Criminology, Policing and Intelligence Studies

by
*Stuart Farson**

INTRODUCTION

The eyes of Western intelligence services were locked on the Soviet Union (USSR) and its Warsaw Pact allies for nearly half a century. Though détente gave momentary respite from the tensions of international politics, there was never any long-term possibility that the two political systems could be reconciled or mutual trust engendered. This reality led East and West to build enormous military-industrial complexes designed to wage and defend against nuclear and conventional wars. The development of security and intelligence agencies as significant agencies of government was an important component of these complexes. Though European states had long practised domestic intelligence gathering, it was the Second World War that created the demand for foreign intelligence bureaucracies.[1] In the period that immediately followed, Britain thought it prudent to retain its foreign services, while the United States dispensed with its Office of Strategic Services. Not until the "Cold War" had begun in earnest did it recreate and diversify its overseas capacity.[2]

Communism's demise in the USSR and Eastern Europe will inevitably lead to very profound changes. Military establishments will be reduced, albeit gradually. On the intelligence side, agency efforts will have to be dramatically refocused. In both instances, governments will look for the "peace dividend." Not only will they concentrate attention on matters other than familiar national security issues, but there will be an expectation of having to do more with less.

Within academia, change will be no less profound. The legitimacy of whole fields of study that have been sponsored, nourished, or premised on East-West confrontation will have to be re-thought. Intelligence studies, in particular, may lose their contemporary relevance and be left for historians to absorb within the confines of military and diplomatic history.

In a timely essay, Michael Fry and Miles Hockstein have questioned the contemporary relevance of intelligence studies. In particular, they draw attention to the failure of mainstream international relations research to integrate intelligence studies into its framework. They put this down to the domination of international relations by American political scientists, whose principal focus has been the USA-USSR divide. Such scholars, they posit, have demonstrated little interest in Anglo-European history prior to 1945, a major building block in the development of intelligence studies. As a consequence, realist international relations specialists have viewed intelligence studies as merely a refinement of diplomatic and military history, while those who have left the realist paradigm have dismissed it as having little intellectual relevance. Because of the international relations community's concern for theory and method, Fry and Hockstein foresee the continued marginalization of intelligence studies unless new theoretical and methodological approaches can be developed.[3]

While intelligence studies have failed to influence the better-established international relations community, criminology has hardly made a dent in intelligence studies. Several factors help explain this situation. First, like intelligence studies itself, criminology is a field of inquiry, not a developed discipline like history or political science, which have been in the vanguard of intelligence studies. Second, few criminologists researching intelligence-related subjects see themselves as participating in that enterprise. This is evidenced by the small number that have joined academic associations specially formed for that purpose. Finally, and at the root of the issue, criminologists entering the intelligence studies community find themselves isolated and marginalized. To feel intellectual comfort, they must first overcome the dominant paradigms operating in intelligence studies. Developed largely by British historians, on the one hand, and by American political scientists on the other, these now constitute an *idée fixée* and necessarily run counter to their normal analytical approach. The dominant paradigms define intelligence as the covert gathering and analysis of information about foreign states and do not encompass in a substantive way threats to order at home or the state's surveillance of its own citizens. Consequently, they focus discussion outward on foreign theatres of operations and tend to thwart the incorporation of criminological ideas, which have traditionally looked inward at threats to domestic order.[4]

Criminology has the potential for contributing to intelligence studies in both specific and general ways. In specific cases like intelligence failures and illegal intelligence operations, the application of criminological research and methodologies for studying organized crime, white collar crime, and organizational dysfunctions may add analytical sustenance. Likewise, where there is an overlap in the police role between the security intelligence and criminal intelligence functions concerning such particular political crimes as terrorism, policing literature may enlighten. For example, studies of the police-informer relationship may provide a better understanding of those between clandestine agents and their handlers, particularly regarding agent/informer behavior, recruitment techniques, and problems of loyalty and reliability. Also of importance are criminological studies examining the motives and success of state activities. These may help illustrate the disparity between state rhetoric and state action.

The criminological enterprise also offers broader promise in two particular ways. First, the multi-disciplinary perspective that it necessarily engenders should encourage two forms of linkage: one between intelligence studies and such broader fields of inquiry as international relations and conflict studies; the other between the outward looking analysis of the "alien other" and the inward examination of the relationship between state agency and society.[5] This latter linkage necessarily requires historical understanding of the important role that surveillance has played in the growth of nation states and its relationship to state power, notions of order, modernity, and capitalism.[6] In this context, it is important to note that domestic surveillance was a critical component of the development of the modern industrialized state. Its bureaucratic development

preceded its foreign counterpart and formed part of the dramatic growth in government that occurred during the nineteenth century.[7]

Second, it may help find solutions to some of the theoretical problems facing the comparative study of intelligence. Scholars in both criminology and intelligence studies may benefit from a closer relationship as both parties are involved in similar debates over central features. In intelligence studies, a division exists over what functions should be included under the rubric of intelligence, and who does it. Similarly, in criminology a divide remains over what constitutes policing, who should be called police, and which of these phenomena came first.[8]

This paper concentrates on the broader promise of the criminological enterprise. It has three major parts. The first identifies some of the key issues intelligence studies face in a comparative sense. This includes a brief discussion of the impediments arising from the dominant intelligence paradigms currently in use. The second suggests how recent criminological work on policing supports a broader definition of security and intelligence. This broader, more cohesive definition may have relevance in unexpected quarters, particularly for those working with visions of international relations outside the realist paradigm. For example, pluralists will be interested to note that some aspects of policing have been disaggregated into components and operate transnationally. Also, they will find that policing has a multiple agenda — meeting social and economic objectives — and does not focus merely on law enforcement issues. Likewise, globalists, will discover that the fastest growing area of policing is the non-state sector, which is geared specifically to protecting and enhancing capitalist enterprise.[9] They will also find that the origins and development of policing can only be understood as an adjunct of capitalism. The history of policing demonstrates its important role in controlling and dominating societies at home and abroad. The third part examines recent developments in international police co-operation. These have been brought about both by failures in unilateral action to stem the tide of terrorism and the trade in illicit drugs, and by the need to bring order back to areas stricken by civil war.

The paper adopts a particular view of criminology. It assumes it is a multi-disciplinary pursuit, not a sub-field of sociology, that concentrates not on the nature of crime *per se*, but on struggles about and around *order*, which is a much larger enterprise. Clifford Shearing has made this point succinctly:

> The fact that crime, while a part of ordering, is central to it, gives it a symbolic, and more precisely a tropological, significance. Crime, while in reality only a part of a wider process, has come, through the development of criminology both as a word and a discipline, to stand for the whole. Thus, criminology, properly understood, is a synecdoche. It is, and should be read as, a trope which highlights a critical feature of ordering.[10]

In addition, the line of argument developed is strongly influenced by a particular "institutional approach."[11] Consequently, the sources employed are not in-

tended to be all encompassing. Rather they are selective and draw heavily upon those that constitute, reflect or inform that particular institutional view.

KEY ISSUES TO BE ADDRESSED IN INTELLIGENCE STUDIES

Glenn Hastedt believes that the comparative study of intelligence is still in its infancy and that there is, as yet, little agreement on certain central issues.[12] Foremost among these is the question of what should be included and compared under the rubric of intelligence. To date, two different perspectives have been put forward. The traditional view, which the so-called "British School" has followed,[13] strictly limits the focus to organizations collecting and processing intelligence.[14] The broader view, which has been coined the "Georgetown Perspective," concentrates on functions and how four elements: analysis, clandestine collection, counter-intelligence and covert action interact synergistically.[15] While this newer orthodoxy has advanced the study of intelligence by encouraging more conceptually oriented analyses and by enjoining the debate over efficacy and propriety, it has still adopted an "outward-looking" perspective and given pre-eminence to foreign intelligence agencies.

Clearly, a divide remains between those who hold that covert action and counter-intelligence should be encompassed within the study of intelligence and those who do not. Traditionalists argue that covert actions is not properly an intelligence function and should be treated as a dimension of foreign policy, like diplomacy, economic sanctions and military force. Others believe that covert action and intelligence are inseparable.[16] David Charters, for example, has noted the tension existing between those who treat covert action inclusively and exclusively. He suggests that perspective has much to do with national experience and organizational history.[17]

Likewise, others posit that countering the intelligence functions of other states is a law enforcement undertaking.[18] In this regard, Hastedt has observed that three issues are seldom made explicit. One relates to the nature of the enemy. Here the debate is over whether it is ones own citizens or foreign states. Another concerns whether counter-intelligence is reactive and preventive in nature or whether it is primarily proactive. The third concerns the priority that should be given to the counter-intelligence function.[19]

The emphasis on clandestine collection at the expense of the other components has had five important consequences.[20] First, it has increased the prestige of foreign intelligence agencies. This has resulted in both a lower perceived status for departments involved in active measures (both at home and abroad) and has caused organizations providing domestic counter measures to be seen as poor second cousins to agencies operating abroad. Second, it has encouraged a false home/abroad or domestic/foreign dichotomy.[21] In the intelligence world boundaries are seldom as evident as they are on the map. Third, it has led to a false perception of the interrelationships between the various security and intelligence organizations making up the intelligence community and the roles and activities they provide. In this regard, there have been few attempts to discern differences, overlaps and similarities between the

organizations involved. These false perceptions have contributed to a failure to observe how the activities of certain organizations, particularly those involved in technical collection, have increased in importance. Fourth, it has also tended to obscure some of the structures in the intelligence system and the functions they provide in the security process. This is particularly true of public police forces and departments responsible for such functions as customs and immigration control. Finally, concentrating on foreign intelligence has distorted and obscured important aspects of politics and government, particularly regarding the policy/operations dichotomy. This has encouraged the view of intelligence gathering as an end in itself — and a rather neutral one at that — instead of a strategy in a much larger national security process with strong ideological considerations. This is exemplified most particularly by those who see the security intelligence function as strictly a law enforcement activity rather than part of the overall security and intelligence process.

It is also important to note that clandestine collection has normally been discussed in the context of high threat situations. That is to say, studies have focused on crisis situations, particularly during periods of hostility or when the threat of military confrontation is high (e.g., during the Cold War). They have seldom been considered during moments of tranquillity. This has had general and limiting effects on the study of intelligence. As noted, it has increased the general status of the foreign intelligence gathering, synthesis and dissemination processes. It has also reduced the need for particular types of intelligence gathering and dissemination (particularly economic and political intelligence) in peacetime. It has also diverted attention away from the more mundane aspects of intelligence and security work during quieter moments.[22] On the intelligence side, the significance of open sources of information is often overlooked. On the security side, the activities and role of private and public policing organizations are seldom considered. And importantly, the focus on crisis has tended to detach intelligence from any consideration of the moral issues associated with it. At times of extreme hostility, when the very existence of the country is in question, what constitutes permissible governmental practice may differ very considerably from what meets public acceptance in times of tranquillity.

There have also been few attempts to explain how and where the work of security and intelligence organizations overlap. With a few notable exceptions,[23] writers have not placed the functions and organizations of a security and intelligence community on any continuum of activities. This failure to develop theories of interconnection has had important ramifications. In particular, it has contributed to the general omission of observing changes in the significance of some actors in the overall intelligence system. Arguably, it has also been responsible for an incomplete assessment of the levels of independence and discretion allotted to key actors in the systems. This failure to develop such theories has resulted in particular relationships being overlooked, obscured or undeservedly downplayed. Most notable among these are those concerning governments and interconnections with various consumer and policy producing departments.

Two lines of argument now being developed in criminology may help to clarify many of these deficiencies. One views policing as more than a law

enforcement practice conducted by agencies labelled as "police." In addition to agencies having a law enforcement function as part of their mandate, policing incorporates those involved under the rubrics of "political policing" and "private policing." Tony Bunyan has shown that most "political police" are not in organizations labelled police or visibly involved in policing at all.[24] Likewise, Shearing and Philip Stenning have noted that whereas public policing is normally conducted by specialists, private policing is frequently conducted by people in occupations with policing functions "embedded" into their work.[25]

The other argument is closely related to the first. It suggests that policing in its broadest sense is part of an ordering process.[26] In this guise those with power impose their version of hierarchy, morality and propriety on others through a continuum of institutions and activities. Initially, this idea was applied as an integrating and organizing tool for understanding the coercive and intrusive aspects of state institutions operating in domestic jurisdictions. A. Silver, for example, has seen the origins of the British police role in both coercive and moral terms.

> The replacement of intermittent military intervention in a largely unpoliced society by continuous professional bureaucratic policing meant that the benefits of police organization — continual pervasive moral display and lower long-term costs of official coercion for the state and propertied classes — absolutely required the moral co-operation of civil society.[27]

By comparison, Bunyan has shown how those in control of the contemporary British state have used available intrusive, coercive and legal capacities to impose their particular notion of order on society.[28] More recently, the US invasion of Panama in December 1989, and the subsequent arrest and trial of General Manuel Noriega in Miami, has demonstrated the extent to which the long arm of the law can be used to impose Washington's version of order on neighboring states.[29]

Private policing studies suggest that the notion of ordering can also be applied to make sense of security activities occurring in foreign arenas and between foreign and domestic jurisdictions. For example, Shearing *et al* have noted that the issue of private versus public interest takes on an entirely new complexion when multinational corporations are considered.[30] When such organizations provide or consume private policing services, there is not only the potential for conflict between private and public interests but between nations and multinational corporations.[31] In this regard, the security of multinational corporations and their employees,[32] and the policing of both environmental issues[33] and global financial markets[34] constitute important examples. In each of these instances, the notion of order employed is not that of any particular state. It belongs to the private world and reveals problems for those wishing to make such actions publicly accountable.[35]

The relationship between the private and public worlds needs also to be viewed in terms of co-operation. As Edward Herman and Geoffrey O'Sullivan have indicated, the linkages in Britain and the United States between the security

industry, corporate business, and police and intelligence services are of long standing, with much interchange of personnel.[36] Initially, there was a mutual anti-union/anti-subversion emphasis resulting in both the exchange of information about "security risks" and joint participation in raids. More recently, there has been a mutual interest in terrorism. In both instances private security agencies have overemphasized the nature of the threat because it was in their business interest to do so.[37]

THE POLITICIZATION OF CRIME

Initially, criminology was concerned with explaining why people committed crime.[38] Since the 1960s, however, the focus of criminological research has shifted away from theories of criminal behavior. New perspectives developed primarily by conflict theorists and critical criminologists, which may be called "theories of the behaviour of criminal law,"[39] now concentrate on how and why people are criminalized and on the political role of law in society.[40] Austin Turk has observed this shift in focus in the following terms:

> While surely no one would seriously argue that there is no offensive *behaviour* in the absence of legal labelling, many have come to see that there is not *criminality* of behaviour unless an individual's actual, imputed, or potential actions involve him in trouble with officials empowered to define and handle lawbreaking. Furthermore, many have become aware that the creation and use of laws directing and authorizing the exercise of such powers have fundamentally political origins, aims and effects.[41]

Given these new directions, two areas of criminological research may prove useful to intelligence studies. One encompasses what criminologists call "political criminality." It is to this subject matter that basic insights about the definitional nature of criminality and to the political nature of legality are crucial.[42] Political criminality consists of two main components. One includes the study of how certain political acts are "criminalized" by those with the power and authority to do so. The other focuses on how policing is "politicized" to deal with these particular acts. It also includes the various relationships existing between these two dimensions.

Initially, attention was placed on collective forms of domestic violence like revolutions, riots and other public disorders. Studies of such phenomena frequently adopted a control or counterinsurgency perspective and epitomized events as abberations, not everyday occurrences. The publication of Turk's *Political Criminality: The Defiance and Defense of Authority* shifted the ground significantly by examining the routine aspects of policing and political criminality under "normal" rather than "crisis" situations. His purpose was to reveal their intrinsic nature in everyday social and political relations.

THE DISAGGREGATION OF POLICING

Perceptions of what the police do, and what their actions reflect, have also changed dramatically over the last quarter century. Three factors help

explain why this shift has taken place. First, the police of common law jurisdictions traditionally promoted themselves as crime fighters, impartially enforcing the law with the consent of the governed.[43] Working by consensus was, in fact, frequently at the heart of their success.[44] In England, this permitted the police to reflect the emerging democracy of which they were part and to distance themselves from other unsavoury forms of policing. Initially, the point of contrast was nineteenth-century French policing, which exhibited a high degree of covert surveillance for political purposes.[45] Later, it was highlighted by the twentieth-century "police states" of totalitarian regimes in Nazi Germany, the USSR and, to a much lesser extent, Japan.[46]

Second, policing was traditionally a secretive occupation, especially regarding its operational practices. In countries with a Westminster system of government, the police enjoyed a special level of public trust and independence from political control. In addition, they were not forced to account for their actions with the same vigor as other arms of government. This meant that the public tended to have little appreciation of the full spectrum of activities provided by the police.[47]

Third, policing was not subjected to comparative analysis by scholars until very recently. As David Bayley has observed: "neither historians nor social scientists appeared to recognize that police existed, let alone that they played an important part in social life."[48]

From the 1960s, the police in many western countries were perceived by their respective publics in a new light. Instead of reflecting a consensus, the police more often came to represent the heavy hand of the state. Such factors as: demands for racial equality; the anti-war demonstrations against US involvement in Vietnam; the emergence of the New Left; the significant increase in domestic and international terrorism; the advent of a generation that was unwilling to be as deferential to authority as its parents had been; and the increased need to police industrial disputes, caused the police to take on a greater paramilitary role.[49] Though this role was not new,[50] it was now much more visible,[51] and importantly, the police and those that administered them were no longer able to shape the image of themselves that they once had. Control, in this respect, had passed over to the media, particularly that providing the nightly broadcast news. In this new era of public scrutiny, it was not only the paramilitary function that came under review, but other police practices as well. Once honored institutions now found themselves spotlighted with their hands in the till or using their coercive and intrusive capacities against the very people they were meant to protect.[52]

The traditional view of policing, epitomized by Egon Bittner in North America and T.A.Critchley in Britain, envisioned the capacity to use force in administering the law at the heart of the police role.[53] In addition, it saw policing as mainly a responsive activity to unlawful behavior, not as a proactive ordering function. The new scrutiny and politicization of the police questioned this vision. The old duality — law-and-order — hitherto imprinted on most police officers' minds as one word, now achieved new meaning. In Britain, Lord Scarman's inquiry into the Brixton disorders made clear that the police's first

priority was to maintain order, not to enforce the law.[54] Likewise, Bunyan illustrated persuasively that a range of organizations encompassing the public police, private security agencies, units of the military, domestic *and* foreign intelligence agencies, and other arms of government constituted the "political police." Together they conducted surveillance, gathered intelligence and maintained domestic order.[55] In North America, Turk went a step further and suggested that policing should be understood as a continuum of activities ranging from service functions (emergency assistance, guidance, protection, etc.) to control functions (information control, intelligence gathering, neutralization and intimidation of offenders, etc.). For Turk, political policing emphasized control functions over those of service.[56]

Interestingly, Turk's idea of using a continuum of activities to explain policing has found a counterpart in the deciphering of political violence and dissent. Ronald Crelinsten has suggested that there is a mirror relationship between the controller and the controlled in so far as the labelling of activities is concerned. He has observed that:

> Where the non-state actor deviates from social institutions such as family, school or church, the state actor controls from within those same institutions. Where the non-state actor dissents, the state actor governs .... When the controlled engages in crime, the controller engages in criminal justice; both operate within a coercive framework of proscriptions and prescriptions laid down in law. When the controlled revolt *en masse*, with weaponry and large-scale organization, the controller responds in kind.[57]

Other criminologists have given further definition to the division within policing. Jean-Paul Brodeur, for example, not only saw two models of policing in operation but has placed them in historical context. According to traditional histories of the police, Sir Robert Peel introduced a "preventive" model of policing (often equated with "criminal policing") to Britain during the nineteenth century.[58] Brodeur juxtaposed this model, which he called "low policing," with "high policing," the paradigm associated with political policing. The significance of Brodeur's work is two-fold. In the first instance, it challenged the "deviance" approach to policing. This saw the policing of political activities as deviant police action (police abuse) and as a recent undesirable addition to the "preventive" model of policing. Brodeur argued that the policing of political activities was not a belated addition. Dovetailing historical and criminological evidence from the Continent of Europe to make his point, Brodeur showed that it had formed the pervasive core of European policing from its inception.[59]

Brodeur's work also distinguished between the policing of political activities and political policing. While the former could be merely the reactive programs and operations of specialized units within a particular police force (potentially a "low" policing activity), Brodeur believed political policing was primarily proactive in nature. Accordingly, he characterized it in terms of a specific pattern of relations between certain goals and the means for achieving them. In this regard, he saw political policing as setting out to identify possible threats to state order with a view to preserving the distribution of power within

it. Brodeur's paradigm for political policing was *la haute police* of the Ancien regime. He believed such policing could be distinguished by four main characteristics. First, it was absorbent in that it tried to effect control through the collection, storage and use of intelligence. In this regard it was all encompassing because it extended into all domains advancing state policies. Second, those involved in high policing were not necessarily bound to enforce the laws made by independent legislatures. They could use the information obtained for other purposes. Third, protecting the community from law violators was not an end in itself. Crime control could be used to generate information that could later be used to coerce groups threatening state order. Finally, high policing made extensive use of paid informers and undercover agents.[60]

According to Brodeur, policing institutions at all levels in the United States and Canada are now progressing in the direction of the high policing model. Such a proposition is borne out by histories of the RCMP and the Federal Bureau of Investigation. In the Canadian case, these show federal policing — though not necessarily their provincial or municipal counterparts — as having a strong political and military aspect from the start.[61] A similar historical tradition is found in other former colonial jurisdictions. For example, Philip Ahire, referring to the Nigerian experience, has suggested that militaristic policing and civil policing are two complementary forms of state intervention.[62] This is significant because it challenges the frequently asserted position that Peelian principles of policing were inherited along with other aspects of Westminster government. If such conclusions about the nature of political policing can be extrapolated, they argue for the inclusion of the public police squarely within the intelligence community. Brodeur's interpretation of policing also says much about the relative balance between the proactive and reactive dimensions of counter-intelligence operations.

David Bayley's work on the public police is well known for its comparative value. His analysis of how the police developed in Europe has drawn attention to several important aspects of policing. First, he found police systems to be uniquely national and to be remarkably stable. In this regard, his data suggested that they were impermeable to major social and economic upheavals, revolutions and wars. Second, his evidence showed that the development of national police systems *could not* be explained by the incidence of crime, industrialization, population growth or urbanization. Third, Bayley concluded that this development *could* be explained by such variables as: the creation of new law and order tasks, the erosion of social platforms upon which community authority relations were established, prolonged violent opposition to government, and transformations in the organization of political power.[63] Such conclusions say much about the likelihood of police reforms meeting the expectations of reformers, particularly in jurisdictions experiencing a dramatic shift in political orientation, such as Berlin, the states of Eastern Europe, South Africa, and Hong Kong.

The other general area where a criminological approach may prove useful concerns the control and oversight of policing and intelligence agencies. In this field, criminologists have sought to investigate such matters as: how the

process of accountability works in practice; how control measures have been circumvented; and what impact sub-cultures have had on the capacity of those responsible for such agencies to control them.

Much of this work rests on knowing what public police forces, and those responsible for overseeing them, actually do. In the Canadian context, the empirical work of Richard Ericson is important. Building on earlier work in Britain and the United States, he challenged the reactive nature of police work. Through participant observation studies of patrol officers and detectives, he showed that police spend only a small amount of time enforcing the law. More time was spent on maintaining order.[64]

Peter Manning's work on American drug law enforcement is also enlightening. By using such techniques as analyzing official records, conducting interviews with those involved, and making personal observations, he has provided a fuller picture of surveillance practices, particularly regarding how targets are developed and informants are used by the police.[65]

On the oversight side, an empirical study of Canadian police governance by R.G. Hann *et al* has shown the tendency of control bodies to defer to police managers, despite the authority and independence provided by law.[66] The work on control and oversight of policing agencies also rests on knowing what organizations do which are not public police, but are involved in policing tasks. Much of the pioneering work in this regard has been done by Shearing and Stenning in Canada,[67] Stephen Spitzer and Andrew Scull in the United States, and by Nigel South in Britain.[68] Collectively, they have mapped out in a variety of ways what private security personnel or "private police" do. Their respective bodies of work explain how such organizations came about and why responsibilities for certain types of policing and investigations developed in private hands. They indicate the considerable potential threat to civil liberties that such organizations pose and the problems for public accountability. In this regard, they point particularly to the sub-contracting of work between state and non-state agencies. Here they show how an informal network of personnel drawn from all types of policing agencies operates to serve their respective interests.[69] They also reveal how policing techniques can be "embedded" in non-police occupations with a view to monitoring society and securing assets. Such work strongly warns about the weakness of looking at the problem of control of intelligence agencies through a single organizational lens, since private police clearly are involved in high policing activities.

Criminological work on problems of accountability, control, police wrongdoing, and the prospects for reform should be relevant to those in intelligence studies. Many of these studies are concerned with what is termed "organizational deviance." This is the process by which individuals break organizational rules for "noble causes," not personal gain.[70] In this regard, several of the articles in Shearing's, *Organizational Police Deviance: Its Structure and Control*, should be of particular interest. They extend the explanations of organizational deviance developed for the corporate and governmental worlds specifically to policing. Ericson's essay,[71] for example, elaborates upon the argument initially put forward by Doreen McBarnet about

17

the role of legal rules. This empirically examined the law of arrest in terms of Packer's two polar types for describing law enforcement — due process and crime control — and concluded that there was a clear gap between the rhetoric of legality and the actuality of law, both in terms of the procedures to be followed and the underpinning reasoning. In McBarnet's words, "due process is *for* crime control."[72] For Ericson, rules can simultaneously constitute an enabling device for the police as well as a constraint on their activities.[73] Equally important, rules can also provide a framework of accounts by which actions can be rationalized, justified and legitimated. Looked at in this way accountability needs to be seen in terms of its empirical reality, not just its normative context. Brodeur's essay provides a classic example of how the process of accountability was used to justify actions taken by the RCMP Security Service personnel that were blatantly at odds with the legislative intent of the rules then in place.[74] Turk's essay makes three important contributions. First, it elucidates the meaning of deviance by employees of organizations involved in political policing. The essay does this by including actions that constitute clear violations of legal rules and blameworthy failures to accomplish organizational objectives under the same heading. Second, it identifies the structural sources of such deviance. These are said to be the need to satisfy covert and overt external demands without risking failure. Finally, the essay assesses the potential impact of measures geared either to stop or prevent organizational deviance. Turk's conclusions in this regard are sobering indeed, as they suggest there is no quick fix.[75] The answer, such as there is one, lies in the incorporation of a particular value system among those who monitor, operate and employ political police.[76] Shearing's own essay focuses on the main forces acting on such a values system, the police sub-culture. He shows the singular importance of a sub-culture to the behavior of individual officers within a particular organization.[77]

The work of Gary Marx deserves special mention, especially his book, *Undercover: Police Surveillance in America,* which represents a composite picture of a series of seminal articles written over several years. It is useful on at least three different levels. First, it describes the important changes that have occurred in American policing. This historical analysis makes two key points. On the one hand, it suggests that whenever undercover practices are used, particular types of problems have result. On the other hand, it shows that formal means of control have become both more extensive and intensive as the state has grown. In addition, his chapter on the "new surveillance" provides a potentially grim vision of the domestic world we are entering with its computer database matching systems, Mini-AWACS, parabolic microphones (that do away with the need to enter buildings), "electronic leashes," and new personal truth technologies.[78]

On another level, Marx raises ethical and legal issues by first defining and discussing the possible types and dimensions of undercover work. Here he distinguishes between before, during, and after-the-fact intelligence operations and between *postliminary* (where information is sought about events that are thought to have happened) and *anticipatory* intelligence activities. In addition, he differentiates between preventive and facilitative operations and identifies

contextual and behaviorial factors (grounds for initiation, specificity in target selection, intent and autonomy, who plays the undercover role, use of results, etc.) that may affect operations. This approach constitutes an important step forward because undercover work is frequently applauded or condemned without recognizing the fundamental differences in the nature of such practices or the types of operations provided.

Finally, the book provides an intriguing analysis of the consequences of undercover work in a democratic society. This constitutes a major contribution to the field. It illustrates that undercover work is full of ironies and paradoxes. In particular, Marx illustrates that however hard we plan undercover work or attempt to exert control over undercover practices, there will always be unintended outcomes for targets, third parties, informers and police alike. As he observes:

> restrict police use of coercion, and the use of deception increases. Restrict investigative behavior after an offense, and increased attention will be paid to anticipating an offense.[79]

In so doing, he places his readers firmly on the horns of a moral dilemma and asks them to make choices about striking a balance between anarchy and repression. While most would agree that the first job of societies wanting to maintain privacy and liberty is to guard against physical coercion, whatever the source, Marx illustrates that the second task — that of protecting against the more subtle, indirect forms of manipulative control that are often enshrouded in secrecy and covered by noble justifications — is more difficult.

While the lessons in Marx's work for domestic law enforcement are considerable, the questions and issues he raises can be extended much further. Domestic intrusions by the state probably pale by comparison with those made by the private sector and internationally by intelligence agencies. And there is much less legal accountability of intrusive technologies in the private sector than in the public domain. Restrictions on one's own government, as Marx notes, do not necessarily guarantee freedom.

INTERNATIONAL POLICE CO-OPERATION

Since the demise of communism in Eastern Europe, there has been much talk of a "new world order" developing. At the centre of this notion is the belief that a greater degree of international co-operation is now possible, perhaps through a rejuvenated United Nations, to deal with outlaw states. The Gulf War is frequently cited as the first example of such ordering with the United States and its allies adopting the role of "world policeman."

While it is too early to say whether this new order will emerge, and whose notion of order it will reflect, changes to the system of international police co-operation have already begun. Traditionally, public policing has been perceived as a domestic matter, the concern of sovereign states and local governments alone. Several factors have encouraged this point of view. The absence of a common international criminal code is one. With the exception of

crimes against humanity and war crimes, no international crimes are recognized. The fact that individual states have their own legal systems and notions of policing procedures is another.[80] Taken together, these have acted as a strong buffer against any form of international or regional police force. Consequently, international co-operation has been directed towards providing mutual aid for enforcing the laws of sovereign states by transferring useful information.[81]

In recent years, five pressures have caused the highly industrialized nations of the world to seek greater police co-operation and to review their notions of police intelligence. These have been terrorism, the international drug trade, the need to dispense with European borders after 1992,[82] and, to a lesser extent, migration and the growing transnational character of organized crime, particularly in cases of fraud, money laundering and car thefts.

While these pressures have already induced more formalized bilateral and multilateral arrangements concerning intelligence sharing and assessment,[83] they are increasingly leading to joint operations.[84] In addition, they have also forced industrialized democracies to pose two sorts of questions. First, the failure to suppress terrorism and the international drug trade, coupled with increasing transnational crime rates, has convinced many governments that unilateral action is unlikely to be successful and to ask whether there is a better way. Second, dispensing with common boundaries between member states of the European Community has initiated questions about how control of common external boundaries can best be achieved. In the best general analysis of these issues, Malcolm Anderson has proposed two contrasting views of how better international co-operation might be achieved for transmitting police information. His "centralized-state" model most closely represents the current situation. It would adhere to the principle of sovereignty by ensuring that information would flow internationally through a global police communications and administrative facility that would distribute information only through national "gate-keeper" offices. His "decentralized-state" model, by contrast, would encourage a free market in police information and would allow police forces in different countries to communicate directly with each other.[85] Such proposals have been matched at the national level. For example, a National Crime Intelligence Service is under consideration in Britain,[86] while a new Criminal Intelligence Directorate has been already been established within the RCMP.[87]

In a timely essay, Ken Robertson has suggested that such recommendations focus attention on the nature of police intelligence and what it is intended to achieve. He points out that co-operation has so far stressed information sharing, storage, access, and data-protection and reminds us that an information system is not an intelligence system. To be an intelligence system, there must be a definite link between analysis, collection and operations through the setting of objectives and priorities.[88]

CONCLUSIONS

This essay has argued that criminologists, and others, have put together a composite picture of policing. To do it they have had to break through layers of secrecy, ideological rhetoric and mystification. The final product is not one that is primarily about law enforcement, though this forms a part. Rather, the picture provides an image of policing that reflects a continuum of activities provided by a range of institutions and government departments. This "controller" continuum itself mirrors a continuum of activities conducted by the "controlled." Many of policing functions provided are highly political in nature. Some of those involved have a coercive capacity, while others do not. All forms of policing — high or low, public or private — carry out preventive practices, or what might be termed "security procedures." All act both proactively and reactively. An essential ingredient in all forms is the gathering, analysis, coordination and dissemination of intelligence. Some times this is purely for criminal enforcement purposes; on other occasions it is strictly security oriented. But in some instances, it may be labelled "criminal intelligence" when it refers to information of a security nature.[89] The targets of security intelligence gathering can come from outside the state or from within it. The source, however, is clearest in the case of terrorism and espionage; less so where "subversion" is concerned. In some instances, security intelligence needs to be put in the hands of those with coercive capacity. This is a requirement in counter-terrorism work. The same is not necessarily the case in counter-espionage. In some instances, security intelligence is given to those who have the authority to conduct activities covertly. Such covert actions may include the use of force. History suggests, however, that some actions will be carried out within the law; while others will not.

The problem of fully integrating domestic security and intelligence work, on the one hand, with foreign intelligence and covert actions abroad, on the other, has two important dimensions to it. First, there is a need to establish who in which organizations normally does what on a day-to-day basis and how they relate to each other. This will not be easy to establish. Intelligence agencies are even less likely than normally secretive public police agencies to permit participant observation studies to be conducted. In their absence, oral histories of former employees may be the only way to fill in the gaps between official documents and available memoirs. Second, there will be a need to provide an underpinning motive for linkage. The notion of ordering, which is now showing promise in policing studies as a conceptual organizing and integrating tool, should have wider utility in this regard.

The question of what priority should be given to counter-intelligence work also has two dimensions to it. First, it will require a resolution of how security and intelligence work is integrated, as described above. Second, it will have to be dealt with on a country by country basis. In some cases, the answer will be easier to come by than others. In Canada, for example, where there is no capacity to conduct either human covert intelligence gathering or covert operations abroad, the answer is readily apparent. There a more important question is the relative weight that should be given to counter-terrorism versus

counter-intelligence operations,[90] and which domestic agency should have primary responsibility for conducting them.[91]

This essay has also suggested a number of areas where criminological work is likely to contribute to the study of intelligence. These encompass most particularly material which extends our knowledge of the accountability process, organizational deviance, the influence of sub-cultures, the relationships that exist among those involved in criminal intelligence work, as well as that which broadens the concept of what intelligence communities are comprised.

But the idea of policing as an ordering process can and should be seen to have wider compass. The history of police institutions shows that several policing models emerged during the industrial revolution. Only some of these focused, both in practice and rhetoric, on law enforcement. The "unremitting watch," on which Sir Robert Peel's "new police" of London were premised in 1829, may have more in common with the watching brief entrusted to Western intelligence as the Cold War developed, than meets the eye.

Endnotes

* An initial draft of this paper was prepared for a panel on: "The Study of Intelligence: Comparative Methodologies," at the 32nd Annual International Studies Association Convention in Vancouver, BC, 19-23 March 1991. The author is grateful to David Charters, Philip Stenning and the anonymous referees of this journal for their comments on earlier drafts.

1. Reginald Hibbert, "Intelligence and Policy," *Intelligence and National Security*, 5, no. 1 (January 1990), pp. 110-28, suggests this bureaucratic development did not occur in Britain until 1940.

2. William M. Leary, ed., *The Central Intelligence Agency: History and Documents* (Alabama: University of Alabama Press, 1984), pp. 18-21, 24-27.

3. The author wishes to thank Michael Fry and Miles Hockstein for providing him with a revised copy of their paper, "Epistemic Communities: Intelligence Studies and International Relations," presented at the conference, "Espionage: Past, Present, Future?" University of Toronto, November 1991.

4. There are exceptions to this general rule. See: Morton H. Halperin, Jerry J. Berman, Robert L. Borosage, and Christine M. Marwick, *The Lawless State: The Crimes of the U.S. Intelligence Agencies* (Harmondsworth: Penguin, 1976). It specifically examined the crimes perpetrated by US Government agencies at home and abroad. For a recent collection of essays on state criminality see: Gregg Barak, ed., *Crimes by the Capitalist State: An Introduction to State Criminality* (Albany: SUNY, 1991).

5. Ada Bozeman has warned against examining non-Western states and intelligence structures through the implicit or explicit normative theories of the Western lens. See: "Understanding the 'Other': The Missing Link in U.S. Foreign Policy," in Marshall Hayes, ed., *Book Forum*, VII, no. 1 (1984), pp. 21-24; and "Political Intelligence in Non-Western Societies: Suggestions for Comparative Research," in Roy Godson, ed., *Comparing Foreign Intelligence* (Washington: Pergamon-Brassey's, 1988), pp. 115-55.

6. See: Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Vintage, 1979); Stanley Cohen, *Visions of Social Control: Crime Punishment and Classification* (Cambridge: Polity, 1985); Anthony Giddens, *The Nation State and Violence* (Berkeley: University of California Press, 1985); and Christopher Dandeker,

Surveillance, Power and Modernity: Bureaucracy and Discipline from 1700 to the Present Day (Cambridge: Polity, 1990).

7. Such studies as: Rupert Allason, *The Branch: A History of the Metropolitan Police Special Branch, 1883-1983* (London: Secker and Warburg, 1983) and Bernard Porter, *The Origins of the Vigilant State: the London Metropolitan Police Special Branch before the First World War* (London: Weidenfeld and Nicolson, 1987) tell only part of the British story, though they do focus on important institutional developments. For a wider purview see: Bernard Porter, *Plots and Paranoia: A History of Political Espionage in Britain, 1790-1988* (London: Unwin Hyman, 1989) especially his suggestions for further reading at pp. 257-62; and F.C. Mather, *Public Order and the Age of the Chartists* (Manchester: Manchester University Press, 1959).

8. Most writers define police before policing. For example, Malcolm Anderson, *Policing the World: Interpol and the Politics of International Police Co-operation* (Oxford: Clarendon Press, 1989), pp. 6-7, ignores private police organizations altogether and defines police in narrower terms than the *Polizeistaat* tradition. He includes "all civilian agencies possessing powers of arrest, charged with protecting the constitutionally established authorities, maintaining public order and investigating criminal offences." This definition becomes immediately problematic when counter-espionage, counter-subversion and counter-terrorism investigations are considered, as the author admits. Which comes first — function or structure — and whether one can exist without the other, are central questions. I have examined some of these issues in "Criminal Intelligence vs. Security Intelligence: A Reevaluation of the Police Role in the Response to Terrorism," in David A. Charters, ed., *Democratic Responses to International Terrorism* (Dobbs Ferry, NY: Transnational, 1991), pp. 191-228.

9. More than one million people are now in private-security related occupations in the United States alone. Also, expenditures on private policing are expected to exceed those on public policing during the 1990s. See: Mahesh Nalla and Graeme Newman, *A Primer on Private Security* (New York: Harrow and Heston, 1990). Their projections rely heavily on: Clifford Shearing and Philip Stenning, "Private Security: Implications for Social Control," *Social Problems*, 30, no. 5 (1983), pp. 493-508; and W.C. Cunningham and T.H. Taylor, *The Hallcrest Report: Private Security and Police in America* (Portland: Chancellor, 1985).

10. Clifford Shearing, "Decriminalizing Criminology: Reflections on the Literal and Tropological Meaning of the Term," *Canadian Journal of Criminology*, 31, no. 2 (April 1989), p. 177.

11. See: Richard V. Ericson and Clifford D. Shearing, "Introduction: An Institutional Approach," in Jane Gladstone, Richard Ericson and Clifford Shearing, eds., *Criminology: A Reader's Guide* (Toronto: Centre of Criminology, University of Toronto, 1991), pp. 3-19.

12. Glenn Hastedt, "Towards the Comparative Study of Intelligence," *Conflict Quarterly*, 11, no. 4 (Summer 1991), pp. 55-72.

13. Donald C. Watt, "Intelligence Studies: The Emergence of a British School," *Intelligence and National Security*, 3, no. 2 (April 1988), pp. 338-41.

14. See, for example: Harry H. Ransom, *The Intelligence Establishment* (Cambridge, MA: Harvard University Press, 1970); and Sherman Kent, *Strategic Intelligence for American World Policy* (Princeton, NJ: Princeton University Press, 1966).

15. This perspective is epitomized by the series of books edited by Roy Godson, *Intelligence Requirements for the 1980s: Elements of Intelligence* (Washington, DC: National Strategy Information Center, 1979); *Analysis and Estimates*, (1980); *Counterintelligence*, (1980); *Covert Action*, (1981); *Clandestine Collection*, (1982); *Domestic Intelligence*, (1986); and *Intelligence and Policy*, (1986). See Loch K. Johnson's review of the last two volumes in *Conflict Quarterly*, 7, no. 3 (Summer 1987), pp. 59-63 for the descriptor.

16. B. Hugh Tovar, "Intelligence Assets and Special Operations," in Frank R. Barnett, B. Hugh Tovar and Richard H. Shultz, eds., *Special Operations in US Strategy* (Washington, DC: National Defense University Press, 1984), pp. 169-90.

17. For a discussion of this tension see: David Charters, "The Role of Intelligence Services in the Direction of Covert Paramilitary Operations," in Alfred Maurer, Marion Tunstall and James Keagle, eds., *Intelligence Policy and Process* (Boulder: Westview, 1985), pp. 333-51.

18. See Stuart Farson, "Schools of Thought: National Perceptions of Intelligence," *Conflict Quarterly*, 9, no. 2 (Spring 1989): 52-104, n. 238.

19. Hastedt, "Towards the Comparative Study of Intelligence," p. 58.

20. See: Farson, "Schools of Thought," *passim*.

21. Interestingly, Canada collects and assesses "foreign" and "security" intelligence wherever situated. For example, the Canadian Security Intelligence Service is permitted to collect security intelligence inside and outside Canada and foreign intelligence only within it.

22. Witness the amount of discussion that has occurred since the "end" of the Cold War to justify what role intelligence agencies should now play. See, for example, George Lardner, "CIA Struggles to Define its Post-Cold War Role," *Washington Post*, 13 November 1990, pp. A1, A4.

23. One important exception is Richard French's unpublished essay: "A Framework for Security and Intelligence Management," (Montreal: Faculty of Management, McGill University, 1979), pp. 1-47.

24. Tony Bunyan, *The History and Practice of the Political Police in Britain* (London: Quartet, 1977).

25. Shearing and Stenning, "Private Security: Implications for Social Control," p. 499. See also: Nancy Reichman, "The Widening Webs of Surveillance: Private Police Unravelling Deceptive Claims," in Clifford D. Shearing and Philip C. Stenning, eds., *Private Policing* (Newbury Park, CA: Sage, 1987), pp. 247-65.

26. Shearing, "Decriminalizing Criminology," p. 178, has suggested that ordering is the fundamental aspect of criminology.

27. A. Silver, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot," in D.J. Bordua, *The Police: Six Sociological Essays* (London: John Wiley, 1967), pp. 1-24.

28. Bunyan, *The History and Practice of the Political Police in Britain*.

29. Les Whittington, "Gunboat diplomacy gets the thumbs-up," *Vancouver Sun*, 10 April 1982, p. A10.

30. Clifford D. Shearing, Margaret B. Farnell and Philip C. Stenning, *Contract Security in Ontario* (Toronto: Centre of Criminology, 1980), p. 72.

31. See: Edgar Friedenberg, *The Disposal of Liberty and other Disposable Wastes* (New York: Doubleday, 1975).

32. According to R.J. Kelly and J. Barnathan, "Out on a Limb: Executives Abroad," *Security Management*, 32, no. 11 (1988), pp. 117-27, IBM spent more than $100 million on security around the world in 1985. Jean-Paul Brodeur, "Countering Terrorism in Canada," in Stuart Farson, David Stafford and Wesley K. Wark, eds., *Security and Intelligence in a Changing World: New Perspectives for the 1990s* (London: Frank Cass, 1991), pp. 182-200, has observed that Pinkerton is now linked to data-banks in 83 countries.

33. For example, Keith Hawkins, *Environment and Enforcement: Regulation and the Social Definition of Pollution* (Oxford: Clarendon Press, 1984).

34. For example, see: Susan P. Shapiro, *Wayward Capitalists: Targets of the Securities Exchange Commission* (New Haven, CT: Yale University Press, 1984), especially her chapters on intelligence.

35. C.D. Shearing and P.C. Stenning, *Private Security and Private Justice*, (Montreal: Institute for Research on Public Policy, 1983), pp. 44-52.

36. Edward Herman and Geoffrey O'Sullivan, *The "Terrorism" Industry: The Experts and Institutions that Shape our View of Terror* (New York: Pantheon, 1989), pp. 119-41.

37. For the American history, especially concerning the Red scare era, see: Frank J. Donner, *The Age of Surveillance: The Aims and Methods of America's Political Intelligence System* (New York: Vintage, 1981), chapter 12. See also his: *Protectors of Privilege: Red Squads and Police Repression in Urban America* (Berkeley: University of California Press, 1990), pp. 24-25 and Athan G. Theoharis, "The FBI and Dissent in the United States," in C.E.S. Franks, ed., *Dissent and the State* (Toronto: Oxford University Press, 1989), pp. 86-110. For a recent example of terrorism scaremongering see: Carey French, "Terrorist threat growing: Just when you thought it was safe," *The Globe and Mail*, 11 February 1992, p. C1 which is little better than an advertisement for Pinkerton Risk Assessment Services.

38. See, for example: the various chapters in George B. Vold and Thomas J Bernard, *Theoretical Criminology*, 3rd ed., (New York: Oxford University Press, 1986) on classical and positivist criminology.

39. The term is derived from Donald Black, *The Behavior of Law* (New York: Academic, 1976). For an explanation of why the terms "critical criminology;" "radical criminology" or "new criminology" may be inappropriate see: Ibid., p. 13, n. 27.

40. For a discussion of this transition and a list of sources see: Peter H. Solomon Jr., "Politics and Crime: A Survey," in Gladstone *et al., Criminology: A Reader's Guide*, p. 157-75. Solomon notes that the political origins of law were traditionally downplayed in common law jurisdictions, a practice not followed in France or Russia.

41. Austin T. Turk, *Political Criminality: The Defiance and Defense of Authority* (Beverly Hills: Sage, 1982), p. 7.

42. Ibid.

43. For the history of this ideological role in Britain see: Robert Reiner, *The Politics of the Police* (Brighton: Wheatsheaf, 1985).

44. This was not the case in some American jurisdictions as shown in W.R. Miller, *'Cops and Bobbies': Police Authority in New York and London, 1830-1870* (Chicago: University of Chicago Press, 1977).

45. For example, London's "new police" was specifically designed to be visible and unlike its French counterpart. For a discussion of "La Haute Police" see: Philip John Stead, *The Police of France* (New York: Macmillan, 1983). For a comparison of developments in Britain, France, Prussia and the United States see: Clive Emsley, *Policing and its Context, 1750-1870* (London: Macmillan, 1983).

46. The idea of a police state and its historical and contemporary meanings is broached in: Brian Chapman, *Police State* (New York: Praeger, 1970). Elise Tipton, *The Japanese Police State: the Tokko in Interwar Japan* (Honolulu: University of Hawaii, 1990), p. 142 argues that the Japanese police state was more akin to the eighteenth- and nineteenth-century *polizeistaat* of Germany, Austria and France than the totalitarian regimes. For Nazi Germany see: Edward Cranshaw, *Gestapo* (New York: Pyramid, 1956); Helmut Krausnick *et al, Anatomy of the SS State* (New York: Walker, 1965); Gerald Reitlinger, *The SS: Alibi for a Nation, 1922-1945* (London: Heinemann, 1957). For the USSR see: Robert Conquest, *The Soviet Police System* (New York: Praeger, 1968); Ronald Hingley, *The Russian Secret Police* (New York: Dorset, 1970); Amy Knight, *The KGB, Police and*

Politics in the Soviet Union (Boston: Unwin Hyman, 1988); George Leggett, *The Cheka: Lenin's Political Police* (Oxford: Clarendon Press, 1986); Boris Levytsky, *The Uses of Terror: The Soviet Secret Police, 1917-1970* (New York: Coward, McCann & Geoghegan, 1972). For communist states generally see: R. Adelman, ed., *Terror and Communist Politics: The Role of the Secret Police in Communist States* (Boulder: Westview, 1984). For the earlier meaning (*polizeistaat*) see: Donald Emerson, *Metternich and the Political Police: Security and Subversion in the Hapsburg Monarchy (1815-1830)* (The Hague: Martinus Nijhoff, 1968); Howard Payne, *The Police State of Louis Napoleon Bonaparte 1851-1860* (Seattle: University of Washington Press, 1966); Marc Raeff, "The Well-ordered Police State and the Development of Modernity in seventeenth- and eighteenth-century Europe: An Attempt at a Comparative Approach," *American Historical Review* 80 (December 1975), pp. 1221-43; *The Well-Ordered Police State: Social and Institutional Change through Law in the Germanies and Russia, 1600-1800* (New Haven: Yale University Press, 1983).

47. See Geoffrey Marshall, *Constitutional Conventions: The Rules and Forms of Political Accountability* (Oxford: Clarendon Press, 1984), Chapter 8. See: Reiner, *The Politics of Policing,* for a discussion of how the police have been "demystified."

48. David H. Bayley, *Patterns of Policing: A Comparative Analysis* (New Brunswick, NJ: Rutgers University Press, 1985), p. 3.

49. For influences on British policing see: J.R. Thackrah, "Reactions to Terrorism and Riots," in J.R. Thackrah, *Contemporary Policing: An Examination of Society in the 1980s* (London: Sphere, 1985), pp. 145-59.

50. For a comparative and historical perspective see: Tom Bowden, *Beyond the Limits of the Law* (Harmondsworth: Penguin, 1978). For a long-term perspective of public disorder and the British state's response to it see: Richard Vogler, *Reading the Riot Act: The Magistracy, the Police and the Army in Civil Disorder* (Milton Keynes: Open University Press, 1991).

51. Literature focusing attention on the paramilitary role includes: John D. Brewer, Adrian Guelke, Ian Hume, Edward Moxon-Browne and Rick Wilford, *The Police, Public Order and the State* (Basingstoke: Macmillan, 1988); Louis Christian, *Policing by Coercion* (London: Greater London Council, 1983); Norman Fowler, *After the Riots: The Police in Europe* (London: Davis-Poynter, 1979); Sarah Manwaring-White, *The Policing Revolution: Police Technology, Democracy and Liberty and Britain* (Brighton: Harvester, 1983); John Roach and Jurgen Thomaneck, *Police and Public Order in Europe* (London: Croom Helm, 1985); and more recently, Tony Jefferson, *The Case Against Paramilitary Policing* (Milton Keynes: Open University Press, 1990).

52. In Britain, Barry Cox, John Shirley and Martin Short, *The Fall of Scotland Yard* (Harmondsworth: Penguin, 1977) showed that convictions of several Drug Squad detectives were part of a pattern of corruption and malpractice. In Canada, the McDonald and Keable Commissions investigated wrongdoing by the RCMP. See: Canada, Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, Three Reports, (Ottawa: Ministry of Supply and Services Canada, 1981); and Quebec, *Rapport de la Commission d'enquete sur des operations policieres en territoire quebecois* (Quebec: Government of Quebec, 1981). In the United States see: Frank Donner, *Protectors of Privilege;* John T. Elliff, *The Reform of FBI Intelligence Operations* (Princeton, NJ: Princeton University Press, 1979); Richard E. Morgan, *Domestic Intelligence: Monitoring Dissent in America* (Austin: University of Texas Press, 1980); Tony Poveda, *Lawlessness and Reform: The FBI in Transition* (Pacific Grove, CA: Brooks/ Cole, 1990).

53. Egon Bittner, *The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices and Possible Role Models* (New York: Jason Aronson, 1975); T.A. Critchley, *A History of Police in England and Wales* (London: Constable, 1967), and *The Conquest of Violence* (London: Constable, 1970).

54. Lord Scarman, *The Scarman Report: The Brixton Disorders 10-12 April, 1981* (Harmondsworth: Penguin,1982), p. 103.

55. Bunyan, *The History and Practice of the Political Police in Britain.*

56. Turk, *Political Criminality*, pp. 116-17. In this proposition Turk built on the earlier work of others. E. Cumming, I. Cumming, and L. Edell, "Policeman as Philosopher, Guide and Friend," *Social Problems*, 12 (1964), pp. 276-86, had challenged the then accepted wisdom that the police were principally crime fighters and law enforcers. They suggested that police work incorporated both a control and a support function.

57. Ronald D. Crelinsten, "Terrorism, Counterterrorism and National Security," in Peter Hanks and John D. McCamus, eds., *National Security: Surveillance and Accountability in a Democratic Society* (Cowansville: Les Editions Yvon Blais, 1989), p. 211.

58. For a discussion of traditional and revisionist police histories, see John Beattie, "Crime, Policing and Punishment in England, 1550-1850," in Gladstone *et al., Criminology: A Reader's Guide*, pp. 23-64.

59. Jean-Paul Brodeur, "High Policing and Low Policing: Remarks about the Policing of Political Activities," *Social Problems*, 30, no. 5 (1983), pp. 507-20. Both the Keable and McDonald commissions of inquiry adopted this view when they investigated the practices of the RCMP Security Service in the late 1970s.

60. Ibid.

61. For evidence of this in Canada see: Edward Mann and John Alan Lee, *RCMP vs the People: Inside Canada's Security Service* (Don Mills, Ontario: General Publishing, 1979), and Robert Dion, *Crimes of the Secret Police* (Montreal: Black Rose, 1982). For the United States see the work of Marx cited below and Frank Donner, *The Age of Surveillance*, and *Protectors of Privilege*. See Lorne and Caroline Brown, *An Unauthorized History of the RCMP* (Toronto: James Lorimer, 1978).

62. See: Philip Terdoo Ahire, *Imperial Policing: The Emergence and Role of the Police in Colonial Nigeria 1860-1960* (Milton Keynes: Open University Press, 1991), p. 32.

63. David H. Bayley, "The Police and Political Development in Europe," in Charles Tilly, ed., *The Formation of Nation States in Western Europe* (Princeton, NJ: Princeton University Press, 1975), pp. 328-79, especially 377-78. It should be stressed that the significance of Bayley's work has not gone unnoticed by authors of studies on intelligence. See for example, Knight, *The KGB*, p. 4. Regarding the Soviet Union, she has remarked, "its current political policing system cannot be properly understood without considering the evolution of the tsarist police, particularly as it related to Russia's political culture and governmental institutions."

64. See Michael Banton, *The Policeman in the Community* (London: Tavistock, 1964); E. Cumming, I. Cumming, and L. Edell, "The Policeman as Philosopher, Guide and Friend"; M. Punch and T. Naylor, "The Police: A Social Service," *New Society*, 24, no. 554 (1973), pp. 358-61; Richard Ericson, *Making Crime: A Study of Detective Work* (Toronto: Butterworth, 1981); and *Reproducing Order: A Study of Police Patrol Work* (Toronto: University of Toronto Press, 1982), especially p. 206.

65. See: Peter K. Manning, *The Narc's Game: Organizational Limits on Drug Law Enforcement* (Cambridge, MA: MIT Press, 1980).

66. R.G. Hann, J.H. McGinnis, P.C. Stenning and A.S. Farson, "Municipal Police Governance and Accountability in Canada: An Empirical Study," *Canadian Police College Journal*, 9, no. 1 (1985), pp. 1-85.

67. Shearing and Stenning, eds., *Private Policing;* "Private Security: Implications for Social Control;" and "Modern Private Security: Its Growth and Implications," in Michael Tonry and Norval Morris, eds., *Crime and Justice: An Annual Review of Research* vol. 3, (Chicago: University of Chicago Press, 1981), pp. 193-245.

27

68.   See: Stephen Spitzer and Andrew T. Scull, "Privatization and Capitalist Development: The Case of the Private Police," *Social Problems,* 25, no. 1 (1977), pp. 18-29; Nigel South, *Policing for Profit* (London: Sage, 1988).

69.   See also the important contribution of Gary Marx in this regard: "The Interweaving of Public and Private Police in Undercover Work," in Shearing and Stenning, *Private Policing,* pp. 172-93.

70.   See, for example: J. Bensman and I. Gerver, "Crime and Punishment in the Factory: The Functions of Deviancy in Maintaining the Social System," *American Sociological Review,* 28 (1963), pp. 588-98; M. David Ermann and Richard J. Lundman, eds., *Corporate and Governmental Deviance: Problems of Organizational Behaviour in Contemporary Society* (New York: Oxford University Press, 1978); Diane Vaughan, *Controlling Unlawful Organizational Behavior* (Chicago: University of Chicago Press, 1983); David R. Simon and D. Stanley Eitzen, *Elite Deviance* 3rd ed. (Boston: Allyn and Bacon, 1990); and particularly Gary Marx, "Ironies of Social Control: Authorities as Contributors to Deviance through Escalation, Nonenforcement, and Covert Facilitation," *Social Problems,* 28 (1981), pp. 222-46.

71.   Richard V. Ericson, "Rules for Police Deviance," in Clifford D. Shearing, ed., *Organizational Police Deviance: Its Structure and Control* (Toronto: Butterworths, 1981), pp. 83-110.

72.   Doreen McBarnet, "Arrest: The Legal Context of Policing," in Simon Haldaway, ed., *The British Police* (London: Edward Arnold, 1979), pp. 24-40.

73.   I have directly applied this thesis in the case of the CSIS Act. See A. Stuart Farson, "Restructuring Control in Canada: The McDonald Commission of Inquiry and its Legacy," in Glenn Hastedt, ed., *Controlling Intelligence* (London: Frank Cass, 1991), pp. 155-85, especially p. 174.

74.   Jean-Paul Brodeur, "Legitimizing Police Deviance," in Shearing, ed., *Organizational Police Deviance,* pp. 127-60.

75.   Austin T. Turk, "Organizational Deviance and Political Policing," in Shearing, ed., *Organizational Police Deviance,* pp. 111-25.

76.   This appears also to have been the conclusion drawn by the Independent Advisory team on the Canadian Security Intelligence Service. See: A. Stuart Farson, "Old Wine, New Bottles and Fancy Labels: The Rediscovery of Organizational Culture in the Control of Intelligence" in Barak, ed., *Crimes by the Capitalist State,* pp. 185-217.

77.   Clifford D. Shearing, "Deviance and Conformity in the Reproduction of Order," in Shearing, ed., *Organizational Police Deviance,* pp. 29-47. For further elaboration of police subcultures see Reiner, *The Politics of the Police,* chapter 3; Peter K. Manning, "The Police Organizational Culture in Anglo-American Societies," in V. Strecher, L. Hoover and J. Dowling, eds., *Encyclopedia of Police Sciences;* and Malcolm Young, *An Inside Job: Policing and Police Culture in Britain* (Oxford: Clarendon Press, 1991). I have pointed to the particular importance of the sub-culture in the control of intelligence in Farson, "Old Wine, New Bottles and Fancy Labels" in Barak, ed., *Crimes by the Capitalist State.* In Canada, the sub-culture operating within CSIS has been a recurrent theme of the Security Intelligence Review Committee's annual reports. The Special Committee of the House of Commons on the Review of the *CSIS Act* and the *Security Offences Act* also considered the issue. See: *In Flux but not in Crisis* (Ottawa: Queen's Printer, 1990), chapters 6-7. Interestingly, one of the few recommendations accepted by the Government concerned matters arising from these concerns.

78.   Much of the analysis is taken from my: "Review of Gary T. Marx, *Undercover: Police surveillance in America,* (Berkeley: University of California Press, 1988), in *Intelligence and National Security,* 4, no. 4 (October 1989), pp. 854-56, which provides a detailed list of his articles.

79. Marx, p. 47.

80. Paul Wilkinson, "European Police Cooperation," in Roach and Thomaneck, *Police and Public Order in Europe*, pp. 273-86, notes the differences in extradition procedures and the extra-territorial legal reach of certain jurisdictions.

81. Anderson, *Policing the World*, pp. 26-27.

82. For an assessment of these three pressures see: Richard Clutterbuck, *Terrorism, Drugs and Crime in Europe after 1992* (London: Routledge, 1990).

83. Multilateral arrangements have been pursued through Interpol, the United Nations, the Council of Europe and the Association of South East Asian Nations. The best treatment of bilateral and multilateral arrangements is Anderson's, *Policing the World*.

84. See C. Fijnaut, "The Internationalization of Criminal Investigation in Europe," in C. Fijnaut and R.H. Hermans, eds. *Police Co-operation in Europe* (Lochem, 1987).

85. Anderson, *Policing the World*, chapter 8.

86. United Kingdom, House of Commons, Home Affairs Committee, *Practical Police Co-operation in the European Community* Seventh Report, (London: HMSO, 1989-90).

87. Canada, RCMP, Criminal Intelligence Program, *Implementation Guide* (Ottawa: RCMP, June, 1991).

88. Ken Robertson, "Terrorism: Europe without Borders," *Terrorism*, 14 (1991), pp. 105-10.

89. That it may be called "criminal intelligence" may reflect a necessary labelling exercise for the police rather than a practical difference. See: Farson "Security Intelligence vs. Criminal Intelligence," in Charters, ed., *Democratic Responses to International Terrorism.*

90. This issue has been addressed by Jean-Paul Brodeur, "Criminal Justice and National Security," in Hanks and McCamus, eds., *National Security: Surveillance and Accountability in a Democratic Society*, and by Ronald Crelinsten, "Terrorism, Counterterrorism and National Security," in the same volume.

91. For differing views on this see Brodeur, "Countering Terrorism in Canada," in Farson, Stafford and Wark, eds., *Security and Intelligence in a Changing World*, and Farson, "Criminal Intelligence Vs. Security Intelligence."