but not if their clients are corporate. In-house security agencies are believed to consider all information relating to their respective clients to be confidential and not to be shared. According to research of Lippert and O'Connor (2006: 60), clients are the main consumers of security intelligence and security firms are more likely to share security intelligence with their clients than with the public police. Research into the attribution of data by private security agencies for the compilation of threat assessments on organised crime, shows that this cooperation seldom is taken place (Verpoest and Van Dijck 2005: 8). On the level of the European Union, efforts have been made to formalise public-private partnerships in the fight against organised crime. According to the researchers, from a theoretical point of view private security actors could give a surplus value in threat assessments, as private security firms typically gain access to information pertaining to their clients that may be unavailable to law enforcement. Another aspect pertains to the quality of investigative capacities of large consulting firms. By combining the expertise of investigators from various professional backgrounds, it seems plausible to assume that more information can be collected and more insights can be gained than by a law enforcement agency. In comparison with law enforcement agencies, the private firms have the capability to use personal and technological resources from various areas. In addition these firms and especially the umbrella organisations of companies involved in private security often operate on a far more cross-national level than law enforcement authorities, which definitely is a surplus value in the field of assessing, preventing and combating organised crime (Verpoest and Van Dijck 2005: 14-16). But according to the researchers, some obstacles stand in the way of information exchange between public and private security agencies. Resistance could be expected from *both* sides of the spectrum. Some essential sector distinctions between public and private policing, in terms of the state versus the market, may not been forgotten and still be in the way. For private security firms it is not at all self-evident to share knowledge with police in concrete police investigation. As service providers these firms have to heed the interests and wishes of their clients first, which might result in refraining from sharing knowledge. Many corporations are hesitant to bring it in the open when they are victimized or when there services have been abuses. Being profit driven, the private sector will rarely voluntarily take on activities that will not enhance their own profit driven agendas. Also on the side of the law enforcement authorities there are concerns – even within the framework of the public-private partnership, one could be faced with the prospect of having non-governmental and non-security cleared staff processing some of the most sensitive criminal and intelligence information. 'The exchange of intelligence data between private and public sectors will therefore be no easy process,' Verpoest and Van Dijck predict (2005: 17; see also Adviescommissie informatiestromen veiligheid 2007).

However, there are other ways in which private and public security practices can influence each other, besides the more practical cooperation or competition practices. As Wood (2004: 36) describes, in the face of new players that have been jockeying for position in the security field, the public police have not only been emphasizing the specific capitals they have accumulated over time (political, cultural,

symbolic) in challenging the legitimacy of non-state providers of security; they have also been 'active agents' in taking on and integrating the sensibilities of these new private players in order to re-position themselves as more effective competitors in a field where the growth in consumer culture is readily apparent. These sensibilities in the private security sector are described as risk-based thinking. 'Security' is in this line defined and acted upon within this risk-based framework. The 'control of crime' is not seen as the mandate of corporate security, but rather it is the 'prevention of losses. Commercial decision making is geared to minimizing opportunities for loss and shrinkage to occur. At the same time, certain levels of loss will be tolerated if preventive measures entail considerable expense, or if such measures are unappealing to potential customers. While the public police look out for potential suspects, 'the private security officer's gaze is wider' (Johnston & Shearing, 2003: 79). Therefore, the public police's growing orientation towards information gathering, anticipatory engagement and proactive intervention demonstrates an ethos comparable to that found in the commercial security sector.

4.2 Hollowing out of the state?

Another, partly related, academic dispute can be found in analyzing the role of the state in nodal governance. For much of the twentieth century, security was seen as essentially a function of the state (Shearing and Wood 2003a: 401). This was true empirically, normatively and symbolically. States 'owned' security. The 'pluralisation' of security has however led to a splitting of governance into a wide variety of governmental nodes. What has occurred is an extension of the existing activities of non-state agencies as well as the emergence of new forms of governmental activity outside the state. Shearing and Wood (2003a) warn us that his development cannot be rightly understood as a deliberative governmental policy. A focus on governmental policies regarding private and public security has the danger of obscuring the extent to which these developments have occurred without direct state intervention. Therefore, the growth of non-state governance has made it more and more difficult to maintain a state-centred view of governance. The `myth of the sovereign state', as Garland (1996) puts it, has been revealed (Shearing and Wood 2003a: 403). Shearing and Wood urge the academic community to stop giving conceptual priority to state nodes in the governance of security, although they agree that at certain times and places state governments are empirically significant and powerful. But academics should recognize that changes in policing and the governance of security are not always intended, or that the effects of change are not always the outcome of a linear trajectory. Most of the times, they are mediated by resistance and contestation, contingent events, and the subtle alignment of interests, motives, and agendas. Once we stop giving conceptual priority to state nodes it becomes possible to consider what range of governmental nodes exist and how they relate to each other (Shearing and Wood 2003a: 406).

Others however resist the idea of a 'hollowing out of the state'. First, one might expect that the rise in private security is, for instance, accompanied by a corresponding reduction of public policing. Instead, it has been accompanied by an 'unprecedented expansion of the penal state' (Zedner 2003: 160; Van Steden and Sarre 2007: 12). That is, the privatization of policing has resulted in an extended state

apparatus of criminal justice despite the neo-liberal rhetoric of 'rolling back the state'. Additionally, rising private security demands for regulatory bodies that oversee, license and audit the industry, in turn generate a whole new complex of co-ordinators, managers and regulatory inspectors. Far from diminishing, the institutional architecture of crime control thus strengthens its position in society. In a study into the 'regulatory labyrinth' of private security, O'Conner et al (2008: 221) distinguish five different interventionist strategies of the state to regulate private security. For what theoretically ought to be a deregulated entity, it is remarkable how much is still imagined to be tamed directly via state regulation, the researchers conclude. 'These findings suggest that what the neo-liberal state sees is inconsistent with expectations gleaned from the governance and regulation literatures that encourage focusing on what occurs "beyond the State" and may well require rethinking of how neo-liberal governance is theoretically and empirically constituted' (O'Conner et al 2008: 221).

Second, governments have actively encouraged the rise of private security companies and have enacted regulations requiring private persons to act in ways that enhance public safety (Bayley and Shearing 2001: 10). Third, instead of a notion of state withdrawal, the rise in private security should be understood as a form of 'new contractualism' that seeks to govern through the 'conduct of conduct' (Crawford 2006: 454). In the words of Dorn and Levi (2007: 214): one must consider the private sectors contribution to the restructuring of the state. What is seen is not so much a retreat of the state, as its reformulation. Therefore, authors pledge fiercely that it would be foolish to 'throw out the state with the governance bath water'; in governing security, the state is a kind of 'eminence grise', a 'shadow entity lurking off-stage' (Crawford 2006: 458). In his research, Crawford found little evidence of a networked model of policing as a dominant or prevailing reality. According to Brodeur (2007: 32-33), concepts like nodal security are 'long on concepts and short on facts'. The empirical evidence is generally selective, spotty and anecdotal. The surge in private security personnel is (for now) largely limited to Anglo-Saxon and African countries, particularly South Africa (see also Rigakos and Papanicolaou 2003: 273). Further, most private policing is about 'low policing'. Empirical inquiries into homicide investigations and the screening of airport passengers showed that private security agencies were not involved, or when they were, the trend was recently reversed. Therefore Brodeurs' hypothesis is that the higher the stakes in security the more will the responsibilities of public government be (re)asserted (Brodeur 2007: 32). This hypothesis rests on two considerations that are 'generally neglected' by the private security theorists. The first one is the need for legitimacy in the provision of security; the second one is the issue of symbolic power that is very largely ignored within the nodal governance framework, which mistakenly places every security provider ('node') on the same symbolic power footing (Brodeur 2007: 32).

O'Reilly and Ellison (2006: 646), however disagree with Brodeur. They state that within the concept of 'high policing' the most significant lacunae is the failure to acknowledge the significant historical contribution of private actors and corporations to the nature, extent and scope of high policing forms. With the emphasis placed upon high policing techniques of covert surveillance by the *Pinkerton National Detective Agency* in the nineteenth and early twentieth centuries, and its deployment of vast

networks of informants and agents provocateurs, the Pinkerton Agency provided the template for North American state security agencies upon which Brodeurs' analysis is premised (2006: 647). Therefore, to presume that high policing is only applicable to state-based authority would be to neglect other sources of private authority, most especially those which are increasingly emerging at the global/transnational level. While predominantly concerned with the protection of corporate interests, the scope of private high policing activity increasingly encompasses the interests of nation states, supranational organizations and non-governmental organizations. At the transnational level, this is reflected in the shift away from state-centric security networks towards more complex nodal structures of security governance, within which private high policing forms are progressively important. Their interests differ, but can also converge, for instance, when private actors operate on behalf of the state. Further, it must be noticed that high policing actors - both public and private - operate within a risk-oriented approach to policing provision. Their role has always been defined by the application of pro-active preventative methodologies. The 'postmodern fragmentation' of security intelligence structures reflect the more complex relationships that now exist between state and non-state actors (2006: 650). Benefits exist for both states and corporate actors in establishing a critical distance between their actions and their responsibilities. Through the use of private contractors, states obstruct accountability through absorbing the 'corporate veil', 'commercial confidentiality' and the inapplicability of Freedom of Information legislation into their security activities. Conversely, states conspire to create an 'ambiguous legal status' for private contractors in theatres of conflict/reconstruction such as Iraq. Contractors then further obscure reality through a constant process of reinvention and re-branding as well as hiding behind the web-like complexities of corporate structures and contractual arrangements. O'Reilly and Ellison understand the new relationship between public and private high policing as a function of 'the emergence of transnational capitalism': It has created a new locus of both economic activity and private authority beyond the nation state, within which control and protection are provided by non-state actors, particularly those involved in private high policing. As private sector participation in state security has always been reciprocated by state security encroachment into the field of economic competition, the authors believe that these days the increasing involvement of national security actors in economic intelligence and counter-intelligence is such a 'reciprocal' activity by the state (2006: 654).

O'Reilly and Ellison also point at the 'revolving door' of high policing, whereby there is increased movement of security operatives from the public to the private sector. The security consultancy industry has extensive ties not only with the military and security establishment but also the political establishment. The 'old boys' club networks created by such public/private interaction inevitably provide significant scope for the pursuit of mutually advantageous associations (2006: 655). Whilst private high policing actors are increasingly engaged in the provision of state security, their public counterparts progressively encroach into economic and commercial affairs under the auspices of protecting national 'economic well being'. This cross-permeation and coalescence marks the advent of a new period of high policing dominance within which the preservation of state and corporate power is achieved by both public and private actors. Through the entry of trained intelligence professionals into

private sector intelligence activities, the government is donating some capabilities and knowledge the private firms might otherwise find hard to obtain (Arthur 1996: 25).

Drawing on Saskia Sassen's notion of state 'disassembly', Abrahamsen and Williams (2009: 3) situate the growth of private security within broader shifts in global governance. Instead of seeing the rise of private security as an erosion of state power and authority, they argue that what we are witnessing is the rise of new 'global security assemblages' in which a range of different security agents and normativities interact, cooperate and compete, to produce new institutions, practices and forms of security governance. What is at stake in 'security privatization' is much more than a simple transfer of previously public functions to private actors. Instead, these developments indicate important developments in the relationship between security and the sovereign state, structures of political power and authority, and the operations of global capital (see also Neocleous 2007: 344-349). Privatization and globalization are therefore not simply forces eroding the state, as states have themselves actively participated in their own partial 'disassembly'. Such interpretations overlook the manner in which the empowerment of private actors is directly linked to transformations inside the state and often takes place with the active endorsement and encouragement of state authorities. Rather than existing in opposition to the state, private security companies are in many occasions part of complex security networks that interweave public and private, global and local actors that cannot be neatly contained within national boundaries (Abrahamsen and Williams 2009: 6). That way the role of private security within global security assemblages can be seen as crucial to both the continued functioning of state authority and the operations of international capital. Security governance, in the sense of the authoritative setting and enforcement of collective norms, now increasingly transcends the nation state and includes private actors in extensive and influential roles. Contemporary global security assemblages mark the emergence of new security institutions and practices that are simultaneously global and local, public and private, and that draw on a broad range of capacities and discourses for their empowerment. 'In short, security governance is increasingly beyond the state, embedded in a complex transnational security architecture that is both a reflection and a significant component of the shifting structures of global governance' (Abrahamsen and Williams 2009: 15).

Looking into the military sector, Avant (2005: 65-66) notes differences and paradoxes in the relationship between the public and private military sector. States on the one hand want to control private military firms because it can affect the power and capabilities of potential rivals. On the other hand, the trade in arms and services can enhance a state's influence abroad. Commercial sales can provide a means for influencing security relationships abroad without necessarily implicating the state – opening the way for *foreign policy by proxy*. But the private option can also be seen as an alternative that avoids 'sticky political debates' and can take quick action when that is required. For instance, the use of private military companies opened the way for initial U.S. involvement in the Balkans when the use of U.S. military force seemed unfeasible. Avant therefore hints at private firms as an 'imperial force': the more the US acts unilaterally, the more it has to rely on private military companies (2005: 243). Private military firms, for instance, have begun to be utilized as an alternative way to circumvent

policy restrictions the American Congress placed on what the US military can do to support the Colombian state in their fight against drug cartels and insurgence (Singer 2003: 207). Hiring private firms as a substitute for official action gives a cover of plausible deniability that official forces now lack. The hire of the private security firm *MPRI* in 1995 to administer the *Train and Equipment Program* for the Bosnian Army allowed the US to accomplish its policy goals. The Bosnian Army received its training and build-up while the US military could claim to both regional and domestic critics that it was not directly involved; rather that the training was simply the work of a private firm (Singer 2003: 210).

However, relationships *within* the state can also be shifting as a result of private security practices. The contracting process often operates differently from the process of deploying a state's military forces. Contracting avoids the need to mobilize state machinery and centralizes influence with those in charge of dispersing funds to and overseeing the contractor. The redistribution of power generally favours executives relative to legislators, reduces transparency in a way that advantages the government relative to the electorate, and opens the way (through the provision of information) for private interests to affect policy implementation and goals. In strong states this change should be milder; in weak states it may lead the distribution of power to be more extreme. In both strong and weak states state contracts with private military change the process by which security policy is made, redistribute power and influence and thus change the political control of force (Avant 2005: 60). Private military firms provide the advantage of an extra layer of cover from public scrutiny and congressional oversight (Singer 2003: 48). In sum, the possible advantage of a shift toward privatized security is that by avoiding public debate or legislative controls, the government executive body may be able to undertake a much more 'rational' foreign policy (Singer 2003: 211). But such outsourcing usually works better in theory than how it turns out in reality. The outcome often includes the negative consequences that result from privatization, felt both in the immediate result and in such policies ' long-term effect on democratic governance.

5. Private policing: blessing or curse?

How should the emergence of private policing be valued? Is it a threat to established notions of civil rights, equality and impartiality? Or has private policing the potential of delivering security in a way that is beneficial for society? According to Forst (2000: 52), who has apparently not taken into account the influence of New Public Management on police forces, the private sector presents specific advantages alternative to a public police force:

1. Public agencies are shielded from competitive inducements to maintain the levels of service quality and quantity that are demanded of a private agency under the credible threat of replacement if the buyer of the agency's services fails to receive desired levels of service;
2. Management can more easily dismiss individual personnel who fail to conform to agency standards;
3. Governmental accounting procedures are biased against efficient resource allocation;

4. Private organizations have strong incentives to respond to specific and diverse user needs, suggestions, and complaints and can often do so more quickly, without the requirement for such communications to wend their way through cumbersome municipal bureaucracies;

5. Private security agencies tend to be more receptive to innovation and risk than municipal police departments;

6. Private agents have the authority to stop and challenge any person, without probable cause, for trespassing in a designated private area, and they can make arrests without having to give warning information to arrestees;

7. Municipal police departments may be able to reduce patrols in areas covered privately, thus freeing up resources for other public needs;

8. The delivery of many police services and specific police functions (such as vehicle towing and laboratory analysis of forensic evidence), like the production of services in other sectors, is subject to economies of scale - an approximate size that minimizes costs per unit of service delivered - that private organizations are more likely to achieve than public;

Johnston (1999: 176) also argues that it is important to look beyond merely negative consequences. Though the growth of private security undoubtedly raises 'serious questions about the impact of commercial principles on ethics, justice and accountability', the re-emergence of private policing needs to be considered not only as a problem, but also as an opportunity to identify and address critical questions of contemporary governance. For Johnston, dispersal of governance to corporate, commercial and civil sites located outside, or on the periphery of, the state is one of the 'most fundamental features of contemporary society'. Authors like Trim (2000; 2003; 2005) see no principal problems with this development. Trim believes for instance that corporate intelligence officers can cooperate with government intelligence and security officers, thus ensuring that corporate intelligence is placed within a specific context (2000: 204). There are common areas of interest. Strikes and sabotage resulting in upheaval and a decline in a company's productivity, with a resulting loss in competitiveness, can in turn lead to a nation's economic decline. This is where the worlds of business, politics, and intelligence come face to face, and where the intelligence objectives of 'friendly' governments converge (2000: 206). According to Trim, the 'company-intelligence services-government interface' becomes apparent in three broadly defined areas: (1) to combat domestic and International crime, and to ensure that companies do not break government sanctions (2) to safeguard the earth's resources and provide a platform for stability and wealth creation (3) to eradicate threats to national security (2000: 210). This last point, as Trim explains, means that both American businessmen and political leaders are arguably worried about the possible acquisition by foreign companies of high technology companies based in the United States; by the erosion of home industries through penetration imports; and the eradication of companies in the defence industry. Trim suggests a *Corporate Intelligence and National Security Model* (CINS) that shows how business intelligence and national intelligence converge (2000: 212). Later, Trim (2005: 456) proposed a '*Global Intelligence and Security Environmental Sustainability Model'* (GISES) that represents a 'comprehensive architecture' that facilitates the development of a partnership among the various intelligence and security agencies,

government departments, law enforcement agencies, and other organizations and institutions in both the public and private sectors. According to Trim, the model allows for open and effective communication among the various law enforcement officers, national security officers, and corporate intelligence and security officers involved in containing and counteracting the activities of organized criminal gangs and syndicates, and international terrorist groups. Looking at the threat of cybercrime related to critical infrastructure, Trim (2003) believes a close cooperation between the public and private sector is necessary and fruitful. Because cyber terrorism is 'complex and multifaceted', political scientists must work with other academics in order to better understand and interpret its intricacies, the mentality of potential cyber terrorists, and the economic ramifications associated with cyber terrorist attacks (2003: 595). In advocating and enhancing collaboration, Trim sees 'one major ethical issue' that needs to be addressed: confidentiality (2003: 596). The bottom norm is that under no circumstances must individuals working for public intelligence organization be compromised by cooperating with the private sector.

Donovan (2009: 733) calls explicitly for the ending of the Executive Branch monopoly on national security analyses in the U.S. In his view, privatization is necessary to guarantee analytical competence, transparency, and product integrity. He is foremost afraid of the influence of politics on intelligence and analysis. The National Security Council has always been a 'political hothouse', and now the National Intelligence Council has become 'a sauna'. 'No good reason can be offered for national security analysis to be the exclusive purview of any branch of government or, a 'cabal of agencies with vested interests in outcomes', Donovan states. Of course, a 'host of difficult questions' are associated with the suggested change, but 'only one question is relevant': Should the corrosive influence of politics on national security analysis be limited? Or, put another way, should power serve truth? If the answer to these questions is yes, then all other questions are subordinate and solvable (2009: 737). The advantages of government-sponsored, privatized national security analysis seem to 'be self-evident': (1) the analysis could be done by acknowledged experts with known credentials; (2) intelligence would be subordinated to national security analysis; (3) secrecy could not be used to mask weak evidence or shabby method; (4) transparency would boost public trust; and (5) all branches of government and the taxpayer would be exposed to available evidence, rigorous reasoning and the arguments of dissenters. In a slightly different reasoning, Steele (2004: 264) promotes the cooperation of different 'intelligence tribes', one of them being the private intelligence tribe. Steele foresees an 'emerging global intelligence network that will create a global information society helpful to global stability and prosperity'. Next to the traditional national intelligence tribe, six other tribes are emerging: the military, law enforcement, business, academic, nongovernmental and media, and religious or citizen intelligence tribes, the latter being 'smart clans' and 'smart mobs' challenging 'dumb nations' for power. Intelligence will be a mixed public–private good, because the Weberian model of bureaucratic management is simply not suited to the intelligence profession. In the twenty-first century, Steele states, the successful intelligence leaders will be those 'who break all the rules of the past'. They must (a) confront the political officials instead of allowing policy to dictate intelligence; (b) be public rather than secret; (c) share rather than steal; (d) think critically rather than silence critics (2004: 270). Steele

wants citizens to be more involved in the 'art of intelligence'. Policymakers must be held accountable by the public for 'foolish decisions with very bad consequences' far out into the future, and the provision of useful intelligence to the public will help them demand responsible decision-making with respect to public health, the environment, water and energy scarcity, cultures of violence, and other non-traditional threats to the general welfare (2004: 276).

Other scholars however have questioned the consequences of the emergence of private policing. Debates circle around some contested topics.

5.1 Inclusion-Exclusion

One of the problems noticed by scholars is the problem of purchasing power on the private security market. If private security and justice is administered through the market, it will not result in the social goal of uniform justice for all, as those lacking in purchasing power are systematically excluded from participation (Kempa e.a. 1999: 205; Avant 2005: 220). How can the poor participate in purely market-based approaches to enclave governance? One of the 'ironies' of private security is that it is least affordable by the very neighbourhoods that tend to need it the most. Wealthy communities are generally willing and able to tax themselves more for public police and to purchase more private protection (Forst 2000: 45). As Garland (1996: 463) notices, once security ceases to be guaranteed to all citizens by a sovereign state, it tends to become a commodity, which, like any other commodity, is distributed by market forces rather than according to need. The groups that suffer most from crime tend to be the poorest and the least powerful members of society and will usually lack the resources to buy security. This disparity between rich and poor will tend to propel society towards a fortified, segregated society and the demise of any residual civic ideal (Garland 1996: 463). The availability of private security in an open market-place allows privileged individuals and organizations to buy more protection than their less privileged counterparts (Van Steden and Sarre 2007: 11).

Private security may become part of a dystopian system which penetrates into human associations and serves the interests of wealthy and ruling elites, running counter to the social bonds that many would assert are essential to security. Private security guards are, after all, paid by those who potentially agree on policing activities in favour of their own priorities rather than serving the community's best interest. Van Steden and Sarre (2007: 11) point at the rise of gated communities or security enclaves that can - due to their exclusionary nature – breed more insecurity. When people retreat from wider society into their fortified, feudal-like enclaves, there is no guarantee that their feelings of anxiety and unease will be lessened. Paid private security tends to sweep marginalized segments of the community out of privileged spaces occupied by the wealthy (Kempa, Stenning and Wood 2004: 564). Exclusionary policing practices undertaken largely by non-state agencies within various forms of privileged communal spaces tend to sanitize those spaces by concentrating disorderly conduct in the spaces outside of them. Bayley and Shearing (1996: 593) also recognize the danger of private policing favoring institutions and individuals that are well-to-do. If private policing is not balanced by public policing, this will lead to the 'inequitable distribution of security along class lines'. They foresee another problem encapsulated in private policing: the prosperous sectors of

community who pay most of the taxes could withdraw resources form the public sector, arguing that they were paying twice for security – once to the government and once to hired private security. Some evidence can be found that the 'chronic' under policing of lower-and-middle-income neighbourhoods in the United States is the result of this tendency towards tax reduction. 'Undoubtedly the people who are most interested in reducing taxes are those who feel relatively secure and spend most of their time in privately protected places' (Bayley and Shearing 1996: 593). A similar criticism is given by Singer (2003: 226) in the case of private military firms. When marketized, security is often not about collective good, but about private means and ends. The privatization of security risk strengthening divisions inside countries. When security is turned into a commodity that can be bought or sold, society is, in effect, polarized. The wealthy are inherently favoured. Creating closed-off enclaves involves the setting of internal boundaries. Such privatized enclaves are in a sense an abandonment of the public realm in security. They represent a 'secession of the successful' from the rest of society (2003: 227).

Other scholars however, while agreeing that private policing can give rise to a division between rich and poor in the delivery of security, argue that solutions are available and that private policing also can be beneficial for society. Shearing, for instance, argues that a diminution of the police role and status may not prove to be a bad thing (2005: 61). 'History will not mind. It will simply mean, from a historical perspective, that a node that had been very dominant for a period in the governance of security moved from the centre of the field to the periphery and that this node had simply proved itself to be less relevant than other nodes that were more flexible and more innovative in responding to the challenges of governance' (Shearing 2005: 62). Three ways can be distinguished to prevent the division between rich and poor in the provision of security (Bayley and Shearing 1996: 593). First, the numbers of traditional police could be increased in poor high-crime areas. However, the authors state that this can also be unpleasant for the poor because it would lead to an intensification of traditional law enforcement. Second, the public police could adopt the community policing model for economically poor high-crime areas. Community and order-maintenance policing incorporates many of the adaptive, consensual, ends-oriented practices of private security. Third, communities themselves might develop their crime-preventing capacities.

To support this, it is necessary to enable poor people to participate in markets for security. The objective should be to provide poorer communities with the ability to sustain self-governing initiatives. One way of achieving this would be through block grants to poor communities so that they can participate in the commercial market for security. Not only does this level up access to security, it vests directive authority in the people most affected. If appropriate mechanisms for community self-government are created, block grants raise the likelihood that policing will be responsive to the wishes of the community. Block grants would encourage poor communities to develop security regimes that fit their problems and mores in the same way that private security adapts to the goals of businesses (1996: 603). Drawing on the Hayekian view that governance is best exercised when it relies heavily on local knowledge and capacities along with the view that markets often provide the best means of mobilizing those knowledge and capacities, they plea for 'local capacity governance'. That is, the democratic nature of security provision can be deepened by mobilizing local knowledge and capacity

so as to enhance the self-direction of local communities. Whatever the reasons for the pluralisation of governance, Shearing and Wood state, it is hard to imagine that this development will be turned around by a policy to re-establish state-centred governance. Therefore one needs to accept the pluralisation of governance and to accept that it is going to be around for a while and then to work within a nodal framework to respond to deficits. This involves working within a nodal governance framework to explore ways in which to enhance self-direction, to accumulate different forms of capital, and to improve community accountability (Shearing and Wood 2003b: 218). It is not the wealth disparity between the rich and poor as such that creates a gap in security provision, but the 'governing disparity' (Shearing and Wood 2003a: 412). Markets are not the problem, nor is neo-liberalism; markets are a good thing because they promote active citizenship and create choices. But more importantly, markets for goods serve as only one institutional arrangement through which communities can exercise self-direction and choice. Poor communities should strengthen their own arrangements for mobilizing local capacity, knowledge and resources to enhance their capacity of self-direction. Such institutional arrangements must consist of deliberative procedures that allow communities to determine common interest and common governance objectives. That way, poor communities can function as 'auspices and not simply providers in the game plan of other nodes' (Shearing and Wood 2003b: 213).

5.2 Accountability

Traditional accountability mechanisms are said to be unfit to the 'morphology of security networks' (Dupont 2004: 83). Existing regulatory means are usually focused on the actions of single organizations or individuals operating in well-defined sectors or domains, but do not appear to be properly equipped to deal with coalitions of interests transcending these boundaries. According to Newburn (2001: 844), the increased marketisation of crime control raises important issues about the governance of private security. The question of accountability is one of them. Many writers have drawn a contrast between public and private police, according to which while the public police are highly accountable for their activities, private police are subject to almost no accountability at all. In many cases, the state seemingly has little power or incentive to hold private police accountable. The most visible form of accountability – regulation via the state or other formalized body – has been called deficient. All of this leads to a concern among some scholars and practitioners that the formal accountability mechanisms for private police are weak and inconsistent (Davis et al 2003; Bayley and Shearing 1996: 597; Button 1998: 6-11).

Others however state that private sector people and organisations are always accountable in some ways through the state's judicial system (through criminal and civil liability etcetera), as well as through modes of direct accountability to the citizenry (e.g. as their customers). Stenning (2000: 33) states that not only most accounts frequently overstate the effectivity of public accountability of the public police by focusing on the ways in which they are theoretically accountable while not paying sufficient attention to the very real limitations to these accountability mechanism, but also understate the effective accountability of private police by ignoring mechanisms through which private police may be

held accountable, but which are not applicable to the public police. Stenning (2000: 340-345; see also Davis et al 1999: 199) distils seven accountability mechanisms through which private policing can be held accountable:

1. *State Regulation*: in most jurisdictions there is now some formal state regulation of at least some private policing operatives and organisations, although the scope and extent of this regulation varies greatly from one country to another. However, large multi-national private policing organisations may be able to use their economic power to extract substantial concessions or exemptions from regulating states. Other shortcomings derive not so much from the adequacy of the regulations themselves, as from the inadequate resources which are allocated to their implementation and the practical reluctance of regulators to fully enforce the regulations against economically powerful, often transnational, private policing suppliers.

2. *Industry Self-regulation*: some countries (e.g. the United Kingdom) have, up to now, officially encouraged industry self-regulation as an alternative to formal state regulation of private policing by the state.

3. *Criminal Liability*: like their public police counterparts, private policing organisations and operatives are subject to the criminal laws of the jurisdictions in which they operate and may be held accountable, through criminal prosecution, for violations of these laws.

4. *Civil Liability for Torts or Delicts*: civil suits against private policing personnel and organisations have been quite plentiful and quite often successful in many jurisdictions. The reported decisions in such cases have had an important influence in establishing standards of care, due diligence and competence in private policing work.

5. *Labour/Employment Law*: mechanisms for collective bargaining, grievance processing and arbitration in the workplace, and more broadly labour legislation concerning such matters as procedures for union certification, strikes and lockouts, etcetera, all provide vehicles through which private policing activities can be held accountable to management, workers and unions.

6. *Contractual Liability*: liability for breach of contract is another area of civil law which provides opportunities through which private policing may be held accountable. Related to contractual liability as a mode of accountability for private police is the practice of standard setting. In some jurisdictions, governments, in consultation with private policing representatives and other stakeholders have jointly established minimum industry standards.

7. *Accountability through the Market*: finally, the marketplace itself provides substantial opportunities through which private policing can be held effectively accountable to the public as consumers. This is a largely informal mode of accountability and its effectiveness in regulating private policing behaviour

is quite difficult to assess accurately. Effective private policing has, in this way, become a significant marketable commodity with which to attract customers.

In sum, Stenning finds that private police are accountable in a variety of ways which differ from those in which the public police are held accountable, but which may be no less effective in influencing and preventing or reducing abuses. The potential for 'robust accountability' can be realized when many mechanisms are used in unison. When multiple accountability mechanisms are developed and elaborated for private policing, then there is a strong possibility that officers will approach their jobs in a manner that is both respectful and effective (Davis et al 1999: 209). The nodalization of governance therefore has brought with it the nodalization of accountability (Shearing and Wood 2003b: 216); the new regulatory state has introduced new regulatory technologies such as the audit and other forms of market-based accountability. 'Customers' who enter into contractual arrangements can typically withdraw from such contracts if there is a gap between expectations of what they will receive and what they actually receive. This puts providers in a position of complying with the service delivery standards of their customers because other providers can replace them. Community auspices with security budgets are able to act as 'customers' of service delivery. These customers can determine common interests, set performance targets and hold providers accountable to these targets through economic incentives. The 'unfortunate reality', however, is that there is little reliable systematic evidence about the effectiveness of these various accountability mechanisms either for the public police or for private policing (Stenning 2000: 345). The same goes for the accountability of plural security networks in which public and private security organizations cooperate. This is even more true when the security networks are international. Traditional forms of accountability, embedded in the concept of sovereignty, need to be replaced by a new form that is more adaptable to a big picture perspective and the level of complexity involved in fighting transnational crime (Gerspracher and Dupont 2007: 361). Attempts to design network-centric regulatory entities, such as the Patten Commission's recommendation to create a policing board instead of a police board – steering and overseeing not only public police but also private police - are still isolated occurrences. Authors mostly uncover multiple, fragmented and unconnected layers of accountability. The 'reflective accountability mechanisms' needed in the security networks era are still in their infancy (Dupont 2004: 83).

For the private intelligence sector, Voelz (2009: 606-607) raises the question whether the private corporations employed by the Intelligence Community should be expected to adhere to similar standards of accountability as their government partners. As the centre of gravity shifts from the public sector to the private, more than one independent intelligence firm has developed plans to raise succeeding generations of officers within its own training systems. These corporate-grown agents will be inculcated with corporate values and ethics, not those of public service (Hillhouse 2007). As private contractors increasingly take on significant aspects of core governmental functions, it is necessary to consider whether citizens should rightly expect commercial entities to uphold similar standards of behaviour or be held accountable to an implicit system of values, judgment, and restraint in justifying their access to sensitive national security information. Contractor employees first and foremost

represent the interests of their employers and company shareholders. While they may provide critical skills and services to the government, their priorities must not be conflated with that of the national interest. Therefore, according to Voelz, a basic question that must be considered by policymakers as they determine the appropriate roles for contractors in the intelligence community is whether the institutional values guiding the intelligence profession are consistent with profit motives of private corporations (Voelz 2009: 607).

5.3 Regulation

The emergence of a plural policing environment raises more general questions of regulation, besides the problem with accountability. The full implications of plural policing and the rise of private security for effective governance of policing have not, however, yet been sufficiently acknowledged and explored (Stenning 2009: 30). Most scholars take the position that it is hard to imagine any agency other than the state with the capacity to undertake the task of governing a plural policing environment. One way the state is trying to govern the private security industry is by regulation.

These forms of regulation tend to reflect a business regulation model rather than a model of public service governance. Government involvement in such regulation is typically limited to setting and enforcing minimum standards of service (and sometimes qualification and training) through licensing and certification and protection of clients from fraud and malpractice through insurance and bonding requirements, and through mechanisms for receiving and responding to complaints. Typically, a single government agency is given responsibility for all these regulatory functions. O'Conner et al (2008: 212) found five regulatory dimensions concerning private security. 'Regulatory dimensions' are 'indices' of the different ways in which the State 'sees', that is they are attempts at governing that derive from specific problematizations of private security and from the ways in which problems come to be understood and perceived as such.

1. Governing-at-a-distance: The State acts as a general manager of civil society through extensive regulation, standard setting, and inspection. The neo-liberal concern, stated simply, is that the State should not be doing too much of the governing of the autonomous, non-political domain beyond the State. Therefore it fosters and authorizes the self governance of autonomy beyond the State.

2. Governing training: As a dimension of regulation, training requirements serve as an index of the nature of the state mandated disciplinary transformation and self-discipline required of officers and owners within the private security industry. These attempts to standardize training also serve to discipline the private security industry by chasing out so-called fly-by-night agencies.

3. Governing character: This dimension reflects the problematization of private security in moral terms and the aim to act on this problem through the screening of candidates for security work based on their past conduct (rather than their current abilities). In this way, problems that arise from the conduct of private security are seen by the State as stemming from the problematic character of individuals that enter the industry, rather than the industry's character.

4. Governing identity: The regulation of security officer identification cards, officer uniforms, and agency advertising represent a regulatory dimension O'Conner termed 'governing identity'. This dimension pertains to the problem of how private security is seen in relation to state security auspices. The governance of identity attempts to ensure that private security personnel and businesses are seen to be distinct from public police despite the increasing convergence of private and public policing/security practices.

5. Governing information: Attempts to control information reflect, on one hand, the neo-liberal problem of governing autonomy through deployment of privacy requirements. On the other hand, there is recognition of the importance of 'private-source' information for the requirements of 'law', that is, for the furtherance of liberal policing/security efforts.

Whereas O'Conner concludes that the private security sector is far more regulated and governed than was to be expected, other scholars see fundamental problems with regulation, coming from the complex relationship between the state and the private security sector. The private sector is not only invited into state preserves, it also plays a part in the modernization and reform of state and law. From this perspective, what is seen is not so much a 'retreat' of the state, as its reformulation. This complicates regulatory issues (Dorn and Levi 2007: 214). Zedner (2006a: 279) accuses the state of being 'less a regulator of the private security sector than its pimp', as in 'countless official documents and public speeches', the regulators appear less concerned about the poor quality of protection than the failings of the security industry as a commercial enterprise. Instead of debating what security is for, for whom it must be secured and by what means, the emphasis of governmental regulation is upon ensuring the health and profitability of the industry; that way government reduces security to the commodities of locks, alarms and video cameras and denies it 'any larger ethical purpose' wherever it is provided. In the security market, crime is less a moral wrong than a source of economic loss and hence a potential driver of consumer demand. A more 'benign interpretation' might be, as Zedner adds (2006a: 282), that governments simply have to play the commercial card if they are to have any chance of success. Governments cannot hope to govern the private security industry by wielding big sticks alone. But in seeking to regulate, the state has invoked the private security industry as 'collaborator'. It follows that the state must inspire co-operation on the part of its industry partners if it is to secure their compliance. According to Zedner, evidence in this direction is to be found in open admissions by the regulators that they are reliant upon industry participants adapting their strategies, business models and behaviour as mechanisms of self-governance. Collaboration and compliance slip into complicity as the state sets itself up as 'pander to a billion-pound industry' (Zedner 2006a: 283).

Further, private security firms operating on a global scale have a simple option to escape state regulation: move elsewhere. Most of those firms have fluid structures and are not bound to a particular location (Avant 2005: 67). Many of its firms operate as virtual companies. They use databases of qualified personnel and specialized sub-contractors. That allows global location. Companies can

rapidly dissolve and recreate themselves whenever the need arises (whether due to potential regulation, prosecution or even the need to shed a poor brand name). This fluid structure is a major reason why many private military firms advocates are able to make a claim that private military firms do not work against the interests of their home states (Singer 2003: 75).

From a different angle, Stenning points at the problematic situation that no matter how the private security sector is regulated, it will be different from the rules that regulate public policing. In a situation of plural policing this will be unsatisfactory. For instance, the regime of governance under which policing is provided at a football stadium, will be quite different if the stadium management decides to pay for public police officers to do the policing, than if it decides instead to deploy its own in-house security service or contract for the services of a commercial security company. Yet the experience of being policed and the public interest in appropriate, lawful and effective policing of a public event in a public place will not be significantly different for the football fans in either case. 'It is hard to see how such great differences in governance for policing in such circumstances, consequent solely on a business decision by the stadium management, can be justified' (Stenning 2009: 27). Van Steden and Sarre (2007: 13) expect in the context of the EU's 'preoccupation with liberalization and deregulation', that the nationally institutionalized 'statutory controls' of private security may be altered or replaced by greater emphasis on industry self-regulation and accountability through 'market forces' in the future.

Acknowledging that self-regulation, done properly, can have advantages, they point however at the 'convincing evidence' that the market economy, specifically in a growth industry, is not capable of taking out suspect and poorly functioning companies. Keen competition may in fact force margins down to the point where companies are strongly motivated to undercut competitors by paying under-award wages and misrepresenting service levels. Therefore, Van Steden and Sarre support Stenning's plea that researchers and policy-makers should be turning their gaze to appropriate and effective models of co-operation and regulation in which all players who participate in policing networks are represented. The state, despite trends towards 'privatization' and 'Europeanization', has a key role to fulfil in these networks, as it is responsible for balancing commercial and public interests in a way that best serves social issues of equality, democracy, fairness and performance (Van Steden and Sarre 2007: 14). Of course, this is an inherently normative perspective. One strategy could involve bringing all 'policing' practices under the control of democratic institutions such as commissions, citizen boards and other 'watchdogs' at local, regional, provincial and national levels to ensure that they are not acting in a fashion that is counter-productive to the desired outcomes. (Van Steden and Sarre 2007: 15). Some authors have tried to come up with concrete alternatives representing the idea that democratic organs should supervise plural policing; Ian Loader (2000) for instance published an influential article in which he proposed the setting up of 'policing boards' that should govern all aspects of plural policing. That way, the same principles (recognition of all possible contributors to policing provision, a commitment to respect for human rights in all policing provision and a commitment to equitable access to effective policing) would be governing public and private policing. These ideas,

although well received in scientific community, have however remained unfulfilled aspirations (Stenning 2009: 29).

The different thoughts on the regulation of private police are reflected in the diverse, complex and multifaceted policing arrangements in the European Union. That makes it necessary to shed more light on the shapes, sizes and legal systems of the commercial security industries in Europe. Research of Button (2007) for instance reveals disparities between the generally highly regulated mainland European countries and the minimal Anglo-Saxon models in England and Wales, North America and Australia. Button produced a 'league table of regulatory systems', in which criteria were used to rank the private security regulation in European countries concerning one segment of the private security market: unarmed security officers in the static manned guarding sector (Button 2007: 120). Button looked at regulation issues like the existence of a licensing system, mandatory training for security officers, minimum standards relating to experience, training and qualifications for managers, and whether in-house security guards were subjected to regulation. The research leads to the following graphic (Button 2007: 122):

Graphic 3: League table of the regulatory systems for the static manned guarding sector in 15 EU states

State	Licensing of Contract Security Guards	Special licensing of security firms	Mandatory training for security guards	Managerial competence and or training standards	Licensing of in-house security guards	Total score
Spain	2	2	4	2	2	12
Belgium	2	2	4	2	2	12
Netherlands	2	2	3	2	2	11
Portugal	2	2	2	2	2	10
Sweden	2	2	4	2	0	10
Denmark	2	2	3	2	0	9
Finland	2	2	3	2	0	9
France	2	2	1	2	2	9
Ireland	2	2	1	2	2	9
Austria	2	2	0	2	0	6
Germany	2	0	1	2	0	5
Greece	2	0	0	0	2	4
Italy	2	2	0	0	0	4
England & Wales	2	0	1	0	0	3
Luxembourg	0	2	0	0	0	2

5.4 Insecurity as a commodity

A 'fundamental contradiction' in the provision of private security is that companies have no financial incentive in promoting real security. Strategies of commercial security tend to differ significantly from those of the traditional police in that they are more instrumental than moral, offering a more proactive rather than reactive approach to problem-solving. They tend to be concerned with loss prevention and risk reduction rather than with law enforcement or the detection and conviction of criminals (Crawford

2003: 152). Security threat is big business and any reduction in threats in fact threatens the security economy. In other words, fear and government failure become good economic policy. Where genuine security threats are not sufficiently profitable, exaggeration and fabrication can supplement. In the words of a leading private security provider, the security industry transforms "risk into opportunity" (Weiss 2007: 9). The impressive profitability of the security industry provides a powerful incentive to fashion public and foreign policy around its interests, often at the expense of the social interest. Undermining genuine security is the network of personal and financial connections among state officials, multinational corporations, and private security companies that constitute a neoliberal 'security-industrial complex' (Weiss 2007: 11; Markusen 2003). Private security engages in risk reduction activities, but at the same time take advantage of crime panics. The persistency of insecurity may be a challenge for the private security industry, but it also legitimizes it (Van Steden and Sarre 2007: 14). Many advertisements for security products play on the fear of crime, and exaggerate the likelihood of it occurring. Ironically, for reasons of their 'own safety', citizens are constantly alerted to dangers, with potentially negative consequences for how they perceive and judge their social environments. The collective desire for security can easily derail in a policing culture that infringes unfairly upon civil liberties and, ultimately, undermines the face-to-face relations of trust and solidarity on which a well-ordered society is built (Van Steden and Sarre 2007: 14). In the case of Poland, Los (2002: 177) analyzes that Poland's private security sector seems to have played two decisive roles: first by producing and increasing risks, and then by creating a new demand for market-based means to govern those same risks. As 'gated' communities, secure buildings, protected parking lots, alarm and surveillance systems, window bars and cellular phones emerged in the physical landscape, they changed the mentality that everyday language reflects. The 'protection industry' taught people to be prepared to pay for security. By simultaneously contributing to social insecurity, defining risks and supplying expensive means to address them, this sector has worked to shape a new 'risk mentality' that generates mushrooming demand for its own products and services. Well-organized, informal networks can skew both the mode of governing and the formation of new mentalities. (Los 2002: 178).

Security firms do not engage in the security industry because they have an interest in 'social control' or 'surveillance'. Rather, they engage in the industry because of a far more mundane interest in making a profit. Security is increasingly a commodity bought and sold in a competitive marketplace. One consequence of commodification is that security is distributed by market forces rather than by need and the differential capacities of the public to buy security. In this market, contract security providers have their own interests, namely, to reproduce temporary contractual relations with their existing clients and to generate new clients (Lippert and O'Conner 2006: 63). To make a profit, the security industry must sell security. And to sell security, it must first help generate insecurities. In so doing, it reiterates the central logic around which the national security state is organized: that citizens need to be afraid, and need the state to secure them (Neocleous 2007: 350). Where the state uses such fear to sustain support for the national security project, the security industry aims to turn the feelings associated with (in)security into the consumption of commodities. The security industry thus uses its purported concern for human beings and their security to reinforce the logic of both security and the

commodity form across the face of society. The implication is that only an ever-increasing consumption can make us secure: only consumption can secure us now. Neocleous therefore states that far from undermining the state, the security industry both feeds on and feeds the very ideology propagated by the security state. The security industry is thereby integral to an 'imagined economy of insecurity', simultaneously relying on the range of social and political fears on which society both depends and feeds, and yet also dependent on the belief that more and more consumption, more and more commodification, can save us from our insecurities. 'This reinforces the logic of security around which the state is organized' (Neocleous 2007: 354). The security industry (both private and public) relies upon the persistence of crime for the continuation of its venture (Christie 1994). Professional careers and business interests rely upon the continued threat of crime and would not necessarily be served by the eradication of risk, even if it were feasible. For governments whose political capital is so heavily invested in fighting the war against crime, victory would be a double-edged sword (Zedner 2003: 159), as crime remains one of the few domains over which governments can plausibly claim some power to affect change. Crime is essential for the vitality of the security market; without it shares would surely tumble.

5.5 Private Justice

Private security has the tendency to favour the rich, as was stated in paragraph 5.1. Some scholars argue that private policing in fact establish a system of private justice that runs parallel to the state judicial system. It is typical for the private sector to settle internal problems quietly (Dorn and Levi 2007: 224). A British survey found that nearly half of businesses don't inform their external auditors of instances of economic crime, although 68% inform their internal auditors, and only 38% inform their industry regulators. The manner in which a private security firm will conduct an investigation for a corporate client is influenced by the preferences of the client in relation to prosecution. If a court case is a possible option, then a standard of proof capable of standing up in civil and/or criminal court will be sought, and at some stage the case will have to be handed over to the authorities. If, however, the client would prefer to settle things quietly, to avoid damage to their reputation, a lower standard of proof would be required, sufficient to confront the miscreant on grounds of breach of trust and/or contract, and to negotiate his or her quiet departure and some level of financial reparation (Dorn and Levi 2007: 225). Research by Bussmann and Werle (2006: 1134) showed that more than 95 per cent of all investigations into potential fraudulent cases worldwide were not investigated by law enforcement authorities but by internal and external tip-offs or by accident. Generally, the companies themselves detected the perpetrators, as the proportion detected by law enforcement agencies is only 4 per cent. High social status is a consistent characteristic of offenders across cultures. Eighteen per cent of identified perpetrators worldwide belonged to the senior/top management and 25 per cent to the middle management of their company. A total of 18 per cent had postgraduate qualifications and 34 per cent a first academic degree (Bussmann and Werle 2006: 1135). Most companies launched internal or external investigations after first suspicions of serious economic crime had arisen. Criminal charges were brought only against less than half of the suspects. Further, companies clearly took the offender's position into account when reporting an offender to the authorities. If he or she came from

top management, criminal charges were brought in only 40 per cent of cases worldwide compared with 55 per cent against employees below the middle management.

The study further revealed a strong dissatisfaction with law enforcement agencies, their investigations and their success throughout the world. Managers thought little of the justice system. Only 28 per cent were satisfied with its procedures, with the lowest rates in Africa (16 per cent), Japan (17 per cent), Central and Eastern Europe (23 per cent) and South and Central America (24 per cent). The data further indicate preferential treatment for offenders from the top management: Even if transferred to the criminal justice system, on average, only 26 per cent of offenders from top management were sentenced compared with 34 per cent from lower-ranking staff. Taken together, these can be deemed strong incentives for the internal settlement of the cases (Bussmann and Werle 2006: 1140). Companies worldwide prefer internal settlements of cases when they have been victimized through economic crime, and business globally develops a set of strategies of prevention and control in the shadow of the criminal justice system, Bussmann and Werle concluded (2006: 1142).

As stated above, companies express strong dissatisfaction with law enforcement agencies and the criminal justice system. Companies claim that they had often approached the police in the first instance following discovery of criminal activity either against or within their organisations, but the police either directly expressed disinterest or otherwise indicated this by inaction. Further, there appears to be a dominant view within many private companies that police involvement should be considered the last resort, especially in response to internal offences. This is based on the rationale that companies risk losing control of the investigation once the police are invited to respond. This creates the possibility that investigative activities are more likely to be conducted with police interests, as opposed to corporate or business interests, as the first priority. This view is further emphasised in high profile cases which, if publicised without the organisation's management and control, can undermine market confidence and other aspects of corporate reputation and market position. Finally, private companies may feel under pressure to disclose certain information which they would prefer to remain confidential to the police during an investigation. This may concern working practices, customer and supplier details and other 'company confidential' information. Private investigators offer an attractive solution to all the above problems (Gill and Hart 1999: 252; Dorn and Levi 2007: 231). This possibility takes criminal investigations into a realm beyond due process and affords almost absolute control over the investigative process and, in effect, the administration of what effectively becomes 'private justice'. According to Gill and Hart (1999: 253) this term has 'sinister overtones' that denote rejection of democratically accountable systems for dealing with behaviours deemed to be undesirable. However, they state, private justice systems can be 'essentially benign' and are supported, even encouraged by public systems as being in the interests of the greater good. But they agree that more 'cynical interpretations' of private justice can be justified as it serves to meet private needs possible at the expense of wider interests. Therefore, Dorn and Levi (2007: 231) conclude that there are clear limits to the convergence or blurring of public and private policing. These limits reflect the defensive sensibilities of the private sector, as much as any boundary maintenance by public authorities, where ambivalence about policing the business sector seems rife.

In an in-depth study of the forensic accounting and corporate investigation industry (FACI), Williams (2005a) describes the 'fairly dramatic transformations' the forensic accounting underwent from the mid 1980s. Inside a number of major accounting firms, independent forensic accounting units were formed, which expanded their service lines to include a wide range of investigative and analytical functions directed primarily to the corporate rather than the police market (Williams 2005a: 190). Second, the recruitment of senior police investigators as a means of supplementing the financial expertise of accountants with more specialized legal knowledge, investigative skills and interpersonal contacts. Third, the emergence of a number of medium-level corporate investigation firms staffed largely by former police officers and providing a similar range of services to the larger firms, but at much lower hourly rates. And fourth, the proliferation of two or three member private investigation firms delivering specialized investigative services geared specifically to a corporate, rather than matrimonial or interpersonal, market (Williams 2005a: 191). The historical trajectory of forensic accounting is thus marked by a definitive period of expansion and diversification from a rather narrow litigation support function performed almost exclusively for the public police, to a general investigative and analytical resource geared to the financial security needs of the corporate community (Williams 2005a: 191). The FACI industry thus consists of an extremely diverse assemblage of organizational forms, mandates and practitioner groups (Williams 2005a: 192). The growth has been driven by commercial interests and financial imperatives. Despite these manifest financial interests, practitioners continue to promote a public image of independence, autonomy, and reasoned judgment, and likewise play up their reputation as independent experts committed to ferreting out fraud and safeguarding the interests of investors, shareholders, and management alike. This is done by converting 'forensic accounting' into a distinct and highly recognizable professional brand and the marketing of the industry as a type of one-stop shopping for the financial security needs of the corporate sector (Williams 2006: 216). This way, 'in the shadow of the law', private orders arise as forms of 'customized justice' that have four key features: (1) client centeredness; (2) legal flexibility; (3) privacy and secrecy; and (4) legitimacy (Williams 2006: 219). What is at stake in the FACI industry is the production of a mode of quasi-juridical ordering that corporate and other economic actors are able to mobilize in response to an assortment of financial losses, transgressions, and improprieties, whether real or imagined. These private legal orders are ultimately products of professional markets and resemble commodities subject to economic logics and market forces, notwithstanding the dedicated efforts of industry practitioners to prove otherwise. The activities of the FACI industry resemble a form of financial governance but are far removed from the institutionalized and enduring forms of monitoring and associated with formal regulatory bodies. Besides that, private enforcement lacks a 'larger normative agenda'.

One of the 'defining properties' setting the FACI industry apart from public police is its direct and immediate responsiveness to client objectives, needs and interests. The decision as to the specific objectives that will be pursued in any given investigation depends not only on the factual circumstances of a case, but also and more importantly, on client interests in secrecy and the avoidance of embarrassment, discretion and control, and legal and adjudicative flexibility. First and

foremost is the need to avoid the embarrassment and negative publicity associated with revelations of fraud (Williams 2005a: 194). Second, clients are often interested in discretion and control; that is, they are eager to maintain control over exactly what facets of an issue or case are investigated, the types of techniques and strategies that are utilized and decisions as to how to proceed based on revealed findings. The ability to make these types of strategic decisions in light of their own unique needs and circumstances is highly valued by clients and represents as one of the key advantages of FACI firms over the public police. Third, clients require flexibility in responding to alleged incidents of wrongdoing. Access to a range of different investigative avenues and legal solutions maximizes client choice and allows them to tailor case dispositions to specific objectives and interests. In catering to this demand for flexibility, forensic accountants and corporate investigators serve as purveyors of a unique form of 'customized justice'. Forensic accountants and corporate investigators are able to draw upon and mobilize an array of investigative and legal avenues. These exist on a continuum ranging from private and informal (low visibility) to public and formal (high visibility), and provide opportunities for satisfying very different types of client objectives, needs and interests. This diversity is essential to the customized justice mentioned above (Williams 2005a: 195).

According to Williams, this situation raises some very real legal and policy questions and concerns regarding the existence of democratic governance. These may be grouped into three separate clusters. The first cluster includes the client-driven nature of engagements and the lack of objectivity on the part of industry practitioners. There is thus a constant tension between commercial imperatives and professional standards not unlike that in other professions. A second cluster includes creative and/or questionable investigative strategies and techniques. This ranges from illegal wiretapping to the violation of individual privacy and unauthorized access of confidential information to outright theft. A third cluster pertains to multiple legal proceedings and the types of standards and procedural restrictions governing the transfer of evidence and information from one legal sphere to another. Of particular interest is the transfer of cases from the private and/or civil realm to the criminal domain. Here the problem is not only a lack of transfer protocols, but also a more systemic tension between the constitutional assurances of due process and individual rights afforded within the public sector, and the legal status of investigators as private citizens removed from the constitutional burdens of state actors (Williams 2005a: 199-200).

Some of the characteristics of the FACI industry have also broader implications for public justice. Johnston (1999: 189) raises two issues. First, there are obvious ethical questions about the maintenance of public justice. How, for example, can one ensure that those subjected to informal sanctions are 'deserving', rather than 'undeserving', targets? Secondly, the growing interpenetration of the different branches of security (civil police, commercial security, state security and the military) at both domestic and international levels undermines conventional distinctions between 'high policing' – concerned with the protection of the state – and 'low policing' – concerned with routine matters of crime prevention and order maintenance (Johnston 1999: 190). Besides that, private policing can do things public police cannot. The metaphor for private policing's distinctive mentality is "gates" (Bayley

and Shearing 2001: 18). Private security regulates entry, limits participation, and excludes on the basis of presumptive signs of bad behaviour - membership (residence, employment); dress (T-shirts, bare feet); and behaviour (obscene language, skateboards, boom boxes). It can profile: take premonitory action on the basis of social criteria that do not have to be justified in terms of law. Unlike the public police, private police are not hampered in their regulatory actions by probable cause. Private security is primarily concerned with governing the future: its objective is to prevent crime. The consensus is that private policing is more concerned with preventing than punishing crime. Rather than deterring crime through the threat of detection, arrest, and punishment, private policing tries to regulate behaviour and circumstances to diminish the possibility that crime will occur. In so doing, it focuses less on people who are behaving unreasonably and more on reasonable people who will comply with crime- and disorder reducing directives. By emphasizing the responsibilities of all, private security tries to create an environment of discipline and order that limits opportunities for crime, reassures law-abiding people, and constrains the deviant few. The mentality of private policing is similar to that of self-help by individuals: conciliatory rather than penal, emphasizing desistance rather than punishment, concerned with outcomes more than rules, and speedy rather than measured. Reducing security to the commodities of locks, alarms and video cameras denies it any larger ethical purpose wherever it is provided. In the security market, crime is less a moral wrong than a source of economic loss and hence a potential driver of consumer demands (Zedner 2006a: 282).

5.6 Security as a public good

Discussions on private security tend to focus on regulatory issues. However, according to Loader (1997: 385), lack of regulation is neither the only, nor even the most pressing, question raised by the commodification of security. Even the most stringently controlled private security industry might still serve to cement and exacerbate social inequalities. That more pressing question is one of distributive justice and can, according to Loader, perhaps best be formulated thus: what kind of limits would a political community, committed to equal citizenship and concerned to encourage social cohesion among its members, impose from the market exchange of security provision? Loader feels that a 'deep and inclusive' interpretation of the meanings security has as a social good within liberal democracies is one that severely precludes it being treated as a commodity and bought and sold freely on the market. Security is a 'needed' - yet at the same time problematic - 'good' requiring another kind of distributive principle. Security ought not to be acted upon as a tradeable commodity because of the 'intimate connection' between the provision of security and political authority. Policing has to stay within a legally constituted community of citizens in need of legitimation. Further, Loader states that security is an 'indivisible social good', as it is inexorably connected with the quality of citizens association with each other: the texture of social relations, the thickness of social bonds. By allocating security on the basis of wealth and social interest, market allocation atrophies the connections between public safety and citizenship. In enabling security to be bought and sold, it licences the emergence of private orders and communicates the idea that security can be obtained without reference to the common good. Political deliberation should be the principle for deciding how scarce security resources are to be distributed. Such deliberative politics works to strengthen

connections between security and the common good, operating so as to foster trust and enhance social solidarity among citizens. As such, deliberative politics serves - 'in an age when all forms of common life are challenged by individualism' - to build the ligatures that markets left to their own devices tend to destroy (Loader 1997: 387). It does imply 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 2005). Loader therefore supposes that in establishing the very frameworks of stable community which make the provision of objective security measures possible, some common sense of social identity must already be present and must continuously be sustained. Therefore, the 'social and constitutive dimensions of security' are independently necessary to the provision of security as instrumental to individual liberty.

Loader argues the state should have the primary role in the constitution of security, as the state is a form of a constitutive political community that is able to act as a last resort of coercive authority and produces social identity. He recognizes that states have historically been involved as ordering devices, as sources of the rules, resources and administrative capacity necessary to the production of collective security. He also acknowledges that through the development of a sense of belonging, dignity and authenticity in the form of national identity, states have also been engaged in crafting social identities which provide the motivational force both for providing and maintaining the ordering infrastructure and for nurturing a social environment in which civility is relatively high, security risks are relatively low, and thus the ordering infrastructure is reasonably sufficient for its task. Policing institutions, Loader adds, have been active symbolic agents in the forging and mutual reinforcement of the nation-state nexus. However, Loader sees the 'flipside of this historical record of instrumental and cultural work': the propensity of the state to meddle, to reflect and enact the bias of the most powerful, to decide without sufficient knowledge or foresight, and to mobilize and celebrate an intolerant idea of cultural uniformity. An answer could lie in 'arguing and legislating' for as much openness as possible and many checks as can be incorporated against undue meddling, bias, uninformed decision-making and cultural imperialism in the ordering and cultural work of the state. Loader introduces the concept of 'anchored pluralism'. The state, in the sense set out above, should remain the anchor of collective security provision, but there should be as much pluralism as possible both, internally, in terms of the constitutional inclusiveness, representativeness and minority protection mechanisms of the democratic and administrative processes through which the aspiration of collective security is reflected upon and pursued, and, externally, in terms of the recognition of the appropriate place of other sites of regulatory and cultural production. In this second, external dimension, the role of the state in ordering the security field should be sees as 'a meta-regulator' and in the cultural field as a wide boundary of social and security identity within which other social and security identities may be nested.

The gradual de-coupling of police and state should therefore be opposed. A positive connection could be reformulated, flowing from an appreciation of the status of policing as a public good (Loader and Walker 2001: 11). Citizens identification with state policing also contains a recognition of the relationship between policing and 'publicness', of the importance of national public institutions being

accountable to a larger public and certainly influenced by this national public. It challenges the idea that the safety and security of citizens should rest on the shoulders of individuals, or be given over to commercial interests. So therefore, policing is a thick public good (Loader and Walker 2001: 25) and policing can or should remain primarily a matter of state provision and regulation. The state is currently the only political form with the capacity to secure legitimate, coordinated, effective and equitable policing which contributes to citizens' sense of attachment and belonging (Loader and Walker 2001: 28). 'The state continues to offer the best hope we have of securing policing forms that are not merely efficient and effective, but also supportive of hard-won and all to easily lost democratic entitlements and freedoms.'

Johnston also pleas for a strong governmental role in both public and private policing. Otherwise, plural policing, if left unchecked, may give rise to a fragmented system which combines the worst of all worlds: ineffectiveness (due to lack of co-ordination between the elements) and injustice (due to inequity in the distribution of the services). On the other hand, pre-occupation with risk – and, particularly, the assumption that every risk justifies a security response – if left unchecked, may threaten the emergence of an invasive policing system located within a 'maximum security society'. The implication is that diversity and risk demand 'good' (effective, just and democratic) governance. But a statutory control of private security is not a sufficient response to the problem, because the imposition of state control over a single element within a diverse security network – in this case commercial security – leaves unresolved the question of the relationship between the different elements. Secondly, the project of state control is also problematic. Good governance of security cannot be reduced to the imposition or re-imposition of state authority over policing for the simple reason that 'the state' – as a unified, authoritative, exclusively public body, with an in-built capacity to exercise sovereign control – is becoming a fiction. So, in the absence of sovereign authority, diversity is the context in which problems have arisen, and is the context in which those problems have to be resolved. Johnston therefore suggest a model of 'optimum policing', the purpose of which is to secure public interests under conditions of diverse security. Optimal policing may be defined as a system of security which is neither quantitatively excessive (to the detriment of social values and objectives other than security) nor qualitatively invasive (to the detriment of public freedoms) and which satisfies conditions of public accountability, effectiveness and justice. One of the objectives of optimal policing would be to develop security as a public good. However, with its declining sovereignty and increased penetration by commercial interests, it becomes difficult to define the state as the sole preserve of the public good. Moreover, under diverse conditions, the state has become one player – albeit an important one – in a complex network of governing agencies. The challenge for democratic government is to ensure that the actions of those commercial bodies accord, as much as possible, with the public good. Johnston however, believes that there is no 'immutable contradiction' between commercial and public interests. Commercial security can, under appropriate governmental conditions, begin to provide the rudiments of accountable, just and democratic policing. What needs to be explored in the future is how, in a market economy, governmental mechanisms can be put in place which ensures that public interests are protected in security networks composed, in part, of

commercial elements. The project of good governance can only proceed when security is understood as a relationship between commercial, public and voluntary elements (Johnston 1999: 193). Van Steden and Sarre (2007: 11) also see possibilities to reconcile private security and the concerns of those who would lament the exclusivity that it may engender. Private security and social justice are not mutually exclusive. For example, Dutch programmes to reduce disorder on public transport employed (sworn-in) commercial guards as conductors and guardians at train stations and on the tram and metro system. Similarly, municipalities increasingly hire paid security workers in the Netherlands as lowly paid replacements for police officers in the enforcement of 'small nuisances' such as illegal parking, graffiti and urinating in public.

According to Krahmann, discussions on good governance and statutory control overlook an important aspect, namely the 'fundamental changes in the notion of security' due to the conceptual and practical differences between collective goods and commodities (Krahmann 2008: 380). Referring to David Baldwin (1997: 13-17, Krahmann lists seven questions that shape the definition of security: security for whom, security for which values, how much security, from what threats, by what means, at what cost, and in what time period (Krahmann 2008: 381-382). It can be argued that the commodification of security affects the answers to all seven questions that Baldwin identified. First, it can be suggested that the commodification of security affects the answer to the question 'for whom?' because it entails the provision of security as an excludable good. In particular, the commodification and marketization of security are likely to shift the focus from the collective to the individual level. However, while excludable threat solutions may improve the security of individuals, they can also decrease security at the collective level. The spread of privately owned arms at the individual, national and international levels can promote violence. Second, there is an argument that the commodification of security influences the values that are secured. Since commodification and marketization not only entail excludability, but also literally profit from rivalry of consumption, private security suppliers can be expected to promote individual over collective values. Among others, private firms can do so by emphasizing the diverse and even competing security interests of their customers. Whereas the basis of collective security provision through the state is on the values of inclusiveness and equality, the marketplace encourages individuality and difference. Collective security requires political agreement and compromise as to what security interests and values should take priority, while the provision of security through the market permits citizens and companies to pursue their particular security interests and beliefs.
Third, the preceding analysis proposes that commodification and marketization are affecting the supply and demand of security. Profit-oriented firms have an interest in the expansion of their market, and it is to their advantage to overstate the need for security. The growing roles of private companies in risk consulting and analysis and hence the identification of new markets for themselves is therefore problematic. Fourth, public goods theory suggests that the private security market will focus more on some threats than on others. In particular, private security firms are likely to offer services that deal with individual, and therefore the growing attention paid to terrorism, transnational crime, proliferation and infectious diseases since the end of the Cold War and the commodification of security. While

states have historically been most concerned with national security in terms of collective threats to their borders and a stable international order, the proliferation of private security firms has coincided with increasing efforts to safeguard private and public assets from non-state security threats. Fifth, the commodification of security appears to entail a change in the provision mechanisms of security. In particular, profit-oriented security firms are more likely to offer deterrence or protection than the prevention of threats, and they are more likely to address security risks in terms of cost and consequences than their causes.

Sixth, the characteristics of the market suggest that commodification is likely to affect the cost of security. One of the key arguments in favour of the privatization and marketization of public security services has been that businesses can supply security more cost-efficiently. Where the market can generate economies of scale with saleable products or security services for both private and public customers, this is indeed frequently the case. However, in other areas the outsourcing of public security services can lead to increased cost. In particular, where there is a lack of competition among private firms or where public agencies fail to monitor private contractors adequately, 'profiteering' has been a problem. Finally, it can be argued that commodification and marketization affect the period in which security is provided. In particular, the market is likely to offer only short-term security because it fails to address the causes of a threat. In addition, research has shown that threats like terrorism and transnational crime quickly adapt to individualized security measures such as personnel and site protection and find ways of undermining them. For the market, this is an advantage because protective technologies and strategies, such as alarm systems, are soon outdated and need replacing. Other services such as body and site guarding need constant provision in order to be effective. The focus on excludable security thus helps to ensure constant demand (Krahmann 2008: 385-395).

6. Values inside private security

Different appreciations of private security can be found in the scientific literature. Criticism of the private security industry is generally based on its for-profit nature, which has been blamed for placing results and efficiency over ethics, and the pursuit of the private interests of the client at the expense of the greater public good. However, what seems to be missing is empirical evidence on the value assumptions and ethical framework of private security. Where scholars have identified and researched possible ethical dilemma's that can arise because of the phenomena of private security, less attention is being paid to the actual value orientations and ethical assumptions inside the private security sector. Many scholars seem to assume that the ethical values inside private security are lacking or less developed than inside public security. Button (1998: 6-11) for instance, refers to the 'many examples' of illegal and unethical behaviour of private security officials. There have been many alleged and reported incidents of private investigators bugging premises, breaking and entering, kidnapping or gaining confidential information from the police. Forst (2000: 55) warns that the 'potential for incompetence and misbehaviour is enormous'. The screening for private hiring is often lax and the training nil, resulting in the hiring of personnel with criminal records, gun incidents, violent

confrontations on the street due to a lack preparedness and the bankruptcy of poorly managed or scrupulous private agencies. The fundamental issue, Forst states, is that of legitimacy.

Police officers take an oath of office in which they swear to serve the public at large. Most public officers are likely to take this oath seriously as a commitment to public service over self-interested behaviour. Contrarily, private security officers are not bound by a vow to serve the public. Others point at research into the policing of the night-time-economy, largely by door supervisors (or bouncers as they are more commonly known), that has illustrated the use of excessive violence and the general poor conduct of many door supervisors dealing with outbreaks of disorder (Button and John 2002: 117; Hobbs i.e. 2002). According to Schneider (2006: 305) the confidential and for-profit nature of the private security work affords many opportunities for professional duplicity, malpractice, and unethical and even unlawful activities by private investigators. Writing on the Polish experience with the emergence of the private security sector, Los (2002: 175) states that from its inception, this new industry has inter-linked ex-communist power networks sharing common interests with various international networks involved in organized crime, intelligence gathering and dubious banking and business operations. The industry has absorbed a large proportion of the former secret services and regular police personnel, as well as many communist and post-communist police chiefs, army and secret police generals and other high officials. The former operatives brought with them secret knowledge, skills, equipment, political connections, informer networks and the readiness to use violence. The private security sector is among Poland's most profitable industries, with hundreds of thousands of employees and heavy involvement in illegal activities. It is more numerous, better armed and equipped and more visible than the state police sector, and it offers both legal and criminal services. The latter include: illegal debt collection; kidnapping; forcible confinement; torture; robbery; arson; prostitution; secret bugging and filming; criminal rackets; illegal arms trade; and active roles in organized crime.

Button (1998: 11) sees two issues of concern: the penetration by those with undesirable character into the industry, and the poor performance standards. 'There are few public examples amongst private investigators.' The 1983 Australian Law Reform Commission's report into privacy found that private agents can be strongly tempted to engage in breaches of privacy. It concluded that private agents might commit trespass, might obtain and disclose information in circumstances amounting to a breach of confidence in the legal sense and might breach legislation aimed at making certain activities criminal, such as that relating to official secrets, interception of telecommunications, and the use of listening devices. Later, the 1992 New South Wales Independent Commission Against Corruption inquiry, found that private inquiry agents acted as the go-betweens in a 'massive' trade in confidential information (Prenzler and King 2002: 5). Van Steden and Sarre (2007: 12) refer to the 'poor public image' of private security guards. They are typically regarded as incompetent, amoral, corrupt and shady 'wannabe' cops. The nature of this popular representation of the industry is fuelled by North-American studies on private security which portray guards and private investigators as ageing, marginally paid, poorly educated and hastily trained males, some of whom have a criminal record (Kakalik and Wildhorn 1971). According to Zedner (2006a: 272), criminal histories, criminal activity and

resort to violence are the common currency of those working in the security sectors of guarding, patrolling, door stewards and cash transit. Local criminals are keen to become involved in the security industry partly because it is lucrative in its own right and partly because it furnishes access to illicit markets. Door supervisors, for example, have direct control over the flow of illegal drugs traded on the premises they guard and security guards run protection rackets on the back of legitimate contracts. It is estimated that roughly 30 per cent of those currently working within the industry would not meet the licensing requirements. The result is the 'ironic situation' that the sellers of security are often known better for the threat they pose to security than its provision. In the field of financial security, Zedner sees another problem. Here it is less the threat of violence or extortion than scope for financial impropriety that places in question just what security is provided by the private sector. The collective failure of accountants and lawyers to prevent the Enron scandal, for example, called into question whether the financial security they sell is more than a 'chimera'. Security in the financial field is for the paying client alone and provides little or no protection for other players. Indeed, in the most worrisome cases, corporate security is bought explicitly at the expense of the security of others (Zedner 2006a: 272). Gary Marx (1995) promotes a more nuanced vision, stating that private investigators, standing between a legal system that is not always good and clients who are not always bad, have a 'unique vision and freedom'. 'Neither cops nor crooks, their position can be powerful, even if fraught with moral ambiguity and temptation.'

6.1 Police perception

As Bayley and Shearing (1996: 587) comment, through World War II, private security was looked on as a somewhat unsavoury occupation. It had the image of ill-trained bands of thugs hired by private businesses to break strikes, suppress labour, and spy on one another. The police, as well as the public, viewed private security companies as a dangerous and unauthorized intrusion by private interests into a government preserve. Police are said to still be reluctant to closer cooperation. This mistrust and suspicion stems in part from the perceptions that the private sector has intruded on the traditional domain of the public police and that an increase in private policing will mean a diminution of the stature, power and resources of public police. Law enforcement officials are also concerned with some other genuine realities of the private policing sector: poor training, a lack of minimum standards or accreditation, unethical and illegal tactics, and the use of excessive force. In short, a ubiquitous critique levelled at private security is that they are untrained, unprofessional, unregulated and unaccountable police wannabes that simply get in the way of ''real police work'' (Schneider 2006: 305). Other fears and suspicions of private investigators actually stem from their background as police officers and their ongoing contact with their former colleagues in the law enforcement community. Private investigators are able to offer clients access, albeit clandestine, to confidential data through the 'old boys network'. But Bayley and Shearing argue that recently a more tolerant attitude has developed, with private security seen as a necessary supplement to the overburdened public police. In the past few years especially, governments have gone beyond passive acceptance to active encouragement of commercial private security. There now seems to be a general recognition that crime is too extensive and complex to be dealt with solely by the police and that the profit motive is not

to be feared in policing (1996: 587). Research shows that the propensity for the development of more positive relationships is related to the larger economic and political context of countries. That is, countries with free market economies such as the U.S. have more laissez faire policies and allow for greater private sector participation in many of the traditionally state-held functions compared to countries that have traditionally been driven by state-centred policies (Nalla and Johnson 2009: 510). Wood (2004: 36) however points at a strategic reason behind the changing attitude towards private policing. In the face of new players that have been jockeying for position in the security field, the public police have not only been emphasizing the specific capitals they have accumulated over time (political, cultural, symbolic) in challenging the legitimacy of non-state providers of security; they have also been 'active agents' in taking on and integrating the sensibilities of these new private players in order to re-position themselves as more effective competitors in a field where the growth in consumer culture is readily apparent.

There is not much research available looking specifically into the mutual attitudes of private and public security officials. Nalla and Johnson (2009: 513) examined the nature of police officers' perceptions of private security in three different economies: USA, South Korea and Slovenia. The research showed that police and security personnel from the USA are more supportive of the nature of their working relationships and improving working relations with one another. The nature of working relationships and potential for improving relations between police and security personnel tend to be viewed more positively by the developed (USA) and emerging (South Korea) economies, while Slovenian police and security personnel, representing a transitional economy, continue to struggle in their relationships with one another. Police and security officers in the USA and South Korea generally view one another as equal partners on some level, but among both Slovenian police and security professionals, the findings provide support for the opposite view. That is, neither police, and to a lesser degree security, officials view the nature of their relationship as equal to one another.

6.2 Public perception

The publics' perception of private security is also an under-researched issue. Despite the large number of security professionals, very little is known about what the public thinks of private police organizations and their personnel. The security industry and security officers are not always cast in a positive manner in popular culture. A 1987 Hollywood film, *Armed and Dangerous*, portrays security officers as poorly paid, untrained, and incompetent individuals (Nalla and Heraux 2003: 238). Livingstone and Hart (2003) studied the nature of popular representations of the private security sector and how these both reflect and inform the public's understanding of private policing. Three common stereotypes were found. First the *Watchman*, often portrayed as one of the inept quasi-private "Charlies" patrolling the ill-lit streets of English towns and cities until the welcome establishment of paid professional police forces in the nineteenth century. Second, the *Gangster*, the corrupt image of private security. This can be seen as a prime source for reservations about private practitioners undertaking public policing tasks. Third, the *Hired Gun.* This metaphor is appropriate for a type of security practitioner who retains an almost nihilistic amorality. In short, the Hired Gun's services are

available to the highest bidder without consideration of ethics or conventional morality one way or the other. According to this study, old images and myths of private security officers are still dominant (Livingstone and Hart 2003: 162). Given the evidence of prevalent criminal activity in certain areas of private security and the overwhelming volume of coverage it receives in the mass media, there can be little doubt of the impact of popular representations on perceptions of the industry. Within the private security sector, there is widespread recognition that its popular representations are predominantly rare or negative and that it has an urgent need to seek a more positive defining image as it re-enters the policing mainstream. The emergence of the relatively new figure of the 'professional security manager' is a good example of an image the industry has embraced and wishes to promote. How the public image of private security matures in the twenty-first century will according to Livingstone and Hart depend greatly on the success of the industry's attempts to break with the past. Part of that process is the need to replace negative images as well as bad practice. The 'professional security manager' may be the next image the public will associate with private security (Livingstone and Hart 2003: 169).

Only little research on the public's perception of private security officers exists. In one study, data were gathered from one specific segment of the general population, college students. Though there were some differences within each group overall, regardless of the factor being examined, these students almost all had a positive perception of security officers. The findings from the study showed that individuals who had an encounter with a security officer held more negative perceptions regarding the nature and goals of security work, as well as the professionalism of security officers. The negative perceptions found of those who had contact with security officers suggested that the industry needs to incorporate elements that heightens the security officers' images, as well as their utility to maintain order in private spaces where a large amount of public life takes place (Nalla and Heraux 2003: 245). In another study, the outcome showed that public generally welcomed the input from private security, although they were clear that there needed to be parameters and boundaries limiting the role of the private guards. This was reflected in the circumspect attitude expressed by a majority towards any increase in private police powers. Most respondents favoured their adoption of a secondary, supportive role, not fully equated with the functions of public policing but offering a second tier of provision (Noaks 2008: 162).

6.3 Sectoral perception

Few studies have been devoted to the self-image of private security officers. Prenzler and King (2002: 4) found that many private investigators took satisfaction from helping clients in difficult circumstances. One private investigator gave the example of a client who had been stalked for two years. "Now they can sleep at night", he asserted. The large majority of respondents also had very positive views of the wider contribution they made to society. Some saw themselves as champions of the honest worker by keeping down costs resulting from fraudulent insurance claims or debt evasion: "With every debtor that we can locate and induce to pay their debts we're helping members of the public (…) You're assisting him recover his debts and prevent him passing on his losses to the public." Respondents felt a lack of appreciation by the public of the professionalism of the industry and the benefits of fraud prevention

and the benefits to the taxpayer of stopping fraud against government. All respondents were strongly in favour of doing more work for the public-sector justice system. Although most respondents perceived that a great deal of the demand for their services was a result of government neglect of law enforcement, they also were clear that privacy was a factor that motivated some clients. One respondent cited the example of parents wanting to know if their children were on drugs: "If they are, then they can get them on a program. Police would have to prosecute." Others emphasised the personal service they could provide, and the continuity of case management and communication that is not usually available from even the best police department. The contractual nature of the work gave victims a degree of input, if not control, which was not possible in public-sector processes.

All interviewees were highly conscious of the fact that their occupation entails numerous ethical challenges and risks. Respondents reported receiving and rejecting requests for illegal or ethically questionable services - such as placing listening devices in homes or offices, threatening or harassing people, or seeking victims of domestic violence who had gone into hiding. Views of interviewees were extremely divergent regarding overall industry compliance with the law and ethical principles. About one-third of respondents said they were unable to comment. Another third felt that there was some misconduct but that this was relatively isolated and extremely difficult to eradicate. "There are still some cowboys" or "a few rogues" were common replies among this group. Another third felt that non-compliance was fairly widespread. The main areas of alleged non-compliance were accessing confidential information - by far the most extensive - as well as trespass, using unlicensed subcontractors, under-quoting in tenders and not working to tender. Despite mixed views on current compliance, the very large majority of interviewees agreed that the conduct of private agents and the image of the industry had improved enormously in the last 20 years. Many felt, nonetheless, that public perceptions had not caught up with this change. A few were quite pessimistic about the industry's image. As one stated: "I think public perception is that 80 per cent of us are dodgy, but in reality it's probably less than 0.5 per cent." All respondents in the interviews conducted for the project attested to a change of consciousness among practitioners over the last 20 years in terms of both a greater respect for privacy principles and also an increased perception of the probability of being exposed and sanctioned for breaching the law. However, interviewees were strongly of the opinion that tougher licensing and enhanced pre-service training were required to underwrite competency and integrity. They were also virtually united in the view that they could provide greater justice to victims of crimes and other wrongs if governments allowed greater controlled access to information (2002: 6).

Other studies affirm that many private investigators felt that their role within society, the value of their services and the problems they faced, have been overlooked and undervalued for too long (Gill and Hart 1999: 246). Many individuals also felt a sense of grievance that no matter how diligently they observed both the law and voluntary codes of professional ethics, all private investigators were associated with devious behaviour and malpractice by default. In other words, while they accepted that 'cowboys' and 'dodgy characters' exist within the trade, they did not think it fair for society to cast all investigators in the same negative light. One interesting finding that emerged from the research was the view, common among many private investigators, that former police officers often feel dis-

empowered in private practice because they no longer have access to police powers or police information resources. A few practitioners, including some former police officers, suggested that this often causes them to break the law. They argued that as police training does not prepare officers to infer confidential information from fragments legitimately gleaned from publicly accessible sources, many feel compelled to rely on 'old boy networks' whose members can access statutorily controlled police records on their behalf (Gill and Hart 1999: 249).

In a study on role orientation, Micucci (1998: 43) found different types of private security officers. *Crime fighters* had a narrow view of security work that was purposefully oriented around the capture and arrest of those who might disrupt the private peace or violate criminal law on private property. They were particularly enthusiastic about executing the higher risk and potentially more dangerous initiatives associated with order maintenance and especially with crime control. Members saw formal intervention (arrest) as the best means of dealing with a variety of situations believed to be potentially threatening, such as public mischief, trespass, and vandalism. Crime fighters saw themselves as working in an unstable environment with little public support. They distinguished between those publics whom they did things for and 'outsiders' whom they did things to. The former group included students, faculty, and other institutional employees and the latter was comprised primarily of trespassers who were believed to infiltrate the campus from an adjacent high crime neighbourhood. While crime fighters felt unable to command respect from those publics for whom they provided services, they believed that outsiders were both hostile and dangerous (Micucci 1998: 44). As a result, crime fighters routinely enforced trespass laws against outsider groups thereby provoking frequent challenges to their authority. They attributed these challenges to their position that effective law enforcement required both detachment from the community and equal and aggressive enforcement. Challenges to their authority also arose from crime fighters' willingness to employ physical force over verbal persuasion as appropriate means of managing higher risk order maintenance calls. They felt that all of those publics serviced, including the police, were stereotyping them as mere guards in part because they lacked police training and certification and in part because they were doing 'dirty work', such as locking doors, resetting fire alarms, and granting people access to offices. Crime fighters saw these security functions as trivial and as diverting time and energy from the preferred crime fighting work, which they viewed as more complex, challenging, and prestigious. In contrast to the crime fighters, the *Guards* perceived their encounters with all publics as positive. They believed that their loss prevention and service tasks were greatly appreciated by those working and living within the community. Furthermore, they did not express concern about encounters with outsiders whom they perceived as potentially hostile or dangerous. The guard group was more inclined to adopt a role oriented around the provision of general service. Guards saw themselves as part of the community and as accountable to those for whom they provided service. They were less technology-driven and relied more on simple, but nonetheless effective, proactive strategies, such as rattling doors to see if they were fastened, aimed at loss and crime prevention. Finally, they preferred to use informal rather than formal dispute resolution as means of dealing with crime and disorder (Micucci 1998: 45). *Bureaucratic cops*, on the other hand, differentiated from the crime fighter and guard groups on the

basis of both rank and work orientation. Because the bureaucratic cops occupied the higher administrative ranks, they exerted considerable influence on recruitment, training, and, most importantly, on security policies (Micucci 1998: 46).

6.4 Code of ethics

The private security sector has increasingly adopted Codes of Ethics. The American *Society for Competitive Intelligence Professionals* for instance lists the following values:

- To continually strive to increase the recognition and respect of the profession.
- To comply with all applicable laws, domestic and international.
- To accurately disclose all relevant information, including one's identity and organization, prior to all interviews.
- To avoid conflicts of interest in fulfilling one's duties.
- To provide honest and realistic recommendations and conclusions in the execution of one's duties.
- To promote this code of ethics within one's company, with third-party contractors and within the entire profession.
- To faithfully adhere to and abide by one's company policies, objectives and guidelines

The Australian *Institute for Professional Intelligence Officers* has a partly comparable Code of Ethics. As general principles:

- Intelligence Officers are expected to perform their duties with professionalism and integrity, and to work efficiently to enable your organisation to meet its corporate goals.
- Fairness, honesty, equity and all legal requirements need to be observed in the conduct of official duties.
- Real or apparent conflicts of interest are to be avoided.
- There needs to be protection of intellectual property and confidential information and strict observance of protocols in this regard when an Intelligence Officer leaves one organisation for another.

Further, an Intelligence office has obligations:
- Perform all official duties with due care and diligence, using authority in a fair and unbiased manner.
- Observe all Acts, Regulations Determinations, policy and lawful directions that relate to official duties.
- Treat colleagues and clients with courtesy and sensitivity to their rights.
- Behave at all times in a manner that maintains or enhances the reputation of the Intelligence Officer profession.
- Not accept or solicit financial advantage, gifts, favours or bribes in connection with official duties.
- Take all possible steps to avoid conflict of interest that might affect the manner in which duties are performed.

Finally, a professional Intelligence Officer should observe:

- To continually strive to increase professionalism, integrity, respect and recognition of the profession.
- To ensure that duties and responsibilities are carried out with diligence while maintaining the highest degree of professionalism and avoiding all unethical practices.
- To fully comply with all applicable laws and regulations in relation to official duties.
- To protect intellectual property and confidential information with strict observance of the protocols in this regard.
- To promote and encourage compliance with these standards within the profession and work environment.

There is however now research showing that these Codes of Ethics 'work'. From research into Police Code of Ethics, it is clear that ethical codes are no 'silver bullet' to questions regarding ethical private security. Values have a considerable flexibility of interpretation. Another problem is the enforceability of codes, as there is a great unwillingness to report breaches. Very often, codes of ethics are top-down productions, creations of boards of management and not the result of cooperative dialogue and community consultations, and therefore considered 'alien impositions' by the front-line security officers. A last warning reminds of the failure to prioritize. Codes are rarely helpful to the making of discretionary decisions or judgements. They enumerate goals and standards without indicating priorities or procedures for handling conflicts between code requirements. The danger of a code that attempts to be encompassing is that it inevitably breaks down into an mush of platitudes, in which it is no more than a list of kitchen sink values (Van Buuren 2009: 13-15).

6.5 Organizational and personal values

Notwithstanding these findings, we agree with Loyens (2008: 2) that despite the significance of the issue, systematic comparative research between police values and private security values is still lacking. Research on private guards' (sub)culture is still in its infancy. Topics as occupational culture, values, and integrity have long been neglected in research. An important argument in the scientific and societal debate on private security is the assumption that there are clear differences between the private and public security sector in terms of ethics or values in general. Are the goals or mission statements of business organizations, which are connected to specific underlying values, compatible with public law enforcement? And what are the values of people entering private security? The private sector is said to focus solely on efficiency, profit maximization, and narrowly drawn performance goals due to their client-driven mandate, while the police are believed to go beyond these limited values and address the general public interest. The growing cooperation between the private security sector and the police could, however, lead to a 'growing feeling of affinity between the two sectors', and could thus facilitate a 'transfer of norms in either direction', in which it is believed to be more likely that police forces will copy the 'strategies, rhetoric, and self-conception of the private police' (Loyens 2008: 3; see also Van der Wal 2008).

For the military sector, Avant (2005: 223) states that the rise in formal and informal networks of public and private security organizations could be a 'robust' control mechanism in which societal values are being integrated in the private sector. States might influence the behaviour of private military companies by treating them as legitimate military professionals. Contracts can provide mechanisms through which to communicate professional norms and practices that reinforce societal values. The effect of private contracts on social control should also vary according to the institutional starting point. Among strong states, two features should lead the control of violence to be integrated with international values. First, strong states often hire private security companies made up of retired personnel from their own militaries; second, they are often involved in professional networks and thanks to their socialization in the militaries, they see proper military behaviour as most effective and ethical. Further, private security companies are worried about their reputations. Some predict that a distinction would emerge between upscale firms that are willing to abide to international law and professional behaviour, and downscale firms that appeal to non-lawful elements. However, as Avant warns, this scenario rest on the idea that those who abide by professional military values are most effective. The acceptance of universal principles among security professionals has been bolstered by the claim that militaries are most effective when they practice within received political structures and international social norms (2005: 223). But the emergence of militias, paramilitaries and crime syndicates, operating in conflicts outside conventional rules can lead forces to believe that 'appropriate behaviour' will reduce rather than enhance functional effectiveness, as we also have noticed in the *War on Terror.* Avant (2005: 227) quotes someone working in the private sector: "The US needs an organ that is from outside the US, far less accountable, and already tainted with a whiff of dirty tricks (...) The powers that be want mercenaries, for mercenary activity. Dirty stuff doable. Non-accountable and no extra cost to boot." The more countries like the U.S. choose 'cowboy firms' the more it is likely to influence a change in norms that govern private security companies. So whether professional norms provide a stabilizing impact and lead to private security activity that is in keeping with the professional rules that traditional militaries adhere to, or whether they are a tool for altering these professional norms without the bureaucratic stickiness associated with traditional militaries, depends on who are the wealthy consumers in the market and the choices they make (2005: 228).

Singer (2003: 9) point at the fact that the customers of private military firms range across 'the whole moral spectrum' from ruthless dictators, morally depraved rebels and drug cartels, to legitimate sovereign stated, respected multinational corporations and humanitarian NGO's. However, members of private military firms claim that the laws of the market work to limit any tendency to commit war crimes, as their ultimate long-term profit is dependent on a good public image. It is true, Singer states, that military firms do not simply kill for no good reason. Thus blanket accusations of the industry as a whole as being an enterprise of evil, violent greed, 'generally ring false on deeper examination'. Rather, Singer states, private military firms are businesses with certain goals. Their general goal is not violence for its own sake, but rather to achieve the task for which they were hired. Their standards of discipline are usually higher than the underpaid local militaries or rebels. Usually they less likely to

hold specific grudges against any one local ethnic group or faction and have less reason to commit atrocities as payback for historic grieves. This way, consulting firms can likewise play a positive role in professionalizing clients' security forces (2003: 217).

However, these propensities are balanced by opposite moral hazards that can lead to negative consequences from a human rights perspective. One of the fundamental issues from a normative perspective is that the public good and the private firms' good are not always identical. The organizing intent of a private company is to generate internal profit, whereas public agencies are constructed with wider demands. That is, private companies as a rule are 'more interested in doing well than good'. Further, corporate responsibility and a nice public image have their limits. As profit-driven actors, they will make operational decisions also influenced by their bottom lines. There may be some situations where transgressing human rights may be in their corporate interests. Then there is the possibility that direct market incentives may encourage a firm to go 'rogue'. When faced with stiff competition, firms often seek ways to differentiate. Although one option is to build up a positive brand name, other firms may do the opposite and focus on what has been called the 'low rent district' in the industry. These rogue private military firms might stress another comparative advantage, their willingness to perform any task or work for any party willing to pay the right price (2003: 219). The very nature of security activity means that there may be a mechanism that draws in disreputable players looking for the cover of legitimacy. Specially, the privatized military industry provides an employment opportunity for those previously drawn towards mercenary work or who have been forced out of public military activities for past misdeeds. A last concern Singer mentions is to whom exactly the firms can and do sell their services. The 'ultimate issue of accountability' in clientele selection is that the decision remains in the firms' hands; and that there is no standard metric for deciding what is a legitimate government to work for, or a 'good guy' to work for (2003: 224).

6.6 Private and public temptations

According to Loyens, both public and private policing shares the same characteristics that could potentially have ethical implications. Both have certain power, so they can also abuse their power. Second, the wage of police and private security officers is often considered to be inadequate. The third factor, professional status, is somewhat connected to the second. Despite their uniform, authority, and wide discretion, police officers and private guards are a regular target of taunt, ridicule, and mocker. A fourth characteristic of the policing job in the public and private sector, is boredom. The perceived action-oriented and exciting nature of the police and private security job is often overstated (Loyens 2008: 6). Another 'temptation inducing' factor is the frequent encounter with lawbreakers. Both police and private security officers are, more than average citizens, confronted with (or at least highly concentrated on) individuals disturbing peace and order (Loyens 2008: 7). Further, in the private security sector some references to a strong occupational interdependency and solidarity – not so different from public police – are made as well. Especially for private guards (as for police officers) who operate in dangerous and unpredictable environments, group loyalty is essential, because incidents can be better dealt with in a solid team than individually (Loyens 2008: 9).

Loyens warns however for a view of police culture – whether public or private - that is universal. The idea of a universal, super organic, cohesive, monolithic, homogeneous, unchanging and deterministic culture in both sectors has been criticized by many researchers in the field. But also in the literature on private policing, sounds are heard of a segmented and context-bound occupational culture (Loyens 2008: 13). For the security sector, there exists practically no research in which private guards in different organizational settings (e.g. body guarding, money transport, mall guarding…) are compared in terms of occupational culture. It is, however, likely that there are some essential differences in basic assumptions and work orientation between several groups of guards, due to a completely distinct organizational context (Loyens 2008: 14). Another source of variation is situated on the level of the individual officer. Both police and private security officers are said to not passively absorb the occupational culture, but construct their own reality – a distinct worldview which is not always consistent with the 'official' goals and objectives of the organization – by the active interpretation of the norms they encounter (Loyens 2008: 15). As in the case of police agencies, private security firms are also not as homogeneous as sometimes presumed. These organizations can be segmented and divided into various groups or individuals with a distinct worldview and operational style. Loyens concludes that, despite some tentative analyses of private security operational styles or models of private guards, much more research on this topic is needed (Loyens 2008: 16). The same is true for the private security literature. The research in the field of occupational culture of private guards is mainly concentrated on English-speaking countries as Great Britain, the US, and Australia. There is a 'complete lack of research' in other parts of the world. But also in Anglo-Saxon countries the literature is rather limited. Most research on the private security sector focuses upon the privatization of police tasks, the official representation of purposes and activities of private security firms, and governmental regulation of the guarding sector. Despite a still growing attention for the day to day job of private security officers, the occupational culture remains an under-researched topic. There is clearly a need for more detailed analysis and explanation of the actual practices, basic assumptions, underlying values and informal rules among private guards across a range of contexts (Loyens 2008: 17).

7. Conclusion

The relationship between private and public security has always been contested and has manifested itself in different configurations in different times and places. As we have seen, not long ago security was mainly a private affair, whether it was about policing, intelligence collection or waging war. Some authors suggest that we are witnessing a time in which one system of policing ended and another took its place (Bayley and Shearing 1996: 585). Others however dispute this analysis, claiming that private policing never disappeard. The idea of a public monopoly over policing was more a matter of image than of substance (Jones and Newburn 2002: 133-134). Therefore, current developments are better presented as the 'continuation of a long-term trend extending back several decades' rather than a 'seismic shift' occurring in the last years of the twentieth century. There is continuity as well as change.

Whether the 'public monopoly' on policing is merely a myth or not, one can conclude that viewed historically, the monopolization of policing by government is 'an aberration'. Or in the words of Zedner (2006b: 78): the symbolic monopoly on policing asserted by the modern criminal justice state may just be a 'historical blip' in a longer-term pattern of multiple policing providers and markets in security. Whether private policing is a new phenomenon or not, most academics will agree that during the last decades private policing is growing fast in importance and scale. Different theoretical strands can be find in literature for explaining this growing dominance of private policing. Most authors agree that changes in policing trends emerge typically as manifestations of broader social movements (Forst 2000: 38). As Reiner (1992: 770) states, the 'deeper social changes of post modernity' are transforming the role of the police institution within the whole array of policing processes, because the rise of public police itself was a paradigm of modernism, defined by Reiner as the project of organising society around a central, cohesive notion of order.

The broader social, political and economical changes that gave birth to the new relevance of private security are diverse, ranging from the crisis of capitalism and a neo-liberal restructuring of both the state and security functions, to individualization, the emerging risk society and changing property relations. As our literature review shows, there are different explanations to be found in literature on the origins of the modern change in relationship between private and public security and no scientific agreement exists on the conclusiveness of the different theoretical strands. However, at least one pattern seems to be evident: using the word *privatization* seems not to be the right term to grab the essence of what is going on. What we see is not simply the transfer of security functions or responsibilities from the public sector to the private sector, as the number of public police officers has increased largely during the last years and both the economic and political capital allocated to public policing is on the rise (Zedner 2006a: 269). We see a rise in *both* private security and public security. Therefore it seems more precise to speak of the *commodification* of security, which can give rise to different ethical dilemma's, all relating to some of the principles and values underlying modern western democracies.

One of the ethical problems noticed by scholars is the problem of purchasing power on the private security market. If private security and justice is administered through the market, it will not result in the social goal of uniform justice for all, as those lacking in purchasing power are systematically excluded from participation (Kempa e.a. 1999: 205). As Garland (1996: 463) notices, once security ceases to be guaranteed to all citizens by a sovereign state, it tends to become a commodity, which, like any other commodity, is distributed by market forces rather than according to need. The groups that suffer most from crime tend to be the poorest and the least powerful members of society and will usually lack the resources to buy security. This disparity between rich and poor will tend to propel society towards a fortified, segregated society. This trend towards favouring the rich by private security services has also been discovered in the emergence of hybrid places: publicly accessible, but privately owned and managed and resulting in a privately defined order. A result of this shift in property relations is that security falls into the hand of so called 'private governments' deploying their own

security forces. Shearing and Stenning saw big shopping malls, but also leisure complexes like *Disney World* as examples of these mass private properties. The rise in hybrid places means that an on-going process of social sorting can be noticed, in which 'undesirable people' are separated from the desirables (Kempa et al 1999: 203).

Private security agents can take premonitory action on the basis of social criteria that do not have to be justified in terms of law. Some scholars argue that private security practices in fact establish a system of private justice that runs parallel to the state judicial system. It is typical for the private sector to settle internal problems quietly. The sector prefers an internal accountability system (Dorn and Levi 2007: 224). This way, 'in the shadow of the law', private orders arise as forms of 'customized justice'. This can have some ethical consequences. First, society at large has no insight in the amount and extent of fraud, financial manipulation or otherwise criminal behaviour inside the private sector. Therefore, the historically skewedness of public police towards crimes of the 'dangerous classes' is reinforced by the lack on knowledge on white collar crime. The interest society could have in prosecuting these types of crime, as a way of confirming normative rules underlying society and as a way of ensuring integrity in this powerful segment of society, is being blocked by the veil of secrecy surrounding the wrongdoings in the higher echelons of society. Second, questions of due process and the rule of law run the risk of being neglected in the private enforcement of order. Thirdly, as private enforcement lacks a 'normative agenda', reducing security to the commodities of locks, alarms and video cameras denies it any larger ethical purpose wherever it is provided. In the security market, crime is less a moral wrong than a source of economic loss and hence a potential driver of consumer demands (Zedner 2006a: 282).

A more principal objection against the case of private security was launched by Ian Loader, who pleads for a conception of security as a public good instead of security as a commodity. In his view, the most pressing question is one of distributive justice: what kinds of limits would a political community, committed to equal citizenship and concerned to encourage social cohesion among its members, place on the market exchange of security provision? Security, Loader argues, ought not to be acted upon as a tradeable commodity because of the 'intimate connection' between the provision of security and political authority, and the connection between security and the quality of citizens association with each other. In enabling security to be bought and sold, it licences the emergence of private orders and communicates the idea that security can be obtained without reference to the common good. This whole idea of 'private security' is however oxymoronic, as the social and constitutive core of security as a public good implies that the security of any individual depends in some significant fashion upon the security of others (Loader 2005). Therefore, there are also democratic implications at stake. The security market offers according to Loader (1999: 384-385) an 'institutionalised exit from politics', an escape from the 'democratic' requirements that attend the struggle for a share of public policing. It enables individuals, organisations and communities to pursue their particularistic and self-defined security requirements without reference to any conception of the common good, and free of the obligations associated with the practice of democratic citizenship. It offers them the chance to become customers using their purchasing power to obtain for themselves

some private security, rather than citizens seeking to use their voice to secure a piece of the public police cake. This way, private security is serving to 'project, anticipate and bring forth a tribalised, neo-feudal world of private orders in which social cohesion and common citizenship have collapsed' (1999: 384).

Looking more specifically into private security arrangements and practices, a more complex picture emerges. One of the underlying problems is that there is no such thing as 'the' private security industry. The industry is not a clear defined homogenous group, but rather a 'multitude of industries, large and small, all related to the provision of security services, investigations, crime prevention, order maintenance and security design' (Van Steden and Sarre 2007: 226). This ranges from the stereotype *Private Eye*, to the private guard in a shopping mall, to private intelligence agencies and to full-fledged multinational corporations that can deliver security goods and services at the highest spectrum of violence. All of these manifestations of private security operate under different conditions, different governance structures with different objectives and different rules. A common denominator however is the changing relationship between the public and the private sector. But this changing relationship is not the result of a clear, neat '*Grand Design*'. Garland, for instance, describes the strategy of 'responsibilization': this new mode of governing crime involved the central government seeking to act upon crime not in a direct way through state agencies, but by activating indirectly non-state agencies, organizations and civilians. As Bayley and Shearing (1996: 591) formulate it: 'policing now belongs to everybody'. Garland however explicitly warns that 'responsibilization' should not be considered as the 'off-loading' of state functions, or simply as the privatization of crime control. On the contrary: where the strategy works, it leaves the state machine more powerful than before, with an extended capacity for action and influence. However, one of the unintended consequences of the responsibilization strategy is the stimulation of the market for private security and the erosion of the 'symbolic notion' of the state as the public's representative and primary protector. Another paradox can be noted in the influence of managerial techniques from the private sector on the public police. On the one hand, public police managerialism makes the police more business-like. This is the discursive re-presentation of the police as providers of a professional service and of the public as consumers of that service; the remaking of the police as an institution capable of delivering (like any responsive commercial enterprise) an efficient, prompt, courteous, value-for-money, professional service to all its customers. However, this 'rebranding' of the police is stripping the police of their 'sacred status as symbols of Law and Order'. On the other hand, all kinds of regulatory measures are introduced by governments to tame the private security sector. Therefore, we can witness a whole range of relationships between the public and private security sector, ranging from cooperation to competition.

Further, one can distinguish different models and practices in which the private and public security sector is trying to influence each other. These paradoxes can be understood as a result of the contradictions embedded in the disassembly and re-assembly of the state. On an international scale we see the rise of global security assemblages (Abrahamsen and Williams 2009: 3) in which a range of different security agents and normativities interact, cooperate and compete, to produce new

institutions, practices and forms of security governance. On a more local level, we see the 'responsibilization' of a whole range of organisations. In the more darker sides of international security, we see states outsourcing 'black jobs' to private parties, like the torture of suspects of terrorism, or the abuse of prisoners by contract interrogators at Abu Ghraib (Voelz 2009: 589). A reported 100 percent of the translators and up to 50 percent of the interrogators at the Abu Ghraib prison were private contractors from the Titan and CACI firms respectively. The U.S. Army found that contractors were involved in 36 percent of the abuse incidents that it identified happened at the prison. It also cited six particular employees as being potentially culpable in the abuses, but none of the private contractors named in the investigation reports has yet been charged, prosecuted or punished, with the U.S. Army believing that it does not have jurisdiction (Singer 2003: 251) This blurring of security functions, practices and authorities therefore give rise to ethical questions on accountability, transparency and democratic control. An important implication of the blurring of boundaries is that public and private security organizations become functional alternatives for one another. Despite conflicts of interest, competition, and other conflicts, public and private can grow towards one another to perform actions that they cannot or may not do themselves. Hoogeboom (2006: 377), in citing Gary Marx, mentions the 'hydraulic principle'. This refers to the supposed mechanism that as the state exerts greater control on police and intelligence services, they find private alternatives for ensuring certain things get done. They outsource 'the dirty work'. For instance, an infiltration operation or obtaining information from classified private sources without a court order or financial information from banks without a court order.

As a result of the contradictory, diverse and sometimes blurring relationship between public and private security, it is hard to make general comments, or develop hypotheses, conceptual models and theoretical frameworks. The multitude of private security industries deserves more scientific attention and research. We can agree with Shearing and Wood (2003a: 404) that the exact nature of the nodal governance of security should be regarded as empirically open questions and that the specific way in which governmental and private nodes relate to each other will vary across time, space and context. One could imagine there is a difference between private guards performing public security functions who are under close directions and scrutiny from municipality councils, and private military companies securing industrial premises of large multinational corporations in countries where the central government lacks the capacity or the will to perform this security function. One can imagine there is a difference between a private eye investigating petty fraud, and a high profile forensic accountancy agency investigating fraud inside a multinational corporation. And one can imagine there is a difference between an open source private intelligence agency, selling its information and analyses to public intelligence agencies, and private intelligence contractors working in the highest sectors of national security, directing intelligence operations or making decisions that can affect directly the life and death of people. In the same way, one can imagine there is a difference between the owner of a small shop selling burglar alarms and a huge military company striving for the best seat in the 'espionage-industrial complex'. They have a common denominator: they all sell security as a commodity. However, their relationship with the public security sector, public authorities, and the

public will vary greatly, as will the level of influence they have in deciding, directing and defining security practices.

Therefore, a research agenda compromised of at least the following tracks should be encouraged and executed.

1. There seems to be an American bias in most literature and research. There is therefore a pressing need to focus more on the European context and differences between EU Member States. How can differences in national regulation strategies be explained? How can differences in the level of private security practices be explained? What kind of policies are developed to cope with the emerging private security complex? And what kind of European policies could or should be in place to deal effectively with the ethical dilemmas we described?

2. There is a need for more concrete empirical research on the ethical aspects of hybrid security practices on different levels. Research has hitherto focussed foremost on private guards in shopping malls or residential areas. Little research has been done in the sectors of high private policing and private intelligence. More research is needed in the global security assemblages, the security networks that are developing on a European and global scale. Attention should be paid to the complex and conflicting tendencies in the changing relationships between public and private security. In a concept of nodal security, different security nodes cooperate and compete with each other in establishing new security orders. Sometimes private security actors are used by states to expand their powers; some times private security actors succeed in exploiting public security actors for their private agenda; and some times public and private security actors more or less work together in the creation of new security assemblages reflecting new realities, challenges and interests in the globalized world.

3. When it comes to the organizational and personal values embedded within private security organizations, we have established an academic void. What is the ethical framework for private security organizations? What attention is been given to ethics in the training and education of private security officers? Are ethical questions being discussed by the leadership of private security organizations? How are commercial interests and ethical considerations reconciled? What is the ethical outlook of private security officers? Is there a convergence between dominant values in the public security sector and the private security sector? And what are the public perceptions of private security practices? Empirical research into these questions could provide policy makers with important insights in the public perceptions of private security, the individual and organizational values inherent in the private security sector and the possible convergence of values in public and private security practices. Some academic research on the possible convergence of public and private values that has allready been conducted (Van der Wal, Huberts, Van den Heuvel and Kolthoff 2006; Van der Wal, De Graaf and Lasthuizen 2008; Van der Wal 2008) could act as a starting point for this research agenda.

4. What kinds of governance of nodal security can be conceptualised? What are the experiences with different forms of plural policing, what are the strategies, interests and mentalities that exist within hybrid security networks and practices? Is it possible to engage in a form of nodal governance in which private security practices are embedded within a conception of security as a public good? And how – and by whom - can essential democratic values like transparency, accountability, social justice and citizenship be guaranteed when a range of public and private actors is engaged in security practices?

In this context, as Gerspracher en Dupont (2007: 362) state, the duty of academics should be to illuminate the strengths of such practices as well as the risks they pose - to map the ramifications of the various spontaneous and coordinated networked initiatives and to examine their democratic and ethical implications - as well as to recommend possible improvements and adjustments. Policymakers, for their part, would be well advised to come to terms with the inherent complexity and ambiguity of these new arrangements and to start looking for ways of addressing the ethical dilemmas embedded in the rise of private security practices.

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