Policing our future

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Everything has changed, except our way of thinking (Einstein, 1945, cited in Dyer, 2004, 346).

Introduction

We think of our future as a state that we do not yet know. And yet it is perhaps accurate, as Hegel (1896) suggested, to think about 'the future' as a present that we already live in but are strangely unaware of. Elkins makes this point when he writes that, our present 'reveals a future that is already happening, but virtually no one has noticed because discussion relies on a vocabulary appropriate to era ending rather than the one being born or created or constructed (Elkins, 1995, 3–4). Or perhaps, as we think about the governance of security, and what David Smith (Smith, 1983, 10–13) had to say about it, we might think of our present, and our future, as a refigured past. It is this refiguring, and its nature, that is we need to grasp as we seek to understand our present and, as we stand in this understanding, speculate about our future.

If most presents are a refiguring of what has gone before, rather than as radical break, we can invariably find events from our past that resonate with our present experiences. and yet, as with an ocean, while each wave of change typically draws upon what has gone before each wave is new and different (Wood, 2000, 185).

i will be writing, in the pages that follow, about the plural nature of contemporary security governance. Clearly, as David Smith made clear, security governance (like all governance) has always been plural. There have always been multiple 'auspices' and 'providers' of governance (Bayley and shearing, 2001, 8) – governance has always been polycentric. And yet as we look at governance today, and at security governance in particular, there is something about the polycentric character of contemporary governance that makes it sensible, I will argue, to think of governance as having been pluralized.

Central to this argument is the definition of 'governance'. One way of using the term 'governance' is to use it to refer to any process that deliberately attempts to shape events. To govern, in this sense, is to intentionally seek to influence the flow of events. in this paper i use the term the governance of security in preference to the term policing for reasons i enunciate below. By the governance of security i mean attempts to shape the flow of events in ways that are intended to promote security. recently in responding to the commissioner of the metropolitan Police, sir ian Blair's BBc Dimbleby lecture (Blair, 2005, 263), robert reiner (reiner, 2005) pointed to a loss of informal mechanisms of social control – to an erosion of a field of governance that has a myriad sources. Here Reiner uses a framework that is similar to the one smith used in *Police and People in London* (PPI) several decades ago. Like Smith he views the police as simply one source of social control among many. If we take Reiner's point that this broad field of governance has shrunk then it would be sensible, perhaps, to conclude that the governance of security has not been pluralized at all – quite the reverse might be true.

In appreciating what has been happening – in particular, whether security governance is becoming more or less plural – it is useful to consider not simply what has taken place but the aspirations for governance. For several centuries now since the development of the state as an auspice of governance there has been a centralizing aspiration in governance that has sought to make the state the centre of governance within state territories. This aspiration has had two aspects. one has had to do with the authority for governance that Bayley and shearing (2001) term its auspices. The central idea here has been that what osborne and gaebler (1993) have called the steering of governance should be located within state governments and more broadly in state institutions. The second has to do with what Bayley and Shearing have termed the provision of governance. Of these two the first has been strongest and more enduring. for periods, however, the two have been closely coupled – this was the case during the periods when the idea of the welfare state had captured political imaginations. What has come to be thought of as neo-liberalism is a governance aspiration that holds fast to the idea that the steering of governance should be the province of states while at the same time arguing that the rowing (that is, the provision of governance) should be polycentric. This can create the appearance of a contradiction with both centralizing and decentralizing aspirations coexisting.

The birth of the police force in london provides an example of a period during which the aspiration was that the security governance should be state-centred in relation to both these dimensions. The principal focus at this time was on the rowing because it was thought that the more plural forms of rowing that were in place at the time were not working as well as they might to realize state-centred steering. The 'new' police were conceived of by the architects of reform as necessary because the existing more decentred mechanisms of social control were inadequate (radzinowicz, 1968, 205).

The success of the police in realizing the intention of their architects is evident in the extent to which, over the course of some two centuries, they have come to epitomize security governance. one consequence is that the verb 'to police' and the gerund 'policing' have come to mean police work. The verb 'to police' has lost its older meaning of security governance. similarly the noun 'police' has come to mean 'state police'. Even though much has happened over the course of the last half-century to erode this 'ownership' of policing by the police, policing continues to be closely coupled with 'the' police. It is to challenge this conflation that I and several colleagues have come to prefer the term 'security governance' to 'policing' (Johnston and shearing, 2003, 71).

If there has been an aspiration for much of the nineteenth and the twentieth centuries to ensure that the security governance is state-centred (and if much has happened to enable this hope to be realized), in what way might it be sensible today to talk of a security governance as being plural and to describe it as having become increasingly polycentric or nodal (Johnston, 2003, 71)? There have been two processes at work here. The first, to which I have already referred, has been widely recognized under the sign of 'neo-liberalism'. This has been a largely state-driven process whereby states have sought to devolve much of the rowing to other nodes of governance. The justification for this has been that because states are much less suited to row than they are to steer they should be directing others to steer rather than doing it themselves. This is certainly not a new way of conceiving the role of state governance – the idea of indirect rule through others was a central feature of colonial governance and may well be an inescapable fact of all governance (latour, 1986, 61). What has happened through neo-liberalism is a shift in aspiration from seeing decentred rowing as something that should be remedied to seeing it as something that should be embraced. This aspiration has led to the emergence of what has come to be thought of as the 'regulatory state' (Braithwaite, 2000, 15) – a state that regulates the governing activities of others rather than attempts to govern directly. The intention here has not been to weaken or 'hollow out the state', as has sometimes been argued, but to enhance its capacity to govern effectively (osborne and gaebler, 1993, 9).

There is a second process that has been, i would argue, even more important. however, it has been much less noticeable because, although there is overwhelming evidence for it, it has not been part of an aspirational governance discourse. What i have in mind here is the emergence of powerful auspices of security governance apart from states that are also actively involved in the steering of governance – what Braithwaite and Drahos speak of as 'strong actors' (Braithwaite, 2000, 2). Again this is not new. There are historical precedents – feudal auspices provide one example. What is significant is the extent of this 'neo-feudalism', its transnational features and the fact that these auspices are often business corporations. one of the developments associated with this return to a feudal period is the emergence of new feudal-like spaces in the form of 'mass private property' – one example would be the now ubiquitous

residential enclosures.

if we consider the recent period, with its state-centred aspiration that was to some extent realized, to be a historical hiccup rather that a norm, then we are not entering a new period but rather returning to a polycentric norm, albeit with differences. if on the other hand we regard the recent period when there was a partially realized state-centred aspiration as the norm, as is typically assumed within much of the governance literature and within contemporary common sense, then it will appear as if we are entering a new period of governance. given the state-centred assumption that dominates much of the established literature on governance it is perhaps sensible to regard the contemporary polycentric developments as novel. This is what i will do within this chapter even though viewed historically, and given the fact that the state-centred aspiration was ever only partly realized it would make more analytic sense to regard governance throughout history through a nodal lens.

To say that security governance has been pluralized is not, within this definitional context, to suggest that we are returning to a situation where informal control is once again moving to centre stage (although this may or may not be the case) (newburn, 2001, 201). rather it is to say that we are witnessing a new proliferation of organizational sites of security governance – a proliferation of nodes. in this context polycentric governance refers to multi-nodal governance, or more simply, nodal governance.

To say, as i am, that we should regard governance as nodal is a very limited empirical claim indeed. It says no more than that governance takes place through nodes and nodal arrangements. it leaves open for empirical enquiry the question of the nature of nodes and their relationships. To opt for a nodal framework makes no claim about the relative influence of different nodes in shaping the flow of events at any space–time moment. This is an empirical question and can only be answered empirically.

To answer these questions about nodal influence and nodal relationships requires a nodal mapping (Burris, 2005, 70; Dupont, 2006, 269). nodal maps will vary across time–space locations. The state police, for example, will have a different relationship within the nodal field in different parts of the world, during different periods and within different security arenas. The argument that security governance has become nodal and to propose the use of a nodal framework simply create an invitation to treat governance as polycentric.

To talk of nodal governance is not to take a normative position although, of course, it is possible to take normative positions with respect to nodal governance and its future development. To claim that the governance of security has become increasingly nodal is not to claim that this is a good or a bad thing.

les Johnston and i have argued, in what to our surprise turned out to be a very misunderstood statement, that the police (and the state more generally) should, within a nodal governance framework, be regarded *analytically* as one node among many. By this we meant simply that the police constitute one node among many nodes engaged in governance of security. We neither said, nor meant, that empirically the police, or the state, *were* no more influential in shaping the flow of events than any other node. This, as i have just argued, is an empirical question and the answer to it varies across time and space. neither did we say that the state, or the police, *should be* no more influential than any other node. Again this depends on the time–space context. how one should go about reshaping the nodal governance of security will depend on the empirical assessment one makes of the way security is being governed within the nodal framework – this will vary from situation to situation.

That we have been consistently interpreted as saying both that the state and the state police are no more influential than other nodes and that this should be the case is indicative of precisely the point that Elkins makes above. The idea that policing belongs to the police – that is, that the governance of security is unicentric – is so firmly embedded in our established conceptual frameworks that to say that the police, or the state, are one node among many is interpreted as meaning much more than what has been said.

As Elkins suggests, the reason it is so difficult to free ourselves of our past and grasp our present, and to speculate about the future it heralds, is because our conceptual tools for making sense of our experience lag behind our present experience. Very often it takes dramatic events, which are difficult to integrate within our frameworks, to jolt us out of the past and into our present. Kuhn (1967) conceived of this jolting process as constituting a paradigm shift. When we shift paradigms we not only understood the world differently we see it differently (smith, 1987).

The 9/11 commission argued that this is precisely what has happened to 'the generation that experienced 9/11' (US National Commission on Terrorist Attacks, 2004, 399). The commission notes insightfully that the paradigm that we bring with us from the past (albeit a very recent past) is more than a way of seeing – and a way of not seeing (smith, 1987). it is also a set of arrangements for living in the world that arises from, and embeds, this mentality. They make this point in reflecting on recent Us military history as follows:

> As presently configured, the national security institutions of the US government are still the institutions constructed to win the cold War. The United states confronts a very different world today. instead of facing a few very dangerous adversaries, the United states confronts a number of less visible challenges that surpass the boundaries of traditional nation-states and call for quick, imaginative, and agile responses. ... [The

events of 9/11] showed, emphatically, that ways of doing business rooted in a different era are just not good enough. Americans should not settle for incremental, ad hoc adjustments to a system designed generations ago for a world that no longer exists (Us national commission on Terrorist Attacks, 2004, 399).

Within this understanding, what happens to us, as we appear to enter our future, is that we become more aware of our immediate past and our present. Hegel expresses this in an oft-quoted passage as follows:

> Philosophy, as the thought of the world, does not appear until reality has completed its formative process, and made itself ready. history thus corroborates the teaching of the conception that only in the maturity of reality does the idea appear as counterpart to the real, apprehends the real world in its substance, and shapes it into an intellectual kingdom. When philosophy paints its grey in grey, one form of life has become old, and by means of grey it cannot be rejuvenated, but only known. The owl of Minerva takes its flight only when the shades of night are gathering (hegel, 1896, 20).

Proust (cited in Elkins, 1995, 3) makes the same point when he writes: 'The real voyage of discovery consists not in seeking new lands, but in seeing with new eyes'.

If this understanding is correct then one of the ways to attempt to peek into our future – and as the 9/11 commission suggests, to reshape our present and through it our future – is to identify, and make sense of, what is already happening – to ask: 'What present are we living out of and what imagined future are we living into?'

in addressing these questions it is good to remember that our claims about the present are not simply statements but thoughts that themselves are part of the world and ones that create a world – words are performative (White 1984). again Hegel (cited in Elkins, 1995, 4) instructs: 'Thought achieves more in the world than practice; for, once the realm of imagination has been revolutionized, reality cannot resist.'

Tim Newburn in his contribution has done much to bring our present, and the possible futures it heralds, into view. My question, like Newburn's, is: *'What future possibilities can we glimpse from our past? What "future" is already upon us and what possibilities might be realized?'*

In writing our contributions for this volume Tim newburn and i have sought to say complementary things. our complementarity has its sources in our somewhat different geographic vantage points. he has focused primarily (though not exclusively) on what has been happening, and is likely to happen, in the UK. My focus, again primarily though not exclusively, will be on what can be glimpsed from my locations. What I will have to say will certainly not be

comprehensive. My reflections will be decidedly idiosyncratic. i will be focusing on those trends in the governance of security that strike me as important because they raise theoretical issues, at both explanatory and normative levels, that i have explored. much of what i will say is located in understandings about governance generally because what has happened, is happening and will happen to the governance of security has shaped, and is shaped by, trends in governance more generally. To set the stage i will be going over some relatively well-trodden terrain, including ground that i have just traversed above.

I begin with what will strike most of the readers of this volume as an obvious and commonplace observation – namely, that the governance of security has been pluralized. or to use an ugly, but useful, term 'multilateralized' (Bayley and Shearing, 2001). In speaking of the 'governance of security', rather than policing, i am borrowing from ian Blair (Blair, 1998), then Deputy commissioner (now commissioner) of the metropolitan Police. i use his term for three reasons. first, one can thus do what Blair was doing, namely, to distance policing from the police; that is, to recognize that policing has become a very plural affair with multiple sources of both authority and direction (auspices) and provision (Bayley and shearing, 2001). secondly, one can locate policing explicitly as a terrain of governance (Johnston, 2002). To do this is to see it not as simply law enforcement, as has traditionally been the case, but as an intentional set of activities designed by its auspices to shape or steer the flow of events so as to promote security (Parker and Braithwaite, 2003). Thirdly, one can acknowledge, and be guided by, a trend to radically broaden policing from being about the safety of persons and property in a narrow sense to include wider notions such as food security, water security, energy security and so on (Buzan et al., 1998; Wood and shearing, 2006). Thus, in using Blair's insightful term I am seeking to confirm the move away from the traditional law-enforcement paradigm (shearing, 1992; loader, 2000; crawford et al., 2005).

Plural security governance

To say that the governance of security is multilateralized is to acknowledge that it is a multi-nodal business in which almost every activity that states have engaged in to promote security has also been undertaken, or is being undertaken, by non-state agencies at some time and in some place – this includes everything from routine patrol work (Draper, 1978) through highly complex investigations of economic crime (addario et al., 1990; Williams, 2005a) to military security (Bharadwaj, 2003; singer, 2001/02; 2005). Diversity in security governance, as i have already noted, is not new. What has changed is its nature.

What is also relatively new is the way in which plural governance is now viewed normatively. for much of the nineteenth and twentieth (and earlier) centuries plural policing was seen as a feature of the past that was being, and that should be, overcome. Plural security governance,

and plural governance generally, was 'where we had been' not 'where we were going' and certainly not 'where we should be going' (reith, 1956; radzinowicz, 1968). The Treaty of Westphalia, signed on 24 October 1648, sought to bring to an end conflicts that had their roots in plural auspices of governance. similarly, hobbes (1968 [1651]), writing at the same time, presented a case for a single sovereign conception of governance and sovereignty.

Within this history of centralization what has been particularly relevant to security governance has been the argument that states should monopolize the right to use force as a governing means (Weber, 1946). While this state-building project continues to be thought of as important and necessary (Fukuyama, 2004), pluralization has come to be thought of, within neo-liberal thinking (Rose and Miller, 1992), as desirable provided that states retain control over the direction of governance (osborne and gaebler, 1993).

Under this thought system plural governance has come to be viewed as something that can be, and should be made to be, compatible with state objectives and the governance of state agencies. 'regulatory states' – that is states that 'steer' while permitting others to do much of the 'rowing' (savas, cited in osborne and gaebler, 1993) – are regarded as desirable because they enhance rather than eviscerate the capacity of states to govern effectively (Grabosky, 1994; Braithwaite, 2000). What the advocates of regulatory states propose and enact are governing arrangements that favour the 'co-production' (Grabosky, 1990) of public goods.

Within the context of these arrangements states are conceived both as engaging in the direct provision of services and as acting as meta-regulators of the services of others so as to ensure that public objectives are realized (gunningham and Grabosky, 1998). In addition to the market, a key mechanism that has been identified to encourage voluntary assistance in the provision of governance has been that of 'responsibilizing' citizens (O'Malley and Palmer, 1996) – the 'third sector' (Drucker, 1994) – to engage in governance that promotes state and public interest objectives.

Within neo-liberal regulatory states, state agencies have come to be viewed as existing within a market context. One consequence of this is that states see themselves as having a choice between state and non-state agencies. another is that state agencies themselves may be conceived of as revenue-producing entities – that is, as state businesses. Within this conception police agencies are conceived of as suppliers of security governance within a security market (Loader, 1999; Newburn, 2001; Wood, 2000; Crawford et al., 2005). Within this marketplace state agencies may come to view themselves as competing for client share with non-state agencies (Wood, 2000). my own anecdotal evidence for this comes from listening to canadian police agencies presenting their 'product lines'. In these presentations for market share they often sound like airlines: 'Thank you for choosing us for your security needs: we appreciate your

support and recognize that you had a choice of alternative service providers.'

More recently, with Julie Ayling and Peter Grabosky I have been exploring the way in which an australian police organization is gearing itself up both to create a climate in which charging for traditional police services is accepted as normal and to find ways of marketing other products that they produce – for example, the sale of police-bred/trained dogs and horses that are superfluous to their needs.

Pat O'malley and Steven Hutchinson (O'Malley and Hutchinson, forthcoming), in commenting on these developments, write of a 'converging corporatization' that may well be creating a policing industry that includes state and non-state entities – this resonates with christie's 'crime control industry' (Christie, 1993) and Eisenhower's 'military industrial complex' that incorporates both the public and the private sectors. as O'Malley and Hutchinson note: 'increasingly, public police pursue contract opportunities and often find themselves in direct competition with private security, as well as other public police services.' What this suggests is that one of the possibilities that might be realized within the security arena, and indeed in other arenas, is the re-emergence of the 'state as corporation'. This constitutes an ironic twist within the context of a neo-liberal mentality that has promoted the sale of state agencies to the private sector and the outsourcing by state agencies to the private sector.

if these developments do indeed constitute our present, then the future we might find ourselves in is perhaps one in which a variety of 'corporations' – state and non- state – are providing (and competing for market share) in the governance security in what Crawford et al. (2005) have termed a 'mixed economy of policing'. A key feature of this mixed economy is what has been termed 'third party policing' (Mazerolle and Ransley, 2005) in which state agencies seek to further public ordering objectives through mobilizing non-state resources. But we are also seeing another form of third party policing emerging in which it is non-state agencies that seek to mobilize the resources of state agencies with these agencies reorganizing to permit this.

An important theoretical issue underpinning this understanding of developments of governance, in addition to established liberal sources that have been critical for its advocates (osborne and gaebler, 1993; Eggers and o'leary, 1995) – for example, the writings of Adam Smith (1998 [1776]) and Hayek (1944) can be found in the work of authors such as Foucault (1990 [1976]) and Latour (1986). These scholars view power as ubiquitous, not because it is exercised everywhere, but because it comes from everywhere. sending and neumann identify this view nicely when they write:

> When power is defined, with Nietzsche, Foucault and others, as something omnipresent that shapes identities, as something that defines techniques for governing the self, norms of appropriate behavior and the like, the role of non-state actors in shaping and

carrying out global governance-functions takes on a different significance and meaning (Sending and neumann, 2004).

in this way of seeing governance public and private sources of governance are regarded as 'geared towards a common set of governing logics, interests and objectives' (Williams, 2005b, 335). This follows from the idea that the 'steering' of governance should remain state-centred even though its 'rowing' has been pluralized. Williams writes of this state-centred view of a coordinated set of plural assemblages of governance as constituting 'the common mantra that contemporary forms of governance are marked by the convergence of "public" and "private" within multi- nodal networks of risk and security' (Williams, 2005b, 316). George Rigakos paints an emblematic picture of the reality identified by this mantra by taking his readers on an imagined walk through an airport terminal in Toronto. In this imaginary walk he suggests that the coordination that creates the convergence that Williams notes is a consequence of complicated steering mechanisms of 'contractual governance' (crawford, 2003) that extend beyond simple command and control.

> as one enters Terminal 3 at Toronto's Pearson international airport, one notices the newness of the structures, the cleanliness of the walls and ceilings, and the brightness and bustle of the building. Passengers move along various queues for airline tickets, baggage checks, and car rentals. Perhaps less noticeable are two of Canada's federal police talking to a pair of constables from the Peel regional Police service. after the discussion ends, the RCMP officers begin to patrol, nodding hello to two security officers from Excalibur Security making similar rounds. Farther along, they watch two armed Brinks guards carry money satchels from a nearby currency exchange kiosk. They wind by commissionaires issuing parking tickets and Group 4 Securitas security guards checking the luggage of passengers. on the lower level, canadian customs agents spot a suspicious traveller and call for the RCMP and an immigration officer. In a processing centre just off the tarmac, security guards from Metropol Security meet with the immigration officials while the detainee is handed over to the security firm for transport to the privately run Mississauga immigration Detention centre. The detainee is handcuffed, placed in the caged rear of an unmarked van, and driven to the centre, which from the outside looks just like another inconspicuous motel. As one gets closer, however, one sees a 12-foot chain link fence topped with barbed wire encircling the rear of the building (Rigakos, 2002, 37).

In commenting on this Rigakos writes that:

> ... on this short imaginary stroll you have come under the gaze of three federal policing agencies, one municipal police service, a quasi-public security force, four privately

contracted security companies [one of which is a company that operates internationally], and an unknown number of in-house airline security agencies, all of them working alongside one another in a generally smooth-running chain of surveillance (2002, 37–8).

Rigakos' 'smooth-running chain' does not have a single or obvious centre. It is not simply a chain that is directed by state programmers in a direct command and control manner. And yet, as his stroll makes clear, the people and activities he identifies are not uncoordinated. The entity that runs the Toronto airport and has responsibility for its spaces is a private corporation that operates for profit. It permits both state and non-state agencies and agents to operate on its property. it does so under state laws that define its rights as a property owner. It also operates under contracts that authorize it to operate the airport. Both canadian property law and contract law have a long lineage that extends beyond the canadian state. similarly the canadian courts that interpret these laws regularly use arguments and precedents from other jurisdictions.

The canadian federal government as a contracting party, and under whose legal regime the airport operates, is a party to various international agreements that have a bearing on the way aviation is governed. What the airport does is also subject to a host of contracts, for example, ones with airlines. some of these companies are local entities that are subject to canadian law. others are based elsewhere where they are subject to the laws of these other jurisdictions. in the case of airlines some are state-owned, others are private companies while others have mixed ownership. in addition, to agreements with airlines there are hundreds (and perhaps thousands) of other contracts with transport companies and transport associations, food companies and a host of commercial enterprises that participate in governing the airport. Each of these companies has contractual obligations with others entities and they are all subject to a variety of legal regimes. governing security within this one relatively small terminal is clearly a plural and complex business.

A concept that has been suggested by neo-foucaultian scholars to grasp the coordination that permits this sort of governance to take place has been the idea of 'rule at a distance' (rose and miller, 1992), an idea derived from latour's concept of 'action at a distance' (latour, 1987). The idea, as i have already suggested, is that states no longer rule as directly as they did during the first part of the twentieth century but that they nonetheless continue to rule – albeit at a distance. although one can argue, along with latour, that ultimately all power is exercised at a distance this distinction points to different aspirations of how to govern as well as comparative realities. The established distinction between direct and indirect rule draws attention to these differences of aspiration and the forms of governance that they promote.

What Rigakos' example makes clear is that the airport's governance is not simply top-down command and control (either at the level of aspiration or in fact) but is orchestrated though a complex set of regulatory mechanisms that one might think of as constituting 'regulatory governance' (scott, 2004). a useful metaphor in grasping this neo-liberal inspired governance aspiration is 'anchored pluralism' (loader and Walker, 2005). In Loader and Walker's usage it is the state that typically does, and normatively should, constitute the governance anchor.

much of the criticism that has been levelled at decentred state-anchored pluralism has been that it, in fact, has not delivered what was promised – largely because other agendas, as latour's notion of 'power as translation' (latour, 1986) would predict, have gotten in the way (stiglitz, 2003). The privatization that neo-liberalism has promoted, it is argued, has resulted in private agendas coming to the fore in ways that have fundamentally undermined the delivery of public goods. given this agenda of state- anchored pluralism the challenge facing state governments, it is argued, is finding ways of avoiding these 'translation' problems by developing more sophisticated mechanisms for promoting public agendas within a plural governance context (stiglitz, 2003; hermer et al., 2005). Two examples, within the UK domain of policies that promote such reforms are the Patten commission report on Northern Ireland (Patten, 1999) and the more recent Home Office White Paper on *Building Communities, Beating Crime* (Home Office, 2004). Beyond general policy frameworks, such as these, there are in addition a whole host of governance technologies that have been developed to realize the aspiration of rule-at-a-distance policing – crime stoppers, neighbourhood watch, community police forums of various sorts and a variety of other community policing technologies provide examples. in each case the challenge of coordinating resources remains central – this is true whether the states involved are 'strong' or 'weak' (Dupont et al., 2004).

fleming and rhodes draw on Wood (2000) to develop an analysis of the problems of rule-at-a-distance technologies by viewing modes of governance as being layered. Within layered modes of governance earlier aspirations (for example, those of state- provided governance) coexist with more recent aspirations. in developing this analysis they extend the challenge of coordination of various nodal resources to include the challenge of integrating different mentalities of rule and their institutional deposits (see also Wood, 2000; Deukmedjian, 2003).

As all developments can be turned back with remarkable ease (Punch et al., 2005) the question of what the future holds can never be predicted from the past. There is every reason to suspect, however, that despite the criticism of the failure of rule-at-a-distance mechanisms to deliver public goods within a plural framework, this approach to governance will survive for some time. The criticism is likely to lead to changes in the way in which rule-at-a-distance governance aspiration is configured rather than a fundamental move away from this method of exercising state governance.

In addition, states are finding themselves increasingly constrained by international agreements and the activities of international governing entities that include other states and supra-state and non-state global and local entities (Braithwaite, 2000; Drahos and Braithwaite, 2002; Burris et al., 2005); Cashore et al., 2004). Jabko makes this point, in relation to the European Union, when he speaks of the 'EU as a "regulatory state"' (Jabko, 2004). Again there seems to be little doubt that these developments will continue and that they will lead to mechanisms for governing security that create a global order in which states are agents of other entities that work through them to pursue their governing agendas. Just what the shape of this new world will be is still unclear but there seems to be little doubt that the powerful will continue to dominate. What seems very likely is that the US will continue to be one of these powerful nodes and that its governing agendas will continue to shape governance both across and within other states. But states (including very powerful ones) are not autonomous and they to find themselves being ruled at a distance by a variety of non-state entities including large corporations. Braithwaite and Drahos paint a stark and gloomy picture of the present and future state of global governance:

[o]ur story of the globalization of regulation is a story of domination. The global law- makers today are the men who run the largest corporations, the US and the EC. Women, excluded national minorities and citizens of developing countries are the law takers. The domination of North Atlantic business has given us, as Chomsky put it: 'the rule of law for the weak, the rule of force for the strong, neo-liberalism for the weak, state power and intervention for the strong'. When the strong have wanted regulation it has been to save them paying for the burdens they inflict on ordinary citizens (Braithwaite and Drahos, 2000, 629).

Drahos and Braithwaite assemble an impressive array of data across a variety of fields of governance to support their conclusions. If they are correct a likely future is not simply more of the same but a future of even greater inequalities of power – power begets more power, strength begets more strength. if this applies to governance generally it will also most certainly apply to the governance of security, both narrowly and more broadly understood. Drahos and Braithwaite (2002) in the closing paragraph of *Information Feudalism*, which again is based on remarkably detailed and wide-ranging empirical research, have this to say about the governance of the security of knowledge – a domain of security that has already moved to the forefront of security governance globally – 'knowledge', as Drahos notes, 'underpins everything' (Drahos, 2005).

> Information feudalism is a regime of property rights that is not economically efficient, and does not get the balance right between rewarding innovation and diffusing it. Like feudalism, it rewards guilds instead of inventive individual citizens. It makes democratic citizens trespassers on knowledge that should be the common heritage of humankind,

their educational birthright. ironically, information feudalism, by dismantling the publicness of knowledge, will eventually rob the knowledge economy of much of its productivity (Drahos and Braithwaite, 2002, 219).

Drahos and Braithwaite make clear that information feudalism is not an arrangement in which states do not play a major role. indeed, they argue that states play an absolutely central role in nodal assemblages (Drahos and Braithwaite, 2002) that cut across state, non-state and supra-state organizations. Drahos (2005) has spelt out recently how global agreements, states and corporations are working together to create regimes for governing the security of knowledge.

> [P]rofound shifts in the governance of knowledge are taking place. Bilateral agreements on intellectual property, services and investment are security standards that would have been thought unattainable during the course of the Uruguay round (1986–1993). states, both developed and developing, are agreeing to standards such as national exhaustion for patents, extension of the patent term and the copyright term and new links between the registration of medicines and patents. This ratcheting up of intellectual property rights is well explained by realist theories of international relations. The Us as the world's last remaining hegemonic power is integrating other states into a property rights regime of its own devising, or rather the devising of the corporate strategists that drive the process of globalizing and harmonizing a regime of private property governance of knowledge (Drahos, 2005, 15).

one of the things that Drahos is referring to in this passage is the development of what might be thought of as 'global states'. States, like the US and the UK, act both alone and in alliances with other states, to govern security globally. sometimes this means, as we have seen in the most recent war with iraq, governing security within the boundaries of other state territories. at times this happens with, and sometimes it happens without, the consent of the governmental authorities in these states and supra-state arrangements. These developments have been reshaping the global governance landscape by establishing some states as sources of global governance outside of their own borders. While this is not a sudden development, the dramatic events of the past few years, as the Us and other states have responded to 9/11, have made them very visible. This has not challenged the rule-at-a-distance paradigm but rather demonstrates how it is evolving. This is very clear in iraq, at present, where the Us and Britain are combining both state and non-state resources drawn from across the globe to provide the rowing of their governance there.

This was nicely illustrated in a *Sydney Morning Herald* article which began as follows:

> When the door opens at Level 5 in the Palestine Hotel, there's a spit-and-polish Gurkha pointing a high-powered gun into the lift. The whole floor and another above it have

been taken by Kellogg Brown & Roots, the construction wing of Halliburton, which is one of the biggest US firms working in Iraq. And although the linguists of occupation don't allow the word 'mercenary', the Gurkha is part of a 15,000-strong sub-contract security operation that is the third biggest armed force serving in iraq.

The article goes on to draw attention to the complex web of public and private provision that exists within iraq. This analysis does much to support, and dramatically extend, o'malley and hutchinson's (forthcoming) notion of 'converging corporatism'.

Beyond rule-at-a-distance governance

The rule-at-a-distance story (and the aspirations that have shaped it) about how the governance of security has been developing is both simple and elegant. This, however, is not the whole story. There is much more to what has been happening than this neat and elegant account suggests. The world of governance generally, and the governance of security in particular, is not quite as tidy as this story suggests. it is in exploring this untidiness that we move further away from the world that our established state-centred conceptual paradigm enables us to see. What looks like untidiness from within this paradigm is simply that which is outside the established storyline – the neo-liberal, rule-at-a-distance, regulatory state paradigm.

We have begun to see the neatness of this storyline breakdown in the passages from Braithwaite and Drahos in their use of the feudal metaphor. let me now explore this breakdown further. Some years ago Philip Stenning and I used the feudal metaphor – in using the term 'neo-feudalism' (shearing and stenning, 1983, 503) – to recognize the emergence of corporate auspices of security governance that operated as 'private governments' (Macauly, 1986). The key feature of these governments, we argued, was that they were not simply devolved sources of state governance that were realizing state orders – this was not simply state-anchored pluralism. rather these auspices of governance were pursuing 'private orders' that were often at odds with state objectives that realized their own partisan objectives (see, more recently, shearing and Wood, 2003). central to these objectives were economic ones, such as loss reduction, that shaped both what was done and how it was done (see, for example, shearing and stenning, 1983; addario et al., 1990). a critical feature of these private governments, we argued, was that they were tightly imbricated with state governance as they acquired their status as auspices via property and contract law (shearing and stenning, 1985). critical to this, we argued, was the emergence of 'mass private property' – a term that we borrowed from spitzer and scull (1977). We used Disney World as an emblematic example of such spaces.

in this way we argued against the 'the vacuum theory' of the 're-birth of private security' (see discussion in Johnston, 1992), in which the growth of private security is viewed as a

consequence of the lack of state capacity (see Williams, 2005b, for a discussion of what he calls the 'shift thesis'). instead, we argued that what was taking place was a fragmentation of sovereignty, albeit a fragmentation that was closely bound up with state sovereignty; for a more recent statement see shearing (2004). Williams has recently spoken of this emergence of non-state auspices of governance in relation to a 'forensic accounting and corporate investigation (faci) industry' (Williams, 2005b, 317 and rest of text). This industry, he argues, has not emerged because of a lack of state capacity but because corporations have different ordering objectives that they wish to pursue (on private orders see also hutchinson and o'connor, 2005). These private orders are, he argues, 'an anathema to the police who are, at least symbolically, engaged in a larger moral project, tied to the public interest and the production of criminal convictions' (Williams, 2005b, 330).

In adopting an argument with clear resonance with the feudal metaphor he writes that:

> rather than the pluralization, diffusion or convergence of public and private within meta-networks of risk and security, what is most notable about the financial field in its contemporary form is the *bifurcation* of public and private forms of governance (Williams, 2005b, 332).

This fact of bifurcation is not simply limited to the industry that concerns Williams but cuts across the full range of security governance. further, while agreeing that there is a bifurcation of objectives this does not mean that this bifurcation has created two very separate sets of institutions. indeed, the opposite is the case. The economy of governance, through which this bifurcation finds expression, is decidedly mixed, with institutional assemblages of the sort that Braithwaite and Drahos have outlined (see also Bayley and Shearing, 2001). One way of thinking about the mixture of independent auspices of governance is to argue that governing now takes place within a contested nodal field of auspices and providers of governance that combine and compete in a whole variety of ways to form complex assemblages and networks of governance (Johnston and shearing, 2003; Drahos, 2004; Burris, 2005; Wood and Kempa, 2005).

But there is more to the emergence of private ordering agendas than the emergence of private governments. again latour is instructive (1986). for latour, as I have already noted, governing agendas are like rumours – once they are given to someone else to carry forward they are translated and changed so that 'public agendas' pursued through rule-at-a-distance mechanism inevitably become shaped by the agendas of the sites of governance to which they are devolved. This means that while the steering and rowing metaphor is useful it overstates the distinction between auspices and providers of governance. accordingly, while this metaphor and the auspice–provider distinction are analytically useful in teasing out the contours of processes of regulatory state governance, they do not alert us sufficiently to the extent to

which the boundaries of governance are blurred and overlaid.

Take, for example, the notion of meta-regulation and the idea that meta-regulators do, and should, set out principles that self-regulators should follow to ensure that pluralism is anchored. The cliché that the 'devil is in the detail' should alert us to the fact that there is much discretionary space between the principles that meta-regulators use to direct governance and the way in which their directions are applied in practice. This is true whether the governing institutions applying the principles are national, regional or local government structures or institutions within the private sector – the more distant rule becomes, the more unlikely it is to constitute rule; that is, the greater the pluralism, the more difficult it is to anchor it.

As i have already suggested, if this were the only issue to be interrogated it would not be very significant. There are always going to be gaps between programmers' intentions and the outcomes their programmes produce. What we will find is thus constant programmatic failure that programmers seek to remedy through new rule- at-a-distance mechanisms (rose and miller, 1992; Power, 1999; Jordana and levi- Faur, 2004). Governing auspices are constantly working to develop more effective technologies to enable them to rule effectively at a distance. Like the first neo-liberal story this is an aspirational story as well as one of failed aspirations. Where it differs from the first is that it recognizes that in addition to the state rule-at-a-distance aspiration there are other competing governing and rule-at-a-distance aspirations.

In order to explore the emergence of private governments and the new feudalism of governance that Drahos and Braithwaite reference, an obvious and useful place to look within the governance of security is the private security industry. Private security, unlike private prisons, has not primarily emerged as a result of the development of state-centred rule-at-a-distance technologies for devolving the rowing of governance while holding onto the steering. Private security has developed, in large part as Williams and hutchinson and o'connor have recently reiterated, because private corporations have sought to develop strategies for governing security that allow them to have a greater say than they would have if they were to rely on state governance, over what counts as security and how this security is governed (shearing, 1992). The fact that these corporate entities have mobilized private security in ways that are enabled, and regulated, by state law (in particular property and contract law) does not gainsay the fact that business corporations have emerged as distinct auspices of governance that are in many respects independent of states. Plural governance is not simply devolved state governance.

This fact of multiple auspices of governance is precisely what our existing Hobbesian–Weberian conceptual lens makes it difficult for us to recognize and incorporate into our conceptual frameworks (Shearing, 2005). Yet as Braithwaite and Drahos and others suggest (Elkins, 1995) it

is precisely these private authorities who promise to be major shapers of the emerging world of security governance. Pluralism is indeed anchored but it has multiple state, supra-state and non-state anchors. What we find in practice is not a single anchor that directs the steering of governance but multiple anchors, each contesting to realize competing governing agendas. This means is that the essentially Westphalian, neatly coordinated top-down conception of governance, that regulatory state arguments support, does reveal part of the picture of what has been happen to governance. however, in revealing what has been happening this account has also served to obscure much. a more complete picture, i have suggested, is one that emphasizes not only that governance is often coordinated and integrated but also that it is often, indeed typically, contested. These include contests between:

- providers of security governance that proponents of reinventing government have sought to promote through its commodifying governance;
- auspices of governance such as states, supra-states and a host of non-state entities.

The reason that we have not seen this more complete picture as clearly as we might have is a result of our steadfast refusal to take the plural view of power that Sending and neuman outline as seriously as we could have, and should have. as a consequence we (and i include myself here) have remained too closely wedded to a hobbesian understanding of governance at both a descriptive and normative level. To assist us to beyond this state-centred Hobbesian framework, I (in conjunction with a number of colleagues) have recently begun to enunciate, and develop, what we have termed a 'nodal' conception of plural governance (Kempa et al., 1999; shearing and Wood, 2000; shearing, 2001; Johnston and shearing, 2003). This nodal governance idea has strong resonances with notions of 'networked governance' and the 'networked society' (Castells, 1998; Rhodes, 1997). While it shares much with these network-focused frameworks it differs from them in the attempt it makes to place greater emphasis on the governing entities that form networks (Johnston, 2005). Importantly this nodal conception of governance leaves open, as an empirical issue, the question of whether, and if so just how, nodal entities relate to each other. in developing these nodal arguments we have sought to provide a conceptual framework for analysing trends in governance that is as comfortable with the idea that governance is a contested space as it is with the idea that this is also sometimes a highly coordinated space. We have also attempted, in developing this framework, to provide an account that does not have a *conceptual* bias towards state-based governance. This does not necessarily include, or preclude, any particular empirical claim about the nature of state governance or the role of states in governing assemblages and networks – the framework is empirically eclectic.

This analytic stance is intended to enable us to see what is happening both at the level of provision and the authorization of governance both inside and outside states. at the same time

it is intended to provide a conceptual basis on which it will be possible to conceive of, and explore, normative strategies that may or may not be state-centred.

We are at a point where the conditions out of which a future will be crafted are ones that will allow for and, i expect, will favour the emergence of alliances between powerful states and powerful corporate entities that will work together to shape modes of governance that promote the common goods of a few rather than the many. nelson mandela described this possibility in a speech celebrating 10 years of democracy in south africa when he noted that 'powerful countries – all of them democracies – manipulate multilateral bodies to the great disadvantage and suffering of the poorer developing nations' (*This Day*, Tuesday 11 may 2002, 11). it is, however, not simply a matter of poorer developing nations suffering, although that certainly is true. What is also taking place is the emergence of a new super First World of wealthy global denizens who are recolonizing the globe by inhabiting new 'fortified fragments' (Caldiera, 2000) linked by secure 'conduits' (Shearing, 1999) and maintained within frameworks of state property and contract law by private security agencies. This is creating what castells has called a 'fourth World' (castells, 2000) of excluded persons who live side-by-side with this super-élite of a   super first World' (shearing, 2005). This fourth World is not unrelated to the world of the weak that has come to be associated with terrorism – a population of persons who do not share in the benefits that they perceive the strong enjoy. Although this population is far broader, it has been associated with islam and, in particular, arab muslims. Again the 9/11 Commission (US National Commission on Terrorist Attacks, 2004, 362) instructs:

> Bin Ladin's message finds receptive ears. It has attracted active support from thousands of disaffected young muslims and resonates powerfully with a far greater number who do not actively support his methods. The resentment of america and the West is deep, even among leaders of relatively successful muslim states.

as Brodeur (2005) has argued, fear of terrorism has already, and will continue to, reshape policing. it has done so by shifting security governance in the direction of what Brodeur some two decades ago called 'high policing'. While terrorism will continue to dominate the governance of security for some time, gwynne Dyer (2004), significantly, in thinking about the changes that will have the most effect on the governance of security globally, downplays terror as a relatively minor and temporary challenge. The three 'great changes' that Dyer (2004, 423) argues are going to be the most critical in shaping global security (and that present, for him, a very real possibility of mass annihilation) are 'the environmental challenge of climate change, the political challenge of the rise of new great power [china and india], and the technological challenge of nuclear proliferation.' of these three the greatest challenge, and the one we are least prepared for because it will bring changes that we can only dimly imagine, is environmental change. Dyer (2004, 423) calculates that the impact of the human population on

the environment today 'is now *thirty* times greater than it was only two hundred years ago'. This, he notes:

> ... is bound to have major global effects, and though we cannot predict exactly what they will be or when they will hit, we can be sure that most of them will be unpleasant. Global climate change; the decline of the world's fisheries; freshwater resources failing to meet demand in many regions; forests shrinking and fertile topsoil eroding; ten thousand new chemicals and biochemical substances released into the environment with largely unknown consequences; mega-cities drowning in old and new forms of pollution and generating new diseases – you can argue about the details of any of these phenomena, but major regional and system-wide disruptions are clearly on their way (Dyer, 2004, 423).

Each of these events, as well as their combined effects, will have enormous potential for conflict at individual and collective levels. Each of them will require new and largely unimagined forms of regulation that will impact on the governance of security.

There is considerable consensus, and one that Dyer shares, that the way forward, if catastrophe is to be avoided, is some form of regional and global governance that will move beyond state governance – see for example, monbiot (2003). This global thinking, while it looks beyond states, continues to operate within our familiar political paradigm with its origins in the seventeenth century and earlier where governance is conceived of as necessarily centralized. The desired direction is for the decentralized sovereignty of multiple states to be incorporated into greater centres conceived of in terms of regional and global sovereignty. however, in advocating this solution, what thinkers like Dyer and Monbiot and others who adopt this approach may also recognize is the possibility of a much more fractured and cross-cutting forms of governance. What i suggest is going to be the critical challenge of the twenty-first century will be the possibility of negotiating a path that seeks to find global solutions while at the same time recognizing the foucaultian understanding that power ultimately comes, not simply from a leviathan, but from everywhere. Monbiot, in seeking to find a way through this conundrum, looks to the possibility of a directly elected 'world parliament' whose election enables individuals to skip neatly past existing state and regional structures.

Perhaps a more likely set of possibilities is one that seeks to combine multiple forums of deliberation with mechanisms that achieve agreements that can be administered from a centre. Drahos (2005), in analysing the governance of knowledge, argues that state and supra-state initiatives that have sought to ensure fairer and more effective methods for governing knowledge that have challenged the hegemony of the powerful have not fared well. one possibility that Drahos notes, that might open up new directions, are framework treaties being

advocated by civil society coalitions through bottom-up processes of deliberation. The hope here is that civil society groups will be able to articulate standards that will then be adopted by coalitions of states and supra-state institutions as ways of challenging the hegemony of the few powerful states that now dominate internationally. Whatever is to be said for this hope, such a governing strategy, and the policing it would promote, has the advantage of promoting thinking that seeks to combine bottom-up with top-down strategies and to take advantage of the fractured features of global governance to challenge the emergence of damaging global hegemonies.

What is to be done?

so what should we as scholars – and in particular security and justice scholars – be doing? in answering this question it is important for us as scholars to realize that it is in the crucible of practice that change takes place and we as scholars may at times facilitate change at this level by making new possibilities thinkable and by articulating what has been happening (osborne and rose, 1997). accordingly my view, as i have already suggested, is that we need to develop and utilize conceptual frames that are not bound to a particular historical period or by particular historical projects. Given our recent history, this means specifically that we need to develop frameworks that are not analytically state-centred. With such frameworks in hand we will be better equipped to trace, and understand, the complex relationships that are emerging between state, supra-state and non-state entities. achieving this will require us to move beyond our relatively narrow vision of the world, as essentially a Western world, and pay much more attention to the mentalities, institutions, technologies and practices that are now challenging Western precepts and practices. We need to recognize that if china and india, for example, are beginning to challenge the superpower status of the Us, then Western mentalities and institutions will lose their present dominant, and taken-for-granted, status.

At a normative level I agree with scholars like Ian Loader and Neil Walker (Loader and Walker, 2005) who argue that a particularly pressing issue to be addressed is: 'How should we understand, define and promote collective objectives and concerns?' in answering this question we need to pay attention to what role states can, and should play, at the same time as we remain open to the possibilities that supra-states and non-state entities also have a role to play in defining, protecting and supporting 'global interests' (cashore et al., 2004; scott, 2004).

Conclusion

I have argued in this reflection that while plural governance has always been a feature of our lives we have arrived at a point where the aspiration to move towards and embrace state-based forms that monopolize governance at either the level of auspice or provision is less taken for granted, and for many less compelling, than it has been. This requires us, at the descriptive

and explanatory level, to take less for granted, to assume less, and to map more carefully than we have been doing the intricacies of plural governance that are such a pervasive feature of our contemporary age.

at the normative level it means holding fast to the core values that are embodied and widely endorsed under the sign of human rights and to explore, with a more open mind than we has been our wont, the various ways in which governance may be shaped so as to promote these values. This means looking carefully, with as few preconceptions as we can, at how these values might be realized within a nodally diverse world. states and their potential should, for the foreseeable future, play an essential part in these normative visions but their capacities should be weighed against those of other nodal players.

state sovereignty, as it has been understood within established Westphalian frameworks, has been and is being challenged. This has happened for several reasons:

• first, mega-regulation always creates spaces for contests over steering;

• second, corporate entities are able to, and do, establish alternative auspices of governance;

• third, states in agreeing to participate in mega-state arrangements cede elements of their sovereignty; and

• finally, new global states like the UK and the US are deliberately and forcefully encroaching on the sovereignty of other states that are regarded as a threat to the orders that they wish to promote. as we move forward in building both explanatory and normative theory we need to keep these developments at the forefront of our thinking so that we can move beyond our existing habits of mind in ways that will enable us to come to terms with our present and, on the basis of this understanding, shape our future.

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