

## POLICING COMMUNAL SPACES

*A Reconfiguration of the ‘Mass Private Property’ Hypothesis<sup>1</sup>*MICHAEL KEMPA\*, PHILIP STENNING<sup>†</sup> and JENNIFER WOOD<sup>‡</sup>

*Explanations for developments in state and non-state policing include the influence of globalization/late-modernity (Reiner 1992; Sheptycki 1995), shifts in political rationalities (O’Malley and Palmer 1996; O’Malley 1997), the rise of ‘mass private property’ (Shearing and Stenning 1981; 1983), and the decline of secondary social controls (Jones and Newburn 2002). Responding positively to recent critiques of the mass private property hypothesis raised by Jones and Newburn (1998; 1999a), we argue that shifts in policing can be tied to the resurgence of many new forms of ‘communal space’ (von Hirsch and Shearing 2000; Hermer et al. 2002) of which mass private property is only one example. We then induce a framework suggestive of the links between the extant accounts of trends in policing.*

*Introduction*

Quantifying and theorizing trends in policing have become very topical in criminological and socio-legal circles. Policing is a central function of governance. Recognizing this, a growing number of scholars have examined trends and innovations in policing, with a view to abstracting insights into the changing nature of governance. This expanding body of work has explored the diverse institutions, mentalities and practices that constitute contemporary policing and has proffered a range of accounts for shifts that have been observed across these dimensions.

With respect to explaining the resurgence of the paid private security sector, Shearing and Stenning (1981; 1983)—some 20 years ago—provided an account of the steady growth in ‘mass private property’. Their hypothesis that shifts in property relations have created environments conducive to forms of private policing has been the subject of important critiques recently raised by Trevor Jones and Tim Newburn (see especially 1999a; see also 1998; 2002). These critiques prompted us to attempt a reconfiguration of the mass private property hypothesis in light of contemporary realities. We (co)relate developments in both state and non-state policing to shifts in property relations generally, and, in particular, to the resurgence of all manner of new ‘communal spaces’, of which the kinds of ‘mass private property’ initially identified by Shearing and Stenning are merely examples. In turn, we situate shifts in property relations as

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a key link between more general and particular accounts of trends in policing that have been proffered in the literature. The goal of this exercise is to begin to induce a broader conceptual framework, aimed at examining links between different explanatory variables.

*Empirical Findings and Conceptual Adjustments in Policing Scholarship*

Scholarly understandings of what policing is and what it entails have shifted as practical developments have been identified and their implications considered. The initial 'rediscovery' in the late-1960s of a resurgent paid private security sector has broken the tendency of criminologists and other critical scholars of a socio-legal orientation to conceptually equate the business of policing with the institution of the public police. An investigation of a wide range of non-state agencies that are—and, for a very long time, have been—active in the process of policing has ensued (for synthetic accounts, see Kempa *et al.* 1999; Johnston 2000; Bayley and Shearing 2001; Hermer *et al.* 2002). Concomitant to this has been a critical evaluation of contemporary trends in public policing (see especially Reiner 2000; for an overview, see Kempa, in press). On one level, these studies have sought to identify and analyse the range of state and non-state actors who carry out policing functions. Secondly, scholars have probed the ways in which the practices that these institutions engage in, and the mentalities that underlie them, are similar and distinct from one another (see Shearing 2001a). Thirdly, efforts are well under way to assess the normative implications of pluralized policing for different populations (Bayley and Shearing 1996, 2001; Loader 2000; Shearing and Wood 2003).

It is important to begin by noting that while this body of work is impressive in its breadth it remains largely exploratory and progress across the three domains of research outlined above is uneven. That said, much progress has been made in identifying the agencies involved in policing. In addition to the public police, paid private security agencies, civil policing bodies (both state-regulated and autonomous varieties, see Johnston 2000), as well as a range of secondary security institutions (ranging from insurance corporations to Internet Service Providers), have been identified as increasingly important players in policing our conduct in both physical and virtual spaces. Studies of the paid private security sector reveal it to be a large and growing industry around the globe (see, e.g. Johnston 1992; 2000; Jones and Newburn 1998; De Waard 1999; Kempa *et al.* 1999; Huggins 2000; Los 2002; Rigakos 2002). Paid non-state policing agents have taken on an increasingly wide range of activities and services once thought to be the exclusive domain of state policing agencies, to the point that it has become difficult to find an activity undertaken by the public police on behalf of citizens that is not in some place also offered to paying customers through the private security industry (Hermer *et al.* 2002). While there has not, to our knowledge, been an effort to quantify the magnitude of the expansion of civil agencies' involvement in policing in various regions of the world, it is often observed that a large number of 'collective associations' of various forms, including residents' groups (Blakely and Snyder 1997), ethnic and cultural associations and other groupings (Crawford 1998), and, in some cases, criminal agencies (Leeds 1996; Huggins 2000), are taking a more active role in policing collective life.

We also know that public policing has undergone significant changes in recent decades. Significant shifts can be identified within both of the classical ‘low’ and ‘high’ policing realms identified by Brodeur (1983). In the sphere of addressing ‘low’ policing issues—responding to regular crime and disorder and basic service provision—public police agencies have become increasingly decentralized, diffuse and service-oriented. We are three-decades deep into a massive reorientation of ‘professionalized’ public policing, in which the ideal of impartial and effective law enforcement has been aligned with permutations of ‘community policing’ and the ‘homegrown’ qualities they expound (see Greene and Mastrofski 1988; Trajanowicz and Bucqueroux 1990; Skogan and Harnett 1998; Wood 2000; Fischer 2001; Deukmedjian 2002).

On the other hand, ‘high policing’—which encompasses the policing of public protest and other major forms of public order maintenance and counter-insurgency—has, in many contexts, become increasingly hard-nosed and centralized, with police forces in both ‘established’ democracies and nations in transition coming down very hard upon perceived threats against the political and economic order (on established democracies, see Ericson and Doyle 1999; Pue 2000; on nations in transition, see Brewer *et al.* 1996). Furthermore, in the cases of both low and high policing, there has been a marked increase in forms of transnational policing cooperation (Sheptycki 1995; 2000; Johnston 2000).

Over the course of two decades of such practical ‘discoveries’ in who undertakes policing, scholarly understandings of policing have begun to shift from an institutional focus upon the public police towards the processes through which individuals and agencies, or *nodes* (Shearing 2001b; Johnston and Shearing 2003; Kempa and Shearing 2002; Shearing and Wood 2003), act—whether directly or through designating others—to enforce a defined order<sup>2</sup> within a community<sup>3</sup> (Johnston 2000; Hermer *et al.* 2002). Within this broader definition of policing, ‘private’ forms essentially amount to all agencies acting under non-state sponsorship.

With respect to mentalities and practices, it is known that whereas recourse to the criminal law and constitutional limits on public authority vis-à-vis individual citizens have rendered the public police more focused upon responding to breaches of law, non-state agencies have, for the most part, concerned themselves with preventing future harms through proactive problem-solving techniques—though it must be stressed that there is increasing diffusion of such ‘risk management’ mentalities and practices between state and non-state agencies (Ericson and Haggerty 1997; Johnston 2000; Rigakos and Greener 2000; Stenning 2000; Mopas and Stenning 2001).

In terms of impacts, we know that paid private security tends to sweep marginalized segments of the community out of privileged spaces occupied by the wealthy (Shearing

<sup>2</sup> The fact that such an order is ‘defined’ does not imply that it is necessarily universally consensual: defined orders are frequently contested.

<sup>3</sup> This paper reflects the conception of *policing* (and its associated concepts), defined by Hermer *et al.* (2002): ‘any activity which is expressly designed and intended to establish and maintain (or enforce) a defined order within a community. . . . A *defined order* is a set of explicit or implicit norms designed to regulate behaviours (conduct), relationships of expression, and to provide for the establishment of institutions and procedures. . . . Orders are typically defined with a view to achieving particular objectives . . . [such as] the achievement of security and safety for members of the community being policed. . . . *Community* . . . is understood as a collectivity, whether it be defined in terms of a specific geographic area, by a sense of shared identity on the basis, for instance, of gender, nationhood, race, ethnicity or sexual orientation, or by a shared sense of goals organized through economic, political or cultural activity. While a community often reflects all three of these attributes . . . it is important to note that some of the most active communities are ones that are “imagined”, in the sense that they are not based in a particular physical space or territory (e.g. the “virtual communities” of cyberspace).’

and Stenning 1983; Rigakos and Greener 2000; Hermer *et al.* 2002). The spatial sorting of individuals has also been noted in the context of targeted, disorder-based developments in public policing (Shearing 1999; Fischer 2001; Hermer *et al.* 2002; Ruppert 2002). In the domain of civil policing, attention has been paid to the ways in which both regulated civil policing initiatives and vigilante activity often work against the interests of the weakest members of the community, entailing the mobilization of collective resources and, in some cases, physical coercion against the marginalized (Crawford 1998). Research has shown that vigilantism in particular is often carried out under what can be seen as ‘resigned’ community support in the perceived absence of an adequate state policing system, along with tacit, even if very reluctant, state-tolerance where public security has broken down (Hillyard 1993; 1997; Leeds 1996; Knox 2002; Huggins 2000).

While scholars have come to a broader understanding of policing as a process entailing interrelated nodes, there remains a conceptual tendency to analyse the operation and impacts of policing nodes in relative isolation from one another. This is to say that the *combined* impacts for different segments of the population of state and non-state policing forms, which operate in tandem and sometimes in direct collaboration, have only begun to be considered (Jones and Newburn 1998; Loader 2000; Johnston 2000; Wakefield 2000; Hermer *et al.* 2002; Kempa and Shearing 2002).

#### *Accounting for Trends in Policing*

A variety of explanatory accounts have been proffered in the literature for the trends in policing outlined above, ranging from the very abstract to the more particular. Some scholars have situated developments in policing within very broad shifts in the global order and interrelated shifts from modernity to late or post-modernity (see especially Reiner 1992; Sheptycki 1995). Robert Reiner (1992), for instance, connects recent shifts in (principally public) policing to the destabilising effects of ‘post-modernity.’ According to this position, developments in community involvement in policing and the rationalization of public policing agencies can be traced to the decline in importance and legitimacy of central state legal and moral authority, which is associated with the ascendance of two particular features of ‘post-modernity’: notions of sociological relativity (and, therefore, respect for diversity), and the emergence of the ‘global community’ as a legitimate economic and political entity:

The deeper social changes of post-modernity are transforming the role of the police institution within the whole array of policing processes. The rise of the police . . . was itself a paradigm of the modern. It was predicated upon the project of organising society around a central, cohesive notion of order . . . the changes in social structure and culture which have been labelled post-modernisation render this conception of policing increasingly anachronistic. There can be no effective symbol of a unitary order in a pluralistic and fragmented culture. (Reiner 1992: 779–80)

Others writing after Reiner—notably Pat O’Malley (1997) and Darren Palmer (O’Malley and Palmer 1996)—have pointed out that such ‘macro’ accounts as the post-modernity/globalization hypothesis are not well suited to accounting for regional or temporal variations in the extent and nature of transformations in (public) policing. Additionally, the *post-modern* thesis poorly accounts for the fact that some reforms engaged by the police are decidedly *modern* in form, such as efforts to professionalize recruitment and training. Crucially, these authors have also pointed out that analyses

pitched at such a high level of abstraction provide no actual mechanism for examining how global pressures, whatever their form may be, actually impact local policing developments.<sup>4</sup>

In place of macro-level accounts, O'Malley aims to situate developments in (public) policing in the context of evolving political rationalities and their associated technologies: in particular, the rise of neo-liberal systems of rule and the 'new managerialist' techniques that embody them (see especially O'Malley 1997: 369). As a political rationality, neo-liberalism is concerned with undoing the legacy of passive citizenship that developed over the course of the state-dominated welfare approaches to government that dominated the Western democratic landscape over the middle decades of the twentieth century. Like the classic liberalism of the nineteenth century, neo-liberalism deploys the market as the engine of active citizenship. Neo-liberal approaches are distinguishable from their antecedents, however, in that they also seek to engineer and harness the market forces of competitiveness and efficiency within state agencies themselves (see O'Malley 1997: 367). As O'Malley develops, a political rationality of this form would be reflected and continue to spread unevenly across policing agencies and within departments of a given police agency, through such concrete 'new public management' mechanisms as costed policing plans and sundry risk management techniques.

Situated at a more particular level of analysis is the 'mass-private property' hypothesis, initially formulated and refined over a series of writings by Clifford Shearing and Philip Stenning (1981; 1982; 1983; 1987). This position builds on Spitzer and Scull's (1977) claim that changes in economic relations and structures bear consequences for the ways in which political space is legally defined and otherwise organized, governed and made use of. In turn, Shearing and Stenning contend that shifts in the nature of such 'property relations' open up possibilities for shifts in policing arrangements. According to Shearing and Stenning (1981), one crucial shift in property relations has been the emergence of 'mass private property' in North America, which has set the context for a massive expansion of the private security sector.

'Mass private property', as initially conceived, refers to expanses of privately owned space concentrated in the hands of relatively few corporate interests, which are nevertheless generally open to the public to visit. Indeed, many of these forms of mass private property are dependent upon a high volume of public visitation for their economic survival. Classic examples of such space include shopping malls, condominium estates and other leisure, sporting and entertainment complexes. In detailing the contemporary resurgence of this property form, Shearing and Stenning identify a critical rupture that has developed between the legal definition of the *ownership of property* and its *intended use/expectations of access* in the context of the latter half of the twentieth century in North America. Whereas powers that accrue to property ownership were initially defined in law with a view to enabling landowners to set rules reflecting their interests in spaces that were understood to not be generally accessible to the public, these powers are contemporarily being applied to expanses of space that are intended for public use (Anand 1987).

<sup>4</sup> This, in turn, suggests an overly deterministic character of evolutions in policing, providing little in the way of either intellectual inspiration or empirical basis for a progressive politics of policing (see especially O'Malley 1997: 375–8; O'Malley, Weir and Shearing 1997; O'Malley, in press).

With the growth of such ‘privately’ owned ‘public’ space, the traditional sphere of activity for the public police has been reduced: rights of private ownership simultaneously restrict the ability of the public police to enter and interfere on these properties, while expanding the ability of non-state entities to set and maintain rules based upon private standards (see especially Stenning 2000). Thus, by Shearing and Stenning’s initial formulation, the security demands of the corporate interests controlling such expanses of space have fuelled the contemporary massive growth of the paid private security industry:

Today... it is the large corporations controlling extensive industrial and commercial facilities, as well as large residential complexes, who are the principal users of modern private security.... This merely reflects a historical pattern in which organisations that have traditionally operated within a context of mass private property (e.g., certain religious establishments and universities) have persistently resorted to private security in one form or another. (Shearing and Stenning 1981: 229)

For these authors, therefore, the privatization of policing amounts to the fragmentation—or, perhaps, breakdown—of the state-dominated policing system that had, over the middle decades of the twentieth century, claimed a monopoly over policing.<sup>5</sup>

Trevor Jones and Tim Newburn (see especially 1999a; and also 2002 and 1998) have raised some noteworthy critiques of this hypothesis. First, these authors point out that the expansion of private policing has in some cases pre-dated the period of greatest expansion of mass private property forms. Thus, they argue, the emergence of ‘mass private property’ provides little in the way of an ‘explanatory’ account—in terms of providing a linear cause-and-effect model—for the recent resurgence of private security. In addressing this shortcoming, their recent study of policing developments in Britain used time-series census data to estimate the growth of private policing over time (Jones and Newburn 1998: 96–7). On the basis of these data, the authors observe:

... the period of fastest growth in Britain occurred prior to the 1970s (although growth has continued since then). The data suggest that it was during the 1960s that employment in security and related occupations outstripped that of public police officers in Britain. We should note that this was some 20 years prior to the expansion of mass private property in Britain. (Jones and Newburn 1999a: 227)

Secondly, Jones and Newburn assert that Shearing and Stenning overestimate the importance and extent of mass private property in the United States—and go on to point out that there would seem to be even less such property outside of the North-American context (Jones and Newburn 1999a: 229).

Thirdly, while Jones and Newburn recognize that a lesser, yet significant, amount of mass private property has emerged in the United Kingdom relative to North America, they go on to stress that ‘recent years have seen a significant slowing of these developments’, caused mainly by a ‘reversal of government policy which has increasingly attempted to revitalize town centres’ (Jones and Newburn 1999a: 235).

Thus, these authors conclude, while mass private property has been growing in various locales around the world, including Great Britain, ‘we must be careful not to exaggerate

<sup>5</sup> Though Shearing and Stenning initially extrapolated these findings as reflective of the development of ‘disciplinary’ modes of governance across society (1981; 1983; 1985), they and others they have collaborated with have subsequently tied the fragmentation of policing to more general trends in the diffusion of governance beneath and beyond the state that have taken place in the context of what Rose (1996) has famously characterized as ‘the death of the social’ (Shearing 1992; 1996; Stenning 2000; Hermer *et al.* 2002; Johnston and Shearing 2003).

either its extent or its impact' upon the growth of private policing (Jones and Newburn 1999a: 233).

In place of what they designate as Shearing and Stenning's 'mass-private property' hypothesis, Jones and Newburn develop, in a recent piece, an alternate explanatory account for the growth in private security agencies (and more general shifts that have occurred in the sphere of policing) in recent decades, which they characterize as an 'increasing formalisation of social control' hypothesis (Jones and Newburn 2002). According to this view, the critical feature that has contributed to the growth of private policing has been a decline in the prevalence of 'secondary social control' agents—caretakers, bus conductors, receptionists and other employees who occupy physical space and so are capable of performing a surveillance function—as a consequence of broader shifts in the economy and in employment patterns. The decline of such agencies has created a security vacuum that has resulted in persons' demanding of the public police a greater number of services—a demand that the public police have not been able to fill, owing to finite resources. It is this surplus demand for security that the private security industry and various civil agencies have expanded to fill. Crucial to their argument is the point that, despite the resurgence of the private security industry that has been observed over the course of recent decades, public policing agencies have not been substantially diminishing in size, whether quantified in terms of manpower or tax resources allocated to the enterprise. Thus:

... we would suggest that rather than see these developments as a fragmentation of policing, with non-state provision benefiting at the expense of public constabularies, what we are seeing is a general trend towards the formalisation of social control. (Jones and Newburn 2002: 139)

Taken together, this series of critiques of the mass private property hypothesis makes a number of very significant contributions to our efforts to account for shifts in policing. In an immediate sense, they rightly caution us against viewing 'mass private property' as *the* determinative variable accounting for trends in (private) policing around the globe. In a deeper sense, the 'increasing formalisation of social control' hypothesis is attractive, as it makes a very substantial step towards tying interrelated developments in state and non-state policing to some common set of associated variables.

In reading through Jones and Newburn's series of writings and thinking about how these relate to the broader literature, we were struck by the notion that a broader reading of Shearing and Stenning's earlier work is reconcilable with Jones and Newburn's more particular 'formalisation of social control' hypothesis, and their reference to the connection of this phenomenon to broader social, political and economic factors. As they have themselves stressed (and we will develop in more detail below), the connections between their account and other levels of analysis have yet to be fleshed out (Jones and Newburn 1998: 260; 1999b: 115–16). In what follows, we will suggest that shifts in property relations generally (of which the rise of mass private property is certainly one important trend) provide a very important link between the proximate local employment patterns that Jones and Newburn directly link to trends in policing and the broader social, political and economic shifts that Jones and Newburn, amongst others (most notably, Les Johnston 1996), set as the broader context of these shifts. To make this case, we need first to return to the original 'mass private property' hypothesis.

*Reconfiguring the Mass Private Property Hypothesis*

In this section, we set out to reconsider the initial work of Shearing and Stenning under the critiques raised in the writing of Jones and Newburn. The first set of points addresses an empirical issue and can be dealt with briefly. It strikes us from a review of recently published urban geography literature that, 20 years after the publication of Shearing and Stenning's initial mass private property papers, there appears to be a good degree more mass private property around the globe than Jones and Newburn have observed in Great Britain and Western Europe. Forms of mass private space—in the 'purest' sense of expanses of property that are concentrated in the hands of corporate interests and that extend a general invitation to the public to visit—are spreading in many nations around the world. This is certainly the case in many nations undergoing market-oriented political reforms, notable among them South Africa (Shearing and Kempa 2000; 2001), Brazil (Caldeira 1996; 2000; Huggins 2000), Viet Nam (Drummond 2000), the Philippines (Connell 1999) and Hong Kong (Cuthbert 1995; Cuthbert and McKinnell 1997). Around the globe, these spaces are in large part policed by non-state agencies, suggesting that these property forms are significantly associated with the expansion of the private security industry.

As Connell (1999: 436) argues in the context of Manila, the Philippines, the *absolute amount* of mass private property is at present of lesser significance than its *symbolic meaning* and, therefore, what it bodes for the future. In particular, it is associated, in the minds of prospective homeowners and consumers of other goods and services, with cultural advancement as well as social and economic upward mobility. Specifically, exclusionary forms of mass private space have achieved a 'label' or 'status' quality that communicates exclusivity and upward mobility. These images have been seized upon by the marketers of real estate who are actively fanning a growing public taste for such forms of property. This new market niche would seem to ensure the continued expansion of such spaces, resulting in further opportunities for the expansion of the private security industry in the future (see also Caldeira 2000).

These data suggest that Britain may be the exception rather than the norm with respect to a global trend in the expansion of mass private property. There are, however, insufficient empirical data available to finally settle the question of whether and to what degree mass private property is proliferating globally, and whether these property forms precede the expansion of private security in different locales. For our present purposes, it is sufficient to note that these property forms are expanding in many places outside of North America and are, in large part, policed by non-state agencies.

A more interesting question, which we also draw from Jones and Newburn's work but which does not form an explicit component of their critique of Shearing and Stenning, is: *What might alternate shifts in property relations mean for shifts in policing more generally?* Such a question is consistent with a broader reading of Shearing and Stenning's initial argument. As we have already suggested, both the substructure of the initial formulations of their theory (1981; 1982; 1983)—founded as it was upon the more general arguments of Spitzer and Scull (1977)—and more recent work undertaken by them (conducted on their own and with colleagues) justifies such a broader reading (Shearing and Stenning 1987; Shearing 1992; 1995; 1996; Bayley and Shearing 1996; 2001; Kempa *et al.* 1999; Stenning 2000; Von Hirsch and Shearing 2000; Hermer *et al.* 2002).



In this broader reading of Shearing and Stenning's initial thesis, the key to explaining the recent resurgence of the paid private security industry—along with shifts in the nature of contemporary policing more generally—lies in looking at broader shifts in the character of property relations, of which the emergence of mass private property is merely one trend. In addition to the initial rupture between *property ownership* and *intended use/expectations of access* identified in the early work of Shearing and Stenning is a deeper legal rupture between *property ownership* and *the capacity to control access to property*. Concretely, the legal climate is currently such that not only are private property owners capable of setting rules in forms of mass private space, they are also sometimes able to set and enforce private standards in expanses of space which are legally defined as 'public' in the sense that they are owned by the state.

Thus, as Jones and Newburn (1998) themselves outline, we see the emergence of a range—or continuum—of property forms that are, to a greater or lesser degree, open to the public and under state and/or non-state control. In this paper, we use the term 'communal spaces' as an umbrella concept that encompasses this range of distinct spaces (a concept that has a long lineage in urban geography literature, and has been taken up and adjusted in criminological scholarship by von Hirsch and Shearing 2000; Hermer *et al.* 2002). Jones and Newburn (1998: 51) outline several important dimensions that can be deployed in assessing where on the continuum a given space can be placed:

- Who has (routine) access to the space?
- Who owns the space?
- What kinds of controls prevent/allow people access to the space? (e.g. predominantly physical controls (gates, bars, etc.), or informal controls and signals?)

To this list, we would add:

- Who has been given or has otherwise assumed the capacity and authority to define the orders that are enforced in these spaces?

Applying these measures, on one end of the continuum, some forms of new communal spaces are essentially 'public' in their status, in the sense that they constitute state-owned property in which a citizen has a general expectation of admission and some significant (constitutional) protections of individual liberties with respect to the mechanisms used to govern that space. At the same time, this citizen is policed by state police agencies but increasingly also by non-state agencies, according to private standards and interests (see, e.g. Noaks 2000). Examples of such spaces include public squares outside of private retail landholdings or streetways that link residential dwellings.

Somewhere in the middle of this continuum are the privately owned and privately policed spaces which entail a general invitation to the public to enter subject to certain private standards that trump, in most instances, constitutional protections on individual liberties—these are the mass private property forms outlined in the initial formulations of Shearing and Stenning (for a discussion, see Anand 1987).

Towards the other extreme of the continuum are those spaces that Theresa Caldeira (1996; 2000) aptly terms 'fortified fragments'. These spaces are privately owned, privately policed and closed to the general public while open to their members, who observe what are often elaborate and intrusive internal contractual arrangements that trump their individual liberties. These include spaces such as shared grounds and facilities

within gated residential communities and enclosed condominium developments. Of particular significance to social life is the fact that many of these developments are seeking to contain more and more aspects of members' lives within the fragment, in some cases achieving an incredible level of institutional completeness. A double-edged issue arises here: members of these fragments spend a good deal of time in spaces where private rules in many cases trump their rights as citizens; on the other hand, where the privileges that accrue to membership in these expansive spaces are substantial, they are not available to 'outsiders'.

While these newer forms of communal spaces are distinct from idealized forms of public and private property, they do of course have historical precedents with which they share common elements but also exhibit some important differences. Immediately coming to mind are the 'company towns' described in the writing of Spitzer and Scull (1977). It is useful to contrast these towns that one of the most utterly fantastic examples of 'new communal space' that we have come across in our research: institutionally complete 'gated villages' or 'towns' that have begun to emerge in South Africa but have parallels around the world (Shearing and Kempa 2000; 2001). This example illustrates some of the most important lines of continuity and points of departure between past and present incarnations of 'communal spaces'.

One such notable development is 'Heritage Park', a self-contained residential and business district roughly the size of the Principality of Monaco (200 hectares) that is intended for 20,000 persons, the development of which is, at time of writing, well under way in the Western Cape province of South Africa. Within the boundaries of this gated town are all the services that an individual needs for immediate survival and, removed from any major (and disorderly) city centre, there is little or no need to venture outside. As the developer's website proclaims in one of the first phrases it presents to the prospective buyer, the village has 'taken the concept of the security complex to its ultimate conclusion' (George Hazelden Properties webpage <http://www.ghp.co.za>). Accordingly, an electrified perimeter fence at present surrounds most of the residential, recreation and business sectors of the village (and, ultimately, will encompass the entire village). The perimeter fence is monitored by surveillance technology and patrolled by a staff of private security agents, essentially closed to all outsiders whose status is not that of visitors of the residents or the employees or customers of the businesses inside of the wire. Additional emergency-response private security agents are available should residents find they need them.

Explicit historical references made in the promotional materials of the developer would suggest that there are many parallels between Heritage Park and the 'company towns' described by Spitzer and Scull: 'The concept of whole town fortification has been with us since medieval times, and it seems appropriate to take a leaf out of our past and install it into a safe future' (George Hazelden Properties, Press Release, 2000). There are however, significant points of departure between the past and present. Crucially, the auspices, mentalities and practices through which non-state security agencies act to police these spaces are distinct in the older and newer incarnations of non-state communal space.

As Spitzer and Scull (1977: 21–2) elaborate, corporate towns were initially governed under the auspices of the directing bodies of large corporations. Governance was carried out through a largely paternalistic and complete approach to moral regulation that was initially supported in the agrarian values of the rural working class but was ultimately enforced by paid private security agencies in the face of growing labour militancy.

In direct contrast, Heritage Park—like many other forms of contemporary communal space—is governed largely under the rules set collectively by the individual homeowners through their ‘representative’ associations, rather than in the direct interests of a ‘sovereign’ external corporate body. The defined order that is enforced is the aggregate of a tolerable range of individual preferences, rather than some common expression of a positively defined ‘morality’ or ‘identity’: merely common identification with the developer’s promise to ‘live, work, play and shop in . . . maximum comfort and security’ (George Hazelden Properties webpage <http://www.ghp.co.za>).

In citing this particular example, we do not mean to single out South Africa: various examples of such exclusionary new communal spaces, and the policing forms through which they are governed, are developing elsewhere in the world.<sup>6</sup> They are extremely prevalent, for instance, in many ‘transitional’ political contexts that are undergoing market reforms (Connell 1999: 436). In the context of Brazil, Teresa Caldeira notes the proliferation of the above-mentioned ‘fortified fragments’: spaces for living, engaging in leisure and practising (non-retail) business, which are physically closed off and heavily guarded against the rest of society by private security services. These spaces include, but are not limited to, luxury residential condominium estates, leisure and community clubs, and corporate towers and their surrounding environs. Crucially, Caldeira (2000: 258) observes that these examples of new communal space ‘belong not to their immediate surroundings, but to largely invisible networks’ that are linked by sanitized corridor or conduit spaces, also secured by non-state policing agencies.

Similar developments have also been noted in the transitional contexts of Argentina and the central-European state of Hungary (Ladanyi 1998). A particularly rich literature, however, has developed with regard to the Asian context. In a series of well documented accounts, Hong Kong (Cuthbert 1995; Cuthbert and McKinnell 1997), Viet Nam (Drummond 2000) and the Philippines (Connell 1999) are witness to the emergence of networks of enclosed ‘communal spaces’, which are linked by spectacular elevated footpaths, policed by state and non-state agents, and are physically removed from the ‘squalor’ of fully public residual spaces.

Examples of new communal spaces beyond the familiar modes of mass private property noted by Shearing and Stenning, while not as extreme as the forms described above, are also flourishing in the North-American context. These have principally taken the form of ambiguous types of publicly owned (and ostensibly open), yet privately policed, spaces surrounding enclosed shopping centres. Two notable examples of such spaces which are particularly familiar to the authors are include Toronto’s new Dundas Square, immediately adjacent to the Eaton Centre shopping hub (Barber 2001; Immen 2000; Ruppert 2002), and the spaces surrounding Granville Mall in Vancouver (see Mopas 2002). Analogous ‘Business Improvement Districts’, where business proprietors pool resources to hire non-state agencies to police the public spaces existing between their establishments, are also gaining in popularity across the United States (Greene *et al.* 1995; Murphy 1997).

Thus, empirical developments around the world invite a reconfiguration of the mass private property hypothesis. We would argue that the re-emergence of private policing can

<sup>6</sup> Looking to the example of South Africa is particularly useful, we believe, not simply because these tendencies are blatant in that nation, but also because that nation has a political tradition that provides an apposite political label for such security arrangements: ‘Apartheid’—which is literally translated from Afrikaans as ‘separateness’ (on the spread of global apartheid, see especially Alexander 1996; Richmond 1994).

be understood within the context of broader shifts in the nature of property relations—specifically, these newer forms of communal space of which mass private property is but one expression.

We would further argue that, deploying the conception of ‘communal spaces’, one need not limit one’s examination of trends in policing to the re-emergence of paid private security forms. As we will develop in a moment, many recent interrelated developments in ‘low’ and ‘high’ public policing and autonomous non-state policing can be situated within the emergence of the forms of ‘communal space’ described above.

Before we address this argument in more detail, we must here point out that we accept fully Jones and Newburn’s point that we need time-series data to confirm the direct causal association between property forms and trends in policing. The ‘property relations’ thesis outlined here does not suggest a simple line of causation between shifts in property forms and shifts in policing. Rather, the relationship we are suggesting (as we will develop below) is one of reciprocal influence and mutual reinforcement: new communal spaces can themselves be considered as epiphenomena of, and factors contributing to, macro-level shifts in political-economic rationalities and new cultural and employment patterns at both the global and local levels.

#### *Linking Developments in ‘Nodal Policing’ with Trends in Property Relations*

As can be seen from our discussion of exclusionary forms of new communal spaces, social polarization is widespread around the planet. We would suggest that it is within this global context of exclusionary and self-contained fortified spaces that the rise of disorder-intolerant modes of both ‘low’ and ‘high’ public policing, and in many cases autonomous modes of civil policing (which includes, in some cases, violent vigilantism), can largely be situated. Exclusionary policing practices undertaken largely by non-state agencies within various forms of privileged communal spaces tend to sanitize those spaces by concentrating disorderly conduct in the spaces outside of them (a process that has been well documented by Beavon (2000) in South Africa and Mopas (2002) in Vancouver). As Shearing (1999) has outlined, this poses what can be understood as a ‘conduit policing problem’: the slivers of space connecting privileged enclaves through which the well-to-do must pass must also be cleared of the types of conduct that have ironically been concentrated there through exclusionary practices in the enclaves of privilege themselves.

On the one hand, as we have noted above, this conduit policing problem has been responded to through both the mobilization of paid non-state security initiatives on the part of business and residents’ association groups, and through the construction of physically elevated pathways linking enclaves. On the other hand, conduits are also being policed through disorder-intolerant modes of public policing initiatives, e.g. ‘Zero-Tolerance’ Policing in New York City (see Johnston and Shearing 2003), and aggressive policing of transient populations such as that authorized under the Safe Streets Act in Ontario, Canada (see: Hermer and Mosher 2002). Similarly, where protest against widening social segregation is increasingly directed against what some see to be its cause—globalization—public order policing has been growing increasingly intolerant (Ericson and Doyle 1999; Pue 2000).

Frustration with, and alienation from, mainstream state and non-state policing agencies leads, in many instances, to autonomous—and, indeed, sometimes vigilante (in the

sense that some autonomous initiatives make recourse to violence)—efforts to deal with the problems of governing security in the residual spaces occupied by the marginalized. This process has been well documented in South Africa (Shearing and Kempa 2000; 2001), Brazil (Caldeira 1996; 2000; Huggins 2000) and Northern Ireland (Hillyard 1993; 1997; Knox 2002), where there is a particularly pitched reliance upon vigilantes and hired assassins.<sup>7</sup> In developments more familiar to the Western democratic perspective, Mopas (2002) describes the rise of autonomous citizens' policing initiatives in Vancouver's Downtown East Side (DTES) that are the result of marginalized communities' experience of an escalation of crime and disorder that has been 'forced out' of neighbouring 'up-market' and tourism districts. As Mopas notes, many community members in the DTES consider that the public police have been running an official policy of 'containment' of undesirables, which functions through selectively tolerating anti-social/criminal behaviour (such as intravenous drug use) in those communities where such behaviour is not likely to bother more advantaged segments of Vancouver society and visitors.

Thus, while the rise of 'mass private property' in its purest sense may well be a phenomenon that (cor)relates with shifts in (private) policing forms in North America, divergent patterns of policing more generally in transitional and established democratic states, can, to a significant degree, be or correlated with alternate modes of property relations that are developing around the world. Responding to Johnston's (1996) and Jones and Newburn's (1998) call to situate particularistic accounts for trends in policing in a broader structural framework, we propose, in the next section, a preliminary conceptual framework for doing so.

### *Linking Explanatory Accounts*

As we have introduced above, Jones and Newburn themselves and other scholars, including Johnston (1996), have identified the need for more integrative conceptual frameworks for accounting for trends in policing. Crucial to such a task is to illustrate the kinds of links that exist between different accounts of trends in policing; the detailed *substance* of these links will certainly play out differently by locale. In what follows, we embark on a modest attempt to build a conceptual framework aimed at establishing links between different explanatory accounts.

As we have outlined above, in operation around the world are a preponderance—though not an exclusivity—of policing forms that are exclusionary in their mentalities, practices and impacts, both individually and in aggregate. We would suggest that this has been made directly possible through a broader legal context of property relations, wherein there is a critical rupture between the legal ownership of property, the capacity to set and enforce rules within that property, and the intended use and expectations of access to such property. In an immediate sense, this explains *how* it has been possible for actors to put into place all manner of exclusionary state and non-state policing initiatives.

In building a complete conceptual model, the next question we must answer is *why* this capacity has been seized upon by so many actors at a similar point in history in so many locales in the world. As Jones and Newburn (1998: 195) instruct, much of this is

<sup>7</sup> This process takes place within very different political contexts within each of these locales, consistent with points we turn to in a moment.

the result of actors' perceived security needs in a broader context of widening social separation and exclusion between society's 'haves' and 'have-nots'.

This begs the question of *where* this broader context of social separation and exclusion comes from—which is deeply intertwined with the issue of *why* it is that property forms that enable exclusionary policing regimes have been put into place to begin with. In answering this set of queries, it is again useful to make a connection to Spitzer and Scull's (1977) argument that trends in property relations are themselves epiphenomena of broader shifts in politics and economy. That is, we should not be surprised to find that governments that espouse particular rationalities tend to legislate for, and put into place, property forms whose character are aligned with the 'demands' of larger trends in economics.

These property forms would, in turn, support the continued spread of that political rationality and the values it embodies, by creating tangible spaces wherein forms of collective interaction and interpersonal relationships reflective of these values would develop.<sup>8</sup>

'Mass private property', for instance, grew up in the context of late-twentieth-century capitalism in North America, as the social interventionist politics of welfare liberalism were eclipsed by the (competing) lean-state, market-oriented models of neo-liberalism and neo-conservatism. These spaces reflect and perpetuate the valuation of the market through providing opportunities and fanning demand for 'social relations' such as shopping in groups for entertainment (Shearing and Kempa 2000; 2001). In this context, citizens are more likely, and increasingly able, to problematize the issue of security in terms of commodity management.

In Britain, open communal spaces have been put into place and are spreading, as described by Jones and Newburn, in the regulatory context of Britain's 'Third Way' politics. Where gated residential communities have been confined through housing regulation to 'a tiny sector of the housing market, the "elite" communities of the super-rich' (Jones and Newburn 1999a: 236–7), there is a broader "suburbanisation" trend which, although perhaps more subtly, still contributes to growing economic and social segregation' through strategic street design that creates a sense of enclosed community spaces (*ibid.*: 237). It is significant to note that, in this context, individual homeowners have begun to pool resources to hire security agencies that can directly enforce their private standards (Noaks 2000). This suggests that communal spaces of this form both reflect and perpetuate British incarnations of neo-liberalism in the domain of security.

It is not surprising that such developments in political-economic rationalities and the property relations that both underpin them and continue to facilitate their spread would reinforce the real and perceived collective and individual security consequences of the ascendant political-economic system. We would argue that, as the security challenges that result from the increasingly marketized neo-liberal state began to truly manifest themselves—specifically, the tensions arising from widening social and economic polarization between society's haves and have-nots—individuals would begin to deploy the policing possibilities presented by a property relations system that had underpinned the political-economic system over the course of many years. Burgeoning collective

<sup>8</sup> Making a connection to O'Malley's work, described above, and making a more explicit connection to Foucault (1997: 8), we might say that property relations of particular forms reflect simultaneously 'conditions of possibility' and 'social technologies' that enable both the genesis and the spread of particular political rationalities and the ways of thinking about and doing policing that are associated with them.

action of this form would, in turn, contribute to the diversification and proliferation of new forms of ‘communal spaces’, fuelled by and tailored to an increasingly diverse consumer demand, as tastes were tuned and exploited by developers.

Similarly, broader trends in politics and economy which impact upon, and are impacted by, dominant forms of property relations in particular locales themselves deeply affect the nature of local employment patterns. In the sphere of security, this means that the reduction in numbers of jobs which derive a secondary security function described by Jones and Newburn can be seen as entirely consistent with the ‘property relations’ hypothesis proffered here: property relations have underpinned and assisted in the propagation of the neo-liberal rationality and practices that trim these types of secondary policing jobs in the name of corporate ‘efficiency’.

In our view, an important research challenge will be to begin to parse apart the precise associations between these different levels of analysis—globalization, political-economic rationalities, property relations and local employment patterns/trends in social control—as they play out in practice in the different contexts that we have only touched upon in this paper.<sup>9</sup> When we are able to trace the genealogy of nodal policing arrangements in different locations—in other words, examine how it is we got to where we are in policing systems—policy makers would be in a better position to intervene judiciously to steer developments in policing in directions in which they would like them to go (e.g. in support of democratic values). It bears mention that, unlike the nebulous conception of globalization and the largely immovable edifice (when addressed as a whole) of global economic processes or (neo-liberal) political rationalities, human actors can directly intervene at the level of property relations through legal intervention and other forms of regulation.

### *Concluding Comments*

While criminologists and socio-legal scholars have built up a very good and growing empirical account of both the extent and nature of non-state security operations around the world, along with interrelated developments in public policing, our extant theoretical accounts for why these developments have taken place are still inadequate in that they tend to compartmentalize what are more usefully understood as inter-related trends across various spheres of policing.

In this paper, we have sought to frame some of the points upon which an integrative conceptual approach to examining trends in policing as a whole may be based. We began by providing a brief overview of the leading scholarly accounts of shifts in contemporary policing—while taking a particularly close look at Shearing and Stenning’s ‘mass private property’ hypothesis and the responses of Jones and Newburn to it. In place of a polemic, we have reconsidered the initial Shearing and Stenning position in light of questions raised by Jones and Newburn.

Jones’ and Newburns’ critiques have provided a useful starting point for re-examining the re-emergence of private policing and trends in nodal policing as a whole. On the one hand, it would appear that there is a significant and growing amount of mass private property around the globe. To the extent that such spaces are policed by private

<sup>9</sup> We would expect such research in varying locales over time to begin to yield sufficient data that would enable the building of an iteratively more ‘complete’, testable *theory* of trends in policing.

agencies, it would seem that this form of property is indeed deeply related to the re-emergence of paid non-state policing forms, although the relationship is clearly not simply one of mere linear causation.

More importantly, it would seem fruitful to consider the broader hypothesis underlying the initial 'mass private property' account of the recent growth of paid private security in greater detail: that shifts in property relations generally underlie and reflect changes in the substance and form of nodal policing as a whole. In turn, these property relations are epiphenomena of and factors contributing to broader political-economic shifts that fall under such broad umbrella concepts of as 'globalization' or 'late' or 'post-modernity'.

Undertaking a brief review of these various 'communal spaces' around the globe, this paper supports the notion that the vast preponderance of these spaces deploy arrangements for the governance of security which are exclusionary in their emphasis. This has tended to concentrate disorder in the residual spaces occupied by the marginalized, wherein disorder-intolerant modes of public order policing have been applied. Consequent dissatisfaction with, and alienation from, the public police is associated with the rise of autonomous policing forms of both pacific and, in some instances, violent forms. The entire context of widening social polarization has set the stage for escalating public protest and apparently increasingly harsh police responses to it.

Despite these dire warnings about the nature of the emerging shape of contemporary nodal policing, we might close by highlighting the point that it remains entirely possible that some imaginative nodal (and, presumably, locally specific) arrangements may offer benefits in terms of providing a high degree of security for all citizens in a way that does not overly constrain the liberty of individuals (Shearing 2001; Kempa and Shearing 2002). In seeking to develop such potentialities, it would prove beneficial to untangle the associations between 'global' economic and cultural processes, political rationalities, property relations and other more local contingencies such as employment patterns that have, in some cases, facilitated, and, in others, impeded the emergence of democratic policing forms around the world.

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