The Annual Review of Interdisciplinary Justice Research

Volume 3, Fall 2012

Problematizing the Governance of Private Policing Post-9/11: Thick and Thin Conceptions of Justice and Security

Anne-Marie Singh, Criminal Justice & Criminology, Ryerson University

Michael Kempa, Department of Criminology, University of Ottawa

Introduction

As a socio-legal problem, regimes for governing the private security industry reproduce certain notions of 'justice' and 'security' – and these have real impacts for social, political, and economic relationships. In this paper, we present a critique of the efforts made by Western (principally English-speaking) governments to govern/regulate the private security industry, over the course of that industry's boom period of growth post 9/11. We have two objectives: (1) to problematize the notions of 'justice' and 'security' that are reflected in these regulatory regimes; (2) to tie these descriptive accounts of justice and security regimes to the literature describing their likely social, political and economic impacts.

In the post-9/11 period, there has been a marked growth in the private security industry in all domains of local, national, and international security. In response to this massive expansion of the industry, Western states have introduced/revised regulatory controls: in the last decade 7 non-EU countries and the vast majority of the 27 EU members have initiated legislative reforms (CoESS 2011), as have all 10 provinces in Canada. While concerned to promote justice and fairness

in the domain of privately furnished/provided security, we argue that these regulatory regimes draw upon and perpetuate rather problematic (at the theoretical and practical level) understandings of 'human security' and 'justice' as limited to the 'professional' (e.g. justified and 'limited') application of coercion/law enforcement, rather than linked to holistic public safety and social reforms that seek to benefit marginalized ('othered') populations. Specifically, regulatory regimes for the private security industry have focused upon minimalist conceptions of justice as limited to the obligation upon all citizens to 'not do harm to others'. This can be seen as a normative approach to defining justice aligned with individualist political ideology (Waltzer 1994; Rorty 1997). Such an approach is concerned to limit the use of sovereign and disciplinary authority to pre-defined circumstances, coupled with the need to produce security for members of a defined 'community'.

Conversely, regulatory regimes for the private security industry have done little to target 'thin' (i.e., primary, 'non-instrumental/rational') conceptions of justice aligned with the responsibility incumbent on all citizens to promote the well-being of one another (Waltzer 1994, see further: Rorty 1997). This is a normative approach to defining justice aligned with 'cosmopolitanism' (Hudson 2008), principles that are grounded in Kantian political philosophy as the universal obligation to promote human well-being despite the lack of immediacy of relationships (Ibid.). To a significant degree, such 'thin' notions of justice animate a growing number of more innovative, state-led approaches to regulating public policing and public safety more broadly (Kempa and Singh forthcoming)[1]. Such innovative state-led efforts

---

1   This is by no means to imply that the state has been the source of uniformly 'progressive', normatively-desirable regulatory policy in the public policing realm. The history of public policing, and its public governance, is a rather woeful one of abuse of authority, weak control and mere professionalization to prevent the worst, rather than innovative governance to promote the best (see Gunningham, Kagan, and Shearing 2007; Reiner 2010; Kempa 2011). Our point is merely to signal that, in certain cases, public authorities have been attempting to move beyond these historical limits in public policing governance.

to govern public security emphasize avenues for strong public accountability, through the mechanisms of deliberation and multiagency coordination to promote the buy-in of all segments of the community (i.e. 'consensus') to a negotiated public order. In this way, it is thought that public order and well-being can be go beyond the mere absence of violence, crime and the abuse of repressive and surveillance-oriented modes of authority to promote a negotiated public interest.

In highlighting such competing minimalist versus 'thin/ cosmopolitan' conceptions of justice and security, we aim to help inform debates regarding how best to lead 'progressive' public-private partnership models for security in what citizens define as 'pro-social' directions. While not going so far as to insist on the replacement of dominant, minimalist conceptions of justice and security with cosmopolitan notions in all instances, we nevertheless hope that in presenting some of the known failings of minimalist models identified in the literature, debates for the future of the regulation of the private security industry might be widened.

Towards meeting these aims, we begin with a review of post-9/11 trends in private security, highlighting the many practical and normative challenges for collective safety and security to which regulators have sought to respond. We then move to discuss the regulatory efforts made to date by Western governments to address the challenge of private security. Noting the minimalist conceptions of justice and security that underpin these regulatory regimes to date, we survey some of the challenges that such conceptions will pose at the levels of gender and race politics, and political economy, as predicted by the academic literature. Our intention is to make a small contribution to a 'strategic knowledge' (Foucault 1980/1997: 144) that enables the debate participant to ask herself 'what does it cost existence to affirm its reality in this way?' (Burchell 1993; O'Malley, Weir and Shearing 1997: 508).

**Developments in Private Security, Post 9/11:
The Regulatory Challenge**

In 2006, the CEO of the Ottawa Division of a prominent not-for-profit private security organization spoke at the National Press Club of Canada about shifts in the country's private security industry post 9/11. At the outset, he drew attention to the dramatic increase in private security personnel since 2001, and the accompanying extension and diversification of industry activities. He said:

> It is well known that terrorists look for visible targets – international airports and other major transportation hubs, heavily populated areas, commercial and government buildings, high-profile landmarks, and major events. So how can the private security industry manage this increasing uncertainty, especially when we are also trying to stop fraud, theft, vandalism, workplace violence, and other costly crimes? … In today's security reality, the best front-line security personnel have the discipline and know-how to deter or respond to chemical spills, suspicious parcels, public demonstrations, verbal or physical conflicts, and terrorist threats. (Guindon 2006: 1-2)

The presentation, part of the National Press Club's Newsmaker Breakfast series, emphasized again and again that the post-9/11 'reality' – for which the private security professional was said to be eminently well equipped both in terms of skill and self-discipline – is one of risk, disorder, crime and terrorism. The excerpt is thus emblematic of a confident sector that is actively seeking, and in fact poised, to take over any and every sphere of security that heretofore may have been thought of as exclusively the domain of the state (see further, Kempa 2011; Neocleous 2008; Singh 2005; 2008).

The massive expansion –both in scope and size– of the private security industry since 2001 can be seen in established and transitional societies alike, marking the acceleration of what has been a decades-long trend. In Canada, large scale

employment increases in the industry were recorded in 2001-2006, following a period of slow and steady growth during the 1990s. Across Canada, there are currently approximately 3 private security personnel for every 2 police officers (Li 2008). The province of Ontario has the largest number of registered private security personnel with over 64,000 licensed security guards and private investigators (Ministry of Community Safety and Correctional Services 2011). In South Africa, between 2001 and early 2010 there was a 35.84% increase of registered security businesses and a 99.09% increase in the number of registered security officers (PSIRA 2010): estimates of the ratio of private security guards to police officers run as high as 7:1 (Kempa and Shearing 2002). While private security has long outnumbered the public police in South Africa, Canada, the US and Australia, this is a much more recent development in Europe and the EU (Estonia, Hungary, Poland, Ireland, Luxembourg and the UK: see CoESS 2011; van Steden and Sarre 2007).

In both established and transitional societies, the private security industry is engaged by business, individual citizens, citizens' groups, and governments themselves to do literally everything that public policing agencies and militaries do and much more besides (Button 2007a; Rigakos 2002; Singh 2008; Stenning 2000). This is very true at the local level of generic crime control and anti-terrorism activities, and is equally true with respect to macro-level national security issues. At the macro-level, they are involved in collaborating with states to secure national borders. In Canada, this has included public-private partnerships in planning and carrying out security at the 2010 G8-G20 summits (Morden 2012; Kempa 2012). Private security is also involved in military adventures in Iraq, Afghanistan, Asia-Pacific, and throughout the continents of Africa and South America (Avant 2005). In postwar contexts, they are often ironically contracted by states to carry out public police training and help to oversee and design public safety reform (Whyte 2007).

On the local scale, private security plays an increasingly important role in the routine maintenance of *public* order – the industry not only continues to guard shopping malls, airports and other forms of 'mass private property'[2] but increasingly operates to secure more fully public spaces, such as residential streets, primarily through applications of the law (or rule enforcement) and other reactive, coercive and exclusionary measures (Button 2007a; Law Commission of Canada 2002; Palmer and Whelan 2007; Rigakos 2002; Singh 2008; Singh and Kempa 2007). In the US and South Africa, for example, private security provides the initial response to residential[3] and commercial/industrial alarm call-outs – and this includes the dispatch of armed reaction units. In other jurisdictions where private security personnel are not routinely armed, such as the UK and Canada, the industry regularly deploys other coercive measures to maintain public order. To illustrate, in 2008 portions of Toronto's downtown Chinatown area were patrolled by Intelligarde, the self-styled 'Law Enforcement Company': two uniformed guards equipped with batons, handcuffs and radios patrolled (on foot and on bikes) shopping malls, stores and the surrounding public streets to expel beggars and more generally the homeless from storefronts and public sidewalks – these individuals were typically portrayed in media reports of the Chinatown BIA hiring of Intelligarde, as drunks and drug addicts who "plague" businesses by driving customers away (see for example, Robertson 2008; Sun 2008). According to Intelligarde's president Ross McLeod, his security guards also had a specific mandate to "detain people who commit indictable offences, including assault and breaking into a car", illustrating their para-policing capacity (Sun 2008).

Intelligarde might be unusual in positioning itself as competitors of the public police, or at least their equal partners,

---

2   Privately owned spaces that are open in various degrees to public access.

3   Includes private dwellings; private and public housing estates; and those communities (gated and otherwise) where resident groups have hired private security to police their homes and surrounding streets whether privately or publically owned.

but its crime control orientation[4] is not unique. The contemporary private security industry is not exclusively, or even mainly, engaged in loss prevention and harm minimization. Rather, many branches of the industry routinely perform crime control functions. Moreover, they actively market reactive, coercive security services to citizens as the basis of a strategy most likely to produce 'safety and security' in what is presented as an increasingly uncertain and threatening globalised climate. In the context of threats of terrorism, environmental degradation and elevated property crime resultant of a widening gap between 'have' and 'have-not' sections of the community, private security holds out the promise of security to individuals through the persistence of reactive, coercive strategies that have long been recognized as inadequate by progressive policing agencies and public safety practitioners (Kempa and Singh 2008).

Caught in the middle of the resurgence of private authority and service provision and all of its deep implications are public policing services. It is clear that many progressive members of public policing and public safety services have identified the limitations regarding the spread and rise to dominance of exclusionary privatized political economies for human security – though they may not use the terms deployed in this paper. Indeed, such concerns on the part of state police services are witnessed in the many efforts made to transcend 'professionalized models' for human security exclusively through law enforcement. In their least radical incarnations, such initiatives have taken the form of community policing programs – and many policing organizations have gone much further to address networked approaches to crime and harm reduction, and community well-being (for innovations in policing partnerships in South Africa, see: Singh 2008; Shearing and Foster 2007; in Canada: Waller 2010).

---

4   The vision statement on the Intelligarde web-site reads: 'A guard merely qualified to "observe and report" is no longer qualified to do the job effectively. Our guards actually deter crime with their high-profile, uniformed presence. They are also carefully trained to arrest perpetrators and respond effectively to emergencies'.

In their most radical incarnations, public policing/public safety models have sought to link together all manner of social services so as to promote 'holistic' public safety programs. In so doing, it has been recognized that modern, 'silo' approaches to funding and regulating the various 'aspects' of public safety frequently frustrates effective interagency collaboration. As such, these initiatives have been used as 'pilot sites' to inform the appropriate levels of government on the question of how best to modify funding and legislative regimes so as to support holistic public safety that seeks to not only prevent and respond to crime but also promote community buy-in to public safety and order, by demonstrating the quality of negotiated community life. In many ways, such broad notions of policing as 'progressive community safety governance' harken back to historically broad definitions of policing as essentially 'government policy', or 'the art of governing' (Foucault 2007: Ch.2; Neocleous 2008; Kempa 2010; 2011).

A familiar lament on the part of progressive police and public safety leaders is that where they attempt to implement such models for policing, the public too often 'vote with their feet' to purchase more familiar repressive and disciplinary modes of security from the private security industry. Simply stated, broad notions of public safety premised upon 'thin', 'cosmopolitan' conceptions of community justice and well-being are difficult to implement, require fairly deep community involvement and, further, yield more nebulous 'well-being' results that are more difficult to measure and demonstrate. As such, the more familiar story of policing offered by private actors as being limited to patrol and rules-enforcement can be seductive for communities that are fearful of crime, unengaged, suspicious of the state or simply armed with the financial means and cultural tendency to 'pay down' their problems in the model of responsible, neo-liberal citizenship.

What these competing empirical developments in public and private security reveal is the ultimate 'provisional' nature of justice and security as concepts and pursuits (Kempa 2011).

Given that justice and security can be literally whatever we choose to define them as, it follows that it is of great importance to diagnose the content of current security regimes so as to ask the Foucaultian normative question of what it costs existence to affirm its reality in this way (Foucault 1980; Burchell 1993; O'Malley, Weir and Shearing 1997: 508). The purpose of such a diagnosis would then be to have the debate about desired directions for the future of justice and security – in the particular policy domain of how best to regulate private security – in a conceptually informed fashion. We turn now to a discussion of ongoing efforts to regulate private security, noting the minimalist conceptions of justice and security that underpin them.

Notions of Security and Justice in Regulatory Regimes for the Private Security Industry

The state and its institutions have been slow to respond to the challenges posed by the more anti-social incarnations of private policing orders: they have generally pursued a program of 'denial' with respect to the increasing authority and general capacity of what are, in effect, 'private governments' in contemporary advanced capitalism (Shearing 2006). Thus, although the first active phase of private security growth and expansion began as early as the 1970s and accelerated over the course of the 1980s, governments developed only the most limited forms of regulatory legislation throughout this period; and in some extreme cases, such as the UK, Ireland and Greece, statutory controls were completely absent (Button 1998; van Steden and Sarre 2007). The pace of regulatory innovation has picked up post 9/11 (CoESS 2011).

At the level of practice, in essentially a governance vacuum, public police have been working with private security agencies for several decades. Understandably, given their professional role, Police Federations and Associations have loudly resisted plans to develop any form of formalized partnership policing that appears to reduce the role of the public police in contemporary policing. As such, the majority of partner-

ship policing that has developed has been until very recently *ad hoc* in nature, consisting mostly of informal information sharing between public and private policing agencies mixed with uneasy tensions at the borders and spillover areas surrounding the mass private properties which continue to be the principal – but certainly by no means exclusive – domains of the private security industry (Button 2007a; Law Commission of Canada 2002; Wakefield 2003). In more recent times, we find ourselves on the brink of a major revolution in this relationship in the UK where new offices of Police and Crime Commissioners are seeking to contract out to private security firms a range of services hitherto publically provided, such as patrolling neighborhoods, detaining suspects, responding to and investigating incidents, and managing intelligence (Travis and Williams 2012).

In light of this pending 'revolution', states have been scrambling over the question of how best to steer the contribution of private security to public order in pro-social directions. The result has been the introduction in Britain (Button 2007a), Europe (Gimenez-Salinas 2004), Canada, Australia, South Africa and elsewhere of a number of legislative initiatives which, despite their differences in detail, hold the common design objective of 'professionalising' the private security industry (for an overview of industry regulations in various EU and non-EU countries see: CoESS 2011; van Steden and Sarre 2007; for Canada, the US and Europe see: Cukier, Quigley, & Susla 2003).

First, all of these legislative initiatives have developed industry standards to deal with licensing, attached to minimal standards for training as well as quality control of employees entering the industry (e.g. character and educational requirements). Second, there has been a consistent concern to address the symbols and appearance of private security agents – uniforms, badges, vehicles etc. – so as to ensure that they do not falsely represent a public policing identity. Third, these legislative initiatives have sought to clarify questions concerning legitimate and illegitimate uses of coercion on

the part of the industry – principally through underlining the particular legal right to use force and in what instances as are specified in existing law, and also through the creation of new *codes of conduct* (which carry less authoritative force than formal pieces of legislation) which regulate the use of force in 'grey areas'. Fourth, and finally, there has been a concern to create avenues for public complaint. Principally, complaints can currently be made in most jurisdictions to specially-created public registrars in the pertinent government regulatory office, and/or directly to the public police themselves.

These concerns and conceptions are readily apparent in the example of recent legislative reforms in Ontario for governing the private security industry in that province. *The Private Security and Investigative Services Act 2005* (PSISA), which came into force August 2007, marks the first significant change since 1966 to legislative controls in Ontario, the province with the largest concentration of private security personnel in Canada (Ministry of Community Safety and Correctional Services 2011). Intended to "professionalize the security industry, increase public safety and ensure that practitioners receive proper training and are qualified to provide protective services", PSISA contains new licensing provisions – now extended to 'in-house' security personnel and businesses – and prescribes a range of new standards including regulations on: (a) license eligibility (18 years or older, entitled to work in Canada and no conviction for pre-scribed offences) and requirements (e.g. testing and training); (b) the markings on uniforms and vehicles in order to clearly distinguish between private security and the public police; (c) the use of batons, handcuffs, restraints, firearms and dogs; (d) and, for the first time a Code of Conduct with which all licensed personnel and business must comply. The Registrar of the Private Security and Investigative Services Branch at the Ministry of Community Safety and Correctional Services receives and investigates all public complaints. The Code imposes on licensees no duty towards members of the public, more specifically the targets of policing, other than to

conduct themselves professionally – that is, with honesty and respect, and within the scope of law (the anti-discrimination provisions of the Ontario Human Rights Code, property law, privacy laws, laws governing use of force etc.).

Across the jurisdictions described above, therefore, states have developed primarily classical, hierarchical approaches to 'command-and-control' regulation of the private security industry – consisting of prohibiting the abuse of repressive, disciplinary and 'symbolic' public authority. This is in contrast with increasingly deliberative, multiagency approaches to negotiating the form of public order by soliciting the involvement of the public, different areas of social services, and public watchdog agencies into elaborate networks of 'heterarchical' (Braithwaite 2008) regulation within the leading forms of public security regulation.

As such, within such schemes for governing the private security industry we see that human security is understood in the limited terms of the legitimate application of coercion and force, use of disciplinary surveillance, and, more generally, the rule of law. This is at the expense of broader definitions linking policing reform to fundamental transformations in the political, economic and social fields – transformations favoring marginalized and disadvantaged groups ('the othered'). A minimalist notion of security is here aligned with a minimalist notion of justice as limited to 'doing no harm', to respecting the specific legal rights of citizens as granted in domestic law: the concern is almost entirely to constrain the abuse of repressive, disciplinary, or symbolic modes of authority and power, rather than to elicit or steer their application in the public interest. In many ways, this is similar to 'traditional' systems for policing governance in the public sphere (Reiner 2010; Kempa 2011) though, as we have pointed out above, it is a countervailing trend to more progressive efforts by the state to govern and direct integrated systems for public safety.

Within the context of the minimalist regulation of the private security industry, 'security' and 'justice' thus come

to depend on the fair and equitable application of law/rules. However, as critical race theorists, feminist legal scholars and other critical thinkers have long noted, while law portrays itself as neutral, objective and universal it in fact privileges and perpetuates a masculine, propertied and white perspective that is set in opposition to the perspectives of those existing on the margins of power (see Aylward 1999; Hudson 2008). As such, the dominant schemes for governing private security have done little to address the challenges posed by anti-social private policing orders that operate with and reproduce politically conservative views of 'security' and 'justice'. We discuss these challenges below.

Impacts of 'Minimalist' Security: A Socio-Legal Discussion

The foundational insight of socio-legal studies is of course that legal frameworks have consequences for social and economic life by virtue of the fact that they reflect, further entrench, and ultimately reify ways of thinking and living. In this sense, legislative frameworks and institutional regimes for governing collective life embody and reflect our beliefs back to us, solidifying dominant ways of doing things with real-time impacts for all segments of the community. Reinforcing minimalist notions of justice and security will thereby have knock-on impacts for society and culture, in addition to the character and performance of economic markets.

'Minimalist justice' and society and culture

Exclusionary approaches to human security that have propagated in the context of the minimalist regulation of the private security industry have a range of detrimental knock-on social and cultural impacts. Most obviously, the proliferation of 'gated communities' in urban cities in the US (Davis 1990), South Africa (Landman 2006) and elsewhere have raised concerns about social polarization and spatial apartheid. These security enclaves are socially, politically and physically insulated from the surrounding poor, racialized neighbor-

hoods – though certain residents (in particular women and adult/middle aged men) of these nearby ghettos and slums are granted limited access to the heavily secured enclaves to serve as nannies, cleaners, maids, cooks, gardeners etc. Carving up social space into a honeycomb of fortified fragments in which the well-to-do privileged denizens of the market economy are cloistered, is not a model for social integration or political understanding between groups designated 'insiders' and 'outsiders' (Kempa and Singh 2008; Shearing and Stenning 1983). The increased social distance between groups resultant of the privatization of collective space and critically, the privatization of security within such spaces, contributes to a lack of understanding, tolerance and reciprocity between individuals perceived as different based on political persuasion, socio-economic class, race/ethnicity, gender, age, immigration status, citizenship etc. However as many observers note, mutual trust and respect, open dialogue and the free exchange of ideas are precisely those factors on which security in its more robust or 'cosmopolitan' forms depends (Neocleous 2008; Zedner 2009).

While some enclosed residential communities have annexed public streets – with or without government sanction – the privatization of public space has accelerated with the hiring of private security, by BIAs and municipalities, to police public places and spaces, intensifying concerns about the coding of spaces/places and bodies as dangerous/safe (on BIAs, private security and the privatization of public space in South Africa, see: Samara 2010; on city council/BIA partnerships for the policing of public property in Canada, see PIVOT 2008). An example previously discussed is the hiring of Intelligarde by the Toronto Chinatown BIA to patrol inside malls as well as spaces *outside* shops/businesses – i.e. public sidewalks and streets. Acknowledging that "Chinatown is not a high crime and violence area", the CBIA chair, Stephen Chan, made clear in media reports that the mobilization of private security patrols had less to do with crime rates than with the lack of insulation from beggars who "chase customers away" (Robertson 2008). The 'anti-beggar patrols' sought to enforce

local business interests which were positioned as in direct conflict with that of the poor and the homeless who were seen as problematic (due to their very presence), dangerous (because of their supposed inherent aggressiveness as well as links to crime and criminality) and legitimate policing targets. Coercive and repressive measures were used to remove these marginalized and criminalized individuals from public and private spaces/places thus foreclosing the mixing of classes, and enabling those with money to consume goods without encountering the 'underbelly' of free market capitalism – poverty and the poor. The measures used included intimidation (guards were uniformed and armed with batons and handcuffs), Trespass Notices/Banning Orders, detention and arrest. The exclusionary and disciplinary approach to security was highlighted by Intelligarde's CEO, Ross McLeod, who ominously declared: "'Banning orders' may be low level law. But if you pursue them they have a very cleansing affect" (Robertson 2008). Through the use of banning orders and other repressive strategies and tactics, 'undesirables' - in this case, defined primarily along class lines - were thus removed from sight and thereby largely from thought.

The private security industry thus actively polices the boundaries of both identity and space/place, (re)producing social differences and hierarchies. Reflecting and perpetuating minimalist notions of security, the industry's dominant exclusionary and repressive practices categorize and manage people (as individuals, groups and whole communities) and spaces/places along gender, racial/ethnic, class and other lines of power. In the process, certain people (predominately young, poor, racialized males) and spaces/places (poor, immigrant, racialized) come to be seen as the 'proper' object/target of policing.

'Minimalist' security and Economy

The disciplinary and restrictive private orders that are maintained within the spaces described above also serve to restrict the movement of people, their productive capacities, and

thereby the circulation of innovative ideas and approaches. Considering that one of the foundational principles of classical political economic science is that well-functioning markets are dependent upon the good flow of people, capacities, and goods (Creedy 2002; Smith 1776/1923; Foucault 2007), it follows that the current practices of the private security industry are contributing to setting the restrictive foundations that will ultimately hurt the growth and innovation that capitalist markets require to survive – however beneficial restrictive practices may be in the short run for staving off immediate threats to political economy. There is a deep irony here, in the sense that healthy, flowing, growing markets are themselves essential for the continued expansion and evolution of the private security industry (Spitzer and Scull 1977).

At base, feudal property relations and security regimes are not good for the future of the evolution of capitalism: restrictive societies will tend to freeze innovation in time, undermining the idea that capitalism flourishes in the context of its constant internal pressure for evolution. Presuming that, as many observe, capitalism finds itself at a moment of major conceptual and structural crossroads, stemming the flow of ideas that will be necessary for innovation to meet non-calculable and unknown future challenges will not serve long-term collective security (see for example: Kaplan 1994; Kovel 2007).

Concluding Comments:
'Justice and Security' As Explicit Political Choices

In sum, the punitive and repressive dimensions of the private security industry reflect and promote a limited understanding of human security and justice as predominately matters of law enforcement, disciplinary surveillance and individual rights, rather than a concern about the lack of social cohesion, under- or un-employment, racism, sexism and other manifestations of domination and subordination that undermine consensus, and so, participation and engagement in the negotiation of social order.

Although so much of what private security contributes to collective order has been described in the literature as negative, many of their more progressive initiatives to promote societal well-being and safety – sometimes in partnership with state agencies, and, potentially, sometimes completely independent of state collaboration – are unlikely to succeed in the type of limited, hierarchical, prohibitive regulatory environment that currently exists. The point follows along that, where government practitioners claim to be interested in promoting cosmopolitan, 'thin' conceptions of justice and security in society, they must translate their efforts to regulate public policing in these terms to the private security industry. What sorts of material incentive, funding structures, and participative community forums might be fostered by the state to enhance the contribution of private security to the types of inclusive collective order that are likely to promote cross community buy-in?

The critical review of the minimalist conceptions of security and justice that are given expression in current schemes for governing the private security industry leads on to the question of where society may find examples of the deeper notions of justice and security in either state or privately-led, or hybridized, security regimes. Taking note of what is working to promote cosmopolitan justice and security across the communities that comprise society would yield the data necessary to continue to refine regulatory regimes to support those security initiatives that enjoy the highest degree of public consensus and buy-in (Kempa and Singh forthcoming).

We have suggested, therefore, that the principal obstacle to efforts to regulate private security in the public interest is *conceptual*: outdated ways of thinking about justice and security are given expression in regimes for security governance, which reflect and perpetuate outdated means for action: the way forward is likely to be inductive and iterative.

References

Avant, D. (2005), *The Market for Force: The Consequence of Privatizing Security*. New York: Cambridge University Press.

Aylward, C. (1999). *Canadian Critical Race Theory: Racism and the Law*. Halifax: Fernwood Publishing.

Braithwaite, J. (2008). *Regulatory Capitalism: How it Works, Ideas for Making it Work Better.* Cheltenham: Edward Elgar Publishing.

Burchell, G. (1993). 'Liberal government and techniques of the self'. *Economy and Society* 22: 267-282.

Button, M. (2007a), 'Assessing the Regulation of Private Security across Europe'. *European Journal of Criminology,* 4/1: 109-28.

Button, M. (2007b), *Security Officers and Policing: Powers, Culture and Control in the Governance of Private Space*. Aldershot: Ashgate.

Button, M. (1998), 'Beyond the Public Gaze -- the Exclusion of Private Investigators from the British Debate over Regulating Private Security', *International Journal of the Sociology of Law* 26/1: 1-16.

CoESS (Confederation of European Security Services) (2011). *Private Security Services in Europe*. Available at: http://coess.eu/_Uploads/dbsAttachedFiles/Private_Security_Services_in_Europe-CoESS_Facts_and_Figures_2011(1).pdf

Creedy, J. (2002), 'Adam Smith and All That'. *Journal of History of Economic Thought,* 24(4): 479-489.

Cukier, W, Quigley, T., and Susla, J. (2003). 'Canadian Regulation of Private Security in an International Perspective', *International Journal of the Sociology of Law* 31/3:239-65.

Davis, M. (1990). *City of Quartz: Excavating the Future in Los Angeles*. London: Verso.

Foucault, M. (1980/1997). 'The masked philosopher'. In *Ethics, Subjectivity and Truth:*

the Essential works of Foucault 1954-1984, Vol. 1, ed. P. Rabinow, 321-328. New York: New York Press.

Foucault, M. (2007). *Security, Territory, Population*. New York: Palgrave Macmillan.

Gimenez-Salinas, A. (2004), 'New approaches regarding private/ public security', *Policing & Society: An International Journal of Research & Policy* 14/2: 158-74.

Guindon, P. (2006). *The Post-9/11 Private Security Reality.* Address to the National Press Club, Ottawa, June 1, 2006. Available at: http://www.commissionaires-ottawa.on.ca/News/New_ Reality_-Newsmaker_Breakfast_-_FINAL.pdf

Gunningham, N., Kagan, R., and Shearing, C. (2007), 'Neighborhood Environment Improvement Plans: Community Empowerment, Voluntary Collaboration and Legislative Design', *Environmental and Planning Law Journal,* 24/2: 125.

Hudson, B. (2008), 'Difference, Diversity and Criminology', *Theoretical Criminology*, 12(3): 275-92.

Kaplan, R. (1994), 'The Coming Anarchy: How Scarcity, Crime, Overpopulation, Tribalism and Disease Are Rapidly Destroying the Social Fabric of Our Planet'. *The Atlantic Monthly,* February: 44-76.

Kempa, M. (2012) 'Civilian oversight bodies must pierce police silence'. *The Globe and Mail.* 06 July. http://www. theglobeandmail.com/commentary/civilian-oversight-bodies-must-pierce-police-silence/article4393040/ (accessed 16 August 2012) .

Kempa, M. (2011). 'Public Policing, Private Security, Pacifying Populations'

In *The Anti-Security Reader.* Edited by Mark Neocleous and George Rigakos. Ottawa: Red Quill Press.

Kempa, M. (2010) 'The Political Economy of Human Security: A Conceptualist

Approach to Police Studies and Reform.' Pp. 101-117 in *Droits et voix/Rights and Voices: La Criminologie à l'université d'Ottawa/Criminolgy at the University of Ottawa.*

Edited by V. Strimellle and F. Van Hamme. Ottawa: University of Ottawa Press.

Kempa, M., and Shearing, C.D. (2002). Microscopic and Macroscopic Responses to Inequalities in the Governance of Security: Respective Experiments in South Africa and

Northern Ireland. *Transformation: Critical Perspectives on Southern Africa (Special Issue on Crime and Policing in Transition)*, 29(2): 25-54.

Kempa, M, and Singh, A-M. (2008), 'Private Security, Political Economy, and the Policing of Race: Probing Global Hypotheses through the Case of South Africa', *Theoretical Criminology,* 12(3): 333-354.

Kempa, M. and Singh, A-M. (Forthcoming). Outliers in Private Security and Justice: Pro-Social Trends in Collective Order.

Kempa, M., Stenning, P., and Wood, J. (2004). 'Policing Communal Spaces: A Reconfiguration of the 'Mass Private Property' Hypothesis'. *British Journal of Criminology*, 44/4: 562-81.

Kovel, J. (2007). *The Enemy of Nature: the End of Capitalism or the End of the World?* London: Zed Books.

Landman, K. (2006). 'Privatising Public Space in Post-Apartheid South African Cities Through Neighbourhood Enclosures', *GeoJournal*, 66(1-2):133-46.

Li, G. (2008). 'Private Security and Public Policing'. *Juristat*. Ottawa: Statistics Canada.

Ministry of Community Safety and Correctional Services, Ontario (2011). *Private Security and Investigative Services*. Available at: http://www.mcscs.jus.gov.on.ca/english/PISG/private_inv_sec/private_inv_sec.html

Morden, J. (2012). *Independent Civilian Review into Matters Relating to the G20 Summit*. Toronto: Toronto Police Services Board. http://www.g20review.ca/docs/report-2012-06-29.pdf (accessed 19 August 2012).

Neocleous, M. (2008) *Critique of Security*. Montreal: McGill/Queen's University Press.

Neocleous, M. (1998), 'Policing and Pin Making: Adam Smith, Police and the State of Prosperity', *Policing and Society* 8: 425-449.

O'Malley P., Weir, L. and Shearing, C. (1997), 'Governmentality, Criticism, Politics', *Economy and Society*, 26(4): 501-17.

Palmer, D., and Whelan, C. (2007), 'Policing in the 'Communal Spaces' of Major Event Venues', *Police Practice and Research: An International Journal,* 8/5: 401-414.

PIVOT Legal Society (2008). *Security Before Justice: A Study of the Impacts of Private Security on Homeless and Under-housed Vancouver Residents*. Available at: http://www.pivotlegal. org/sites/pivotlegal.org/files/securitybeforejustice.pdf

Private Security Industry Regulatory Authority (PSIRA). (2010). Annual Report 2009/2010. Available at: http://www.psira. co.za/joomla/pdfs/PSIRAAnnualReport2009-2010.pdf

Reiner, R. (2010). *The Politics of the Police*. 4th Ed. Oxford: Oxford University Press.

Rigakos, G. (2002), *The New Para-Police: Risk Markets and Commodified Social Control*. Toronto: University of Toronto Press.

Robertson, I. (2008), 'Anti-Beggars on Patrol', *The Toronto Sun* (Aug. 19). Available at: http://virtual.torontosun.com/doc/ torontosun/0819/2008081901/5.html#4

Rorty, R. (1997), 'Justice as a Larger Loyalty', *Ethical Perspectives*, 4(2): 139-49.

Samara, T. (2010). 'Order and Security in the City: Producing Race and Policing Neo-Liberal Spaces in South Africa', *Ethnic and Racial Studies*, 33(4): 637-55.

Shearing, C. (2006), Reflections on the refusal to acknowledge private governments. In J. Wood and B. Dupont (eds), *Democracy, Society and the Governance of Security*. Place: Cambridge University Press.

Shearing, C., and Foster, D. (2007), 'Back to the Future in South African Security: from Intentions to Effective Mechanisms', *Acta Juridica* 16: 156-170.

Shearing, C., and Stenning, P. (1983), Private Security: Implications for Social Control, *Social Problems*, 30/5: 493-506.

Singh, A-M. (2008), *Policing and Crime Control in Post-Apartheid South Africa*. Aldershot: Ashgate.

Singh, A-M. (2005), 'Private Security and Crime Control', *Theoretical Criminology,* 9/2: 153-74.

Singh, A-M., and Kempa, M. (2007). Reflections on the study of private policing cultures: early leads and key themes. Pp. 297-320 in *Police Occupational Culture: New Debates and Directions (Sociology of Crime, Law and Deviance Volume 8)*.

Edited by M. O'Neill, M. Marks, and A-M. Singh. London: Elsevier.

Smith, A. (1763/1964), *Lectures on Justice, Police, Revenue, and Arms,* New York: A.M. Kelley.

Smith, A. (1776/1923), *An Inquiry into the Nature and Causes of the Wealth of Nations*, London: Oxford University Press.

Spitzer, S., and Scull, A. (1977). 'Privatization and capitalist development: the case of the private police'. Social Problems 25(1): 18-29.

Stenning, P. (2000), 'Powers and Accountability of the Private Police', *European Journal on Criminal Policy et Research*, 8: 325-352.

Sun, H. (2008), 'Chinatown Merchants Hire Security Firms for Police Work', *The Toronto Star* (Aug. 20). Available at: http://www.thestar.com/News/GTA/article/481898

Travis, A. and Williams, Z. (2012), 'Revealed: Government Plans for Police Privatisation', *The Guardian* (March 2). Available at: http://www.guardian.co.uk/uk/2012/mar/02/police-privatisation-security-firms-crime

van Steden, R. and Sarre, R. (2007), The Growth of Private Security", *Security Journal*, 20: 222-35.

Wakefield, A. (2003), *Selling Security: the Private Policing of Public Space*. Cullompton: Willan

Waller, I. (2010). *Less Law, More Order: The Truth About Reducing Crime.* Westport: Greenwood.

Waltzer, M. (1994). *Thick and Thin: Moral Arguments at Home and Abroad*. Notre Dame: Notre Dame University Press.

Whyte, D. (2007), 'The Crimes of Neo-Liberal Rule in Occupied Iraq', *British Journal of Criminology*, 47: 177-195.

Zedner, L. (2009). *Security (Key Ideas in Criminology)*. London: Routledge.