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The Simulation of Crime Control

A Shift in Policing?

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The authors argue that policing by consent is being displaced by policing by information control. This discomfiting adaptation in liberal democracies is possible in the shadow of asymmetrical, border-collapsing exceptionalism. It has also benefited from synoptic effects in which reference to the liberal democratic legacy substitutes for liberal democratic practices. Current technologies, as demonstrated in watch-listing, public relations operations, and fourth-generation training, exemplify ironic homage to a consent and democracy. These take for granted the loss of innocence: There is no “real” (democracy, order, control) but rather impressions, which require effective simulations. The article concludes with the contention that today it is control, not justice, that must be “seen to be done.”

Keywords: *security; policing; simulation; control; terrorism*

The well-known maxim “justice should not only be done but should manifestly and undoubtedly be seen to be done” refers to the important point that appearances are not simply epiphenomenal; the reality of “justice” is dependent on the mode of communication.¹ Although justice continues to be imperative to the liberal democratic ideal, today it is increasingly argued that the guiding element of governing and its mode of communication is not necessarily law or sovereignty but security and control (Foucault, 1991; Rose, 2000). The basis of rule is not universality, transparency, accessibility, or defence of the individual’s capacity to choose right from wrong;² on the contrary, doing justice is a discourse more or less useful in the maintenance of a secure order. And because the reality of a secure order is no less capricious than justice, a version of predictable order is accomplished through the spectacular simulation of control (Baudrillard, 1983; Bogard, 1996).

For liberal democracies—and particularly the function of policing within them—the transition from justice to control would appear to be untenable. In opposition to

police states, liberal democracies are understood to generate politics out of informed if not “enlightened”³ popular opinion. The branches of government are meant to enliven civil society, configuring redundant political truisms, such as responsibility and accountability, relatively independently. However, even in liberal democracies, realists say that rights depend on security and that liberal democratic values cannot be equally distributed across dominion. The paradoxical term *border justice* refers to this quandary of reconciling a war “front” readiness with a rule of law “home.” How then can a so-called state of perpetual or “long” war—a normalization of the exceptions and irregularities of border justice (“the border is everywhere”)—take place in liberal democracies in the long term?

Taking the shifting practice of liberal policing as the focus of inquiry, we sketch out the collapse of consent and the emergence of information control and its simulation. We argue that if border spread now makes information control the basis of policing in liberal democracies, control simulation is a mode of persuasion at some remove from, but reflexive of, the consent “ground.” Where the border is everywhere, this show of sovereignty is ephemeral, unpredictable, and ironic, cropping up to meet the (hyperreal) enemy wherever “he” may be. The factual ground for displays of control is gradually untethered as secrecy and persuasion become the dominant mode of communications. Liberal democracy is then a familiar story, comforting trope, or staged drama produced for the simulation of control by police or other security representatives.

Consent Policing and Beyond

The liberal project is accomplished in the establishment of institutions of consent or self-governance. Nowhere is this effort more remarkable than in the idea of the modern police, established for greater London by Sir Robert Peel in 1829. The modern police substituted volunteer militias, voluntary felons’ associations, and an amateur constabulary with full-time public employees answerable to the lower judiciary, local government, and parliament and regulated through paramilitary discipline. In a context of rising expectations regarding the rights-bearing individual and increasing stipulations on executive discretion, consent or self-government was built into the rhetoric and practice of modern Peelian police.⁴ It provided a chain of delegation between government authority and citizens, with police situated somewhere between a republican⁵ and authoritarian rule (as Foucault put it, “police” emerged as the transition point between sovereignty and governmentality).⁶ Legitimacy was conferred when police were broadly consistent with public expectations to employ minimal force with nonpartisanship, courtesy, and respect (Reiner, 2000, pp. 50-58). The police riots that occurred throughout the 19th century demonstrate the fragility of this negotiated consent.⁷

A clear response to classic liberal discourse was the insistence that police were to be integrative and visible. As indicated, a trust chasm was built into the private–public distinction. Liberal governance (private individual vs. public authority) programmed this gap into authoritative action, thus requiring wide review in accountability exercises. Police service, or active integrative efforts on the part of police, was in part designed to bridge this trust gap. Peel knew that the acceptance of the new police depended on their being seen, especially by the merchant class, in a variety of actions, including public assistance. Visibility and monitoring was intentionally redundant, incorporating a variety of extant interests, including the lower judiciary in evaluating their use of law, ex-military men in structuring their work performance, and lawmakers in reviewing the organization through ministerial answer in parliament. The entire exercise can be viewed skeptically by Marxist or governmentality interpretations, respectively: Police assisted the political emancipation of the “self-governing” private citizen; the police service was modeled to secure “access points” for the exercise of “active citizenship” (Rose, 2000, p. 327). Be that as it may, police visibility was a response to the political culture, as is suggested by the tractability of the phrase *the police are the public and the public are the police*.

Self-governance required further dimensions: Police were to be impartial and limited. That police could be impartial was predicated on the notion that politics and policing were distinct enterprises that could remain mutually exclusive, a view owing to Enlightenment influence. For Peel, the new police was differentiated from long-standing forms of dispute resolution and their tarnished records of influence peddling, arbitrariness, and profiteering. Police professionalization or “modernization” was envisioned as a progressive project not weighted down by traditional power relations.⁸ Peel saw impartiality as a way of overcoming political differences. With respect to limitation, police were embedded and spatially restricted by dominion; they were made accountable to events in place and made responsible in this way according to the peace that they kept in *their* patrol areas (de Lint, 2000). This generated and fed their visibility, representation, and limitation. It constrained also the measures of success, which are the relative absence of crime and disorder and the presence of good conduct (Reiner, 2000). In short, the new police were integrative, visible, impartial, and limited. This was how knowledge of populations could be reconciled to liberalism.

However, it is well known that consent policing was neither achieved nor perhaps intended in “far-away” British colonies or on frontiers. “Home” policing had to be more circumspect than “away” policing, where police tasks, according to Cain (1996, p. 400), included maintaining external boundaries, collecting customs duties and poll taxes, “pacifying” opposition groups, rounding up conscript labor, and suppressing indigenous religious or cultural practices. In divided societies similarly (Johnston & Shearing, 1993; Weitzer, 1995), the countering of constitutional divisions is understood to trump service delivery.

In addition, consent policing was always more the way things were talked about than done. Recognizing that force monopoly was alone insufficient for durable rule, modern liberal democracies cultivated institutions of civil society not as an end but as a means to informational resource control (Dandeker, 1990; Donzelot, 1991; Holquist, 1997). In this reading, a relatively autonomous civil society was an epiphenomenon of a more robust administration of populations through evaluation tools (Dean, 2002; Giddens, 1985). The needs of states to carry out unpopular wars required better understanding of popular opinion or beliefs and thus the better production of domestic persuasion enterprises, including propaganda and public relations (Holquist, 1997). Knowledge about families, markets, religious views, and political opinion was gleaned through census data, polling, espionage, and analysis.⁹ The public relations capacity of governments, thus developed, exploited the institutions of civil society for the continuity of control. Accordingly, the local bobby was a conduit or insertion point, providing the two-way data flow of government administration.

Still, for Peel-originated modern police, talk of consent was not merely symbolic but instrumental. Boundaries, visibilities, and politics played a significant role in shaping the qualitative aspect of consent policing. Its look and shape depended directly on the take-up of liberalism, or government articulated in terms of sovereign limits. Successive iterations of liberal democratic policing would continue to refer to this original doctrine of consent (in various 20th-century reforms, particularly). These references could become increasingly presumptive. Consent was instantiated not only in bureaucratic exigencies but presumed as a backstop as other immediate problems of role, mission, or mandate eased their way out of subpolitical arenas. And as consent became a legacy and reified as a *fait accompli*, elements consistent with a culture of control rather than justice could animate police practice.

The Simulation of Control

Before we show how control simulation has become an elegant solution for police and security legitimacy, let us have a look at features of this governmental practice. The first concerns the optics of persuasion. In the information age, power is often effected through the management of representations. Recent conceptualizations of power following the radical view of Lukes (1975) and postradical view of Foucault (1979, 1990) have made the point that the power relation between A and B is witnessed and, indeed, a demonstration project. It is not simply that A wants something from B (the original power relation of Bachrach & Baratz, 1962). Rather, there is a tripartite or spatialized matrix in which the viewer in effect becomes the target or object. Thus A instrumentalizes B in a controlled dramatization and object lesson for witness C.

In a further contribution, Mathiessen (1997) points out that the operation of power relations includes the few viewing (hence informing) the many (panopticism),

as well as the many viewing (and being persuaded by) the few (synopticism). Because Foucault was intent on distinguishing disciplinary from sovereign power, he underconceptualized formats of persuasion as a means of guiding viewer responses, particularly through the novel spectacle or dramatized conflict. In the international relations field, the power of the dramatization and the influence of public relations firms in manipulating the opinion of a target or witness population are widely understood. Where coercion became insufficient or unwieldy, public opinion management augmented the administrative needs of the modern state (Holquist, 1997).

As we shall see, the managed “volatility” of the persuasive spectacle revitalizes sovereign practices. This occurs via another feature of control simulation: exclusivity. Wilsnack (1980) argues that information control is accomplished through mastery of persuasion, secrecy, espionage, and evaluation. This depends on the maintenance of the exclusivity of what passes as knowledge or actionable information (in the validation of exclusive action capabilities). Information control policing, consequently, is not conceived with self-government or original authority in the recovery of an already integrative order but rather in proactive production: Police and security agents shape or discover hidden cohorts according to the requirements of control exclusivity. And they fix viral identities (cf. Ericson & Haggerty, 1997) according to a deliberately wider brief than criminal designations.¹⁰ Knowledge, particularly in the limited disclosures of police and security information, is here not liberating but volatile (cf. O’Malley, 1999): unpredictable from without.¹¹

The third feature is boundlessness. Neoliberal globalization and the spread of information technologies hasten an ideological and teleological harmonization (Fukayama, 1989). Yet post-Soviet geopolitics concentrating on terrorism provides a discursive demarcation for militancy loosely along Western/non-Western lines.¹² The notion of asymmetrical warfare captures this problem of integration of economies and nation-states in a context of significant value differences and resource scarcity. The spread of border justice has been the dominant response. If the border is everywhere, border justice adjudicates everyone, with the requisite dropping out of rights. Because the outsider or the monster¹³ of terrorism is not alien but deep in the heart of body politic, the exceptional circumstances of war and information control must also be both deeply embedded and widely dispersed.

The correlate of border spread is a blending of police and security provision. If the border is the center, security practices are raised above democratic practices (in “securing democracy”). The discretionary privileges of border justice may drift across any terrain, occupy every nodal point, and penetrate each identity (cf. Ericson & Haggerty, 1997).¹⁴ Buttressed by the value preferences of dominant realist security discourse, the harmonization of police and security protocols across distinct and differing national and political interests proceeds apace (Sheptycki, 2002). And the traction of exceptionalism improves with invisible, ubiquitous, and boundless (without boundaries) societywide (catastrophic, ideological) threats.

Finally, there is simulation. Simulation refers to the disappearance of the gap between the real and imaginary (Baudrillard, 1998). This “produces a reality effect,

while at the same time concealing the absence of the real” (Bogard, 1996, p. 9). Drawing from the previous points that the power relation is reviewed, the control of government information is relatively exclusive, and the threat is boundless, control is exercised with a longer view on “the real.” Information control is practiced as a departure from positivistic or empiricist adherence to representation. “Reality” is a production conceived and carried out in *demonstration projects*.¹⁵ Accordingly, the end of police and security technologies is the harnessing of the uncertain, ambiguous, and indefinite in the production of control simulations. Intelligence, secrecy, and knowledge exclusions rather than visibility, consent, and accountability become the standard-bearing practices. In retrospect, we can understand liberal democracy and consent policing as the application of information control through the available registrations of the time: Consent is therefore *a discourse of control*.¹⁶ Liberal democratic order becomes idealized as the deferred consent of self-government realized only in the necessity of control and containment.

The Simulation of Crime Control

Giddens (1990, 1991) has argued that late modernity is reflexive. Control, as we have also just seen, is deployed through both synoptic and panoptic power. Following the importance of specularity and simulation, control is best understood as a manipulation of appearances or as screens in oscillations of signal and reception. “Total control”¹⁷ involves a kind of hyperaction, or action at the level of the simulation or code: the codification of the life-world into simulations to inform modeling and prediction.¹⁸

That control must be *seen* to be done is behind much police and security work. Crime control, accordingly, is decreasingly an action that can be factually measured in the Archimedean sense. Most people recognize that it is a performance art. Today, even more than when Manning (1977) eloquently commented on the production of the police funeral as a moral drama, police operations or “projects” are understood in terms of their public relations—as a vehicle to push popular opinion. Yet there has been a subtle shift in the way that control agents themselves view the spectacle. Indeed, so recursive and reflexive are we today that police productions and their intentions are viewed in terms of their public relations effectiveness. This is to say that people are persuaded of the value of the control of crime and of the utility of those who are empowered to carry out the performance only to the extent that the performance is compelling.¹⁹ Because the effectiveness or utility of the action of those “controlling crime” is already a question of review, and control is accomplished through management of perceptions, actions that are pre-scripted (coded) are likely to maximize such control (simply by being the most compelling).

Reflexive Specularity

In a short period during the early summer of 2006, police in the United States, Great Britain, and Canada made headline news with three unrelated high-profile counterterrorist arrests. The Canadian contribution took place during the 1st week of June. “The number one news story in the world”²⁰ was the arrest of 17 Muslim Canadians in Toronto on charges related to their alleged intent to use explosives to blow up one or more Toronto landmarks. A *Toronto Star* headline read, “Police Put On a ‘Good Spectacle’: Snipers, Leg Irons, Selected Evidence, Police Brass—All Calculated to Sway the Public, Lawyers and Security Experts Say.” The story began,

“A good spectacle . . . theatrical atmosphere . . . like 24 . . . an awards show.” Reviews for a Mirvish production, right? Maybe a Hollywood blockbuster or fast-paced new action series on Fox? Wrong. It’s how several lawyers and security experts describe the sombre, indeed frightening, events which transpired in the GTA over the past weekend. At a news conference Saturday, a dozen of the highest-ranking police officers in the province gathered to announce that an alleged terrorist cell had been shut down before it could explode a truck bomb three times more powerful than the device used in Oklahoma City. They were circumspect about Operation O-Sage, arguing time constraints in the preparation of evidence as well as police procedure. The anti-terrorism task force was careful about the wording of its news release, saying that the group “took steps to acquire” the three tonnes of ammonium nitrate, a popular fertilizer used to make bombs. As well, they laid out selected evidence for the photographers and TV crews, showing only “sample” bags of ammonium nitrate. (Diebel, 2006)

The denouement for police is this production of discovered disorder. But the recursivity between crime, disorder, production, and simulation (showing sample bags, placing snipers on rooftops) is such as to draw comment from mainstream media outlets. Already for the lay audience, the question becomes, “What are they intending us to understand from this production? What should we, as reviewers or audience members, take as the moral of the drama?”

One practice that conveys the loose reflexivity and specularity of current mobilizations (cf. Bajc, 2007 [this issue]) is the *surge*. Some police agencies now stage random dramatizations of force at landmarks, critical infrastructure (banks, hotels, bridges, etc.), or high-symbolic value targets “to keep terrorists guessing and remind people to be vigilant” (Anderson, 2005). Surges are most developed in New York, where 1,000 officers from the 37,000-person force are dedicated full-time to counterterrorism and 600 compose a secretive counterintelligence unit (“Inside the NYPD’s,” 2006). The entire force is subscribed, rotationally, to daily surges in which heavily armed officers congregate in massive numbers in self-described “shock-and-awe” intimidation displays.²¹ The New York Police Department (NYPD) uses ex-intelligence officers in mimicking the security practices of a nation-state (“Inside the NYPD’s,” 2006). Officers “might, for example, surround a bank building,

check the IDs of everyone going in and out and hand out leaflets about terror threats” (Miami Deputy Chief Frank Fernandez, as cited in Anderson, 2005) “What we’re doing is very similar to what the military does, and to what Israel has been doing for many years. . . . This is an in-your-face type of strategy” (Lieutenant Simonetti, as cited in Kolbert, 2003).

Surges exploit the spectacular randomness associated with the terrorist and terrorism’s asymmetrical advantage. “Anybody who’s bad and wants to watch to see if we’re creatures of habit, we’re showing them we’re not. We’re creating confusion” (Simonetti, as cited in Kolbert, 2003). “It’s letting the terrorists know we are out there. . . . We want that shock. We want that awe. The operations will keep terrorists off guard” (Fernandez, as cited in Anderson, 2005). In this practice, rights and consent are reframed through the simulacrum of control: “But at the same time, we don’t want people to feel their rights are being threatened. We need them to be our eyes and ears” (Fernandez, as cited in Anderson, 2005).

Another practice within this modality is watch-listing. Identified with emergency measures and foreign countering, the visibility of watch lists has been increasing, as has their number, which in the United States in 2003 was 13 and is now said to be more, not less, contrary to GAO recommendations.²² The U.S. “no-fly” list alone grew from 16 names before September 11 to more than 80,000 in 2005. Yet how the lists are produced and integrated defies a simple actuarial logic because this would risk disclosure of methods. The common narrative will be that “mistakes,” “oversights,” and “misplaced zeal” is what puts, for instance, both the “household name” Senator Ted Kennedy and the “boringly normal” Michael Patrick O’Brien (O’Brien, 2006) on the no-fly list: The kinks are being ironed out. Indeed, the farcical comment of a former Canadian transport minister is illustrative:

Back in February, immediately following the last budget, I got into trouble for suggesting that some officials at the Department of Finance should be put on a no-fly list. I was reacting to the fact there was no mention of rent reductions for our major airports in the budget.

Well, I am happy to tell you that effective immediately, they have all been removed from my no-fly list! And I sincerely hope that those Finance officials who helped make today’s announcement a reality enjoy nothing but first class treatment from here on in! (Lapierre, 2005)

Such public commentary about the no-fly list showcases rather than hides its discretionary properties. It reflects the pragmatic necessity to keep investigative targets (and their associates) uninformed (or misinformed) of their object status up to the final operational moments against them. This is a compulsory double play because knowledgeable members of the audience are alert to the subtext: the stranger or monster is one from among them.

But from our vantage point, watch-listing and surges demonstrate more than this, because it is not necessary to believe that there is “true crime” that is being

countered by the technology. The ambiguity and discretion is showcased in public commentary because the message is that control will be arbitrary whatever the “facts.” The no-fly list and the surge operation is in this sense a live simulation of sovereign rule: It is intended as a vehicle of spectacular, discretionary, and volatile productions of ordering (cf. O’Malley, 1999). The ambiguity of targeting is a subtext confirming unpredictable power relations: The point is that the code can be neither revealed nor foretold from without; it is the exception that is the norm (cf. Scheuerman, 1994). In the meantime, the spin on the event will be, “Fix it so that it works better,” not “Eliminate it; it is unjustifiable.”

Police Training and Public Relations

Rather than conceptualizing training, public (or community) relations, and “real police work” as separate and distinct (as is often the case in the literature), we believe that training has become a simulation of policing that is already the simulation of control, and the rise of public relations has hastened this development. Real police work has transformed into projects and public (and staff) relations and has as its end the strategic representation of these projects for achieving public or stakeholder buy-ins. With respect to developments in training, there are four phases that match Baudrillard’s.²³ In the first phase, training is prior, preparatory, and “unreal.” In the second phase, training is continuous and realistic or “live.” In the third phase, it is more real in every sense than real-world encounters and experiences. In the last phase, the training spectacle, which is no longer “training” for anything beyond the purpose of the presentation of the spectacle, does not match but establishes a new control platform.

Even as late as the late 1980s, many police forces depended on a disciplinary training program premised on paramilitary drill and exercise. This was the first phase in which training and the real world is viewed as entirely distinct. It is to be recalled that throughout a great deal of police history, there was very little preparatory instruction given apart from rudimentary instruction on criminal offenses. The second phase began very early on in some innovative departments, notably in Berkeley under August Vollmer, who recognized the importance of a seamless connection between book learning, or academy training, and real police work. For the most part, however, the use of real-world judgment drills with realistic mock-ups began in earnest in the 1970s and 1980s.

The shift between the second and third phase can be seen in the Royal Canadian Mounted Police (RCMP) in the early 1990s. The RCMP cadet entering the academy (“RCMP Depot”) found herself in a community-policing simulacrum. After going through the morning roll call and briefing at the mock detachment, she was called into service, perhaps to respond to an armed robbery at the Royal Bank of Canada (RBC) inside the new shopping plaza on the academy grounds. The perpetrator(s) and some of the customers were community volunteers—the bankers were real RBC

employees—and indeed, some customers were authentically doing their personal banking (Ramsay, 1996, p. 15). The cadet would inevitably also be called on to deal with countless other scenarios: an intoxicated vagrant trudging his way through the parade grounds bottle-in-hand or a domestic dispute at the mock trailer park (Ramsay, 1996, p. 16). But it is not as though the graduate left this simulated world for reality.²⁴ In the mid-1990s learning organization (through the Employee Continuous Development Programme, among others), the job transformed into a reviewable exercise—or more precisely, aspects of each position were decompiled into component competencies for baseline standardization, assessment, improvement, and ultimately, strategic publication as a “success story” or “best practice.”

The fourth phase is what most concerns us here: the slippage from the “reality” reference. The surge example above belongs here, as do instances of adaptation and innovation in the use of no-fly lists. These simulated displays of emergency response bring home the point that the police exercise *is* policing: The staging formulates our expectations of the real emergency and its response—its deliberate ordering creates governmental justifications and expectations thereof. These are akin to “trial balloons”—they record public reactions and shape public expectations. The optics or representation is the message: that it is portable, unpredictable, unbelievable.

A directly related feature of the shift is, of course, the development of public relations and particularly the specialized public relations officer in police services throughout the last few decades of the 20th century. Especially in the aftermath of the precipitous loss of public support in the 1960s and in the context of the poor representation of police work in popular culture in the 1950s (corrupt, stupid; cf. Reiner, 1985), police began to recognize that a proactive, outward stance toward image management was a necessity if services were to continue to operate with some flexibility and autonomy. Again, it is worth remembering that the call for more community-based or re-embedded policing was initially linked to public relations: Community relations was the first instance of community policing in many American and Canadian locations.

In the development of police house organs, what begins as an effort to professionalize the public police—to, in effect, civilize them according to the middle-class sensitivities of the day (cf. de Lint, 1999)—develops into an outward-looking function of perception manipulation. Exemplifying this transition, the RCMP’s *Pony Express* was first introduced by midranking staff relations officers in 1976 as a vehicle for bridging paramilitary command with professional law enforcement: in effect to reconstitute member–manager relations. Nineteen years later, the newsletter’s publication fell under the auspices of the (then) newly established Public Affairs and Information Directorate (today the Public Affairs and Communications Services) under the command of the (civilian) deputy commissioner of strategic direction. The new *Pony Express* employed professional journalists to obtain organizational buy-in to the shifting strategic priorities and programs espoused by the senior executive.²⁵

Recent instances of proactive, strategic public relations in policing find the persuasive function leading operations rather than mopping up. Consider this example from Windsor, Canada. Windsor police had been asked by local media outlets months in advance about a meeting of the Hell's Angels in late June 2006. They eventually responded 10 days before the event in the form of a professional-quality, ready-to-air news story video production emphasizing the possibility of gang warfare, the notoriety and illegality of the biker organization, and a promise that police would be there in full force to quell likely disorder (500 officers from a half dozen services were to be on hand). The major newsprint outlet reproduced the substance of the content of the police video and its officer-expert quotes and added, at the end of the front-page article, a comment from a chamber of commerce representative on the windfall the local service industry might expect (Thompson, 2006). However, reporters detracted from publisher interests and expressed reservations about its tone. They queried a local police expert about the practice and possible consequences, particularly the public relations ethics of stoking public fear and anxiety considering that there was nothing residents were being asked to do in preparation (personal correspondence, local public relations agent, Windsor, Canada, June 15, 2006). Consequently, the news follow-up became a story about the police video (Martin, 2006).

Notwithstanding errors and false steps as police and security agents move more fully into information control, the importance of the optics of power and the protection of actionable information is continuously reinforced. Various agencies circling the hypothetical seat of power protect their own operating codes lest they are broken. In accomplishing this, they have developed forward-looking countering strategies akin to psychological operations: In the simulation of sovereign rule, they are not so much securing government as assisting in the representation of security in the abstract.²⁶

It is worth noting that control simulation is visible in a move toward reassurance policing in Great Britain (cf. Fielding & Innes, 2006). Like community-based policing, reassurance policing is not intended by its protagonists to appear as an iteration of public relations or mere mollicoddling (in the same way that fear of crime is not dismissed as a mere epiphenomenon). Rather, it suggests the deepening of the sort of police relationship with "the real" that we have been describing: Police do not respond to crime, they respond to the perception of crime; police do not control persons or create order, they stage the simulation of control and order. This process means that for them, organizationally, the substance or the real becomes that ground of perception and review: It, not crime rates or the countering of disorder, is what they "are about."

Discussion

In its Anglo-American tradition, the idea of the police developed in the context of a Simmelian distinction between communities and strangers. Most of the corpus of

policing assumes a problem already within a border or from the standpoint of a “we” or norm. Consent belongs with self-government in this assumption that order or control is already in this way a republican property. Today that template or standpoint is challenged in one version of exceptionalist politics in which it is the stranger or “monster” that, with the border, may be anywhere. At the same time, in the information age, a drama in which sovereign authority reasserts control does not necessarily require the spilling of real blood.

Here it might be standard practice to demonstrate more of the continuities between consent and control practices than the fantasies. The Peelian dream was also one of saturation of the polis, and the technological changes to territorial organization and communications (in beat mobilization and deployment, for instance) was predicated on the notion of distributing dosages of “law and order.” Consent was, then, in the manner of “discipline,” the key to unlock those pockets of resistances or difference (de Lint, 2000). But the process was showing strains, as in the urban riots in the 1960s. Community policing then followed as a more deliberate attempt to regain the consent mandate. It may be argued that information-control policing has been another attempt to crack open the liberal identity in the context of the maintenance of trade and commerce or in the desire not to extinguish (economic) vitality by (political) constriction. This, as is now well known, is also failing badly, and the NYPD surge may be read as an admission of recoil into the farcical sovereign spectacle. Given that police and security work may be understood as suggestive of governmental failure and absence, it would seem that its growth indicates the more anxious disciplining gambit of the fearful sovereign showing exceptional potency where it is routinely lacking.

If modern liberal democracies saw the development of sovereigntist practices in the elaboration of persuasive initiatives (including spectacles), then many scholarly accounts (Dean, 2002; Garland, 2002; Rose, 2000) have underemphasized the phenomenon. Such accounts concur that ruling was resolved in the working up of those bits of information that were not hostile to its elaboration.²⁷ However, they have not sufficiently problematized the optics of persuasion. That the use of the term *control* already implies the exploitation of optics and that that exploitation is a form of sovereignty redux has been underexamined. In our estimation, liberalism is ironically absorbed in this grand representation, offering its practitioners ample scope to send signals and frame signal crimes (cf. Innes, 2003).

In this article, we have built an argument that it is control, not justice, that must be seen to be done. This is consistent with postmodern and information-age dimensions of information control, including review, boundlessness, persuasion, and simulation. Control through persuasive simulation is arguably more elegant and effective than control that relies on measures of the real. It begins with the panoptic model of self-correction in the context of asymmetrical viewing (the subject cannot know when she is being monitored and self-corrects). Beyond this, it looks into the subject as a volatile potentiality (cf. O’Malley, 1999) whose expressions must be teased out

for ritual suppression (cf. Bajc, 2007). This practice takes up a synoptic, sovereign, and simulated delivery in spectacular countering: “Here now is the terrorist, dressed in prison fatigues being led into the paddy wagon.” And “real” terrorists may be disappeared because asymmetrical injustice (justice may be nowhere) is the proper signal of exceptional rule. Still farther out there, the spectacle is better conceived as a training exercise: The reality base becomes another screen. There is no fact of danger or threat to which there is a predictable response. There is only an endless array of boundless “always everywhere—always nowhere” dangers that are worked up (media events) for a variety of hidden purposes into persuasive counters: counterterrorism and so on. That no one can get to the bottom of these threats comes not to matter either, as control comes to be understood as never appearing in the way of a final judgment or fix on interpretation; it is never anywhere except in the perception that it is somewhere. Terrorists are always somewhere else and finally arrive only when they are disappeared.²⁸

Notes

1. The quotation is from Lord Hewart, Lord Chief Justice from 1922 to 1940. Justice may be more or less a “making up” of sovereignty through majesty or mercy (Hay, 1975). It may also be reviewed in terms of rhetorical success (cf., e.g., Smart, 1989) or as a floating system of beliefs (Berger & Luckmann, 1966).

2. We are confronted not with choices between good and evil or right and wrong but between accept and decline, enter and do not enter (e.g., Deleuze & Guattari, 1987; Simon & Feeley, 1995). Unlike actuarial justice, border justice refurbishes the power of the sovereign spectacle.

3. See Holquist (1997) on the double meaning of this term *enlightenment*.

4. The notion of balance has been widely understood in this context. As Scarman (1981) notes, policing involves adjudicating between order and law. Police measure procedural versus instrumental concerns (Packer, 1968; Skolnick, 1966). To effect efficiency, the law allows some presumption of autonomy on the part of administrative or executive agents to finesse due process. Deferred or implied consent is achieved through various devices, depending on the “reasonable-person” construction of various sites of social commerce. However, the conflict between legal and administrative regularity is also a contest between the exception and the norm, where, due in part to the strength of the notion of self-governance, the ambit of the executive is understood to require some discretionary free play.

5. In the last third of the 20th century, leading police agencies were proactive with the requirement to be representative of policed communities, and it is only recently that the mission of matching police personnel to population composition has become a secondary or tertiary concern.

6. In the wake of authoritarian rule, ostensibly to produce a perfect knowledge of the populace so that it can be shaped to the will of the sovereign.

7. The Coldbath Fields riot in 1833, during which a constable was killed and his killer exonerated, exemplifies this challenge of consent and legitimacy building (see Paylay, 1989).

8. This was possible given the emergence of the new urban merchant class and its interest in public-order protection and disinterest in organized crime networks. The flooding of the new urban streets with a variety of classes and denominations and consequent sectarian clashes in urban squares made local-order/partisan-order policing increasingly untenable.

9. In Dean’s (2002, p. 37) view, the development of the liberal or modern police is a paradoxical hybridization of cameralist persuasion and coercive sovereigntist instrumentalization.

10. Rather than relying for authority on a “democratic” mandate or public representation, they derive legitimacy for rule from the necessity of exclusive knowledge. This expert authority is not intended in the

absorption of the different into the polity but in the continuous demonstration of the polity apart from the different. Such differences and exclusions are made not in the ultimate goal of integration, because in perpetual control conditions, released enemies may return to the battlefield, and gaps in cybernetics always appear. Such differences are also not made according to the niceties of law, because law may err for the "other side" but again, according to public relations or the disclosures necessitated by the context.

11. Police, informed by military, do boundary-blurring work in favor of boundary hardening. The relation between the executive and policing is tightened because the threat is politicized; something becomes criminally actionable only subsequent to the political determination. And now many nuisance or public-order actions are made criminal on the strength of the new scope of outlawed politics.

12. At the height of the Cold War, and now post-Cold War, asymmetrical power between "democracies" and "terror and madmen" has forced the view, in the American (and the geopolitical) narrative, that the exception must be practiced as the norm in support of the timeless, universal, and general. This applies not only abroad but also domestically, because there is no safe harbor. September 11 has helped to make this American narrative a "Western" and "civilization" narrative (Ignatieff, 2003; Scruton, 2003).

13. The reference to *monster* in this context follows Pederson (2003).

14. And even as it interjects into domestic security, this discretion rails against rules even of war. For example, John Reid, British Defense Secretary, called for a review of the Geneva Conventions, claiming,

The laws of the 20th century placed constraints on us all which enhanced peace and protected liberty. We must ask ourselves whether, as the new century begins, they will do the same. . . . We now have to cope with a deliberate regression towards barbaric terrorism by our opponents. . . . The legal constraints upon us have to be set against an enemy that adheres no constraints whatsoever, but an enemy so swift to insist that we do in every particular, and that makes life very difficult for the forces of democracy. ("Reid Urges," 2006)

15. Under the postmodern reference, the cycles between real-world practice and training simulations shorten with each turn. Given that the gap cannot be closed in any empirical sense, what is left is the "simulation of surveillance," by which the evidence of effectuality is the successful demonstration (Bogard, 1996). It is not that such spectacles do not require empirical supports but rather that they—much like empire overreach as Giddens (1985) or sovereignty as Foucault (1979) theorized it—are intended for consumption as proof of capacity (Baudrillard, 1983).

16. While governments administer larger segments of redundant populations or "waste" (Bauman, 2004), the liberal legacy requires support for the claim that there is widespread opportunity. In managing increasing numbers of unnecessary people, governments attempt to demonstrate a narrow ambit of proficiency (Bauman, 2004, p. 116; Fitzpatrick, 2001; Garland, 1998). In a posthumanist aesthetic and epistemic in which stating bald underlying "realities" is not a favorable gambit, simulation covers the contradiction.

17. The reference here is to Total Information Awareness, a dismantled but variously reconstituted Pentagon data-mining operation.

18. As Bogard (1996) puts it, "Simulation is the reigning scheme of the information age or telematic society in which the paradigmatic mode of domination and control is the code" (pp. 10-11).

19. This is tied to the importance of optics or persuasion or the review of power and authority. Authority is reviewed, and much of what authority will be depends on that review.

20. According to Smith (2006).

21. In addition, the New York Police Department makes daily checks of landmarks, for example, with mine sweeps of the Brooklyn Bridge, and posts officers overseas to keep abreast of the latest terrorist activities for firsthand reports to its own command.

22. In the EU, terrorist lists and an asset-freezing regime infringe human rights guaranteed by the European Convention and principles of EU law, such as freedom of expression (Article 10), freedom of association (Article 11), interference with the right to a good reputation pursuant to Article 8, arbitrary and discriminatory treatment (Article 14), lack of due process, procedural unfairness, lack of proportionality, and failure to comply with the requirements of legal certainty.

23. This also borrows from Bogard (1996).

24. Indeed, one of the simulated scenarios cadets encountered dealt precisely with neutralizing such a situation if it arose in their first post!

25. The main priority during the latter half of the 1990s was community policing and, since 2001, (integrated) intelligence-led policing.

26. Today we see many instances where the propaganda wing of executive power leads rather than follows. The Rendon Group, for instance, has been credited with successful marketing operations in the field of war making. Rendon helped to turn public opinion in both the Gulf War of 1991 and the Iraq War of 2003 (Miller, 2003).

27. Foucault also said that the state cares about the individual to the extent that he or she poses a threat. Emphasis is also placed on the instrumentalization of civil society and the socialization or confirmation of "economic man" (Gordon, 1991).

28. Musab al-Zarqawi is an illustration. He was killed when two 500-pound bombs were dropped on the house where he was staying. As Brendan O'Neill (2006) reports, Zarqawi was in large part a manufactured "bogey." Dramatized as "the most evil man in the world" and "the world's most dangerous terrorist," his image served nicely the dominant strands of American foreign and domestic policy. As O'Neill documents, Zarqawi was barely known before he was catapulted to a household name by President Bush and Secretary of State Powell in 2002 in the effort to make a link between al-Qaeda and Iraq. After being promoted by U.S. counterintelligence, Zarqawi began to perform according to script. His death aimed to revitalize the Bush presidency and the "war on terror."

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