

**THE USEFUL MYTH OF STATE SECURITY:  
REFLECTIONS ON THE STATE'S SPECIAL ROLE IN SECURITY  
PROVISION**

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**Introduction**

Ironically, I wrote parts of this article in the same week that the borough of Ondiep in the city of Utrecht was the scene of massive unrest, following the fatal shooting of a man by a police officer. The man had been fighting with a group of youngsters who had been causing trouble in the neighbourhood for quite some time. It is still unclear whether the man actually attempted to attack the police officer (and if so, why), who by a twist of fate had arrived on the scene in response to call from his wife. After the first riots, the police decided to isolate the borough by fencing off all the access roads, thus preventing 'riot tourists' from other parts of the city from roaming the streets of Ondiep. As an inhabitant of Ondiep, this made me (and all the other inhabitants of the borough) a prisoner of a neighbourhood under siege; for several nights; I slept safely behind closed gates. This surrealist experience ended only when calm returned after a silent march through the streets in commemoration of the dead man.

On the same night, some 'friends of the victim' declared on national television that they would form a neighbourhood watch team.<sup>1</sup> As their motivation they stated that they could expect nothing from the police ('They never turn up in time anyway'). On hearing this, I could not help but feel that the reassurance that was supposed to resonate in these words was strangely mixed with a threat to the public authorities – a threat that does not promise much good for Ondiep in the future. It seems that the police force cannot afford to let a group of citizens take control of their own neighbourhood and thereby reduce the role of the police to that of a mere side player. On the other hand, the police have to recognize that the social problems resulting from clashes between the youngsters and the local population have been beyond their control for a long time. As in countless other cases, the state seems to be torn between the indispensability of its promise to provide its citizens with security and the inevitability of its failure to realize this in a complex urban environment marked by a range of social problems that are beyond its sphere of control. The state will therefore continue to seek partnerships with local parties to guarantee security, while at the same time it will continue to be addressed as if it were the only one responsible. In that sense, it represents a fictional locus of

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<sup>1</sup> Pauw & Witteman, 15 March 2007. See the archives at [www.pauwenwitteman.vara.nl](http://www.pauwenwitteman.vara.nl).

responsibility. It is this fiction that is the subject of this article: the fiction that the state has a 'special role' to play in the provision of security.

First, two preliminary notes on terminology. By 'security provision', I mean 'the preservation of the peace, that is, the maintenance of a way of doing things where persons and property are free from unwarranted interference so that people may go about their business safely.'<sup>2</sup> Although security provision is part of the attempt to maintain social order, the two should not be equated, since social order is constituted and enforced through many more institutions (the media, education, social security laws, etc.). The focus is on defending, by both preventive and repressive means, social order against violations that are defined as criminal. This function is sometimes also called 'policing' and involves preventive activities such as patrolling as well as law enforcement and criminal investigations. It is thus normally associated with 'what the police do' but, as a function, it would be too narrow to simply equate security provision with 'police work', since other parties can take over the same function. Lastly, the social order is always an order of some kind of community (most often, the nation-state). Policing provides security from threats that emerge from *inside* that community – it delivers 'internal security' – in contrast to external threats, which originate from outside that community.<sup>3</sup>

The state has a special role in security provision if (and only if) it has comprehensive control over the provision of security. This first of all entails that the state *determines the content*: what kind of security is provided, how and by whom. We may contrast this special relationship with other functions that the state fulfils without claiming such a special role. For example, in many countries the state is involved in road construction for its citizens. But the state does not have to claim full control over the content of road construction: it can leave road plans to be decided by referenda, technical details about road quality to expert bodies, etc. For security, however, if the state is to have a special role, then it will have to decide what kind of activities will be undertaken (policing charters and agendas), what rules are applicable (criminal codes), what rights of appeal citizens will have, etc. A second element of the special role of the state is even more controversial: it has to engage in *in-house provision*. Again, this seems unnecessary for road construction, which is routinely delegated (contracted out) to private parties, whose performances are controlled only at a distance. For security, if the state has a special role, it will have to provide it through the actions of its own agents: the public police forces and some other specialized state agencies, under direct political control of the government. Now, the special role of the state in security is essentially contested: why

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<sup>2</sup> Clifford D. Shearing, 'The Relation between Public and Private Policing', in *Modern Policing*, ed. Michael Tonry and Norval Morris, *Crime and Justice* (Chicago 1992), 399.

<sup>3</sup> Thus, 'external security' in the sense of defence against foreign enemies is excluded from consideration in this article. However, the distinction between external and internal security cannot be drawn as sharply as one would wish, given the activities of international terrorist organizations, which can have local consequences in many different places in the world.

could it not be like road construction in the two respects just mentioned? Should there be such a special role for the state in security provision? This is the leading question in this article.

The purpose of this article is to show that it is a myth that security ‘must’ be delivered by the state (that the state necessarily has this special role). This myth is first addressed on a conceptual level. Here, the main claim for the special role of the state has been based on the supposed fact that security is a public good. However, as I shall show, there is nothing in the nature of security that compels us to make it a public good delivered by the state. Secondly, the myth will be addressed on a historical level. Security has never been the exclusive task of the state, and the recent rise of the private security industry only intensifies the challenge to the comprehensive state provision of security. Finally, I shall maintain that these conceptual and historical analyses of security nonetheless show us that the myth of state security might be a useful myth. The analyses point to strong normative reasons to argue for the state’s special role in security. The state’s special role is not inevitable (either conceptually or historically), although it is desirable from the point of view of justice.

### **Security as an inherently ‘public good’?**

The concept of public good originates from economic theory. According to this theory, a good is a public good if its provision is characterized by the technical characteristics of non-excludability and non-rivalry.

Non-excludability refers to the possibility of excluding people from the benefits of consuming a good. If exclusion is impossible, it is hard for commercial parties to reap the benefits from the production of a good, because people will attempt to consume the good without paying the price (‘free-riding’ behaviour). As a consequence, a market will be missing and only a public provider – legitimized to enforce payment by collecting taxes – will be able to provide the good. Non-rivalry refers to the fact that consumption of the good by one person does not preclude consumption of the same good by others. If a good is non-rivalrous (or ‘non-congestible’), it is inefficient to exclude additional consumers from access to the good, as exclusion diminishes the benefits to consumers without cutting the costs. In the Netherlands, dykes are often mentioned as the standard example of a public good. Once a dyke is in place, it cannot selectively defend only some citizens against the rising waters: everybody in the territory profits from its protection (non-excludability). Also, if more citizens are added to the territory this does not increase the cost of maintaining dykes (non-rivalry). For both reasons, dykes would be a public good.

The problem with the economic conception is that there are very few inherently public goods. Rivalry is almost always a matter of degree (at some point, additional

consumers will raise the cost of provision to all) and excludability depends upon the technological options available, which are constantly changing.<sup>4</sup> So we cannot make the public goods judgement by some kind of a priori reasoning about the nature of security. We will always have to check whether or not security, given today's technologies, is or is not a public good.<sup>5</sup> What about security? There are good reasons to judge that security can be subject to exclusion and rivalry. One can imagine the police force delivering its protection services to only some neighbourhoods, and not to others. Also, if the population grows, this will cause congestion: more police forces will have to operate to protect the population. Therefore, security is not a public good in the technical sense of being a non-excludable and non-rival good.<sup>6</sup> This means that the form of provision becomes an essentially *normative* question: if today's technology renders both options possible, should we prefer to have selective access to private services or equal access to public services for security?

However, this conclusion might be too hasty. What if security *is* an inherently public good, not on the basis of economic theory, but on the basis of some other theory? Ian Loader and Neil Walker have elaborated this position by formulating the idea that security is a 'thick public good'. Even if it is technically possible to exclude people from security provision, in a 'thick' sociological sense this would be impossible. Loader and Walker try to show how this works by distinguishing three dimensions of security: an instrumental, a social and a constitutive dimension. The *instrumental dimension* refers to security's classical function of protecting the liberty of individuals through protection of 'the person and property'.<sup>7</sup> The other two dimensions are more contested. It is these dimensions that purportedly make security into a thick public good.

The *social dimension* refers to the sense in which the provision of security for me is dependent on the provision of security for others. This can be demonstrated both for our objective security situation and for our subjective experience of security. Our objective security situation, according to Loader and Walker, is dependent on others in two senses: it depends upon the security measures taken by others (ranging from policemen to commercial parties and neighbours) and it depends upon the propensity of others to ignore these measures and violate our security. Our subjective experience of

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<sup>4</sup> For example, technically it may at first be impossible to exclude people from using roads or watching TV programmes, but once exclusionary devices are developed (road cameras and pay-per-view decoders) exclusion becomes possible.

<sup>5</sup> Kenneth D. Goldin, 'Equal Access vs. Selective Access: A Critique of Public Goods Theory', *Public Choice* 29, no. 1 (1977).

<sup>6</sup> H. O. Kerkmeester, 'Privatisering van veiligheid: economische aspecten', in *Privatisering van veiligheid*, ed. L.C. Winkel et al. (Den Haag 2005).

<sup>7</sup> Ian Loader and Neil Walker, 'Necessary Virtues. The Legitimate Place of the State in the Production of Security', in *Democracy, Society and the Governance of Security*, ed. Jennifer Wood and Benoit Dupont (Cambridge 2006), 184. For a different version of the same argument, see Ian Loader and Neil Walker, 'Policing as a Public Good: Reconstituting the Connections Between Policing and the State', *Theoretical Criminology* 5, no. 1 (2001).

security also depends on others, because our perception of the behaviour of others (both those taking security measures and those willing to violate them) plays an important role in our anxiety about our security situation. Thus, we learn the virtues of ‘security altruism’:

For our strategic monitoring of our own security concerns inevitably raises our awareness of the security concerns of others, and our desire to lower the anxiety ‘transaction costs’ of taking care of our own security anxiety may lead us to conclude that the best guarantee (...) of our own security is the equal guarantee of the security of others to whom we are connected. And in this complex and iterative calculation, the security of others may come to be appreciated as a good in its own right.<sup>8</sup>

The *constitutive dimension* refers to the sense in which the provision of security contributes to the constitution of ‘the social’, ‘the public’ or ‘the community’. Here, Loader and Walker state that stable communities have importance for their members for two sets of reasons: instrumental reasons – referring to the community’s power to solve collective action problems – and affective reasons, referring to the consolidation of a social sense of self. Now, instrumental reasons are usually not enough to sustain a community. An affective ‘glue’ is necessary to overcome the individuals ‘ambivalence about collective commitment’ because of ‘short-term self-interest, poor information and low trust’<sup>9</sup>. This glue is created through a sense of common purpose, which in turn is created by a concrete commitment to a set of shared goods. Language and territory are often-mentioned examples of such goods, but arguably, the collective provision of security is also one of them: security is ‘pivotal to the very purpose of community that at the level of self-identification it helps to construct and sustain our “we feeling” – our sense of “common publicness”.’<sup>10</sup> Thus, security should be provided as a public good that the whole community profits from. As the representative of this community, it is the state that practically functions to do so.

In my view, this sociological conception of security as a thick public good faces two problems. The first relates to the social dimension. Loader and Walker stress that our preference for others having equal access to security is *contingent*, that is, it is dependent upon our insight (generated in the iterative calculation mentioned above) that this the best way to secure our own environment. We learn to appreciate security altruism for this strategic reason. They present this as a solution to the problem that security altruism is

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<sup>8</sup> Loader and Walker, ‘Necessary Virtues. The Legitimate Place of the State in the Production of Security’, 188.

<sup>9</sup> Ibid., 190.

<sup>10</sup> Ibid., 191.

neither universal nor innate. For that could only be the case if people were equally vulnerable to security threats and had an equal ‘strategic deployment of harm-capacity’, or in the absence of such ‘strategic reciprocity’, if they were capable of ‘full mutual empathy with others’.<sup>11</sup> However, neither is the case: people are asymmetrically positioned towards one another in the strategic respects mentioned and they do not have full mutual empathy. Now, the problem is – and Loader and Walker fail to recognize this – that it logically follows that security altruism will be absent whenever my security situation and that of the other are insufficiently connected to each other, or when this connection is not perceived as sufficient. For Loader and Walker’s iterative calculation to work, people’s security situations do not have to be perfectly symmetric or perfectly altruistic; nonetheless, they have to be sufficiently symmetric and/or sufficiently altruistic. By contrast, if people feel that their security situation is effectively independent of others, this will inevitably lead to a breakdown of any project of providing security as a public good.<sup>12</sup> Therefore, security’s social status depends crucially upon the avoidance of feelings of invulnerability, and this is a contingent matter.

The second problem relates to the constitutive dimension of security. If we grant Loader and Walker that security is constitutive for ‘our sense of common publicness’, this still leaves open whether it is the state that has to fulfil this role. Loader and Walker leave no doubt that this is what they have in mind. They argue that, together, the three dimensions point to the necessity of having some political community fulfilling these functions – and this we usually call the state. The state, therefore, should remain the ‘anchor’ of security provision.<sup>13</sup> The problem with this, however, is that it is possible to define the relevant community at a variety of levels. The choice in most cases is not between security provision on the part of the state or through individuals buying security on the market, but between security provided by the state or by some relevant lower-level community, whereby individuals pool their resources to buy security. Thus, security, instead of being a public good, might also be provided as a ‘club good’. Club goods can be defined as ‘those “quasi-public” goods that are available to members of a club but restricted in some form or other to non-members’.<sup>14</sup> Here reappears the question of exclusion that we already encountered in the economic theory of public goods. For what

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<sup>11</sup> Ibid., 187.

<sup>12</sup> This argument mirrors David Hume’s famous argument about escaping the state of nature and entering a state of justice. This is only possible when both scarcity of resources and limited altruism are present (so that cooperation in a community becomes necessary), but not to such an extent that such cooperation breaks down.

<sup>13</sup> Ibid., p. 193.

<sup>14</sup> Adam Crawford, ‘Policing and Security as “Club Goods”: The New Enclosures?’, in *Democracy, Society and the Governance of Security*, ed. Jennifer Wood and Benoit Dupont (Cambridge 2006). Of course, even the concept of public good is already dependent on the prior designation of a relevant community, excluding those not belonging to this community. The only non-excluding public good would be a good provided for by the global community.

should be the relevant size of the club? Should it involve ‘all’ of us on pain of disintegration of ‘the’ community (the nation-state?), or is it harmless if smaller clubs constitute their own communities (such as the gated communities in the USA and elsewhere) through the provision of security?

In both dimensions, then, we see that the conception of security as a public good depends upon crucial empirical circumstances. Our actual dependence on others (strategic symmetry) and the nature of individual attitudes (altruism) determine the level at which communities are defined and security is provided, and the exclusion of non-members of the community from security measures follows from this. The attempt to grant security the status of a ‘natural’ public good (i.e. by means of a conceptual analysis only) fails, both via the economic and via the sociological route.<sup>15</sup> This means that the state – as the representative institution providing public goods – cannot make true its mythical claim to comprehensive control of security provision. Let us now see whether or not concrete historical evidence confirms this conclusion.

### **The historical contingencies of security provision**

The history of security provision shows us that the state monopoly on security provision is a myth. First, and quite logically, security was not provided by the state before states came into being; second, security was not exclusively provided by the state during the so-called heydays of the nation-state; and third, security is not exclusively provided by the state today.

In medieval times, security was provided by informal mechanisms in local communities. Representative of these informal structures was the institution of the ‘hue and cry’, which required all men to respond to a signal of crime and join together to prosecute and punish the felon.<sup>16</sup> When officials were appointed, such as constables or ‘judges of the peace’, their office was mostly unpaid and part of their civic duties.<sup>17</sup> These institutions therefore relied heavily on the public spirit. This changed in the 18<sup>th</sup> century, when the relatively stable feudal order started to give way to a society ‘where interests were becoming more distinct, associations more transitory, relationships more fragmentary, and public order more fragile.’<sup>18</sup> Then a private security system evolved, based on a specialization of crime control: it evolved from a temporary activity rotating

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<sup>15</sup> About the question of the public good nature of security see also Les Johnston, *The Rebirth of Private Policing* (London 1992), 42-43, and Trevor Jones and Tim Newburn, ‘The Transformation of Policing? Understanding Current Trends in Policing Systems’, *The British Journal of Criminology* 42 (2002): 30-37.

<sup>16</sup> Brian Forst, ‘Policing with Legitimacy, Equity, and Efficiency’, in *The Privatization of Policing. Two Views*, ed. Brian Forst and Peter Manning (Washington D.C. 1999), 4.

<sup>17</sup> Steven Spitzer and Andrew T. Scull, ‘Social Control in Historical Perspective: from Private to Public Responses to Crime’, in *Corrections and Punishment*, ed. David F. Greenberg (London 1977), 268.

<sup>18</sup> *Ibid.*, 269.

among citizens into a permanent office. Sometimes a salary was attached to such offices, but usually it was quite low. The main revenues had to come from fees levied on lawbreakers and the victims of crime. Thus, in the 18<sup>th</sup> century victims of theft often appealed to independent agencies that would then attempt to recover the stolen goods for a percentage of their value. This system of private payments encouraged private officers to contract with prospective thieves to share the reward they would receive when they ‘recovered’ the stolen goods, or even worse, to set up crimes themselves, then accuse innocent victims and force them to pay a ‘reward’ to be set free.<sup>19</sup> It almost goes without saying that crime was exacerbated rather than curbed by these kinds of practices. As a consequence, during the first half of the 19<sup>th</sup> century pressure mounted to make the maintenance of order a truly public office. In response to this, public police forces were established in the course of the 19<sup>th</sup> century, first in the major cities and subsequently in the countryside. The era of state provision had arrived.<sup>20</sup>

This era of state dominance lasted until roughly the 1970s/1980s. It still influences our mentalities and engenders our expectations that the state will take care of security. However, even in this period of its heydays, the state was not the exclusive provider of security. Large firms protected their buildings and equipment with the help of internal security personnel, ‘to defend corporate capital against trade unionism’.<sup>21</sup> Second, there remained a large measure of communal social control by people who were not expressly trained and paid as security personnel.<sup>22</sup> These corporations and communities provided security for themselves, sometimes in deliberate antagonism to the newly established public police forces. What is more, in some areas of the Western world the state did not succeed in establishing its central role at all. The most notable example is Sicily, where the mafia fulfilled the same function of protection that elsewhere was largely covered by the state.<sup>23</sup>

The recent history of security provision is characterized by an even stronger proliferation of different security providers. Starting in the 1970s and 1980s, the state declined vis-à-vis other providers: although public police forces have grown in absolute numbers of personnel, they have nonetheless seen the rise of commercial companies and citizen groups as partners or competitors (that remains to be seen) in securing order and

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<sup>19</sup> Ibid., 275. See also Johnston, *The Rebirth of Private Policing*, 6 ff., arguing that in America at least, ‘felons associations’ and ‘vigilance committees’ remained important as forms of self-organized protection by citizens.

<sup>20</sup> Johnston & Shearing (2003: 57-58) distinguish an orthodox and a revisionist version of this transformation, emphasizing the response to escalating crime because of industrialization and urbanization (orthodox) and the disciplining of the working class (revisionist), respectively.

<sup>21</sup> Johnston, *The Rebirth of Private Policing*, 19-20.

<sup>22</sup> Jones and Newburn, ‘The Transformation of Policing? Understanding Current Trends in Policing Systems’.

<sup>23</sup> Diego Gambetta, *The Sicilian Mafia. The Business of Private Protection* (Cambridge, Massachusetts 1993).



safety.<sup>24</sup> A first explanation for this development is that the state's decline was caused by a fiscal crisis that has plagued the public sector in general (fiscal constraint theory). Because of this crisis, massive expansion of the public police force was rendered impossible.<sup>25</sup> Policing budgets did not decrease in an absolute sense, but insufficient resources were available to match the rising crime figures with a corresponding increase in resources.<sup>26</sup> Therefore, the public police force started to actively welcome partnerships with companies and citizens in an attempt to create a system of 'plural policing'.<sup>27</sup>

A second influential explanation for the decline of the state and the rise of other security providers is the 'mass private property' thesis. Changes in large-scale property have been taken place, such as the enlargement of shopping malls, residential areas (gated communities), theme parks, etc. These places have a public function but are nonetheless privately owned. As a consequence, property owners prefer to rely on private security companies to guarantee the safety on their property.<sup>28</sup> This thesis can be criticized for representing too crude a picture of public versus private property and of changes of security always following changes in property relations.<sup>29</sup> Nonetheless, one can also take the explanation as basically correct but interpret it not as a sign of a weakening state, but as a sign of changing relations *within* the private sphere. Thus, Jones and Newburn argue that private security has always been firmly present, even during the mid-20<sup>th</sup> century period, which allegedly was dominated by the public police force. According to them, what has really happened is a formalization of social control, that is, a

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<sup>24</sup> Of these two, the best documented trend is the rise of commercial security companies: Jaap de Waard, 'The Private Security Industry in International Perspective', *European Journal on Criminal Policy and Research* 7 (1999).

<sup>25</sup> Steven Spitzer and Andrew T. Scull, 'Privatization and Capitalist Development: The Case of the Private Police', *Social Problems* 25, no. 1 (1977): 24-25.

<sup>26</sup> Jones and Newburn, 'The Transformation of Policing? Understanding Current Trends in Policing Systems', 158-60.

<sup>27</sup> See also Garland, who discusses the several 'responsibilization strategies' that the state uses to direct responsibility for crime prevention towards private organizations and citizens. David Garland, *The Culture of Control. Crime and Social Order in Contemporary Society* (Chicago 2001), 123-27. Bayley and Shearing argue that the consequence of this reduction of state responsibility will be that individuals and organizations will increasingly resort to the marketplace for protection. David H. Bayley and Clifford D. Shearing, 'The Future of Policing', *Law & Society Review* 30, no. 3 (1996): 601. Lucia Zedner argues that this reliance on the market is actually a return to 18<sup>th</sup>-century modes of security provision. She compares the current 'responsibilization strategies' to 18<sup>th</sup>-century self-help, current community guarding systems to 18<sup>th</sup>-century felons associations and the current booming of security markets with then prevailing market practices. Lucia Zedner, 'Policing Before and After the Police. The Historical Antecedents of Contemporary Crime Control', *The British Journal of Criminology* 46 (2006).

<sup>28</sup> Clifford D. Shearing and Philip C. Stenning, 'Private Security: Implications for Social Control', *Social Problems* 30, no. 5 (1983): 496.. Johnston, *The Rebirth of Private Policing*, 137 ff. and Les Johnston, 'What is Vigilantism?', *The British Journal of Criminology* 36 (1996). For those interested in the Dutch situation, see Hans Boutellier, *De veiligheidsutopie. Hedendaags onbehagen en verlangen rond misdaad en straf*, derde ed. (Den Haag 2005); Frans van Dijk and Jaap de Waard, *Publieke en private veiligheidszorg. Nationale en internationale trends* (2001).; A. B. Hoogenboom et al., eds., *Privatisering van toezicht en opsporing* (Den Haag: Koninklijke Vermande, 2000).

<sup>29</sup> Johnston, *The Rebirth of Private Policing*, 212..

shift of control as a secondary activity undertaken by people whose primary occupation is something else (they mention such diverse examples as tram conductors, teachers and house-to-house deliverers of milk and bread) to control by public *and* private officials who have social control as their primary occupation.<sup>30</sup>

The rise of the private security industry has not been without its consequences for the *character* of security provision. To illustrate this, let us consider three basic characteristics of private security.<sup>31</sup> First, it is non-specialized, that is, it is integrated within the organization by which it is employed. Security is organized as a responsibility of all organizational members, and the main task of official security personnel is to implement techniques and train others to prevent crime. Second, private security has a client-defined mandate: it is not interested in upholding the law against violations, but in preventing unwelcome events from happening. As a consequence, there is a tendency to deal with offenders internally instead of handing them over to the official justice system. Thirdly, sanctions have a private character (e.g. firing employees, denying access to resources) rather than a legal character. Taken as a whole, these characteristics show a marked difference between private and public policing, aptly summed up in the sentence: ‘Private police emphasize the logic of security, while public police emphasize the logic of justice.’<sup>32</sup> As this quotation underlines, the difference is one of logic: it is not just a different set of practices or attitudes, but a coherent system of beliefs underlying them.

The clash of private and public logics of security provision is to be embedded in a far-reaching conflict, namely that between an old criminology and a new ‘criminology of everyday life’.<sup>33</sup> Here, the definitions of crime and security themselves are at stake. According to David Garland, in the new criminology offenders are seen as ‘normal, rational consumers’, calculating the costs and benefits of illegal courses of action and acting upon those calculations. Their motivations do not differ from the motivations of other people, and deviant or criminal behaviour accordingly is not seen as behaviour of a different kind. This stands in marked contrast to the old criminology, which saw offenders as ‘disadvantaged or poorly socialized’ people who deserved a special kind of treatment.<sup>34</sup> Providing security against such offenders means influencing the set of

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<sup>30</sup> Jones and Newburn, ‘The Transformation of Policing? Understanding Current Trends in Policing Systems’, 139-42.

<sup>31</sup> Taken from Shearing and Stenning, ‘Private Security: Implications for Social Control’, 499-502. See also J. M. Piret, ‘Privatisering van veiligheid: ideologische en rechtsstatelijke aspecten’, in *Privatisering van veiligheid*, ed. L.C. Winkel et al. (Den Haag 2005), 49.

<sup>32</sup> Bayley and Shearing, ‘The Future of Policing’, 592. Of course, this dichotomy is only a theoretical blueprint, based on the diverging basic orientations of private and public police. Boutellier argues that the police itself, confronted with its limited possibilities to apprehend and convict offenders, has started to put more weight on prevention. Boutellier, *De veiligheidsutopie. Hedendaags onbehagen en verlangen rond misdaad en straf*, 240-3. See also Garland, *The Culture of Control. Crime and Social Order in Contemporary Society*, 451.

<sup>33</sup> Garland, *The Culture of Control. Crime and Social Order in Contemporary Society*, 127.

<sup>34</sup> *Ibid.*, 137.

incentives these rational consumers face, that is, changing their pay-off structure. When the problem is not in the character of the offender but in the opportunities for offences that he encounters, the required solution lies in making ‘a thousand small adjustments’<sup>35</sup> to the structure of the social environment so that opportunities for deviancy are diminished.<sup>36</sup>

Les Johnston and Clifford Shearing have conceptualized this shift as being one from a paradigm of punishment to a paradigm of risk.<sup>37</sup> If the problem is one of a calculating consumer whose risk pay-off structure leads him to commit crimes, then the solution becomes a question of risk management. Such risk management involves a sequence of steps: identifying potential threats, assessing the probability of the realization of these threats, estimating the losses involved, and the balancing of probability and loss. This risk paradigm deviates from the punishment paradigm in two important senses. Whereas punishing is a form of governing the past (making good past offences), risk management is a form of governing the future (preventing new offences). Secondly, risk management involves many more potential subjects than those suspected of an offence: everyone in a certain building, field or neighbourhood is subject to the management of security.<sup>38</sup> The connection between these underlying perspectives on crime and the provision of security seems clear: the state is associated with the older form of security provision while risk management is the hallmark of private security. Johnston and Shearing state that ‘risk-based thinking is fundamental to the corporate mentality’ (2003: 76).

If this is true, then the question what remains of the state’s special role becomes acute in a sense that has thus far remained obscure: security provision then is changed into a different practice because it is no longer delivered by the state. Our question concerning the state’s special role now becomes dependent upon the desirability of this change: should security provision primarily be risk management; and second, should this be delivered primarily by non-state actors? If the answer to both questions is in the affirmative, no special role for the state seems to be left.

### **Conclusions: a special role for the state?**

Both our conceptual analysis of security as a public good and our historical analysis of security provision have shown that the necessary link between security and the state is a myth. Conceptually, security can be a club good just as well as a public good.

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<sup>35</sup> Ibid., 129.

<sup>36</sup> See also Zedner, ‘Policing Before and After the Police. The Historical Antecedents of Contemporary Crime Control’, 84.

<sup>37</sup> Les Johnston and Clifford D. Shearing, *Governing Security. Explorations in Policing and Justice* (London 2003), 66-73.

<sup>38</sup> Ibid., 77-79.

Throughout history, other agents have been able to provide security. Whether the state has a special role to play in security provision today is therefore a matter open to debate and contestation. In my view, both the conceptual and the historical analysis also provide clues to why a special role for the state may continue to be desirable.

At first sight, our historical analysis seems to contradict this conclusion. For we have seen that security is increasingly transformed into a practice of reducing risks posed by offenders who are motivated by rationally calculated considerations, and this motivates a corresponding tendency to rely on private companies instead of public authorities for the provision of security. Does this not reduce the role of the state? However, the meaning of these developments is more ambiguous than it seems, and does not point to a simple reduction of the state's role. This is for several reasons. For one thing, security has historically been provided by other actors who engaged in social control as part of their daily business – even if this was not described as ‘risk management’ and its techniques were more ad hoc and informal. Therefore, ‘complete public provision’ of preventive activities will remain a myth. Thus, the break with the past is less radical than it might seem.

Moreover, even if recent developments give non-state actors a firmer place in security provision alongside the state, the state's special role remains desirable in two senses. First, the final responsibility for the preventive part of security provision cannot be easily taken away from the state. There will always remain instances where maintenance of the peace is unprofitable for commercial parties and unfeasible for informal citizen groups. The police force remains the only possible institution fit to do the job in those circumstances. Second, security will also continue to include the governance of the past, that is, the retrospective punishment of offenders. For this task, the expectations of the public continue to be directed at the public authorities, and with good reason. Here, private security does not raise a claim to greater involvement: the functions of prosecuting, sentencing and imprisoning firmly remain the responsibility of the public authorities.

One might object that these arguments merely point to some kind of public authority that remains necessarily involved in security provision. Does this have to be a state? Can it not be a more exclusive community authority? This brings us back to our conceptual analysis, where we saw that there is nothing in the nature of security that demands that it be delivered as a public good open to all people. The desirable form of security provision depends upon the level at which we want to define ‘the community’ that provides security and consequently excludes others from its benefits: this level can very well be that of a ‘club’ on a lower level than the state. Whether security is the special responsibility of the state continues to depend upon the relevant community – where the borders of inclusion and exclusion are drawn. Now, exclusions are unwelcome for normative reasons, that is, insofar as they generate an inequality in security between

the security situation of different citizens. It is therefore a demand of *justice* that the state provides security equally to all of its citizens. In that sense, security is a demand only upon those states that define themselves as committed to such an ideal of justice. Providing private security to, for example, those living inside a gated community leaves those outside that community vulnerable to an increased security risk. The public police force is then called upon only to protect the hard cases – which is an increasingly difficult task. Second, and more indirectly, private provision may lead to a consumer ethos amongst citizens, who will demand instant performances from the police as something to which they have a right. This may lead to the ‘capture’ of the police by those citizens who know how to articulate their demands well, at the expense of others with less skills in communication. Such a capture results in the police effectively providing a ‘club good’, while the surface reality still seems to be that of a public good. The state should be committed to preventing such exclusionary tendencies. It therefore cannot permit non-state agents to take too much control of the security landscape. Nevertheless, ‘comprehensive state provision’ remains the myth that it is.

Postscript: a month after the riots, the police rejected the plan of Ondiep’s inhabitants to form a neighbourhood watch. Its spokesman declared: ‘the maintenance of public order is and will remain the responsibility of the police.’<sup>39</sup>

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<sup>39</sup> Leendert van der Valk, ‘De reltoeristen zijn weg, de ergernis blijft’, *NRC Handelsblad*, 17 april 2007.