FROM THE 'GOVERNANCE OF SECURITY' TO 'GOVERNANCE FAILURE': REFINING THE CRIMINOLOGICAL AGENDA

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Abstract

Over the past three decades, an on-going debate has developed around the ways and extent to which the hierarchical, state-led provision of security and policing has been displaced by a move toward a polycentric, network-oriented mode of governance. This paper, firstly, analytically reconstructs the debate, suggesting that it is characterised by descriptive concordance, explanatory confluence, and normative dissonance. In other words, the major area of contention has been around the social and political implications of the State's decentring by a networked provision of security, a transition that is accepted as having actually taken place. It is argued, secondly, that the debate has neglected to some considerable extent the inherent functional (as opposed to normative) limitations of networked governance, and that all parties to the debate may have been somewhat precipitous in accepting that such modes for delivering security can be functionally efficacious. Drawing on social theoretical explorations of 'governance failure', I identify three distinctive failure tendencies inherent in nodal networks, and evaluate their implications for the wider debate on the future of security provision.

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Introduction

The changing character of policing and security has been a central feature of criminological debate over the past quarter century. Starting perhaps with Shearing and Stenning's (1981) landmark account of the privatisation of policing, the reconfiguration of mechanisms through which security is delivered has become a notable focus of criminological debate (and, indeed, dispute). Many influential voices within the discipline have devoted considerable time, energy and attention to describing, explaining and evaluating the implications of trends identified conceptually under the various labels of 'privatisation', 'pluralisation', 'multi-lateralisation', 'network governance' and 'nodal governance'. Whilst there are manifold differences (both subtle and profound) across the accounts offered, they might be characterised as falling into one of two broad categories. The first, associated most clearly with the work of Shearing, Stenning, Bayley, Johnston and Wood, takes a rather sceptical view of 'state-centric' efforts to provide security, and sees in the emergence of network governance an opportunity to more effectively respond to community needs, control, coordination and accountability (see, for example, Shearing 1992; Johnston 1992; Bayley and Shearing 1996; Johnston and Shearing 2003; Wood and Shearing 2006). The second, perhaps most closely associated with the likes of Loader, Walker and Zedner[i], adopts a more critical normative and evaluative stance in the face of the aforementioned developments, identifying in the receding role of the state a number of political and social problems, including those of democratic accountability, legitimacy, and social equity in the distribution of security as a social good (see, for example, Loader 2000, 2002; Loader and Walker 2001, 2004, 2006, 2007; Zedner 2006a, 2006b, 2007) . However, despite a range of explanatory and evaluative disagreements, contributors to the debate tend to be largely united in their descriptive appreciation that transformation *has* occurred and that policing and security are, for good or ill, now delivered by a dispersed network through which governance is effected[ii]. In this article, I argue that what has perhaps been crucially neglected amidst the explanatory and evaluative disputation is a more careful consideration of the *functional* limitations of network governance *as such*. In other words, I suggest that the dominant trajectory of the debate has tended to assume that the transition has occurred and been functionally efficacious in engendering a new mode of policing or securing (irrespective of its desirability), and so turned attention to issues of explanation (why has it occurred?) and evaluation (what are its social and human benefits or costs?). As Wood and Dupont (2006: 1) put it, 'there is more agreement about what has been happening than there is about what to do about it'. Amidst this descriptive agreement and prescriptive disagreement, relatively little attention has been devoted to considering the ways in which the network logic of governance may in and of itself be functionally (as opposed to normatively, politically or morally) problematic (for partial consideration of this problem, albeit not clearly framed within the conceptual language of network governance *per se*, see Hughes and McLaughlin 2003 and Hope and Kardtedt 2003). I seek to introduce such a dimension to the debate by carefully considering what we might learn through the concept of 'governance failure', as pioneered in the social theory of Bob Jessop (see Jessop 1998, 2000, 2003a, 2003b, 2004). Without this sociologically functional appreciation of the limits to governance, I suggest, the ongoing discussion of crime and policing remains in a crucial sense incomplete.

The article is structured into three substantive sections. In the first part, I briefly trace the development of the criminological debate around the transformation of policing and security, identify its key descriptive and explanatory parameters, and examine the ways in which the conceptual and analytical language of governance has been imported from cognate disciplines such as sociology and political science. In the second, I examine what appears to be the basic schism within the debate, which I suggest is fundamentally normative in character, turning as its does upon the socio-political evaluation of new security arrangements, and their compatibility (or otherwise) with the vision of a just, equitable and democratic society. In the third section, I attempt to outline the missing element from the debate, a careful consideration of the functional (rather than political or moral) limitations of network governance, and argue that such a mode of social coordination is equally vulnerable to failure as its counterparts of *hierarchy* (state-led, top-down) and *anarchy* (distribution mediated via economic exchange in the market). Insofar as such inherent problems of failure have not been recognised within the criminological debate, criminology is liable to misrecognise its object of analysis (by *assuming* the functional efficacy of network governance) and the implications it may carry for the delivery of security *qua* social good.

Policing, Security and Governance Through Networks

Identifying the starting point for a particular debate or line of enquiry is beset with problems, as one can always locate antecedents that have decisively influenced and shaped any given contribution. The discussion of emergent phenomena of 'private security' and 'private justice' can certainly be traced back to the early 1970s at least (see, for example, Scott and McPherson 1971). However, it would not be unduly controversial to suggest that concerted criminological interest in such matters was decisively stimulated by the publication and reception of Shearing and Stenning's lengthy 1981 article on 'Modern Private Security: Its Growth and Implications'. In this piece the authors identify in the post WWII era a 'quiet revolution in the policing and social control systems of many countries of the world' (1981: 193). The revolution comprises the incremental expansion of private provisions for security, largely focused upon 'protection against depredation' (Ibid; 195) – what in more recent discussion has been characterised as a shift from 'post-crime' or *ex-post facto* reaction to a 'pre-crime', preventive logic of action (see Zedner 2007). Provocatively, the authors see in such developments a redemption of the Peelian dream of 'a truly preventative police force', albeit realised 'through private security rather than the public police' (Shearing and Stenning, 1981: 217). Also interesting here is that, firstly, the authors move beyond viewing policing or security in the narrow terms of administrative law enforcement, and instead understand such efforts as an integral element of a wider process of social control. Secondly, and equally noteworthy, is that they connect the developments in question to Foucault's analysis of the 'disciplinary society' and the dispersal of mechanisms of control across an ever broadening surface of social space (what Foucault (1991[1977]) famously dubs the 'carceral archipelago' of modernity). Thus, even at the inception of the criminological debate on the transformation of policing and security, it is situated in terms congruent to that later framed in terms of governance, which also draws its conceptual and analytical cues from Foucault's reflections on the changing nature of power.

The descriptive and analytical contours noted above were further elaborated in subsequent work by Shearing and his collaborators (see Shearing and Stenning 1983; Shearing 1992; Bayley and Shearing 1996). Here they go further in challenging the 'state-centric' view of social control as primarily a phenomenon or epiphenomenon of centralised state power, a position they attribute to the likes of Cohen (1979). Private security is differentiated from that furnished by the public agencies of the state along a number of significant dimensions including: its non-specialised character; its mandate defined by clients; and its eschewal of retributive sanctions and moral judgements in favour of an instrumental and preventative logic of action (Shearing and Stenning 1983: 498-502; the latter akin to what Feeley and Simon (1994) would dub the logic of 'actuarial justice' and which find policy application in the form of situational crime prevention). Further orienting to a Foucaldian analysis, they see control not as a heteronomous imposition upon subjects, but as an internalised logic of social interaction in which 'members of the communities in which it operates are simultaneously watchers and watched' (Ibid: 504). As such 'control is at once pervasive and minute; it takes the form of small, seemingly insignificant observations and remedies that take place everywhere' (ibid) – akin to Foucault's 'micro-physics of power'. These changes are, they conclude, tantamount to 'new strategies of governance' that are coming to define the nature of social control in contemporary societies as such.

The analytical language of governance can be seen to gain a defining hold upon criminological discussion of policing and security through the 1990s and into the new millennium. The initial flurry of interest in the concept was, as suggested above, tied very much to the specific sociological and philosophical analytics of power developed by Foucault, which took issue not only with the earlier Marxian focus upon the state as the locus and instrument of ruling class domination (see, *inter alia,* Althusser 1994) but also the preoccupations with centralised government evident in mainstream Anglo-American political science. This trend was further consolidated by landmark contributions such as Stan Cohen's (1985) book *Visions of Social Control*, which provided a sweeping account of the past, present and future of social control strategies in Western societies, built upon Foucault's implantation-dispersal-capillary model of power as a technology of ontological production (see Foucault 2000). A similar contribution can be identified in the work of neo-Foucaldian social theorist Nikolas Rose, most particularly his books *Governing the Soul* (1991) and *Powers of Freedom* (1999) However, during the same period, a much more pragmatic, policy-oriented exploration of governance was starting to emerge not in sociology or post-structuralist philosophy, but in the fields of public administration and organisational studies. Here, the concept of governance was tied to the idea of multi-party policy networks (spanning public, private and voluntary sectors) which came together in order to effect functions of social-coordination or 'steering' (Rhodes 2007). Governance here refers to 'changed conditions of ordered rule' (Rhodes 1996: 652-3) such that outcomes previously effected through government actions are now achieved through different processes occurring outside the institutions of the nation state. As such, governance is viewed as occurring in an institutional 'mesospace' located between the macro-level of the state and the micro-level of the individual (Messner 1997). Such governance networks supposedly furnish mechanisms of social coordination and 'regularisation' of behaviour other than those 'traditionally' instantiated either by the hierarchy of the state or the anarchy of the market. This conception of networks of governance is undoubtedly closely akin to that which has been operationalised in

crime control and social policy circles in the form of multi-agency 'partnerships' between statutory, voluntary and commercial agencies and in community safety and crime reduction initiatives (for discussion see Edwards and Hughes 2002; Hope 2004). A third and equally influential version of network governance is that appropriated from Castell's work on the globalised 'network society' (Castells 1996). The origin of Castell's vision of networks lies in his earlier work in urban sociology and his 'neo-Marxist' analysis of the conditions under which urban social movements might become effective as agents of meaningful change (Castells 1992; for discussion see Stalder 2006, chpt 1). However, in his later work, the network logic becomes the dominant morphology for systems of governance as such.

These different strands of governance theory had come together by the mid-1990s in criminological discussions of social control, policing and security[2]. Thus Garland (1996: 454) talks of a 'new form of governance-at-a-distance, which represents…a new mode of exercising power. It is a new mode of governing crime…' Similarly, Loader and Sparks (2002: 83) discuss the 'contemporary landscapes of crime, order, and control' in terms of 'contemporary shifts in the character of governance' amounting to 'the fragmentation and diffusion of power' (ibid: 87). Shearing also makes explicit use of Castells' terminology not only of networks, but also of 'nodes', the distributed 'points' within a network at/through which knowledge and capacities for action are localized (Shearing, 2006: 26-8). Security is a good that consequently flows through the manifold nodes that are its 'auspices and providers' (Ibid: 27). All of the foregoing serves to attest that the criminological discourse, at least for the foreseeable future, appears to have been decisively reframed within a network governance paradigm, and there is (as Wood and Dupont note) considerable 'agreement about what has been happening'. However, we must move from the descriptive and analytical to the explanatory dimensions of the debate to better understand its contours.

At the level of explanation, accounts of the 'new' governance of security exhibit considerable variation. It is not so much that all parties proffer distinctive explanatory hypotheses, as that they draw upon a wide range of causal inferences that are variously meso-, macro-, and meta-level in terms of scale, and alternate between or combine structural and cultural elements. Amongst the first such explanations offered was that of Shearing et al, which focused upon the post WWII expansion of 'mass private property' as the stimulus of the new preventative assemblage (Shearing and Stenning 1981: 226-9; Shearing and Stenning 1983: 496-7; Bayley and Shearing 1996: 601). Alongside this, they offered a 'supplemental' cause in the (perceived and/or real) failure of state policing and security endeavours to stem an inexorable upward trend in crime, predation and incivility (Shearing and Stenning 1981; also Loader and Sparks 2002: 85). The latter has also been linked to a supposed intensification in the 'fear of crime', as a new reflexive 'risk consciousness' incites social actors to institute a host or precautionary measures aimed at staving off the possibility of criminal predation (see Shearing 1992: 412; Bayley and Shearing 1996: 598-600; Garland 1996: 446-8; Loader and Sparks 2002: 94-5, 99). Other supposed

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[2] There are, of course, other inspirations for network analysis in the social sciences, especially those emanating from complexity science (see Byrne 1998; Urry 2003) and actor-network theory (see Law and Hassard, 1999; Latour 2005). However, insofar as such perspectives appear marginal in their influence (at least in any direct sense) upon criminological debates around the governance of security, they have been omitted from the present discussion.

causal antecedents include a cultural individualisation that frays social bonds of solidarity (Bayley and Shearing 1996: 600; Garland 2002: 89-92); a globalisation process that creates a crisis for the sovereign state, which finds itself 'hollowed out' as its governmental capacity becomes distributed variously across sub- and supra-national levels (Loader and Sparks 2002: 95-7; also discussion of 'hollowing out' of the nation state in Holliday 2000 and Jessop 2004); and the transition to 'neo-liberalism' as the accumulation regime of contemporary capitalism, which crucially tends toward the privatisation and deregulation of policing and security (McLaughlin and Murji 2000: 104-5). At the meta-theoretical level, the likes of Garland (2002) identify the ultimate cause of these changes in a wholesale and epochal shift of social formation from modernity to 'late modernity' (also Young 1999 and discussion in Yar and Penna 2004) or even 'postmodernity' (see, for example, Reiner 1992 and Sheptycki 1995). This range of explanatory propositions are often mobilised in combination, or used as synonyms for the selfsame processes, and there appears to be considerable confusion as to which stand in a relation of explanatory primacy to others (for example, is neo-liberalism an *effect* of the transition to late modernity, an integral element of late modernity as a totality of elements, or the driving force behind its manifestation? Does cultural change drive structural transformation, vice versa, or are the two indissolubly intertwined? Is the 'hollowing out' of the state caused by globalisation or is globalisation a consequence of the attenuation of the state's governing capacities? And so on). However, what matters most for the purposes of the present discussion is that such explanatory conundrums appear to be less than central to the debate; most contributors are content to remark upon the complexity and variety of explanatory possibilities, yet acknowledge that in some form or other most (if not all) such claims have something to offer our understanding of why the present reconfiguration of security has taken place (see for example Loader and Sparks 2002: 85-6). Thus while there is descriptive *accordance* in the debate, we might suggest that there is also explanatory *confluence* (by which I mean that there is a coagulation or clustering of different explanatory propositions that intersect without any clear lines of division amongst contributors, and that differences as to which combination of factors are adduced appears not to structure the debate to a significant degree). As I shall elaborate in the next section, the most important line of discussion appears to centre not upon descriptive or explanatory problems, but upon normative and prescriptive issues, where there is considerable *dissonance*.

Normative Dissonance: Or, What's *the Problem* with the Network Governance of Security?

The normative-political (evaluative and prescriptive) issues raised by the transformation of policing and security have been the most conspicuous and intractable features of the debate in recent years. Indeed, it would not be unfair to suggest that from its inception, the debate has viewed the *problem* of the 'new policing and security' not only in descriptive or explanatory, but also in normative terms. In other words, from the outset the problem has been not only to furnish an adequate social scientific account of what has happened and why, but also as to grapple with its potentially problematic social consequences. Thus Shearing and Stenning (1981: 193) defined the parameters of debate by identifying 'fundamental questions with respect to sovereignty, justice and individual liberty' arising from the changes they describe and explain. Questions of justice have been framed not least as problems of *equity* in the accessibility of security as a social good, in conditions under which it is increasingly made available via commercial and contractual relations. In

such circumstances, the citizen becomes a market consumer, which raises the question of how equity of access can be assured for the most financially disadvantaged individuals and communities (Bayley and Shearing 1996: 593-5). Issues of *liberty* relate to disciplinary and exclusionary consequences of micro-strategies of control apparent under the dispersal of social control via multiple agents within security networks (akin to problems of surveillance and privacy, as well as tendencies toward 'net widening' and 'mesh thinning'- Cohen 1985). Issues of *legitimacy* and *accountability* arise in that dispersed and often commercially contracted providers of security functions are accountable either to paying clients or other sectional interests, rather than socially responsible to the citizenry or polity.

These problems have largely served to orient the recent debate, with different clusters of normative assessment emerging in light of such issues. At the risk of reductionism, we can suggest that Shearing and his collaborators (both together and individually) have seen these problems as surmountable within the framework of network governance. Thus, for example, Bayley and Shearing (1996: 603-4) propose to rectify problems of equity by awarding poor communities 'block grants' by means of which they could commercially contract security. As time has gone on, this coalition of scholars appears to have come to pragmatically accept (if not clearly endorse) the new security assemblage, seeing it as (at least potentially) a more effective mechanism for safeguarding persons and property against predation, especially as they reluctantly conclude that 'governments cannot provide satisfactory public safety' (Ibid: 601). The state, from a (regrettably) failing agent of security provision has come to be seen as itself a potential obstacle in the equitable provision of security, most especially through its insistence upon reasserting its erstwhile governmental, top-down and hierarchical responsibilities. Thus Shearing (2006: 30-1) argues for a 'radical decentralization of governance' and sees as a block 'the very firm hold that states insist on maintaining over the direction of governance for the weak'. In this way, there has been a decisive move from a descriptive and analytical appreciation of the contemporary state's incremental 'incapacitation', to a normative imperative that states should surrender such aspirations and make way for decentralised, network-nodal mediation of security and analogous social goods (see also Johnston and Shearing (2003) for their endorsement of the nodal governance of security, which, as Loader and Walker (2004: 224) point out, appears to relegate the state from a position of 'conceptual priority' not only in analytical but also normative terms). This position is summarised by Johnston (2006: 34):

'there are no immutable contradictions between the objectives of commercial, civil and collective partners. Thus, as regards security governance, it is necessary to consider how, in a market economy, mechanisms can be established to ensure that the collective good is protected in security networks made up partly of commercial elements'

This is not to suggest that these authors see no role for the state in the provision and governance of security; on the contrary, they view the state as an ongoing and necessary contributor to governance activities. However, they do argue that the state neither can, nor ought, to be allocated a privileged position within such arrangements, and that it must take its place within a 'polycentric' network of inter-dependent actors.

In distinction to the above reception of network or nodal governance, other scholars (most especially Loader, Walker and Zedner) have taken a far more politically sceptical stance. Loader (1997: 386-88) for example presents an explicit normative challenge to market provision of policing and security, arguing variously that (i) security is (and should be) intimately connected to questions of political legitimacy and accountability, such that its forms and provisions must be referred to democratic and public authorisation; (ii) that it is a 'social good' central to the maintenance of solidarity and civil bonds, and that its referral to market provision fragments this 'indivisibility' (akin to Hope and Karstedt's (2003) argument about the 'death of the social' in contemporary crime prevention agendas); and (iii) that as a scarce resource questions of its optimal allocation should be matters of collective deliberation rather than private choices by unequal consumers within a market. Loader and Walker (2006, 2007) build upon this assessment by positing security as (*qua* Michael Walzer) a 'thick' public good whose provision necessitates the continued involvement of the state as an 'anchoring' institution, and thus countering attempts to relegate it to a position of equivalence as just one node amongst many others in a network of governance. Taking a somewhat different (yet complimentary) tack, Crawford (2006) mobilises the economic theory of 'public' versus 'club' goods to argue that contemporary market-mediated security provisions inevitably tend towards 'enclosures' of the privileged and secured from the under-privileged and unsecured, and as such are inimical to both solidarity and social justice (for an earlier application of the concept of 'club goods' to private policing, see Hope, 2000). Likewise, Zedner (2007) discerns a fundamental collision between private interests and the public good, such that the dispersal of security provision across private as well as public domains constitutes a corrosion of social justice, in which the provision of security 'for all' ought to be an irreducible element. Thus, for this 'group' of thinkers, the *problem* of network policing and security lies in the fundamental iniquities of outcome when viewed from the standpoint of a political commitment to equality, democracy and justice.

All of the foregoing serves to suggest that the recent debate has been largely configured around a normative schism or *dissonance* arising from different evaluations of security as a social good. My aim here is not, however, to take a 'turn' in the debate and advocate one or other normative reception of network governance as it pertains to the new security environment. This is not to claim that such debate is unimportant – far from it, as any criminology purporting to engage with social problems as a means of promoting the public good (and which eschews the pseudo-scientific rhetoric of narrowly technical and administrative 'problem solving') must of necessity grapple with the human consequences of contemporary developments in this field. However, to repeat, expounding upon such a position is not the aim of this paper. Rather, the goal is to argue that amidst the descriptive accordance, explanatory confluence and normative dissonance, something important may have been missed in the discussion of network governance. This missing element turns on the functional (as opposed to political) problems of governance *as such* when viewed as a mode of social coordination or regularisation. Contributions to the ongoing criminological debate tend to by and large assume that network governance is *functionally* efficacious as a mechanism for delivering security, irrespective of any localised difficulties or 'blockages' (as noted by Shearing) or iniquitous outcomes (as argued by Loader et al). While the criminological discussion of governance has been voluminous (only a small proportion of the books, book chapters and journal articles

on this topic have been cited in the present piece), nowhere in the literature has any serious or concerted consideration been given to the *inherent* functional limits of network governance. For example, Chapter 5 of Wood and Shearing (2006) is initially promising, given that its title is 'Responding to Governance Deficits'; however, it transpires that it does not deal with any deficits inherent in governance as a mode of social coordination, but rather with the more specific (albeit important) normative problem of asymmetry faced by 'weak nodes' within networked governance structures. The extended elaboration of 'governance failure' developed over the past decade by Jessop (1998, 2000, 2003a, 2003b, 2004) finds not a single reference in the criminological discussion of governance, despite its impact within cognate disciplines such as sociology, political science, and political economy. This is not to say that problems of the kind identified by Jessop have gone entirely unacknowledged – we find, here and there, some discussion of the operational limits of governance networks (see, for example, Hughes and McLaughlin's (2003) consideration of the instability encountered when attempting to constitute 'community' as a site or node of governance; Zedner's (2006b) analysis of 'capture' within regulatory frameworks; and Hope and Karstedt's (2003) consideration of problems of both coordinating action and of trust in crime prevention partnerships). However, such reflections have thus far appeared in a piecemeal manner, and lacking unity within an underlying or systematic analytical framework. In this remainder of the paper I will attempt to sketch such a framework for considering the problem of governance failure, to relate this to specific issues pertinent to policing and security, and to consider their implications for the debate on governance as it has thus far been played out in criminological discourse.

Governance Failure: The Missing Element

We can identify (at least in the modern world) three distinctive modes of social coordination, namely those of state-based *hierarchy*, market-based *anarchy* and network-based *heterarchy* (Jessop, 1998: 29; see also Thompson, 2003: 22-6). Crucially, each of these modes of coordination embodies a distinctive rationality that serves to organise action. The rationality of anarchy (*ex-post* coordination via market exchange) is formal and procedural, emphasising efficiency in the pursuit of optimal economic outcomes (Ibid: 35). The rationality of hierarchy (*ex-ante* imperative direction) is substantive and goal driven, oriented as it is to the realisation of pre-determined political and policy aims. The rationality of heterarchy, by contrast, is *reflexive* in character, organised around communicatively managed consent between multiple agents (ibid). Much has been written about the tendencies to failure in both market-anarchic and state-hierarchic forms of coordination. For example, market action fails to realise economically efficient outcomes due to a number of seemingly ineradicable 'imperfections' or 'distortions', such as the formation of monopolies, oligopolies, and cartels, as well as sub-optimal outcomes resulting from imperfect knowledge. State-hierarchic action fails insofar as its directive mechanisms fail to secure the substantive goals established in policy formation (such as security, crime reduction, social inclusion, poverty reduction, reductions in mortality and morbidity, to name but a few; where such outcomes are explicitly set as policy goals, and action palpably fails to realise them, then this can be seen as a failure of strategic action). The turn to heterarchic network coordination is often posited as a corrective for the tendency to failure in both states and markets. However, as Jessop (1998:43) suggests, heterarchic governance, like market anarchy and state hierarchy, has its own in-built

tendencies to failure, and concludes that 'markets, states, and governance all fail' (see also Ormerod, 2005 on failure tendencies in modes of social coordination). This should not surprise us as:

'there is no such thing as complete or total control of an object of set of objects – governance is necessarily incomplete and as a necessary consequence must always fail' (Malpas and Wickham 1995: 40).

However, as I shall elaborate below, governance fails in *distinctive ways for distinctive reasons*, different from the tendencies to failure in either states or markets. These I will call the *Three Failure Tendencies of Heterarchic Governance.*

Tendency 1: Failure Due to Inter-Systemic Conflicts and Discordant Rationalities. The first tendency to failure arises from the fact that while governance brings together both state and market-based actors, they inevitably bring with them their own modes of action and embedded rationalities. In other words, market and state actors, upon enrolment in a governance network, do not surrender the distinctive rationality that organises their actions – market actors will still operate according to a formal and procedural rationality oriented to economic efficiency and profit-maximisation, while state actors will still operate according to a substantive goal-oriented rationality directed by *ex-ante* policy decisions. Indeed, they cannot do otherwise, as they operate within distinctive *social systems* (Luhmann 1996) that are organised around particular logics of action that determine what will count as 'success' or 'failure' for them (thus the capitalist firm cannot surrender its commitment to economic efficiency and profit maximisation, for to do so would ensure that it would fail according to the logic of competition that defines action within the market as a system; likewise, state actors cannot surrender their pursuit of substantive policy goals, as this would lead to a failure of the political legitimacy that authorises them to act in the name of an electorate). Governance does not and cannot replace these rationalities but brings them into direct contestation (Jessop 2003a: 148). Admittedly, one of the key aims of network governance is to mediate between different systems; yet insofar as agents located within distinctive systemic logics must of necessity act in accordance with them, they will define differently both what is relevant or meaningful, and the determinate criteria against which success or failure will be measured. To give one concrete example in respect of security, the logic of state action will dictate that success comprises an incremental eradication of the sources of insecurity (such as crime, predation, antisocial behaviour and so on); but for market actors in the business of generating profit from the provision of security goods and services, the ongoing *presence* of sources of insecurity is necessary, for without these the demand for goods and services cannot be maintained, let alone increased (a point that was not lost on Marx, who opined that "crime, through its constantly new methods of attack on property, constantly calls into being new methods of defence", methods that provide a welcome source of profit potential for the capitalist entrepreneur (Taylor 1999: 214, 222). This discordance between different systemic logics will create inevitably limitations on inter-systemic coordination, thereby producing a tendency for networks to fail in realising a 'joint product' via negotiated agreement.

Tendency 2: Failure Due to Intra-Systemic Competition. Problems of conflicting ends are not restricted to the inter-systemic domain, as they equally and chronically appear on an intra-systemic level within governance networks and between different actors.

That is to say, actors from the same system (state, market, voluntary) will often have opposing interests such that the aims of all actors cannot be simultaneously realised via coordinated action. For example, firms in the business of commercial security provision will be in competition for customers with other firms, and will therefore feel impelled to curtail communication where competitive advantage is at stake. This can lead to 'knowledge hoarding' where business-sensitive ideas, information or strategies are at stake, since such resources are central to ensuring market success and profit maximisation. Problems likewise arise from within the state sphere, where different agents (such as government departments) find themselves charged with pursuing different and incompatible security goals. To give one recent example, much has been made in recent years of the importance of *information security* in the context of greater societal dependence upon computerised information and communication technologies, which brings in its wake specific crime problems (such as intellectual property theft, computer hacking, unauthorised distribution of business sensitive data, violation of personal privacy, and identity theft). Yet in recent years different governmental actors have come into conflict around divergent policy goals in this domain. The UK's Home Office has sought to curtail access to sophisticated data encryption technologies, as these are viewed as a key tool used by organised criminals to hide illegalities. The Department of Trade and Industry (DTI) on the other hand has the aim of encouraging widespread access to and use of those same technologies, as these are viewed as critical for securing business sensitive information and creating the consumer confidence necessary for encouraging consumption of computer-based services (such as electronic banking)(Yar 2006: 151-2). Thus we see here the ways in which divergent policy goals will bring intra-systemic actors into direct conflict as they seek to realise aims that are mutually incompatible. Such conflict will inevitably curtail or damage efforts at achieving coordinated action via networked agreement.

Tendency 3: Failure Due to Multiple Spatial-Temporal Scales. Even if problems of inter- and intra-systemic communication, cooperation and competition could be overcome, network governance still faces a tendency to failure arising from the multiple spatial and economic scales at which coordinating activity takes place. That is to say, the selfsame 'object' or 'set of objects' will be the target of governance for different regulatory or coordinating networks situated at different scales. Thus the capacity of any given network to realise its collectively agreed goals will be chronically vulnerable to effects creating by governance activity by other networks operating on different scales. These effects will emerge from the external environment of the network, and thus will not be subject to its coordinating capacities (unless any given network is kept eternally and indefinitely open, allowing for enrolment of any or all possible relevant actors, which in itself creates further problems insofar as a degree of closure is necessary for an agreed range of parties to engage in communicative coordination – Jessop 1998: 41). Thus, for example, efforts to realise security goals located at the level of locality will suffer unanticipated effects from actions emanating from networks operating at regional, national and trans-national scales. Similar problems arise in respect of different temporal horizons within which different actors, and networks of actors, operate. For example, state agents may operate on the basis of short-term security goals, such as realising a drop in recorded crime figures required by political strategies linked to the electoral cycle; these can conflict with longer-term initiatives aimed at realising incremental and sustainable improvement in the human security environment. Likewise, market actors may be divided between short-term goals of profit maximisation and realisation of

shareholder value within a defined fiscal or business cycle, and the aim of creating a sustainable and stable market environment in the security sector. These factors will add a further tendency to governance failure.

The tendencies elaborated above are intended to support the view that failure of governance networks is not a *contingent possibility* but a *logical necessity*; this tendency to failure arises from the very morphology, structure and operating rationality of governance itself (just as the failures of state hierarchy and market anarchy are a direct consequence of the nature and limits of those modes of coordination). One posited solution to the above problems is to institute a 2nd level reflexive strategy through which the structural and operating environment of the network could be regulated so as to eliminate or minimise problems - what is referred to as 'meta governance' (Jessop 1998: 42-3) or the 'governance of governance' (Wood and Shearing: 115-7). However, the recourse to meta-governance is vulnerable to the selfsame problems of failure already noted, in that agreement must be reached as to the structural and operating principles of a network amongst and between actors situated within different systemic logics, with colliding interests and different spatial and temporal scales of reasoning. Any attempt to provide these principles in an *imperative* manner (e.g. by the state, or by a supra-national organisation such as the EU) traduces the principle of reflexive agreement that is the basis of network governance, and recuperates coordination within a hierarchical mode (albeit of a 'meta-hierarchical' kind, one step removed from the business of network governance itself). This would be akin, perhaps, to Loader and Walker's (2006, 2007) notion of 'anchored plurality' in which the state is 'brought back in' as the regulatory guarantor of rule-governed order within the bounds of whose parameters any subsequent polycentric coordination must remain. While this may promise some advantages in terms of constraining tendencies towards inter- and intra-systemic conflict, it cannot efface other tendencies towards failure, including the disruptive convergence of different rationalities and logics of action, or the problems emanating from scalar multiplicity. Moreover, questions of efficacy aside, it ceases to be network governance in any pure sense, and can be more accurately characterised as a hierarchy with quasi-autonomous and distributed functions (as various agents or nodes converge upon goals whose procedural determination has been directed by the state or another similar meta-governing agent).

The tendency toward governance failure also entails another significant consequence. It is commonplace in criminological discussions of governance, networks and nodes to see the emergence of such assemblages as something of a *fait acompli*. For example, Wood and Shearing (2006: 153) state that 'we accept that our world will be continued to be governed nodally' and that 'whatever happens to strengthen and democratise states and supra-states will reshape our nodal world, but it will not make it less nodal'. Such judgements carry more than a hint of causal determinism, although their grounds are seldom explicitly elaborated. Implicitly, there would appear to be a functionalist assumption that, in the face of extended social and systemic complexity and differentiation, especially on global scale, erstwhile modes of social coordination (especially state hierarchy) find themselves unequal to the task. This excess complexity has induced both the 'crisis of the nation state' and stimulated the emergence of governance networks as a form of functional adaptation. However, such conclusions about the inevitability and/or irreversibility of networked governance may well be unsustainable if we take seriously the conclusions of Jessop

and others that hierarchies, markets and networks *all* tend to fail. Historically speaking, Jessop (1998: 32) notes that different modes of coordination tend to predominate at different periods. Thus from the end of WWII till the mid 1970s, the dominant mode of social coordination in the UK was that of state hierarchy; this was displaced by a turn to market anarchy, with the realisation of goals supposedly being realised via the regulative effects of the 'invisible hand'. From the start of the 1990s to the present, the dominant preference has oriented increasingly towards heterarchic governance. These changes should not, however, be viewed as a logical and uniform line of succession. Transitions from one mode to another are stimulated as the particular kinds of failure that a given mode of coordination are prone to accrue. The move to a different mode cannot present an opportunity to erase failure, as we have already noted that all such modes have failure tendencies. Rather, what matters is that a successor mode will fail *in a manner different to its predecessor* and with *different negative effects*. Thus the turn to markets from the mid 1970s did not and could not do away with failure, but did succeed in curtailing the accumulation of the particular kinds of failure associated with hierarchical direction. The displacement of the 'free market experiment' of the 1980s by network governance likewise serves to prevent further accretion of the specific negative outcomes associated with market failure. On this view:

'The discovery of governance could mark a fresh revolution in this process – a simple cyclical response to past failures (especially those linked to attempts to manage the emerging crisis of Atlantic Fordism from the mid-1970s) and, more recently, market failure (and its associated crisis in corporate governance)' (Jessop 1998: 32)

Logically then, at some point the undesirable effects of governance failure will accrue to such an extent that another mode of social coordination will displace it from pre-eminence. Consequently, the criminological debate on crime, policing and human security should not assume that network or nodal governance is 'here to stay', and that we are left only with the choices of either pragmatic adaptation to new realities, or organising a political project of resistance that seeks to return the state to its former position of primacy. Rather, it may well be that, as a direct consequence of failure tendencies, governance will eventually 'have had its day' and will be displaced in turn by another mode of social coordination that does not fail in the same way. Whether this might be state hierarchy, market anarchy, or some as yet unanticipated new mode of coordination remains to be seen.

Conclusions

In this article I have traced the development of the 'governance of policing and security' debate in criminology over the past quarter century. I have suggested that it has been characterised by descriptive accordance, explanatory confluence and normative dissonance, and that the latter has been a dominant concern across recent contributions from a wide range of scholars. However, I have argued that the contributions as a whole have neglected to systematically address a crucial issue, namely that of the functional adequacy of network or nodal governance as such, and the inherent limits (or tendencies towards 'governance failure') that inevitably arise from the structure, morphology and logic of such coordination processes. I have attempted here to explicate three distinctive problems that cause governance to fail, and have sought to relate these to problem specific to policing and security. If, indeed,

network heterarchy (like state hierarchy and market anarchy) necessarily tends to failure, then this has a number of implications for the ways in which criminology thinks about the governance of security. Firstly, it cannot be taken for granted that network (or nodal) governance will be functionally efficacious, and move on to normatively assess and/or critique its outcomes. Rather, the specific instances of failure in this domain need to be identified, acknowledged and carefully analysed. Secondly, if the tendencies towards failure are a chronic feature of governance networks, then more careful attention needs to be directed towards proposals for 'meta governance' or the 'governance of governance', which are often adduced as a 'solution' for problems that may be encountered. Thirdly, if failure tendencies (across all modes of social coordination) incite a cyclical rotation between different modes, then criminologists need to question the assumption that the shift to network governance will remain a permanent or enduring configuration of the security environment. The aim here has been to reframe the debate away from its current preoccupation with normative problems and towards a sociological appreciation of other salient dimensions of governance that have been heretofore largely overlooked.

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[i] This is not to suggest, however, that the work of these three writers forms a seamless continuity, or that there are not also agreements as well as disagreements between 'governance sceptics' and 'governance enthusiasts'. However, I feel that a broad classification or division of this kind can nonetheless serve a useful heuristic purpose when over-viewing the debate.

[ii] Crawford (2003) exemplifies an unusual scepticism in this regard, insisting upon a more detailed empirical mapping of trends on the governance of security *before* moving on to consider what, if any, normative judgements can be made.

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