Review

James Sheptycki (ed) (2000) *Issues in Transnational Policing*. London: Routledge

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Two decades ago in a fine article about the state of police research, Maureen Cain (1979) remarked on the lack of an adequate conceptualisation of policing, on the narrow institutional focus of research, and on the absence of any substantive theorisation of the police-state relationship. The article became a useful point of reference since it forged some conceptual order in what was often a diffuse field of sociological inquiry. Afterwards, in the 1980s, there was a profusion of scholarly writing (largely Anglo-Saxon) both on the police and on social control more broadly.

By the 1990s policing studies had, as it were, lost its innocence. It soon became clear that pro-police naiveté, ideological romanticism and theoretical dogmatism simply could not succeed in capturing the complexity of the modern police persona. Policing too turned out to be subject to the long march of history. *Privatisation* and *globalisation* in particular were now shaping its fortunes at the local level in ways which Cain – situated on her tropical Caribbean island – could hardly have anticipated.

With scholars such as Clifford Shearing in the lead, the drift to a privatised policing function through market forces began to receive attention right after the appearance of Cain's seminal piece. It is now quite common to read of the 'mixed economy' of the terrain of policing, characterised by extensive diversity. Debates about the effects of globalisation on public police institutions, however, are of more recent vintage. The demise of the Cold War, the rapid internationalisation of trade, advances in the technological arena and the growth in organised crime have changed the structural context of policing.

In the literature, the *transnationalisation* of policing is portrayed as a function of the transnationalisation of crime. The latter again points to the increasingly spatial mobility of crime – particularly of an organised nature – at the level of its plotting, planning, execution and associated effects. Key manifestations of crime as a migratory phenomenon crisscrossing national borders include trafficking in drugs, human beings and money laundering. They are generally viewed as bound up with a metamorphosis of the nature of organised crime conducted by syndicates, gangs and all the other entrepreneurial structures that new and lucrative international opportunities have called forth. It follows that new crime threats in an increasingly interdependent security environment require novel law enforcement strategies. A critical feature of such strategies is likely to be much denser and more intimate networks of co-operation between the law enforcement regimes of particular states. Much of the current debate on the transnational policing focuses on the form, content and consequences associated with the cooperative networks and strategic alliances that are being forged amongst law enforcement agencies at the sub- and supra-state levels.

Both the Europeanisation and Americanisation of law enforcement practices have been the subject matter of enquiry of a number of recent publications. Three questions in particular are central to such explorations: What are the social conditions under which police cooperation gains momentum? What are the substantive features of this kind of police interaction? What are the ramifications (both organisationally and politically) of the evolving networks of police cooperation? Some of the most important publications on this front include *Police Co-operation in the European Community* (1987), which provided one of the first descriptive explorations of the networks of police cooperation as they evolved in those early, post-Thatcherite days of Eurostate deliberations. Both *Policing across National Boundaries* (1994) and *Policing the European Union* (1995) considered in much finer detail a range of practical, political and theoretical issues accompanying the process of international police-cooperation in Europe. *Policing Europe: co-operation, conflict and control* (1995) spoke more about the development of an 'internal security deficit' in response to the new crime threats posed by drugs, illegal immigrants and terrorism. It is this perceived security deficit, they noted, that provided momentum toward the development of international policing regimes, the consolidation of information systems and cross-border operational exchanges.

Looking beyond Europe, the debate on internationalisation of policing has also crystallised across the Atlantic. On this score the seminal work of Nadelmann's *Cops Across Border* (1993) deserves particular mention. By charting US internationalisation across two historical epochs (1878-1939 and 1940-1992), Nadelmann provides an historical corrective to the debate by demonstrating that the export of policing ideas, strategies and the cementing of institutional linkages between components of the security regime are not altogether new phenomena.

Against this background of a growing academic literature on the subject, what is of interest in the recent book edited by James Sheptycki of the University of Durham, entitled *Issues in Transnational Policing*? First, here is a brief overview of the main thematic concerns of the book, followed by some critical comments on its form and substance.

In the introductory chapter, Sheptycki provides a brief review of the literature on transnationalism and concludes by constructing a typology for policing. The latter aims at capturing the central features of policing in the twenty-first century. The typology is built on a three-tiered scaffold. It consolidates some old ideas in a more expansive conceptual grid. The first axis makes a distinction between high and low policing. Here the author borrows from the 1983 work of Jean-Paul Brodeur. There Brodeur emphasised that the distinction between conventional (low) and more political (high) forms of policing also holds true in liberal democracies. The second axis involves the distinction between public and private policing in terms of which the complex division of policing labour between state and market is acknowledged. The third distinction is between the policing of territory versus what Sheptycki calls 'suspect populations'.

The rest of the contributors take up specific topics within the broad area sketched out by Sheptycki. First in line is Les Johnston who takes the discussion on the privatisation of policing into the global village. Here he traces the features and fortunes of commercial security in the transnational sphere. What binds rent-a-cop outfits as far afield as South Africa, Brazil, Italy and Singapore are the tentacles of global capital, multinational ownership, the imperative of profit maximisation and an operational logic primarily concerned with anticipating business risks and minimising losses. Johnston offers both a robust description of the global security market and a substantive appraisal of its associated challenges. Where he breaks ranks with the radical chic analysis of others is when he suggests that democratic lessons may be extracted from corporate forms of governance (of which

private security is an interesting example). After all, as he states, there is nothing which precludes the possibility that 'risk based thinking' (so central to corporate security regimes) may 'aid the minimisation of harm' that is so central an objective of state-centered policing.

In chapter 3 Jean-Paul Brodeur explores, by means of two examples involving transnational policing investigations into economic crimes, the implications for due process and constitutionality. While some may find the case studies too cumbersome to navigate, the gist of the contribution is thankfully encapsulated in the introduction. In this chapter Brodeur puts his seminal distinction between 'high' (political) and 'low' (routine) policing (which dates back to a provocative article of the mid-1980s) to good use. Transnational policing, argues the author, holds the potential for blurring the lines between routine and political policing. This is so for two reasons in particular. The first has to do with the overwhelming importance of intelligence in transnational policing operations. The second has to do with a structural disposition toward increasing cooperation between the public police, the military and other state security bodies characteristic of security management in the post-Cold War era. Robust mechanisms of police accountability, fine-tuned to the transnational environment, will be required to offset the potential for a democratic deficit emerging in new age policing. In this respect, supra-national mechanisms such as the European Court of Human Rights and the International Criminal Court face a difficult but necessary task by functioning as oversight and accountability structures for the transnational bodies of armed men/women.

But what about new pockets of bureaucratic interest emerging in the transnational policing environment? Didier Bigo turns his attention to the sleek breed of liaison officers (the urbane, cosmopolitan, specialist knowledge-brokers) that now dot the policing landscape in Europe. As a stratum of policing specialists they occupy an intermediate position between the political elite and the operational policing arms deployed on home territory. Middlemen professionals of a new virtual age, they are adept at fighting the battles for operational independence *and* political influence in pursuit of a modernisation of policing habits and a harmonisation of policing systems and procedures. Those interested in the fortunes of policing subcultures under current conditions of globalisation, are bound to find Bigo's venture into the enclave of liaison officers rewarding.

Peter Manning's engagement with the 'Policing of new social spaces' in a 'wired planet' speaks to the demands which cyberspace places on

policing well beyond the national boundaries of any one state. 'Policing in new social spaces has produced new, ever more shrill claims for crime-threat control by police ... and has stimulated new rhetorical devices, representational strategies and innovative organisational tactics that are helping to reshape policing in the twenty first century' (2000:197). Transformations in communication and the commodification of information give momentum to 'communicational' and 'informational policing' driven by intelligence-gathering and counter-intelligence strategies. Manning's excursion into cyberspace alludes to the kinds of challenges which may come to confront the policing of cybercrime. Coming to terms with the latter will require a departure from the exclusive emphasis on terrestrial crime in policing studies.

Piracy, slavery and drugs provide the focus for a discussion by Frank Gregory on the emergence and consolidation of transnational criminal law regimes and the associated transnational law enforcement capacity to which it gives rise. The three examples capture historical continuities in the way in which the social construction of crime (at the international level) involve political and moral issues. In Chapter 5 Sheptycki illustrates the challenges facing transnational control practices and the difficulties associated with the global governance of security through the prism of anti-money laundering strategies. He provides a detailed description of the emergence of money laundering as a global security concern, and of the regulatory regimes and diverse mechanisms to which it has given rise. Sheptycki finds it instructive to portray anti-money laundering regimes as an example not so much of the impotence of the state but rather of 'government at a distance'. Instead of simply witnessing a 'hollowing out' of the state, there is evidence of a new 'polycentricity of power' as we witness a 'diffusion, multiplication and intensification of governmental practice within certain specific sovereign states outwards, from the transnational level downwards and from the sub-state institutions upwards' (2000:165). What warrants concern is that the emerging system of transnational policing functions within a fragmented legal framework. The overwhelming emphasis on law enforcement effectiveness in transnational policing is likely to detract, as Boister (2001) puts it, from values such as due process, legality and human rights.

In the concluding chapter, Sheptycki focuses on what he regards as a 'prototypical instance' of transnational law enforcement, namely the drug war. From this 'flagship' instance he draws some lessons for global

governance. Policing, states Sheptycki, is a crucial element of governance, a 'barometer of the transnationalisation of governance' (2000:223). Transnational policing thus provides a view on governmental practices of the transnational state system. In this chapter, the evolution of the global drug prohibition regime is charted, and the role of moral entrepreneurs, sub-state actors (Federal Bureau of Narcotics) and high policing agencies captured.

Such are the substantive concerns of the text as it lies before us. But wherein lies its distinct contribution within the broader policing debate? Does it contribute to a more subtle understanding of the processes, which impact on the politics and logistics of contemporary policing? Does it provide us with analytical tools to decipher the complexities of policing under current global conditions? It is in trying to pass judgement on the text that it is helpful to return to the mixture of promises in the introduction. The intention of this book we are told is to situate policing – squarely – in a context of globalisation and transnationalism. Coming to terms with this structural background, would mean to take policing studies to new conceptual horizons by crossing the 'boundaries between criminology, international relations and international law' as the blurb on the jacket proclaims. Such bold promises however, are offset by more modest ones: 'This volume aims to begin answering the question' about transnational policing. 'The intention is to open up a field of inquiry and consequently the book does not offer an encyclopedic compendium of work done in the area' (2000:1).

Issues in Transnational Policing certainly adds useful descriptive detail relevant to an understanding of the processes and structures that comprise the transnational policing regime – in both its state and market incarnation. The gist of the analysis also concurs with the political sentiments expressed elsewhere in the literature, namely that the consolidation of associative policing networks at a supra-state level is bound to give a (transnational) edge to conventional, state-centered discussions on police effectiveness and accountability. But in contrast to the simple conspiratorial depictions of transnational policing co-operation such as Big Brother gone Global, many of the contributors in this volume stress instead the uneven, contradictory and heterogeneous character of the processes underlying the trans-nationsalisation of policing. Like privatisation, transnationalisation also requires a re-appraisal of conventional understandings of police and policing. In this volume too one is reminded of the conceptual and political

shortcomings associated with the classical Weberian view of the state as an apparatus which successfully lays claim to a monopoly over the use of legitimate force. *Issues in Transnational Policing* however, suggests some caution when we summarily interpret the transnationalisation of policing as indicative of a 'leaner', 'impotent' or 'hollowed out' state. If policing is to be appreciated as a 'barometer of the transnationalisation of governance' then we had better make sure that our understanding of such changing modes of governance is subtle as opposed to crude.

A sharper, and more thorough sketch of key conceptual matters (globalisation, internationalisation, transnationalism) would have added conceptual value to the text if we are to appreciate what is distinctive about the current phase of policing interchanges beyond the confines of the nation-state. Elsewhere (in legal circles) there are promising indications of the distinctiveness of transnational crime and transnational criminal law compared to international crime and criminal law, being explored (Boister 2001).

Finally, the collection of essays could have benefited from a concluding chapter in which the analytical insights forthcoming from the individual chapters and case studies were woven into some kind of bold theoretical synthesis. In the absence of the latter, the promise of the introduction to take policing studies to 'new conceptual horizons' is hinted at but not delivered. Such a theoretical synthesis of course would have to be based on an appreciation of the kinds of conditions underlying the era of 'late modernity'. In the fashionable criminological literature on the left much has been spoken about the impact of late modernity on the way we *talk about* crime and *actually do* crime prevention (Garland 2001, Young 1999) Such debates, of course, are of relevance to the deliberations on policing too as Johnston's (2000) recent offering makes clear. In the latter Johnston maps out the features, underlying processes and functions of 'late modern policing'. His discussion goes a long way in identifying the structural shifts which have accompanied the consolidation of 'late modern society', the impact on the character and reach of the nation-state, consequent changes in 'political rule' and the influence of all of this on the contested terrain of policing. The new features of the transnationalisation of policing need to be located in a political context for us to appreciate the challenges which a sociology of policing faces at present. Whether we refer to that political contest as one of 'late modernity' or of a transition from a nation-state to a 'market-state' (see Runciman 2002) is neither here nor there. For a

sociology of policing in the twenty-first century the challenges ahead are clear enough, namely to theorise not only the police-state relationship (of which Cain spoke) but also to revisit the *policing*-state relationship. The usefulness of *Issues in Transnational Policing* lies in the detail that it provides from a variety of angles on the way in which the transnationalisation of policing is mutating in practice. It is a text that undoubtedly raises a wide range of issues relevant to policing scholars situated outside of the Western hemisphere too, for our respective futures are intertwined.

References

Anderson, M and M den Boer (eds) (1994) *Policing across National Boundaries*. London: Pinter Publishers.

——— (1995) *Policing the European Union*. Oxford: Clarendon Press.

Boister, N (2001) 'Transnational criminal law'. Unpublished paper presented at Staff Seminar, Institute of Criminology, Law School. University of Cape Town, October 11.

Cain, Maureen (1979) 'Trends in the sociology of police work', *The International Journal of the Sociology of Law* 7.

Fijnaut, C and RH Hermans (eds) (1987) *Police Co-operation in the European Community*. Lochem.

Garland, D (2001) *The Culture of Control*. Oxford: Oxford University Press.

Hebenton, B and T Thomas (1995) *Policing Europe: co-operation, conflict and control*. New York: St Martin's Press.

Johnston, L (2000) *Policing Britain: risk security and governance*. London: Longman.

Nadelmann, E (1993) *Cops Across Border: the internationalization of US criminal law enforcement*. Pennsylvania: Pennsylvania State University Press.

Runciman (2002) Review of Bobbitt's *The Shield of Achilles* (2001), in *London Review of Books*, June 6.

Young, J (1999) *The Exclusive Society*. London: Sage Publications.