

The Re-Legitimation of Private Security in Britain, 1945-2001

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Abstract

In the years following World War II, the private security industry occupied only a very marginal position within the British security sector. It was disdained by the police, lambasted by the media and largely dismissed by the British population, who turned almost exclusively to the state when they encountered any trace of crime and disorder. In short, private security companies functioned with a bare minimum of legitimacy at this time. Moving forward to the opening decade of the twenty-first century, these companies are now a major force. The industry is more than double the size of the police, it is endorsed and licensed by the state and operates in partnership with a number of state institutions, often in the provision of highly visible frontline law and order functions. And, perhaps most importantly, it is increasingly being accepted by the British population as a central member of the 'extended policing family'. In other words, private security companies are now operating with a much greater degree of legitimacy.

Against this backdrop, the aim of this thesis is to explore the following question: how have private security companies once again become legitimate providers of security functions within postwar Britain? The answer given here is that, faced with the British population's expectation that security ought to be monopolised by the state, these companies have attempted to portray themselves not as purebred market actors functioning in accordance with the logic of profit margins and private goods, but rather as state-deputised actors operating in line with the public good. They have, in other words, attempted to capture legitimacy from the state. Their main strategy for doing this has been to bring about a system of statutory regulation, for this would create an official partnership between the industry and the state, thereby conferring legitimacy upon their operations. This was a controversial strategy, however. And it was only after half a century of intense industry-state negotiations that such a regulatory framework was finally implemented. This thesis will therefore analyse these negotiations from 1945 until the passing of the Private Security Industry Act in 2001. For these negotiations, more than any other factor, serve to explain the re-legitimation of private security in postwar Britain.

1

Introduction

1.1 Research Questions, Definitions and Debates

In the years following World War II, the nascent private security industry occupied only a very marginal position within the British security sector. It was, generally speaking, a loose collection of small companies providing rudimentary guarding services to factory owners who wanted to add an extra layer of protection to the security of their industrial premises. It was largely disdained by the public police, universally lambasted by the media and in most cases dismissed by the British population, who turned almost exclusively to the state when they encountered any trace of crime and disorder. In short, private security companies functioned with a bare minimum of legitimacy at this time. For while they had a basic legal status as agents of private property, their existence did not resonate with the average British citizen's normative expectations about how security ought to be delivered. This fundamental public good, it was widely considered, should only be legitimately provided by the state.

Moving forward to the opening decade of the twenty-first century, the private security industry is now a major force within the British security sector. It is more than double the size of the public police and is dominated by enormous and sophisticated multinational corporations such as Group 4 Securicor. It is endorsed and licensed by the British state, directly accountable to the Home Secretary and operates in partnership with a number of state institutions, often in the provision of highly visible frontline law and order functions. And, perhaps most importantly, it is increasingly being accepted by the British population as a central member of the 'extended policing family'. In other words, private security companies are now operating with a much greater degree of legitimacy within the British security sector. Indeed, it is commonly believed by many politicians, intellectuals and everyday citizens alike that these companies can and should be legitimately involved in the provision of the most fundamental of all public goods – the maintenance of security and social order.

Against this backdrop, the aim of this thesis is to explore the following research question: **how have private security companies once again become legitimate providers of security functions within postwar Britain?** In posing this research question, it is important to define the key terms from the outset. Drawing from the writings of Clifford Shearing, ‘security functions’ are taken to mean those activities contributing towards “...the preservation of peace, that is, to the maintenance of a way of doing things where persons and property are free from unwarranted interference so that people may go about their business safely”.¹ As Shearing notes, one of the major advantages of this definition is that it does not conflate the ‘provision of security functions’ with the activities of the public police forces and therefore immediately distances us from a state-centred conception of security provision. Given our emphasis on non-state security provision throughout this investigation, this is an extremely important distinction to make.

Following on from this formulation, ‘private security’ is simply defined as the ‘provision of security functions’ by commercial or market-based organisations, as distinct from the ‘provision of security functions’ by state institutions such as the public police. In addition to making this public-private distinction when defining private security, it is common practice to specify which particular private security activities we are concerned with – for instance, manned guarding, cash-in-transit, CCTV monitoring and so on. We will not make this specification here, however. This is because the historical approach taken within this investigation means that we will witness the gradual evolution of different private security activities over the course of the subsequent chapters. We will therefore introduce these activities as we go along, rather than defining them here at the beginning. This said, it must be emphasised that all the activities analysed in this investigation relate only to ‘domestic’ private security provision. We will not be concerned with ‘international’ private security provision, which is generally far more militaristic in its mode of delivery.²

¹ Clifford Shearing, ‘The Relation Between Public and Private Policing’, *Crime and Justice* 15 (1992), pp.399-400.

² For further clarification of the differences between private security companies and private military companies, see: Simon Chesterman and Chia Lehnhardt, ‘Introduction’, in *From Mercenaries to Market: The Rise and Regulation of Private Military Companies*, eds. Simon Chesterman and Chia Lehnhardt (Oxford: Oxford University Press, 2007), pp.2-3. For an overview of the activities of international private military companies, see: P.W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, New York: Cornell University Press, updated edition, 2008);

While the key terms relating to 'private security provision' can be dealt with fairly briefly, it is necessary to spend more time defining the final key term: 'legitimacy'. For not only is legitimacy the most important and active term within the research question, it is also the most complex term, taking on very different meanings in different contexts. Drawing upon contemporary social science and criminal justice discussions of legitimacy – especially the highly influential writings of David Beetham and Tom Tyler – it is possible to identify three interpretations of this key term. First, 'legal' legitimacy can relate to any activity which is conducted in accordance with a particular set of rules. As Beetham notes, these rules need not be codified in statutes: they "...may be unwritten, as informal conventions, or they may be formalised in legal codes or judgements".³ But these rules must be recognised as having the authority of 'the law'. With regard to security provision, then, any institution – public or private – can be viewed as being legitimate so long as it functions within the remit of an accepted legal framework.

The second interpretation centres around what is commonly termed 'instrumental' legitimacy. In this instance, a given institution's legitimacy is not determined by its legal standing but by the effectiveness of its outputs (indeed, Fritz Scharpf uses the term 'output-orientated' legitimacy to describe this type of institutional equation).⁴ So if a number of individuals – acting as self-interested utility maximisers – consider the output of an institution to be highly effective then, as Tom Tyler explains, they will in turn confer a greater degree of legitimacy upon that institution.⁵ And they will perform this act of conferral, Beetham adds, through a "...demonstrable expression of consent",⁶ which will vary according to context. With regard to security provision, then, those institutions – public or private – which score highly on the government's or mass media's crime control performance indicators will be endowed with greater levels of legitimacy, and vice versa.⁷ And this legitimacy will be conferred through the act of obeying and supporting these institutions.

Deborah D. Avant, *The Market For Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005).

³ David Beetham, *The Legitimation of Power* (Basingstoke: Palgrave, 1991), p.16.

⁴ Fritz Scharpf, *Governing in Europe: Effective and Democratic* (Oxford: Oxford University Press, 1999), pp.6-11.

⁵ Tom R. Tyler, *Why People Obey the Law*, (New Haven: Yale University Press, 1990), p.3 and 21.

⁶ Beetham, *The Legitimation of Power*, p.18.

⁷ Adam Crawford, 'Refiguring the Community and Professional in Policing and Criminal Justice: Some Questions of Legitimacy', in *Justice, Community and Civil Society: A Contested Terrain* ed. Joanna Shapland (Collumpton: Willan, 2008), p.128.

The third and final interpretation of this complex term concerns what is generally called 'normative' legitimacy. This relates not to the legal standing of an institution, nor to the effectiveness of an institution's outputs, but rather to the "...beliefs current in a given society about what is the rightful source of authority".⁸ These 'beliefs' are difficult for the external observer to register, for they do not fall neatly into a framework of rules or reveal themselves in line with objective and measurable performance indicators. Rather they are inherently subjective, as Tyler notes: "A normative perspective leads to a focus on people's *internalised* norms of justice and obligation".⁹ But although these beliefs about the legitimacy of institutions are subjective and internalised, it is also clearly evident that clusters of individuals share similar beliefs, which in turn means that certain beliefs have a tendency to spread across society and assume an 'inter-subjective' quality. With regard to criminal justice and security provision, Tyler has repeatedly discovered that large cohorts within modern societies tend to confer legitimacy upon those institutions which represent the will of the majority through fair, predictable and universal procedures¹⁰ (a formula which, notably, is also reflected in Fritz Scharf's conceptualisation of 'input-orientated' legitimacy).¹¹ Therefore, when citizens encounter a security provider which they believe to be both representative and fair, then the presence of this institution will make these citizens feel safe and they will in turn obey and support the institution's operations – a scenario which translates into a higher level of legitimacy. Conversely, if these same citizens encounter a security provider which they do not believe to be representative and fair, then the presence of this institution will not necessarily make them feel safe and they will be much less likely to obey and support to this provider's operations – a scenario which translates into a lower level of legitimacy.¹²

As Beetham remarks, it is important for all three types of legitimacy to be present for an institution to successfully wield power within modern society – and this is especially the case for those institutions which often exercise physical force such as security providers, since their activities are more likely to contravene an individual's

⁸ Beetham, *The Legitimation of Power*, p.17.

⁹ Tyler, *Why People Obey the Law*, p.4 [italics added].

¹⁰ See: Tyler, *Why People Obey the Law*; Tom R. Tyler, 'Enhancing Police Legitimacy', *Annals of the American Academy of Political and Social Science* 593(1) (2004), pp.84-99.

¹¹ Scharpf, *Governing in Europe*, pp.6-11.

¹² Crawford, 'Reconfiguring the Community and Professional in Policing and Criminal Justice', pp.134-138.

rights than less coercive agencies.¹³ However, Beetham continues, “[l]egitimacy is not an all-or-nothing affair”,¹⁴ it can be there to greater or lesser degrees. Richard Sparks and Anthony Bottoms continue and expand upon this theme:

...legitimacy is variously claimed, fought over, achieved, eroded and lost. One can easily see that states and institutions might ride a roller-coaster of waxing and waning legitimacy and, crucially, that they might wish to (or feel obliged to) orient their behaviour strategically towards recovering legitimacy when it is threatened.¹⁵

When defining legitimacy, then, we must be aware not only of the different interpretations of this complex term, but also of its dynamic nature. We must not view legitimacy as a steady, immutable condition, but as an ongoing process which has a number of different trajectories, such as ‘legitimation’, ‘de-legitimation’ and ‘re-legitimation’.

With these definitions in mind, we can now proceed to map out how the term ‘legitimacy’ will be understood and deployed throughout this investigation. The subsequent chapters will be concerned almost entirely with ‘normative’ legitimacy and the corresponding processes of ‘normative’ (re)legitimation. Indeed, one of the central propositions advanced within this investigation is that it is this particular dimension of legitimacy which is central to understanding how private security companies have once again become legitimate providers of security functions in postwar Britain. For while private security companies have always been endowed with ‘legal’ legitimacy as agents of private property, and they have similarly always been free to accrue ‘instrumental’ legitimacy so long as they meet the requisite objective performance criteria,¹⁶ they have faced significant constraints in their attempts to accumulate ‘normative’ legitimacy. And these constraints have in turn translated into an ongoing struggle with British the state over this resource – a resource which, it must be emphasised, is crucial to the successful provision of security functions in any society.

¹³ Beetham, *The Legitimation of Power*, p.19 and 40.

¹⁴ Beetham, *The Legitimation of Power*, pp.19-20.

¹⁵ Richards Sparks and Anthony Bottoms, ‘Legitimacy and Order in Prisons’, *British Journal of Sociology* 46(1) (1995), p.49.

¹⁶ For an analysis of these legal powers see: Philip C. Stenning, ‘Powers and Accountability of Private Police’, *European Journal on Criminal Policy and Research* 8 (2000), p.331.

The origins of this struggle can be traced back three hundred years or so, to the genesis of the modern state in Britain. For since the end of the seventeenth century renowned intellectuals such as Thomas Hobbes and John Locke, together with prominent state officials such as William Pitt and Robert Peel, have consistently justified the existence of the modern state by portraying it as the only possible solution to social disorder.¹⁷ They have done this by constantly communicating a simple yet powerful institutional formula, namely contrasting the violence and iniquity of a privately secured social order with the peace and virtue of a publicly secured social order.¹⁸ Alongside this trend, moreover, the British state has become both more democratic as the franchise has been widened and more consistent and fair in its criminal justice procedures as state bureaucracy has been formalised, which has in turn served to reinforce the notion of the state as a universal and benevolent provider of security functions. The significant consequence of these interrelated and overlapping processes has been that during the course of the nineteenth and twentieth centuries the majority of the British population gradually came to believe that the modern state ought to be the only provider of security functions.¹⁹ For many, it was the only security provider which made them feel safe and was, by extension, the only security provider to which they were inclined to offer their obedience and support. The modern state, in other words, gradually came to monopolise normative legitimacy within the British security sector during this era.

The important by-product of this process was that over the same period of time private security providers were steadily stripped of their normative legitimacy – that is, the majority of the British population gradually ceased to believe that private security providers had any rightful authority in the security sector. For as Philip Rawlings has remarked private security provision simply “did not form part of the idea of policing that was being constructed” by the Britain’s political and intellectual elites.²⁰ To use Les Johnston’s useful categorisation, in this period, the British criminal justice system in general and security provision in particular consequently shifted from a ‘private’, ‘informal’ and ‘local’ mode of delivery to a ‘public’, ‘formal’

¹⁷ Shearing, ‘The Relation Between Public and Private Policing’, p.402.

¹⁸ These historic trends will be explored in much greater depth during our discussion of the ‘monopoly myth’ in Chapter 2.

¹⁹ David Garland, ‘The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society’, *British Journal of Criminology* 36(4) (1996), pp.448-449.

²⁰ Philip Rawlings, ‘Policing before the Police’, in *Handbook of Policing* ed. Tim Newburn (Cullompton: Willan, 2000), p.61.

and 'central' one.²¹ And, crucially, during the course of this historic shift most private security providers in turn experienced ever greater degrees of marginalisation and de-legitimation.

This trend arguably reached its apex in the decade following World War II, which could be described as a moment of high normative legitimation for the public police and a moment of low normative legitimation for private security (though it must be emphasised that this inverse relationship was contingent rather than necessary – that is, the legitimation of one security provider does not automatically equate to the de-legitimation of another, but in this case the conditions for the legitimation of the public police during the nineteenth and twentieth centuries certainly contributed towards the de-legitimation of private security). For while at this time the public police were generally viewed as a source of national pride, commanding widespread respect and obedience, private security companies were largely derided by the majority of the British population. Yet since the time of this high-point for public policing in Britain, there has been a pronounced shift away from a monopolistic, state-centred mode of security provision towards a pluralistic, networked mode in which both public and private security providers function together as an 'extended policing family'. And one of the key features of this transformation has been the normative re-legitimation of private security companies. For many British citizens now believe that private security companies do have some rightful authority in the security sector and they consequently offer these institutions both obedience and support. The objective of this thesis, then, is to put forward an explanation for this dramatic reversal in the status of private security companies since 1945. It will seek to understand how these companies have attempted overcome the two considerable challenges they faced in the accrual of normative legitimacy, namely a state which jealously guarded its virtual monopoly over normative legitimacy and a hostile population which was not inclined to believe in the authority of private security provision. It will, in short, proffer an answer to the question: how have private security companies attempted to re-capture normative legitimacy from state institutions within the postwar security sector? (It is important to note that whenever the term 'legitimacy' is used hereafter we are referring to 'normative legitimacy', unless specified otherwise.)

²¹ Les Johnston, *The Rebirth of Private Policing* (London: Routledge, 1992), pp.6-7.

In brief, the answer to this question advanced here is that over the past fifty years private security companies have actively sought to develop official connections with the Home Office and police in an effort to communicate to the British population that they are not in fact purebred market actors functioning in accordance with the logic of profit margins and private goods, but are rather state-deputised actors operating in line with the public's normative expectations that security ought to be provided by the state as a universal public good. The primary strategy used by private security companies to establish this official connection has been to lobby in favour of statutory regulation. For they conjectured that such a regulatory system would serve to construct a concrete and highly visible relationship between the industry and the state, in the process facilitating the transfer of legitimacy from the Home Office and police to the private security companies. As we will see, however, these state institutions did not relinquish their legitimacy without a fight, and it was only after half a century of complex and intense political strategising that such a regulatory framework, in the form of the Private Security Industry Act 2001, was finally established. This thesis will thus analyse the negotiations between the private security industry, the Home Office, the police and a variety of other state institutions over the key resource of legitimacy within the British security sector from the end of World War II until the passing of this Act in 2001. For the contention of this investigation is that these negotiations, more than any other factor, serve to explain the re-legitimation of private security in postwar Britain.²²

This particular research is very timely in one sense and timeless in another. It is timely for three reasons. First, there is virtually no detailed empirical research on the relationship between the private security industry, the British state, legitimacy and regulation. As O'Connor et al have recently observed, the literature which does touch upon these variables is generally concerned only with classifying different types of regulatory framework or developing normative proposals for future regulatory systems. They note, for instance, that “[r]igorous empirical research on the relationship between state regulation and security management protocols is largely

²² It should be mentioned that this analysis does not represent a direct explanation for the growth of private security in postwar Britain. For it does not explore the entire range of strategies for economic expansion employed by the private security companies, nor does it study all of the contextual factors which served to facilitate the growth of the industry. Yet, as we will see, the re-legitimation narrative does overlap with the growth narrative at various stages.

non-existent”.²³ Indeed, the only empirical analyses of these interrelated themes can be found in the cursory accounts of Bruce George and Mark Button, which are both largely anecdotal (drawing upon George’s years in the House of Commons as a pro-regulation lobbyist) and secondary to their main objectives of classifying the various dimensions of the industry and generating proposals for reform.²⁴ In undertaking this research, then, this investigation will contribute towards the filling of a notable gap in the literature.

Second, now is an important time to conduct this research because the regulatory regime legislated for in the Private Security Industry Act 2001 is currently in the process of being rolled out across Britain. In April 2003, the Security Industry Authority, a non-departmental public body accountable to the Home Secretary, was established in order to implement the regulation. By March 2006, the resulting licensing and accreditation schemes had been activated in both England and Wales. In June 2006, they had been extended to Scotland, and are due to be extended to Northern Ireland during 2009. In addition, the European Commission is currently speculating about the creation of an internal market for private security and the harmonisation of regulatory regimes across member states.²⁵ Given the currently high very levels of political activity in the private security policy arena, then, an in-depth discussion of the relationship between the private security, the British state, legitimacy and regulation can be used to provide important background information for these political processes.

Third, this thesis contributes towards contemporary academic debates in both the criminology and political science disciplines regarding the changing nature of state sovereignty in contemporary Britain. Criminologists are currently concerned with the extent to which the security sector, which is arguably the most sovereign of all state domains, is witnessing the emergence of a radical new era of networked, pluralised security provision or the gradual evolution and extension of a traditional, state-centred

²³ Daniel O’Connor, Randy Lippert, Dale Spencer and Lisa Smylie, ‘Seeing Private Security Like a State’, *Criminology & Criminal Justice* 8(2) (2008), p.205.

²⁴ See: Bruce George and Mark Button, ‘Too Little Too Late? An Assessment of Recent Proposals for the Private Security Industry in the United Kingdom’, *Security Journal* 10 (1998), pp.2-4; Bruce George and Mark Button, *Private Security* (Leicester: Perpetuity Press, 2000), pp.175-181.

²⁵ See: Mark Button, ‘Assessing the Regulation of Private Security Across Europe’, *European Journal of Criminology* 4 (2007), 109-128; European Commission, *Amended Proposal for a Directive of the European Parliament and of the Council on Services in the Internal Market*, Com (2006) 160 Final, (Brussels: Commission of the European Communities, 2006).

system.²⁶ In parallel, though at a slightly higher level of abstraction, political scientists are currently disputing the degree to which the modern, bureaucratic and hierarchical British state is being either 'hollowed out' or 're-constituted'.²⁷ As we will see, the arguments advanced in later chapters serve to cut through the middle of these debates. For, interestingly, the re-legitimation of private security reveals the British social order in deep flux. It demonstrates how the private security industry, one of the vanguard industries of an emerging postmodern order, is actively reconciling its existence with the still resonant state-centric structures and social norms associated with the enlightenment. It is possible to assert, then, that private security provision is at once both eroding and reproducing the various dimensions of state sovereignty in Britain today. Understanding the relationship between private security, the British state, legitimacy and regulation thus has important implications for some of the central questions in contemporary criminology and political science.

In another important sense, however, the issues addressed in this investigation are timeless. This is because security impacts upon all people at all times. If individuals experience a subjective sense of security in their minds – that is, if they perceive the outside world to be secure and stable – then they can construct life plans which directly reflect their personal desires and preferences. If individuals enjoy objective conditions of security in that outside world then, all other things being equal, they can go about translating these life plans into material circumstances. Therefore, security is for everyone a precondition of autonomy and liberty. As a consequence, politicians and intellectuals have for centuries been engaged in a dialogue about how best to maximise subjective experiences of and objective conditions for security. For this is tantamount to maximising one of the fundamental qualities of human life. To the extent that this investigation facilitates a greater understanding of security provision in Britain today, it will therefore be contributing towards a dialogue which has been gathering momentum for hundreds of years and will no doubt continue to do so for hundreds more.

²⁶ See: Lucia Zedner, 'Policing Before and After the Police: The Historical Antecedents of Contemporary Crime Control', *British Journal of Criminology* 46(1) (2006), pp.78-79.

²⁷ For an example of the 'hollowing out' thesis, see: R. A. W. Rhodes, *Understanding Governance: Policy Networks, Governance, Reflexivity and Accountability* (Maidenhead: Open University Press, 1997). For an example of the 're-constitution' thesis, see: David Marsh, David Richards and Martin Smith, 'Unequal Plurality: Towards an Asymmetric Power Model of British Politics', *Government and Opposition* 38(3) (2003), pp.306-332.

1.2 Chapter Outline

To begin with, Chapter 2 will develop an organising perspective with which to examine the relationship between the British state, private security and the legitimacy to undertake security functions. It will begin by critiquing the dominant way of conceptualising the relationship between these three variables within contemporary political science, termed here the ‘monopoly’ paradigm. Within this paradigm, the state is seen as exercising a legitimate monopoly over security provision and, by extension, private security provision is viewed as a marginalized, illegitimate and insignificant phenomena. By depicting such a one-sided, stable and immutable relationship between the state, private security and legitimacy, it will be contended that this conceptualisation serves to obscure and conceal the many processes of negotiation and contestation within the security sector – processes, moreover, which are central to understanding the re-legitimation of private security. Chapter 2 will argue that we need to move beyond the monopoly paradigm and instead interpret the interactions between the state, private security and legitimacy as a fluid, complex and dialectical relationship, for this will provide us with a more effective lens through which to view the many contrasting and conflicting political, economic and social processes which characterise the security sector. The chapter will then proceed to examine three ‘post-monopoly’ theoretical approaches – the nodal governance, anchored pluralism and state-in-society models – in order to explore the various ways in which they can usefully be drawn upon to add further depth and rigour to this dialectical approach.

Following this theoretical discussion, the main body of this thesis is divided into five chronologically ordered empirical chapters, each of which explores a distinct phase of the negotiations between the state and private security institutions over the legitimacy to undertake security functions within postwar Britain. Chapter 3 will examine the period 1945-1959, which witnessed the first recorded contact between private security and state institutions. This rather low-key and informal phase of the negotiations revolved around correspondence between the private security company Securicor and the Metropolitan Police. From this early stage it was clear that Securicor was acutely aware that the security services they provided were lacking in legitimacy. As a consequence, they attempted through a variety of strategies to establish a series of publicly recognisable and official-looking connections with the

Metropolitan Police so as to enhance the legitimacy of the company. This would, they reasoned, serve to facilitate the expansion of their operations, since the British population would in turn be more willing to procure their services. The Metropolitan Police, however, were also acutely aware that any such connections could indeed result in such a transfer of legitimacy to the private security industry and immediately opposed this strategy, for they wanted to protect their own status and legitimacy within the security sector. Given the vastly superior resources and standing of the Metropolitan Police within the security sector at this particular time, their agenda dominated these early negotiations.

Chapter 4 will analyse the period 1960-69 in which the rudimentary agendas set down by Securicor and the Metropolitan Police were transferred to a broader set of institutions, most notably the British Security Industry Authority (BSIA) and the Home Office. This served to consolidate the respective agendas of the private security and state institutions within a far more structured and formal policy arena. Moreover, it was during this period that the negotiations began to revolve primarily around the issue of statutory regulation. The private security institutions were strongly in favour of introducing regulation, for it represented the ideal institutional mechanism through which to develop official connections with state institutions and in turn capture legitimacy. The Home Office and police opposed statutory regulation for exactly the same reason – that is, they wanted to maintain the state's control over legitimacy within the security sector. Importantly, at this time the Home Office and police were still more powerful than the private security institutions and on the whole continued to dominate the negotiations. This said, towards the end of the 1960s there were nevertheless clear signs that the larger private security companies and the BSIA were becoming increasingly influential. From this period onwards, then, the negotiations started to look like a genuine political contest between the private security and state institutions.

Chapter 5 will explore the period 1969-79 in which the previously bifurcated negotiations over the constitution of the security sector started to become more complex. For while the private security and state institutions continued to battle over the regulation issue as before, a number of parliamentary actors – both committees and individual MPs – began to enter into the negotiations and in turn developed a third agenda. Like the Home Office and police, they were suspicious of the private security companies, viewing them as enemies of the public good. Yet their response

to the threat posed by these companies was not to ostracise them but rather to advocate a system of statutory regulation which could be used to impose strict standards of training and accountability upon the industry, thereby bringing the industry's operations in line with 'good' policing practices. This in fact served to both undermine the anti-regulation position of the Home Office and police and, at the same time, reinforce the pro-regulation standpoint of the industry. The private security institutions and the parliamentary actors therefore entered into a rather incongruous but nevertheless influential alliance – an alliance which, crucially, enabled the private security companies to pursue more effectively their attempts to capture legitimacy. The Home Office and police did manage to continue enforcing their anti-regulation agenda upon the negotiations in the face of this growing opposition, yet the pro-regulation agenda was now gathering a great deal of momentum.

Chapter 6 will examine the period 1979-1996, which did eventually see the emergence of a consensus around the pro-regulation agenda. However, the path to this consensus was complex and highly contested. In the new market-friendly neoliberal context, many private security companies abandoned their long-standing strategy of attempting to capture legitimacy from the state and were instead content to operate as ordinary commercial organisations providing ordinary services. As a consequence, these companies broke away from the pro-regulation lobby, in the process temporarily bringing to an end their alliance with the parliamentary actors. Towards the end of the 1980s, however, this neoliberal experiment began to falter as the private security companies began to once again experience an acute legitimisation crisis. They accordingly re-established their alliance with the pro-regulation parliamentary actors in order to resume their previous strategy of attempting to capture legitimacy from the state. Furthermore, this reconstituted alliance was considerably strengthened at this time by the support of the Association of Chief Police Officers (ACPO) and Police Federation, who had now fallen in line with the parliamentary actors' rationale for supporting regulation. Through persistent lobbying this newly empowered alliance had, by the mid-1990s, managed to manufacture a tentative pro-regulation consensus, which included a reluctant Home Office. It is important to note, however, that while the Home Office generally continued to oppose statutory regulation – although to an ever-reducing degree as opposition increasingly mounted – its rationale for defending this policy stance underwent a transformation

during the 1980s. For over the course of this decade the Home Office, too, experienced an internal neoliberal revolution. It now opposed regulation not because it would serve to re-legitimize the private security industry, but because it would create an unnecessary bureaucratic expense. Indeed, the Home Office was at this time increasingly contracting out formerly state monopolised security functions to the industry in order to relieve financial pressures on the exchequer and the overburdened police, in turn demonstrating that their concerns about the transfer of legitimacy to the industry were considerably diminished. In short, by the mid-1990s the establishment of a tentative consensus around the implementation of statutory regulation, together with the changing policy stance of the Home Office, meant that from the perspective of the private security industry the possibilities for capturing legitimacy were promising.

Chapter 7 will analyse the period 1997-2001. This short but vital phase in the negotiations saw the tentative pro-regulation consensus between the private security institutions, the parliamentary actors, the Home Office and the police strengthened and concretised by the support of the New Labour government, whose partnership approach to crime control seemed to satisfy the preferences of all these public and private actors. Building upon this consensus, the government accordingly translated these preferences into the Private Security Industry Act 2001. Crucially, for the private security institutions this Act created the official and publicly identifiable connections through which legitimacy could be transferred from the state institutions to the private security companies. For the parliamentary and police reformers, on the other hand, the Act established institutional and legal mechanisms which could be used to impose more rigorous standards of training and accountability upon the private security companies. They generally recognised that this would have the additional effect transferring legitimacy to the industry, but this was generally regarded as a secondary consideration compared with benefits that regulation would bring to public safety. Either way, this Act represented a critical milestone in the process of re-legitimizing the private security industry within postwar Britain.

Finally, Chapter 8 will conclude by developing two summative arguments and then identifying two areas for future research. First, it will provide an overview of the theory and evidence examined throughout the course of this investigation so as to clarify the processes by which private security companies have once again become legitimate providers of security functions in postwar Britain. Second, it will return to

the important debates about the nature of British sovereignty at the beginning of the twenty-first century. It will demonstrate how the arguments advanced in the preceding chapters can be used to contribute towards both the criminology discussions about transformation of security provision in late modern Britain as well as the political science debates over the extent to which the British state is being 'hollowed out' or 're-constituted'. Finally, this chapter will illustrate how the arguments mapped out in this investigation can be used as a starting point for two further areas of research: first, a comparative study of the divergent trajectories of private security regulation in different countries; and second, the regulation of those international private military companies which, since the conflict in Sierra Leone during the 1990s and then the current war in Iraq, have frequently made newspaper headlines.

(It is also important to note that Appendix 1 discusses the methodology used throughout the course of this thesis. It contains both a detailed analysis of the procedures employed to gather data for the empirical chapters and an evaluation of the quality and status of the resultant data. This discussion has no definitive position in the chapter structure of this investigation – hence its location in the appendices – and can thus be visited at any point during the reading of this thesis.)

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Theorising the State, Private Security and Legitimacy

2.1 Introduction

The objective of this chapter is to develop an organising perspective with which to interpret the relationship between the three core variables examined within this thesis: the British state, private security and the legitimacy to undertake security functions. An organising perspective is defined here as a coherent series of explanatory and normative propositions, together with a corresponding conceptual vocabulary, which can be employed to order, arrange and interpret empirical data.¹ Once developed, it will be utilised as a lens through which to examine the empirical material presented throughout the remainder of this investigation, thereby generating a theoretically-informed narrative of the re-legitimation of private security in postwar Britain. In order to construct such an organising perspective, this chapter will be separated into five, cumulative sections.

Section 2.2 will critically appraise the traditional – and often implicit – organising perspective for analysing the relationship between these three variables, which is here termed the ‘monopoly’ paradigm. This perspective asserts that the modern state can and should be the only legitimate provider of security functions and, by extension, that private security provision is a marginalized and illegitimate phenomenon. In certain respects, this paradigm does have a degree of analytical purchase and should assume a key position in any theoretically-informed discussion of the contemporary British security sector. Yet it is also contended here that this formulation obscures as much as it elucidates. For, crucially, it puts forward an extremely static picture of how security can and should be provided which underplays and obfuscates the highly contested nature of this key sector. Most importantly for our purposes, it does not provide any analytical space in which to articulate and theorise the processes by which private security companies have over the past fifty years contested and eroded the role of the core state institutions within the security sector. Section 2.2 will thus conclude by arguing that while certain dimensions of the monopoly paradigm should

¹ This draws upon the definition of ‘organising perspectives’ advanced in: Andrew Gamble, ‘Theories of British Politics’, *Political Studies* 38(3) (1990), pp.405-406.

be integrated into our organising perspective, it does not in itself represent an appropriate analytical framework for studying security provision in contemporary Britain.

Following directly on from this critical discussion of the traditional way of conceptualising security provision, Section 2.3 will contend that the most effective way of comprehending the complex and dynamic relationship between the British state, private security provision and the legitimacy to undertake security functions is by reformulating it as a structure-agency dialectic. The objective of our organising perspective then becomes one of giving expression to the relationship between a particular structure (the British population's normative expectations about how security ought to legitimately be provided) and a specific set of agents (private security and state institutions). This more fluid and flexible conceptualisation, it will be argued, facilitates a more sophisticated examination of the processes involved in the re-legitimation of private security. This section will also assert, however, that this reformulation represents only the beginnings of a new organising perspective. A cross-cutting analysis of other more established approaches is required in order to further develop and refine the characteristics of these structures and agents. In other words, it is only by probing this reformulation with contrasting and complementary insights from other established paradigms that we can begin to appreciate the depth and complexity of this new set of propositions. As a consequence, the subsequent three sections will critically evaluate those theoretical approaches which readily provide conceptual insights into various aspects of this structure-agency dialectic.

Section 2.4 will analyse the nodal governance paradigm which, it is contended, successfully articulates the agency side of the dialectic, but significantly underplays the influence of structure. Section 2.5 will then analyse the anchored pluralism perspective which, conversely, highlights very effectively the structural side of the dialectic, but over-marginalizes the influence of agency. Finally, Section 2.6 will examine the state-in-society approach which, it is asserted, clearly expresses both sides of this dialectic. It successfully captures the way in which diffuse normative expectations about how security functions ought to be provided impact upon the agency of different state and private security institutions, thereby causing a kind of structured contestation within the security sector – a dynamic which is key to understanding the re-legitimation of private security in postwar Britain. This chapter will therefore conclude by arguing that the state-in-society approach, when examined

in conjunction with the structure-agency dialectic developed in Section 2.2, represents the most effective organising perspective with which to explore the complex and dynamic processes investigated within this thesis.

2.2 The Monopoly Myth

This section will begin by introducing the way in which the complex relationship between the state, private security and the legitimacy to undertake security functions is conceptualised within the monopoly paradigm. It will do this by briefly tracing the influence of this paradigm through the history of modern political thought. It will then criticise this paradigm for advancing an unrealistic state-centred account of the connections between these three variables. For it gives the state a monopolistic and unchallenged power to control what is in reality a highly controversial and contested political function. Crucially, it is precisely within this contestation that we find many of the processes relating to the re-legitimation of private security. This is not to say that the monopoly paradigm does not have any analytical purchase, however, for it most certainly does. In particular, the historical dominance of this paradigm means that the ideas contained within it strongly influence the way in which politicians, intellectuals and everyday citizens alike think about how security functions ought to be provided, which is in itself a powerful force. Nevertheless, it does not on its own represent a complete organising perspective. Instead, this section will contend that the monopoly paradigm is a powerful myth which should assume one part of a more nuanced and dynamic organising perspective.

The monopoly paradigm has undoubtedly come to dominate political science over the past three hundred years, appearing explicitly and implicitly within countless analyses of both security provision and much broader social, political and economic phenomena. Yet despite its many contemporary manifestations, when introducing the key propositions of the monopoly paradigm social scientists repeatedly return to the mid-seventeenth century writings of Thomas Hobbes. This is not because Hobbes was the sole originator of the key propositions set down within the paradigm – he was reacting to the ideas of his contemporaries and the turbulent political events of his lifetime² – but because Hobbes's most famous work of political philosophy,

² Alan Ryan, 'Hobbes's Political Philosophy', in *The Cambridge Companion to Hobbes* ed. Tom Sorrell (Cambridge: Cambridge University Press, 1996), p.218.

Leviathan, still represents one the clearest and earliest formulations of the logic underlying the monopoly paradigm. Following this trend, we will turn to Hobbes's political philosophy in order to introduce the specifics of this paradigm. For the purposes of this introduction, Hobbes's conceptualisation of the relationship between the state, private security and the legitimacy to undertake security functions found within *Leviathan* can be divided into three main propositions.

First, any population in which each individual attempts to enforce his own private conditions for security will counter-productively result in widespread, destructive chaos. This is because the ends pursued by each individual will not naturally harmonise, in turn forcing individuals into perpetual conflict with one other as they struggle to protect their own portion of the scarce resources available. For Hobbes, “[c]ompetition of riches, honour, command, or other power, inclineth to contention, enmity, and war: because the way of one competitor, to the attaining of his desire, is to kill, subdue, supplant or repel the other”.³ The “life of man...” in such circumstances, Hobbes famously wrote, is therefore “...solitary, poor, nasty, brutish and short”.⁴ For our present purposes, then, the key proposition here is that private security provision essentially results in anarchy.

Second, in order to transcend this violent, war-like existence, Hobbes contended that mankind must move away from a state of nature in which each individual approaches security and social order as a private good and concomitantly move towards a collective institutional arrangement in which security and social order is realised as a universal, public good. This could only be achieved, Hobbes reasoned, by each individual relinquishing his private powers of security provision and transferring them to a single public institution: the Leviathan (or modern state). The Leviathan will then “...use the strength and means of them all, as he shall think expedient, for their peace and common defence”.⁵ This results in the following institutional formula: while private security equates to anarchy, public security equates to peace and stability.

Third, it is important to add a final and too often overlooked element into this formula: legitimacy. The transition from a private to a public social order is not, for Hobbes, an externally imposed one, but rather an endogenous, voluntary agreement –

³ Thomas Hobbes, *Leviathan*, ed. J. C. A. Gaskin (Oxford: Oxford University Press, 1996), p.66.

⁴ Hobbes, *Leviathan*, p.84.

⁵ Hobbes, *Leviathan*, p.114 [italics in original].

or social contract – entered into by rational, far-sighted individuals. It is, Hobbes writes,

made by covenant of every man with every man, in such a manner, as if every man should say to every man, *I authorize and give up my right of governing myself, to this man, or to this assembly of men, on this condition, that thou give up thy right to him, and authorize all his actions in like manner.*⁶

Crucially, then, in consensually relinquishing their rights of governing themselves, these individuals are surrendering their natural right to privately organise their own conditions for security and social order. Private security, in other words, is rendered illegitimate. Conversely, when these individuals concomitantly cede their rights of self-government to ‘this assembly of men’, the Leviathan (or modern state) becomes the only legitimate provider of security. Hobbes’s complete institutional formula can thus be seen to read: private security is illegitimate and equates to violent anarchy, whereas public security is legitimate and always equates to peace and stability.

Given that Hobbes was writing in the seventeenth century, it is remarkable how closely this formulation has been reproduced throughout the subsequent history of modern political thought. Its greatest impact, however, has undoubtedly been upon the development of liberalism during the course of the nineteenth and twentieth centuries, of which Hobbes is often seen as being a kind of early precursor.⁷ To be sure, a number of significant modifications have been made by liberal thinkers over the years. For instance, the power of the modern state to legitimately proscribe the activities of individuals in order to maximise public security have since been constitutionally limited in most theorisations – an innovation which was most famously and influentially mapped out in John Locke’s conception of property rights in his *Second Treatise on Government*.⁸ And few liberals now believe that the concentration of executive powers in the modern state can be justified with reference to a tacit and hypothetical social contract, arguing instead that it must be legitimated through a democratic mandate. Yet despite these important transformations, the three core propositions of Hobbes’s formulation have had an enormous influence over the development of modern liberal thought. For whether we examine the classical

⁶ Hobbes, *Leviathan*, p.114 [italics in original].

⁷ John Gray, *Liberalism* (Buckingham: Open University Press, 2nd edition, 1995), p.12.

⁸ John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988).

liberalism of F. A. Hayek, the reformist liberalism of L. T. Hobhouse, the liberal elitism of Max Weber or the liberal pluralism of Robert Dahl, we find repeated and explicit references to the fundamental proposition that the state is the only legitimate provider of security functions and, by extension, that private security is illegitimate and equates to some kind of violent, anarchical social order.⁹ So while to varying degrees these writers see public-private contestation in a variety of political arenas, when it comes to security provision none of them account for any contestation whatsoever – the security sphere is simply viewed as being legitimately monopolised by the modern state.

Moreover, we can trace the influence of the monopoly paradigm even further than modern liberalism. For not only does it dominate liberal political thought, but has for many years permeated the major textbooks on the state within contemporary political science. And these, in their use as teaching resources for university syllabuses across the world, arguably have even more immediate impact today than the classic liberal treatises listed above. Take three recent influential textbooks: Patrick Dunleavy and Brendan O’Leary’s *Theories of the State: The Politics of Liberal Democracy*, John Hall and John Ikenberry’s *The State* and John Hoffman’s *Beyond the State: An Introductory Critique*. Each emphasises the diversity of the modern state in both theory and practice, yet at the same time each asserts that with regard to security, the enforcement of law and the maintenance of social order, the state is the only legitimate actor. No other institution is seen to contest the supreme legitimacy of the modern state in this fundamental sphere.¹⁰ It is perhaps not an exaggeration to assert, then, that the monopoly paradigm has come to assume a kind of default position for conceptualising the security sector throughout contemporary political science.

⁹ See: F. A. Hayek, *The Constitution of Liberty* (Abingdon: Routledge, 2006), pp.19-20; L. T. Hobhouse, *Liberalism* (New York: Oxford University Press, 1964), p.78; Max Weber, ‘Politics as a Vocation’, in *From Max Weber: Essays in Sociology* eds. H. H. Gerth and C. Wright Mills (London: Routledge, 1991), p.78; Robert Dahl, *Modern Political Analysis* (New Jersey: Prentice-Hall, 1970), p.12.

¹⁰ See: Patrick Dunleavy and Brendan O’Leary, *Theories of the State: The Politics of Liberal Democracy* (Basingstoke: Macmillan, 1987), p.6; John Hall and John Ikenberry, *The State* (Milton Keynes: Open University Press, 1989), p.1; John Hoffman, *Beyond the State: An Introductory Critique* (Cambridge: Polity Press, 1995), p.34.

It should be noted, however, that in their concluding chapter to a recent popular textbook on the state, Michael Lister and David Marsh do point towards a more nuanced interpretation of the monopoly paradigm, though they fall short of the comprehensive analysis offered in the nodal governance, anchored pluralism and state-in-society approaches. See: Michael Lister and David Marsh, ‘Conclusion’, in *The State: Theories and Issues* eds. Colin Hay, Michael Lister and David Marsh (Basingstoke: Palgrave Macmillan, 2006), p.257.

It is contended here, however, that this paradigm does not represent an adequate organising perspective for studying the contemporary security sector. For as subsequent chapters demonstrate it conceals the crucial processes of contestation within the security sector. The state has never occupied its position within the security sector without challenge, as many revisionist and radical (or non-liberal) analyses of law and order in Britain have indeed made clear.¹¹ Instead, the state has always been forced to negotiate and struggle with non-state agencies for this position. And, crucially for our purposes, the complex processes relating to the re-legitimation of private security in postwar Britain represent one very important example of these negotiations and struggles. For since 1945 – when according to many liberal histories the British state was supposedly at the peak of its powers within in the security sector¹² – the private security industry has been engaged in negotiations with the British state over the right to provide domestic security. Moreover, the industry has over the years made significant progress within these negotiations, to the extent that by the opening decade of the twenty-first century it was commonly viewed as being a (relatively) legitimate provider of security functions within Britain. Clearly such observations run contrary to the very foundations of the monopoly paradigm, which conceptualises private security as an illegitimate purveyor of anarchy. It is for this reason that we need to move beyond the monopoly paradigm so as to develop an alternative organising perspective for understanding the complex and dynamic relationship between the state, private security and the legitimacy to undertake security functions.

This said, in developing a new organising perspective we must be careful not to lose sight of the enduring impact of the monopoly paradigm, not so much for its (highly problematic) empirical analysis of the security sector, but more for the normative ideas it puts forward about how security provision ought to be constituted. For while the writings of Hobbes and his followers have never really captured an actually existing institutional arrangement, it should be emphasised that they have given expression to and helped to perpetuate a common way of thinking about security. These intellectuals, together with other such notables of British political

¹¹ See, for instance: E. P. Thompson, *The Making of the English Working Class* (Middlesex: Penguin, 1968); Stanley Cohen and Andrew Scull, 'Social Control in History and Sociology', in *Social Control and the State: Historical and Comparative Essays* eds. Stanley Cohen and Andrew Scull (Oxford: Martin Robertson, 1983), pp.1-16.

¹² T. A. Critchley, *A History of the Police in England and Wales* (London: Constable, 2nd edition, 1978).

history as Henry Fielding, William Pitt the Younger, Patrick Colquhoun and Robert Peel (among countless others), have collectively made the idea that the state ought to be the only legitimate provider of security functions one of the most important, immutable and pervasive streams of enlightenment political thought.¹³ Indeed, they have ensured that this simple idea has permeated the British national consciousness, influencing how many everyday citizens think about security – a phenomenon which has been noted by Robert Reiner, who terms it “police fetishism”.¹⁴ This useful term does not imply that the British population is necessarily familiar with the philosophical rationales behind a state-centred mode of security provision, but rather that they have been persuaded by the dominant monopoly discourse that state institutions ought to monopolise crime control. To be sure, this fetishism is not universally shared, as Marxist analyses of repressive police behaviour suggest.¹⁵ Indeed, it would be fallacious to proclaim, for instance, that the miners picketing in Yorkshire during the 1984-1985 strikes experienced any fetishism whatsoever for the police – quite the opposite in fact. Yet enough people in contemporary Britain do display this fetishism, it is contended here, to provide it with an inter-subjective quality – to make it a generalised ‘world view’. Importantly, this begins to explain why private security companies have been so concerned with developing linkages with the British state in order to enhance their legitimacy within the postwar era – because in most people’s eyes the state (or more specifically the police) is the only institution with the requisite legitimacy to undertake security functions.

The monopoly paradigm, then, does not betray a reality but rather creates and reproduces a myth – and a very powerful one at that. And the ability to explain and understand this myth must be integrated into any organising perspective for studying the contemporary security sector. For the myth must be accounted for alongside the complex and contested concrete reality in which state and non-state institutions compete for control and legitimacy over the provision of security functions. In this way, the monopoly paradigm ceases to become a theoretical framework in itself and instead starts to become part of the historical narrative about the relationship between the state, private security and legitimacy which any viable organising perspective

¹³ On the role of these politicians, see: Charles Reith, *The Police Idea: Its History and Evolution in England in the Eighteenth Century and After* (London: Oxford University Press, 1938), pp.3-122

¹⁴ Reiner, *The Politics of the Police*, (Oxford: Oxford University Press, 3rd edition, 2000), p.1.

¹⁵ For a clear example of such a Marxist analysis, see: Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke and Brian Roberts, *Policing the Crisis: Mugging, the State and Law and Order* (London: Macmillan, 1978).

must explain. Hobbes and those reproducing his philosophical propositions are therefore viewed here less theorists of the relationship between these three variables and more as propagators of the monopoly myth which serves to link these variables together in such a way as to constitute and reproduce the phenomenon of police fetishism. We will now turn to the task of bringing together these theoretical arguments into one coherent organising perspective, which first involves introducing the structure-agency dialectic.

2.3 The Structure-Agency Dialectic

This section will begin the process of developing an organising perspective which is capable of articulating the contestation between state and private security agencies over the institutional space within the British security sector while, at the same time, allowing for the influence of diffuse but powerful normative expectations about how security ought to be provided (conceptualised in the previous section as the monopoly myth). For it is only with such a framework that we can successfully analyse the various political processes involved in the re-legitimation of private security in postwar Britain. It is contended in this section that the best way to begin constructing such an organising perspective is to draw upon the language of the ‘structure-agency dialectic’.

Over the past three decades or so, the structure-agency dialectic has become an increasingly popular heuristic device for critiquing overly static and simplified conceptions of social phenomena and in their place theorising the existence of complex and dynamic sets of political, social and economic relationships.¹⁶ In basic terms, structure refers to “...the setting within which social, political and economic events occur and acquire meaning”, whereas agency concerns “...the ability or capacity of an actor to act consciously and, in doing so, to attempt to realise his or her intentions”.¹⁷ These two components are seen to exist within a dialectical relationship to the extent that each constantly and simultaneously impacts upon and transforms the constitution of the other, which in turn precipitates ongoing social, political and economic change in the social world.

¹⁶ For a review of this trend, see: Stuart McAnulla, ‘Structure and Agency’, in *Theory and Methods in Political Science* eds. David Marsh and Gerry Stoker (Basingstoke: Palgrave Macmillan, 2nd edition, 2002), pp.271-291.

¹⁷ Colin Hay, *Political Analysis: A Critical Introduction* (Basingstoke: Palgrave, 2002), p.93.

The popularity of this terminology is in part due to its flexibility. Agents can either be individuals or they can be different types of institutions, ranging from societal groupings and particular state institutions, through to entire states or even supra-state institutions. Structures can be yet more heterogeneous, for they can be reduced to actors constraining one another in the form of networks or expanded to include broader political-economic processes such as globalisation. And at other times they can refer to diffuse, inter-subjective socio-cultural norms which exist more in the ideational world than in the material world. The way in which structures and agents are conceptualised together is for some social scientists a very formulaic process which serves to generate a comprehensive and cohesive social theory – for instance, Bob Jessop and Colin Hay’s strategic-relational perspective or Margaret Archer’s morphogenetic approach.¹⁸ For others, however, it is a more pragmatic, problem-solving process, in which a miscellany of structures and agents are brought together in accordance with the specifications of a particular research question.¹⁹ It is this second route which will be taken within this section. For the structure-agency dialectic will be employed here to specifically articulate the complex and dynamic relationship between the state, private security and the legitimacy to undertake security functions in postwar Britain.

To do this, it is first necessary to demonstrate how agency will be conceptualised within this investigation. The principal actors over the subsequent chapters will be institutions – as opposed to individuals – and will be separated into two categories. On one side we will have the numerous state institutions involved in the security sector negotiations, including the Home Office, the powerful police organisations such as ACPO and the Metropolitan Police, and a variety of both permanent and ad hoc parliamentary committees. On the other side we will have the private security institutions participating within the security sector negotiations, including the larger companies such as Group 4 and Securicor, together with the major industry trade associations such as the BSIA.²⁰ For the purposes of this thesis, these institutions will

¹⁸ Hay, *Political Analysis*, pp.126-134; Margaret Archer, *Realist Social Theory: The Morphogenetic Approach* (Cambridge: Cambridge University Press, 1996).

¹⁹ Mark Blyth, ‘Institutions and Ideas’, in *Theory and Methods in Political Science* eds. David Marsh and Gerry Stoker (Basingstoke: Palgrave Macmillan, 2nd edition, 2002), p.310; Vivien Schmidt, ‘Institutions’, in *The State: Theories and Issues* eds. Colin Hay, Michael Lister and David Marsh (Basingstoke: Palgrave Macmillan, 2006), p.116.

²⁰ It is a limitation of this research that the opinions and experiences of smaller private security companies are generally not accounted for.

be anthropomorphised – that is, they will take on the characteristics of unified and strategically calculating actors who are endowed with the ability to realise their preferences. This characterisation is obviously an abstraction, for all institutions are ultimately comprised of individuals. What this useful abstraction serves to capture, however, is the frequently observed phenomenon that those individuals working within a particular institution – say, a central government department or a private company – have a tendency to follow institutionally-defined patterns of behaviour and protocols as opposed to their own, personal strategic calculations (these observations are usually associated with the theoretical tradition of historical institutionalism).²¹ This in turn gives that particular institution the appearance of being a kind of collective actor. Asserting that an institution has pursued a certain set of preferences is therefore shorthand for saying that the combined agency of all the individuals working within that institution have collectively pursued these preferences. As we will see over subsequent chapters, this is the most suitable level of analysis for comprehending the political processes involved in the re-legitimation of private security in postwar Britain. To be sure, where appropriate the level of analysis will be downsized so as to take account of institutional divisions and the role of influential individuals. Yet this will be the exception rather than the rule, for the ensuing investigation will be pitched primarily at the institutional level.

The most important consequence of viewing both state and private security institutions as autonomous, strategically calculating actors is that it enables us to conceptualise the way in which these institutions have come into conflict with one another as each attempts to out-negotiate and out-manoeuvre the other within the security sector. It will, in other words, set down the analytical foundations for giving expression to institutional contestation within the security sector and, by extension, provide a window into the processes relating to the re-legitimation of private security. This therefore represents a significant break away from the monopoly paradigm which essentially allocates agency only to state institutions within the security sector, thereby denying the possibility of public-private conflict within this sector. Yet while this is an important conceptual leap, these public and private institutions should not be viewed as acting without constraints. Instead, this contestation must be seen as being constrained by the structural context of the security sector.

²¹ For an overview of historical institutionalism, see: Schmidt, 'Institutions', pp. 104-106.

On the structural side of the dialectic, this investigation will focus on how the British population's widespread normative expectation that the state ought to be the only security provider within the security sector serves to constrain and facilitate the strategic calculations of both the state and private security institutions. By theorising structure in this way, this thesis will be drawing upon the sociological or cultural institutionalism tradition, which defines structure "...to include, not just formal rules, procedures and norms, but the symbol systems, cognitive scripts, and moral templates that provide the 'frames of meaning' guiding human action".²² The ideas about the state, private security and legitimacy advanced by Hobbes and his diverse followers – that is, the monopoly myth – will not therefore be seen as having a tightly demarcated material existence, but rather as being ingrained within the collective 'world view' of the British population, in turn creating a powerful inter-subjective social structure. And this structure will be seen to impact upon the way in which both the public and private institutions within the security sector formulate their preferences, for to some extent they will have to give consideration to these normative expectations if they are to avoid encountering widespread cultural resistance to their activities. Significantly, then, this conceptualisation of structure brings the influence of the monopoly myth back into our organising perspective and situates it alongside the agency of both state and private security organisations.

It is important to note, however, that other forms of structure will also be integrated into this thesis where appropriate. For instance, reference will be made to the way in which localised network structures, such as policy networks, are constructed when different state and private security institutions facilitate and constrain the activities of one another during the course of their political negotiations.²³ Furthermore, extra reference will similarly be made to those capitalist structures, such as the economic imperative to roll back the welfare state during the 1980s, which also impacted upon the security sector negotiations in the period 1945-2001.²⁴ These alternative structural explanations will nevertheless be the exception rather than the rule. For in order to make sense of the re-legitimation of private security in postwar Britain, analytical

²² Peter A. Hall and Rosemary C. R. Taylor, 'Political Science and the Three New Institutionalisms', *Political Studies* 44(4) (1996), p.947.

²³ See: David Marsh and Martin J. Smith, 'Understanding Policy Networks: Towards a Dialectical Approach', *Political Studies* 48(1) (2000), pp.4-10.

²⁴ See: Jon Pierre and B. Guy Peters, *Governance, Politics and the State* (Basingstoke: Macmillan, 2000), pp.50-69.

emphasis must be placed upon the ideational influence of the monopoly myth above all other types of structure.

We have now demonstrated that the language of structure and agency can be employed to conceptualise both public-private institutional contestation within the security sector and the influence of the normative expectations about how security ought to be provided. It is now important, then, to indicate how these newly formulated variables fit together within a dialectical relationship. For it is only by introducing the dialectic that we can begin to develop a clearer sense of the complexity and dynamism facilitated by this reformulation. In relatively abstract terms, the dialectic runs as follow. While the normative expectations about legitimate security provision serves to shape the preferences of the state and private security institutions, these actors are by no means automatons who internalise and reproduce these social norms in exactly the same mechanical manner. They are strategically calculating actors endowed with some genuine autonomy. As a consequence, these private security and state institutions use their autonomy to interpret this ideational structure in a variety of ways, in the process translating it into contrasting sets of political preferences. And these contrasting preferences in turn create contestation within the security sector. Yet despite this contestation, there is also continuity. For as we have seen each set of preferences has been derived from an interpretation of the same ideational structure, which means that each contains elements of the monopoly myth in some shape or form. So when these preferences are played out in the political arena, the outcome will to some extent reproduce this structure. The re-constituted structure is then ready to be reinterpreted by another set of actors in the next circuit of the dialectic. This dialectical process, it is argued here, provides an excellent heuristic device through which to begin to comprehend the complex and dynamic processes relating to the re-legitimation of private security in postwar Britain.

Indeed, the heuristic value of the structure-agency dialectic can be further demonstrated by briefly showing how it can be employed to interpret the empirical material from later chapters. For instance, during the immediate postwar decades the police institutions generally interpreted the normative expectations about security provision to quite literally to mean that they were the only institution endowed with the requisite legitimacy to undertake security functions and that they should accordingly set about marginalizing or shutting down private security companies. Yet, at the same time, the private security companies interpreted these same social

norms to mean that if they were to operate with legitimacy within the security sector then they would have to associate themselves with the police, for this would enable them to capture the 'stateness' considered to be so essential for legitimately operating within the security sector. Immediately, then, we are confronted with two contrasting sets of preferences. For while the police wanted to undermine the private security companies, these very same companies wanted to build professional relationships with the police. This example serves to show how different strategically calculating actors encountered the same social structure in completely different ways, in the process generating contrasting sets of political preferences.

Despite this contestation, however, there was also a strong current continuity running through these negotiations, since each set of preferences articulated, in different ways, the same normative expectation that the state ought to be the only security provider. In the case of the police, this articulation was literal and self-evident. In the case of the private security companies, this articulation was more subtle, but nevertheless present. For they were not formulating their preferences in accordance with the logic of the unfettered market, but were rather attempting to capture legitimacy from the state, because this dovetailed with the normative expectations of the British population. In this way, then, the contrasting preferences of the police and the private security companies were, in various ways, imbued with the structural imperative of the monopoly myth. This structure was therefore being approximately reproduced throughout the course of these negotiations, in the process completing the dialectical circuit.

This more concrete example has now demonstrated more precisely how the structure-agency dialectic can be used as the basis for theorising the relationship between the state, private security and legitimacy. Reformulating these variables as a structure-agency dialectic does not, however, represent the completion of the process of developing an organising perspective for this investigation, but rather just the beginning. For while this conceptualisation constitutes a very effective heuristic device for cutting into the main research question, it only provides the basic foundations for a fully developed organising perspective. It maps out the structure-agency dialectic, but does not give these components a great deal of substance, character or analytical weight. To be sure, these details will to a large extent be determined empirically over the course of this investigation. But prior to this stage of the research process, it is important to draw upon those theoretical frameworks which

to varying degrees have already addressed some of the conceptual issues raised by this structure-agency dialectic, for this will maximise the theoretical insights with which to inform the ensuing empirical analysis. By probing this structure-agency dialectic from other perspectives, in other words, we will achieve a deeper understanding of the various propositions advanced over the course of this section. It should also be mentioned that this exercise will also serve an important secondary purpose of situating this investigation within the extant academic literature on security provision. This cross-cutting theoretical review will be the task of the remaining three sections of the chapter.

In undertaking this review, however, it is very notable that we cannot draw upon many of the most commonly used theoretical approaches in contemporary political analysis, since they still tend to be explicitly or implicitly aligned with the problematic monopoly paradigm. We will therefore turn towards two approaches which are currently gaining a great deal of popularity within the disciplines of criminology and legal studies: the nodal governance and anchored pluralism models. And one approach which is still on the periphery of political science, although it is becoming increasingly popular: the state-in-society model. For in a variety of ways each of these three models moves beyond the restrictive assumptions of the monopoly paradigm and contributes towards the further development of the structure-agency dialectic outlined in this section.

2.4 An Agential Model: Nodal Governance

The nodal governance approach is one of the two dominant paradigms for studying private security within the criminology and legal studies literature today – the other main paradigm is the anchored pluralism approach, which will be examined in the next section – and has been developed over the past two decades by a number of associated criminologists, including David Bayley, Benoit Dupont, Les Johnston, Clifford Shearing, Philip Stenning and Jennifer Wood. This section will critically examine this paradigm in order to assess the extent to which it can contribute towards the further development of the structure-agency dialectic mapped out above. It will contend that the nodal governance approach does enable us to further elucidate the agency side of the dialectic, specifically through its exploration of the legal foundations of private security authority and through its corresponding model for

conceptualising the relationship between state and private security agency. This approach, in other words, helps us to understand the processes of contestation and negotiation within the security sector. This said, the nodal governance model significantly underplays the way in which the widespread normative expectations about how security ought to be provided within postwar Britain have the effect of constraining and facilitating the preferences and activities of the state and private security institutions, thereby structuring the negotiations between these actors in a particularly distinctive way. Consequently, this section will conclude by asserting that this approach can only make a limited contribution towards the refinement of the structure-agency dialectic outlined above.

To begin with, it is necessary to explore the way in which the nodal governance theorists conceptualise the legal foundations of private security authority which, for them, provides the concrete basis for private security agency. Despite the fact that these theorists adopt an extremely critical stance towards the family of liberal doctrines as a way of understanding private security – mainly because these doctrines tend to unquestioningly accept the propositions of the monopoly paradigm – they rather paradoxically argue that it is precisely the ongoing material realisation of liberal property arrangements which in fact serves to empower private security companies in the first instance.²⁵ This is because they follow Shearing and Stenning's observation that the increased agency of private security companies over recent decades has been largely dependent upon the emergence of mass private property – that is, large geographical tracts of privately owned public space such as shopping malls, industrial complexes, gated communities and so on.²⁶ Within these spaces, Shearing and Stenning argue, the state-enforced rights of individuals to deploy their private property towards whatever ends they desire, so long as it does not contravene the property rights of others, allow the landlords to contract out security functions to private security companies. For Shearing and Stenning, these legally grounded property rights equate to what they consider to be the “legitimation of private security authority”.²⁷ Moreover, they continue, the degree of this legitimate authority is

²⁵ This paradoxical relationship with the theory and practice of liberalism is acknowledged, however. See: Clifford Shearing and Philip Stenning, 'Reframing Policing', in *Private Policing* eds. Philip Shearing and Philip Stenning (London: Sage, 1987), pp.9-18.

²⁶ Clifford Shearing and Philip Stenning, 'Modern Private Security: Its Growth and Implications', *Crime and Justice* 3 (1981), p.228.

²⁷ Clifford Shearing and Philip Stenning, 'Private Security – Implications for Social Control', *Social Problems* 30(5) (1983), p.497.

considerable: “While modern private security guards enjoy few or no exceptional law enforcement powers, their status as agents of property allows them to exercise a degree of authority which in practice far exceeds that of their counterparts in the public police”.²⁸ Significantly, these observations have provided the nodal governance theorists with a foundation upon which to theorise the relationship between private security and state agency (state agency does not, for these theorists, require any specific demonstration, it is simply assumed to exist).

In constructing this model, the first analytical specification the nodal governance theorists propose involves making a clear distinction between ‘auspices’, which are responsible for organising and directing security strategies, and ‘providers’, which actually undertake the corresponding security operations. They then contend that following the emergence of mass private property both of these functions have become privatised to varying degrees.²⁹ As a result, they maintain, it has become increasingly necessary to conceptualise auspices and providers in a relatively fluid and flexible manner, with no set boundaries between the functions of public and private security actors. Bayley and Shearing correspondingly note that: “Auspices may be either public (governmental) or private (non-governmental); so, too, may providers. Furthermore, they may be combined in four ways – public/public, public/private, private/public, private/private”.³⁰ Next, these theorists argue that the various auspice-provider combinations resulting from this categorisation should be conceptualised within networks defined by power dependence.³¹ This means that all institutions, regardless of whether they are public or private, are dependent on one another for the realisation of their objectives – no single institution, in other words, has the capacity to monopolise security provision. The security sector is thus characterised by contestation and negotiation between a variety of public and private institutions.

²⁸ Shearing and Stenning, ‘Private Security’, p.497. For an updated version of this assertion, see: Michael Kempa, Philip Stenning and Jennifer Wood, ‘Policing Communal Spaces: A Reconfiguration of the ‘Mass Private Property’ Hypothesis’, *British Journal of Criminology* 44 (2004), pp.576-77.

²⁹ David Bayley and Clifford Shearing, *The New Structure of Policing: Description, Conceptualization and Research Agenda* (Washington: National Institute of Justice, 2001), p.3.

³⁰ Bayley and Shearing, *The New Structure of Policing*, p.3.

³¹ See: Benoit Dupont, ‘Security in the Age of Networks’, *Policing & Society* 14(1) (2004), pp.76-91. For a discussion of power dependence within a British context, see: R. A. W. Rhodes and David Marsh, ‘Policy Networks in British Politics: A Critique of Existing Approaches’, in *Policy Networks in British Government* eds. David Marsh and R. A. W. Rhodes (Oxford: Clarendon, 1992), pp.10-11.

Furthermore, it is with regard to this process of exploring and conceptualising security networks that the nodal governance theorists advance, for our purposes at least, their most important theoretical point. For they argue emphatically that when examining the constitution of security networks we must not presuppose that state institutions have any special analytical priority over private ones. Put differently, we must not assume that, although private security companies occupy an increasingly prominent position within the contemporary security sector, they must as a matter of principle be positioned hierarchically below state institutions in the final analysis.³² According to these theorists, to make such state-centric a priori assumptions would essentially mean regressing back towards the monopoly paradigm they are explicitly seeking to transcend. Instead, they stipulate, we must regard the above-mentioned combinations as “empirically open questions”,³³ free from the distorting legacy of the Hobbesian tradition.

This said, the nodal governance theorists are quick to acknowledge that upon application this framework does not automatically reveal private security agency and public-private contestation. For as one would realistically expect “...at certain times and places state governments are empirically significant and powerful”,³⁴ in turn orientating the nodal governance model more towards something like the traditional monopoly paradigm (though never all the way). Yet in other instances, Shearing observes, this is clearly not the case: “Rather [security] governance takes place through the ‘forging of alliances’ in which the state and non-state authorities seek to manage each other in an attempt to produce effects that they regard as desirable”.³⁵ Shearing and Wood continue this theme:

For state nodes, the capacity to enlist others in the pursuit of state-centred objectives serves to enhance their resource base and their strategic capacity. For corporate nodes, the capacity to enlist state and other nodes in realizing their corporately defined objectives achieves high levels of self-direction and autonomy.³⁶

³² Les Johnston and Clifford Shearing, *Governing Security: Explorations in Policing and Justice* (London: Routledge, 2003), p.22.

³³ Clifford Shearing and Jennifer Wood, ‘Nodal Governance, Democracy and the New Denizens’, *Journal of Law and Society* 30(3) (2003), p.404; Jennifer Wood, ‘Research and Innovation in the Field of Security: A Nodal Governance View’, in *Democracy, Society and the Governance of Security*, eds. Jennifer Wood and Benoit Dupont (Cambridge: Cambridge University Press, 2006), p.218.

³⁴ Shearing and Wood, ‘Nodal Governance, Democracy and the New Denizens’, p.405.

³⁵ Clifford Shearing, ‘Reinventing Policing: Policing as Governance’, in *Policing Change, Changing Police: International Perspectives*, ed. Otwin Marenin (New York: Garland, 1996), p.287.

³⁶ Jennifer Wood and Clifford Shearing, *Imagining Security* (Cullompton: Willan, 2007), p.97.

With this analytical framework, then, a heterarchical and relational distribution of power is allowed to emerge within the security sector, with a variety of public and private actors, multiple sets of preferences and no clear overall winner. Indeed, as Wood and Shearing note, this “...conceptual architecture...is equally comfortable with the idea that [security] governance can be contested and uncoordinated as it is with the idea that it can be cooperative and coordinated”.³⁷

It is now clear that the nodal governance approach advances some very useful conceptual specifications which serve to add theoretical rigour to the agency side of our dialectic. For the way in which these theorists approach the construction of security networks, where public and private institutional relations are ‘empirically mapped’ and free from the distortions of the monopoly paradigm, provides us with some valuable guidelines for interpreting the empirical material in later chapters. We can draw upon this model, for instance, to illustrate how private security companies and their trade associations, together with the Home Office, police and various parliamentary committees, have been engaged in reciprocal and hotly contested negotiations over the key resource of legitimacy within the postwar security sector. To be sure, during the actual course of these negotiations the state institutions did in fact tend to exercise more control over the political agenda for much of the time, as later chapters will illustrate. Yet at other moments the private security companies did appear to be genuinely steering the policy making process. And the important point made by the nodal governance theorists is that we should not be prejudiced against recognising these moments by only searching for the agency of state institutions. Regardless of whether we are examining the steering or rowing of security functions we must not, in other words, be influenced by the analytical distortions of the monopoly paradigm.

However, it is precisely because the nodal governance theorists argue for such an outright rejection of the monopoly paradigm that we cannot use their model for understanding the complete structure-agency dialectic outlined above. For they do not account for the structural influence of the monopoly myth – that is, the way in which the widespread normative expectations about how security ought to be legitimately provided serves to constrain and facilitate the agency of the private

³⁷ Wood and Shearing, *Imagining Security*, p.28.

security and state institutions. This blindness to structure is manifested both implicitly and explicitly within the nodal governance literature. It is, for instance, implicit within Shearing and Stenning's interpretation of the legal foundations of private security authority. For while one of the unintended consequences of liberal property arrangements is that legitimacy is conferred upon private security companies in narrow 'legal' terms, this does not necessarily mean that private security companies suddenly become legitimate in every sense of the word. They also need to satisfy the conditions for 'instrumental' and 'normative' legitimacy. Crucially, in the case of private security provision, these 'normative' expectations are not satisfied, for generally speaking British citizens expect this function to be performed by the state. And this normative dissatisfaction represents as an extremely important constraint. The empirically orientated and legalistic approach advanced by these theorists thus causes them to largely exclude the less tangible but nonetheless vital influence of inter-subjective social norms from the remit of their analysis, which in turn results in an overly agential model.

At other times, however, the nodal governance theorists' rejection of the structural influence of the monopoly myth is far more explicit. For these theorists are so anxious to distance themselves from the state-centred analyses of the security sector that even on those few occasions when they do openly consider the ideational power of the monopoly myth they choose to actively eliminate it from their analysis. Shearing writes, for instance, that

...we should perhaps cease to place such a heavy normative burden on this idea, even as a convenient fiction, as this inevitably leads us towards the notion of a benign Leviathan...As useful as the chimera of a public interest has been politically, we should perhaps accept, albeit reluctantly, that its day as a useful normative concept may be over.³⁸

It is contended here that this is a flawed conclusion. The normative concept of a 'benign Leviathan' protecting the 'public interest' was one of the most important political ideas of the enlightenment and has now firmly entered into the collective consciousness of large sections of the British population. And given that it is the British population which, on one side, provides governments with their democratic

³⁸ Clifford Shearing, 'Reflections on the Refusal to Acknowledge Private Governments', in *Democracy, Society and the Governance of Security*, eds. Jennifer Wood and Benoit Dupont (Cambridge: Cambridge University Press, 2006), pp.29-30.

mandate and, on the other, procures a significant proportion of the services offered by private security companies, their 'world view' cannot not be dismissed if we are to properly comprehend the complex dynamics of security provision in postwar Britain.

This section has demonstrated, then, that the nodal governance modal can be utilised to develop the agency side of our dialectic, but it cannot be employed to comprehend the structural side. For while it can be used to further articulate the agency of private security companies, it cannot explain why these companies were so actively seeking to capture legitimacy from the state institutions by lobbying for statutory regulation. It cannot, in other words, conceptualise the enormous structural influence of the monopoly myth within the postwar British security sector. It is for this reason, then, the nodal governance paradigm is only of limited use to this investigation.

2.5 A Structural Model: Anchored Pluralism

The anchored pluralism approach is the other major paradigm for studying private security within the extant criminology and legal studies literature and has been developed over the past decade by Ian Loader and Neil Walker.³⁹ This section will critically appraise this approach so as to assess the degree to which it can be employed to elaborate upon the structure-agency dialectic outlined above. In direct contrast to the nodal governance approach, it will be argued that Loader and Walker's model serves to further elucidate not the agential but rather the structural side of the dialectic. For it explores in detail how the activities of various security institutions are influenced by powerful normative expectations about security provision – that is, by the structural influence of the monopoly myth. Like the nodal governance approach, however, the anchored pluralism model only helps us to further understand one side of the structure-agency dialectic, for it is contended here that it substantially downplays the impact of private security agency upon the constitution of the security sector.⁴⁰

³⁹ The term 'anchored pluralism' was not actually coined by the authors until 2006 in the publication: Ian Loader and Neil Walker, 'Necessary Virtues: The Legitimate Place of the State in the Production of Security', in *Democracy, Society and the Governance of Security*, eds. Jennifer Wood and Benoit Dupont (Cambridge: Cambridge University Press, 2006), p.194. But all related publications by the authors in the decade leading up to 2006 are taken to be a coherent body of work which can all be examined under the title 'anchored pluralism'.

⁴⁰ It should be acknowledged from the outset that Loader and Walker often use the anchored pluralism model as a normative framework as opposed to an explanatory one. Following Adam Crawford, however, it is argued here that this model, used selectively, can also be employed as an explanatory

The basis for this model is a series of culturally orientated observations about the nature of public and private security provision within contemporary Britain. Loader remarks, for example, that despite increasing crime rates during the 1980s the police are still "...an institution possessing a great deal of symbolic power".⁴¹ This is because, he argues, the positive cultural feelings and attitudes towards this institution "...create an underlying reservoir of support upon which the police can rely".⁴² As such, "...the police's entitlement and capacity to speak about the world is seldom challenged. They start from a winning position".⁴³ In contrast, Loader observes, "...privately employed officers lack what one might call the 'symbolic aura' of the public police".⁴⁴ Private security companies thus start from a losing position in relation to the public police. Loader and Walker then proceed to integrate these interesting and important observations into a model for understanding security provision within contemporary Britain.

On a more concrete level, Loader first illustrates how the cultural superiority of the public police can be traced to its established iconography – something which private security in Britain does not possess. For while public police officers are fitted with almost universally recognisable uniforms, hats, truncheons, badges and so on, private security guards only have access to inferior copy-cat versions of these notable symbols. As a consequence, people generally have a stronger cultural attraction towards the public police when compared with private security.⁴⁵ For Loader and Walker, however, a superficial familiarity with these symbols does not illuminate the underlying reasons for the 'winning position' of the public police – these symbols are merely concrete signifiers of a much deeper social meaning which has come to be attached to this institution. Furthermore, and significantly for our purposes, it is precisely in examining these deeper cultural categories that Loader and Walker start to explore the structural influence of normative expectations about security provision upon public and private security institutions.

model. See: Adam Crawford, 'Networked Governance and the Post-Regulatory State: Steering, Rowing and Anchoring the Provision of Policing and Security', *Theoretical Criminology* 10(4) (2006), p.459.

⁴¹ Ian Loader, 'Private Security and the Demand for Protection in Contemporary Britain', *Policing and Society* 7 (1997), p.153.

⁴² Ian Loader, 'Policing and the Social: Questions of Symbolic Power', *The British Journal of Sociology* 48(1) (1997), p.11.

⁴³ Loader, 'Policing and the Social', p.3.

⁴⁴ Loader, 'Private Security and the Demand for Protection', p.152.

⁴⁵ Loader, 'Private Security and the Demand for Protection', p.152.

On this deeper level, then, Loader and Walker argue that the underlying reason for this symbolic power can be found in the strong and enduring cultural connection between the public police and the Hobbesian (and later liberal) ideal of an egalitarian, universal and state-protected social order. They write, for instance, that

[a]s an institution intimately concerned with the protection of the state and the security of its citizens, one that is deeply entangled with some profound hopes, fears, fantasies and anxieties about matters such as life/death, order/chaos and protection/vulnerability, the police remain closely tied to people's sense of ontological security and collective identity, and capable of generating high, emotionally charged levels of identification among citizens.⁴⁶

This suggests that the public police are, for many people, the symbolic vanguard of the enlightenment project to vanquish 'death, chaos and vulnerability' and maximise 'life, order and protection' through the establishment of a legitimate state monopoly over security provision. And, crucially, the public police draw their symbolic power and legitimacy from this connection. They start from a 'winning position', in other words, because their existence resonates with people's beliefs and expectations about how security ought to be provided – or, as Loader and Walker put it, the public police harmonize with our "social imaginary...the most basic grid of meaning through which we see the world".⁴⁷ So because the majority of the British population think that security should only be legitimately provided by the state, they are predisposed towards accepting the activities of the police (and other state institutions). This is therefore a case of an ideational structure facilitating agency, for the structural influence of prevailing social norms within postwar British security sector has the effect of facilitating and legitimating the agency of the police (and, it must be added, the agency of other state institutions operating within the security sector such as the Home Office).

According to these theorists, however, we find the exact opposite with private security. Loader writes, for instance, that "...the logic of market allocation offends against the social meanings that have come to be attached to security in liberal

⁴⁶ Ian Loader and Neil Walker, 'Policing as a Public Good: Reconstituting the Connections Between Policing and the State', *Theoretical Criminology* 5(1) (2001), p.20.

⁴⁷ Ian Loader and Neil Walker, *Civilizing Security* (Cambridge: Cambridge University Press, 2007), p.44.

democracies”.⁴⁸ By challenging the notion of an egalitarian, universal and state protected social order and instead promoting a more atomised and particularistic vision of security provision, private security grates against the idea of security provision which so many British citizens believe in. And, significantly, this grating creates cultural resistance, as Loader comments: “[r]endering the police symbolically less important to the maintenance of social order may for many require a significant re-organisation of the self”.⁴⁹ At the same time, accepting the services of private security companies would, Loader and Walker assert, require transforming a world view – or ‘social imaginary’ – which is now so “...established and sedimented in our everyday understanding, it is treated as natural and unremarkable”.⁵⁰ This is therefore an instance of an ideational structure constraining agency, for the structural influence of normative expectations about security provision within postwar Britain serves to curtail and de-legitimate private security agency.

It is clear, then, that the nodal governance theorists lay down some valuable conceptual propositions which can in turn be employed to increase the theoretical precision of the structural side of our structure-agency dialectic. For Loader and Walker map out with great clarity the structural influence of the monopoly myth on the public and private actors within the British security sector. They illustrate, in particular, the double-edged nature of this ideational structure, for the British population’s normative expectations about how security ought to be provided serves to facilitate and legitimate the agency of state institutions and, at the same time, constrain and de-legitimate the agency of private security institutions. This corresponds with Hay’s assertion that structure generally “...presents an unevenly contoured terrain which favours certain strategies over others and hence selects for certain outcomes while militating against others”.⁵¹ In other words, the structural influence of the monopoly myth, as Loader and Walker have shown, simultaneously ‘favours’ the police and ‘militates against’ private security.

However, the anchored pluralism model cannot be employed quite so effectively to give expression to the agency side of the dialectic. For while it recognises the existence of private security, it cannot be used to adequately reveal the processes by

⁴⁸ Ian Loader, ‘Thinking Normatively About Private Security’, *Journal of Law and Society* 24(3) (1997), p.381.

⁴⁹ Loader, ‘Policing and the Social’, p.6.

⁵⁰ Loader and Walker, *Civilizing Security*, p.44.

⁵¹ Hay, *Political Analysis*, p.132.

which private security companies in postwar Britain have strategically assessed the ‘unevenly contoured terrain’ of the security sector and then autonomously constructed and carried out an action plan for re-legitimizing their operations – a plan which, moreover, has brought them into direct conflict with the various state institutions. This is because within the anchored pluralism framework ideational structure appears to determine – that is, facilitate or constrain – agency to the extent that actors have only a very diminished capacity to exercise their agency outside the specifications of this structure. As a consequence, within this model it almost appears predetermined that the public police will remain powerful and legitimate and private security providers will be relegated to the margins of the security sector. Loader and Walker comment, for instance, that “...the state structures the security network both in its presence and in its absence, both in its explicit directions and in its implicit permissions”.⁵² It is this kind of structural (or cultural) determinism which causes Peter Hall and Rosemary Taylor to criticise those investigations which advocate a strong sociological institutionalist approach – as Loader and Walker’s certainly does – for being “curiously bloodless”.⁵³ There is no impetus for change coursing through their model of the security sector, for on the whole the state and private security institutions simply conform to their culturally determined roles as specified by the monopoly myth. There is, most problematically for our present purposes, no analytical space in which the private security and state institutions can reinterpret and manipulate the British population’s normative expectations about security provision, in the process translating them into clashing political agendas.

This section has illustrated, then, that while the anchored pluralism model can be employed to add theoretical rigour to the structural side of the dialectic outlined earlier, it cannot be used to specify the agency side. This is because, it is contended here, without an appreciation of the way in which private security and state actors autonomously and strategically interact with the structural influence of the monopoly myth, it is impossible to understand the processes relating to the re-legitimation of private security within postwar Britain. For this reason, the anchored pluralism approach, like the nodal governance approach, is only of limited value to this investigation.

⁵² Ian Loader and Neil Walker, ‘State of Denial? Rethinking the Governance of Security’, *Punishment and Society* 6(2) (2004), p.225.

⁵³ Hall and Taylor, ‘Political Science and the Three New Institutionalisms’, p.954.

2.6 A Dialectical Model: State-in-Society

This chapter has set up the following challenge: to develop an organising perspective which can articulate the complex dialectical relationship between, on one side, the agency of private security and state institutions within the postwar British security sector and, on the other, the structural influence the British population's normative expectations about how security ought to be legitimately provided. As we have now seen, while the nodal governance and anchored pluralism approaches have proven to be valuable in further elucidating the dynamics of these agential and structural dimensions respectively, they have not provided any further insight into the dialectical nature of the relationship between these dimensions. This is because, put simply, in the nodal governance framework agency tends to determine structure, whereas in the anchored pluralism framework structure tends to determine agency. Against this theoretical backdrop, this final section will examine the state-in-society approach which has been developed over the past three decades by Joel Migdal and currently sits near the periphery of contemporary political science (although it is attracting an ever-increasing number of followers). Significantly, it is contended here that this approach can be employed to elaborate upon the entire structure-agency dialectic outlined above. For although this approach has never before been used to study private security, the theoretical propositions put forward by Migdal are highly effective at giving expression to the ways in which both private security and state institutions have actively contested the constitution of the security sector within postwar Britain while under the structural influence of the monopoly myth.⁵⁴ This approach can therefore be used to significantly deepen our understanding of the relationship between the three main variables analysed within this investigation. As a consequence, this section will conclude by asserting that the state-in-society approach, when used in conjunction with the structure-agency dialectic advanced in Section 2.2, constitutes the best organising perspective with which to order, arrange and interpret the empirical material throughout the remainder of this investigation.⁵⁵

⁵⁴ Migdal initially developed the state-in-society approach to understand state-society dynamics in volatile third world countries. For a clear exposition of this side of his writings, see: Joel S. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (New Jersey: Princeton University Press, 1988).

⁵⁵ The theoretical discussion in this section also has a secondary consequence, which should not be overlooked. For within currently criminological circles there is a debate between the nodal governance and anchored pluralism theorists over the relative merits of their paradigms. To date, no compromise has emerged between the two schools of thought and they remain counterposed in many respects. This

Importantly for our purposes, Migdal begins his analysis with a critique of those theoretical frameworks in which the state is assumed to be the only legitimate provider of security functions within a given territory – that is, he takes issue with the majority of the political science literature which unquestioningly accepts the core propositions advanced within the monopoly paradigm. He argues, for instance, that

[t]he assumption that only the state does, or should, create rules and that only it does, or should, maintain the violent means to bend people to obey those rules minimizes and trivializes the rich negotiation, interaction, and resistance that occur in every human society among multiple systems of rule.⁵⁶

For Migdal, then, non-state agency is clearly apparent in those domains which are considered by many to be the very essence of the state. In particular, the domain in which laws are made and, most importantly, enforced is not seen as being monopolised by the state but rather characterised by a ‘rich negotiation, interaction, and resistance’ between state and non-state actors. This recognition is, of course, essential if we are to comprehend the re-legitimation of private security in postwar Britain.

Yet in challenging these state-centric assumptions, Migdal does not completely eschew the monopoly paradigm as a heuristic device for understanding state-society relations, as the nodal governance theorists do. Nor does he conceptualise only a nominal degree of societal agency in an otherwise culturally determined and state-centred social order, as the anchored pluralism theorists do. ‘Rather he cuts a ‘third way’ in between these counterposed models by advancing a dual definition of the state:

The state is a field of power marked by the use and threat of violence and shaped by (1) *the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory*, and (2) *the actual practices of its multiple parts*.⁵⁷

section will show, however, that through the state-in-society approach the central propositions of the nodal governance and anchored pluralism models can, in fact, be conceptualised alongside one another within a single analytical framework. This theoretical synthesis, of sorts, has interesting implications for the debate.

⁵⁶ Joel S. Migdal, *State in Society: Studying how States and Societies Transform and Constitute One Another* (Cambridge: Cambridge University Press, 2001), p.15.

⁵⁷ Migdal, *State in Society*, pp.15-16 [italics in original].

Migdal is arguing here, then, that we must interpret the state and its relations with society simultaneously through two lenses: through one lens (the image), we must view the state as it has been portrayed in the monopoly myth; through the other lens (the practices), we must see the state as an inherently fractured institution, in constant negotiation and contestation with society. This dual definition, it is contended here, can be used to add theoretical rigour to the entire structure-agency dialectic outlined earlier. In order to demonstrate this assertion, the remainder of this section will proceed by first analysing in more detail Migdal's conceptualisation of 'practices', then examining the contrasting influence of the 'image', before finally turning to the dialectical relationship between the practice and image of the state.

In developing the notion of practices, Migdal immediately calls into question those perspectives which "...have assigned the state an ontological status that has lifted it apart from the rest of society",⁵⁸ since this serves to eliminate any possibility of interaction, negotiation and contestation between state and non-state actors. Importantly, such an ontological separation is precisely what is achieved by assuming that the state has a legitimate monopoly over security provision. For this gives the state a quality, power and designation which society does not have access to. The state is allocated a domain in which only it can exist, an independence of being. On the practice side of Migdal's framework, however, no such domain is conceptualised. The state is rather viewed as a fragmented institution which is constantly exposed to the influence of non-state agency. He asserts, for instance, that the

[v]arious parts or fragments of the state have allied with one another, as well as with groups outside, to further their goals...These alliances, coalitions or networks have neutralized the sharp territorial and social boundary that the first portrayal of the state has acted to establish, as well as the sharp demarcation between the state as the pre-eminent rule maker and society as the recipient of these rules.⁵⁹

In distancing himself from an ontological separation of state and society, especially in those spheres supposedly monopolised by the state such as making and enforcing rules, Migdal is branching off from the majority of contemporary political analysis. For while many political perspectives – especially those related to the pluralist and

⁵⁸ Joel S. Migdal, 'The State in Society: An Approach to Struggles for Domination', in *State Power and Social Forces: Domination and Transformation in the Third World*, eds. Joel S. Migdal, Atul Kohli and Vivienne Shue (Cambridge: Cambridge University Press, 1994), p.17.

⁵⁹ Migdal, *State in Society*, p.20.

governance traditions – see a significant amount of public-private contestation and negotiation within most political domains, very few of them conceive of such ‘messiness’ in the security sector. This is because the security sector is viewed as the untouchable base which both guarantees the freedom to negotiate in the first instance and then enforces the outcomes of these negotiations. Yet Migdal, like the nodal governance theorists, sees such public-private contestation in all political domains, without exception. The security sector is not viewed as an ontologically separate domain which is immune from societal pressures, but is rather constantly exposed to the demands of non-state agency. Crucially, then, Migdal’s concept of state and society practices allows us to conceptualise a significant degree of agency in both state and private security institutions within the postwar British security sector. We should expect the security sector to be characterised by contrasting sets of public and private practices, in the process transforming this key sector into a highly contested domain.

Unlike the nodal governance theorists, however, Migdal’s analysis does not end here. For his writings pose a key question which the nodal governance theorists conspicuously disregard: given the degree of conflict and instability in those domains which supposedly represent the heart of the state, why do states continue to exist in approximately the same form across the global political system? Why do so many social orders continue to be defined by such similar state institutions? For virtually all countries have institutional equivalents of the Home Office and the police, which are in theory responsible for constructing and enforcing a hierarchical and state-centred social order. Crucially, it is in answering this very important question that Migdal introduces the ‘image’ of the state and in turn integrates into his model the influence of people’s normative expectations about what the modern state ought to do.

The image of the state does not correlate with the disaggregated and fragmented state and society practices. For, Migdal asserts, “...the ‘idea of the state’ is through its law and regulations, to impose a single standard of behaviour in a given territory, one that is legislated, executed, and adjudicated by the various parts of the state organization”.⁶⁰ Significantly, this forceful, coercive image of the state is then given a softer, more legitimate edge when it is also portrayed as “...the representative of the general, collective will of the people, even as it controls them. It derives from the

⁶⁰ Migdal, *State in Society*, p.48.

people's unity and then itself polices that unity".⁶¹ The image thus closely resembles the monopoly myth – Hobbes's ideals about what the state ought to do. Migdal then employs this image to answer the questions outlined above. He argues, for instance, that because this image has been so consistently used as a central organising principle throughout modern political history, it has now entered into the consciousness of "...laypeople the world over".⁶² It has become naturalised: "Naturalization means that people consider the state to be as natural as the landscape around them; they cannot imagine their lives without it".⁶³ And, crucially, it is the pervasiveness of this image which explains why states continue to exist in approximately the same form throughout the world. Migdal comments, for example, that "[i]f that belief [in the image] is widespread, it provides a powerful antidote to disintegrative forces, even in the face of continued weakness in delivering goods, effecting policy, and gaining efficiency".⁶⁴ So the image of the state therefore has a powerful structural influence over the activities of individuals and institutions. For while these actors, both state and non-state, may challenge the integrity of the image with their practices, the extent of this challenge is limited by people's normative expectations about what state and non-state institutions ought to do. The image of the state, in other words, imposes a kind of structural limit on state and society practices.

In translating the image of a universal, legitimate and monopolistic state-centred system of security provision into an ideational structure which expresses people's normative expectations about what the state ought to do, Migdal's state-in-society approach displays many continuities with the anchored pluralism model. For both theorise the existence of an 'unevenly contoured terrain' which simultaneously 'favours' (legitimises) the agency of state institutions and 'militates against' (delegitimises) the agency of private security. Like the anchored pluralism model, then, the state-in-society approach adds theoretical precision to the structural side of our structure-agency dialectic. Yet there is one critical difference between the image of the state advanced by Migdal on the one hand and by Loader and Walker on the other.

⁶¹ Joel S. Migdal, 'Studying the State', in *Comparative Politics: Interests, Identities, and Institutions in a Changing Global Order* eds. Jeffrey Kopstein and Mark Lichbach (Cambridge: Cambridge University Press, 3rd edition, In press) p.9 [Note: this book chapter was obtained through personal correspondence with Joel Migdal since the edited volume is currently in press. Consequently, the page numbers referenced here will not correspond with the page numbers in the published edition when it comes out].

⁶² Migdal, 'Studying the State', p.6.

⁶³ Migdal, *State in Society*, p.137.

⁶⁴ Migdal, *State in Society*, p.137.

For in Loader and Walker's model, this image appears to have an independent ideational existence in the sense that it is not constantly exposed to the conflicting agency of state and private security institutions. It is, in other words, seemingly impervious to contradictory social forces. However, Migdal's image of the state has a far more contested status, for it is reinterpreted and remoulded by the contradictory practices of state and societal actors. This in turn places the cohesive image of the state and the fragmentary state and society practices within a dialectical relationship.

For Migdal, the dialectical relationship between the practices of state and societal actors and the image of the state is one of the most important dimensions of the contemporary political world: "...the central political and social drama of recent history has been the battle between the idea of the state and the often-implicit agendas of other social formations (which may very well include parts of the state itself) for how society should be organised".⁶⁵ And this iterative and contest-ridden process, of course, triggers change. Indeed, Migdal remarks that the state-in-society approach

...is not a prize-fighter model in which each combatant remains unchanged throughout the bout and holds unswervingly to the goal of knocking out the other...[rather]...[t]he dynamic process changes the groupings themselves, their goals, and, ultimately, the rules they are promoting.⁶⁶

These theoretical specifications inject a significant degree of heuristic flexibility and vitality into the state-in-society model, for they facilitate the conceptualisation of a wide variety of different image-practice scenarios. Indeed, this flexibility is clearly demonstrated by the multifarious applications of the theory in contemporary political science research.⁶⁷ For our present purposes, however, these specifications will be taken to mean that while the nature of state and society practices may contradict and diverge from the image of the state, they will not diverge too far because this will begin to grate with people's normative expectations about what the state ought to do and in turn trigger cultural resistance. This means that while the practices of state and societal institutions will precipitate contestation and change in all political domains, the possibilities for such contestation and change will be structurally limited by the

⁶⁵ Migdal, *State in Society*, p.49.

⁶⁶ Migdal, *State in Society*, p.23.

⁶⁷ This diversity is best exemplified by the papers given at the conference 'Policy from the Grassroots: How Social Forces Shackle and Transform Policymakers', which was held at the University of Washington between 25th-27th February 2007 in honour of Joel Migdal.

unifying influence of the image. However, it must also be acknowledged that over time the image itself will gradually change shape in line with the corrosive impact of these same practices, in the process leading to new strands of contestation.

Crucially, it is contended here that this image-practice dialectic significantly deepens our understanding of the relationship between both state and private security agency within the postwar security sector and the structural influence of the British population's normative expectations about how security ought to be provided. For with the concept of 'practices', we now have a formulation of agency which is particularly appropriate for conceptualising the interactions between state and private security institutions. This is because it denotes a type of state and non-state agency which penetrates all political domains, regardless of whether or not they are supposed to be controlled exclusively by the state. It is a concept, in other words, which evokes notions of public-private contestation and alliance-building in all segments of the state-society sphere, especially those which are generally considered to be the very essence of the state, such as the security sector. For this reason, then, it is a concept which is ideally suited to the task of distancing our analysis from the state-centred propositions of the monopoly paradigm and, in turn, articulating the type of agency involved in the negotiations between the state and private security institutions over the legitimacy to undertake security functions within the postwar security sector.

With the concept of 'image', it is contended here, we have both a far-reaching conception of ideational structure which, again, is particularly suited to explaining the context of the postwar security sector and, at the same time, a more sophisticated mechanism for understanding exactly how this structure serves to influence different actors (or state and non-state practices). In the first instance, the image of the state represents an excellent way of giving further expression to the British population's normative expectations about how the security sector ought to be constituted – that is, it advances a hierarchical, universal, bureaucratic and state-centred picture of the political landscape which captures very effectively the British population's state-centric preferences for security provision. In the second instance, through the process of 'naturalization' it allows us to comprehend more precisely how it is that the image of the state exerts such a strong and decisive ideational influence over the institutional practices of both state and non-state actors. We have, in other words, a mechanism for explaining why the private security and state institutions are compelled to

assimilate state-centred ideas of legitimacy into their operations within the postwar security sector.

This illuminating theoretical synthesis, then, in which the image-practice dialectic is used to give greater analytical weight and depth to the structure-agency dialectic outlined in Section 2.2, will constitute the basis of our organising perspective for interpreting the empirical material examined throughout the subsequent chapters. To demonstrate the heuristic value of this organising perspective, we can return to the more concrete example used earlier. We can say, for instance, that in one important set of practices within postwar Britain (later termed the ‘monopoly’ practices) the police interpreted the image of the state to mean that they were the only institution endowed with the requisite legitimacy to undertake security functions. They accordingly set about undermining the status of the private security companies. Yet in another set of practices (later termed the ‘pluralist’ practices) the private security companies interpreted the image to mean that if they wanted to operate with legitimacy in the postwar security sector then they would have to somehow associate themselves with the police – through statutory regulation, for instance – since this would allow them to capture the quality of ‘stateness’ which most of the British population considered to be so crucial to the legitimate provision of security. They accordingly set about constructing official-looking linkages with the central state institutions, primarily by attempting to bring about a system of statutory regulation. In this example, then, we immediately find two contrasting sets of practices which are responsible for setting in motion political processes of negotiation and contestation within the security sector. But, critically, because both sets of practices were necessarily drawing upon the same image of the state, elements of this image were constantly incorporated into the outcome of these negotiations. So despite the contestation caused by these conflicting practices, the structural influence of the image served to continuously reproduce the British security sector broadly in line with the image of the state, with of course a degree of variation over time.

Over the subsequent chapters, we will introduce not two but four distinct sets of practices – the monopoly, pluralist, reformist and neoliberal sets of practices. As we will see, each of these practices was brought into existence when a combination of private security and state actors strategically interpreted the image of the state in a different way during the postwar era, in the process leading to complex political negotiations over the legitimacy to provide security functions in Britain. To conclude,

then, this chapter has demonstrated that the explanatory propositions and conceptual vocabulary advanced in the state-in-society approach (in particular the image-practice dialectic), viewed in conjunction with the structure-agency dialectic outlined earlier (and against the background of the nodal governance and anchored pluralism models), represents the most effective organising perspective with which to interpret the empirical material examined throughout the remainder of this investigation. And it is to this theoretically-informed empirical narrative that we will now turn.

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Emerging Agendas: Securicor and the Metropolitan Police (1945-1959)

3.1 Introduction

The opening phase of negotiations between the private security and state institutions regarding the constitution of the security sector in postwar Britain was a relatively low-key affair. It involved only two actors, Securicor and the Metropolitan Police, and was conducted within a rather informal institutional environment, which was unsurprising given that such matters had not been seriously (re)considered within government circles since the decade following the passing of the Metropolitan Police Act in 1829.¹ Indeed, the actual negotiations between the two institutions, which lasted for almost a decade, amounted to little more than series of polite letters. No face-to-face contact was made, no ultimatums were issued and no media statements were circulated. Yet despite this lack of ceremony, these exchanges are extremely revealing and important, for they chronicle the initial formation of those private security and state agendas which would come to assume a central position in these negotiations over the next fifty years. And they also glimpse the beginnings of the crucial processes through which the private security companies began to slowly and steadily accumulate power and legitimacy within the postwar security sector.

On one side, then, we find the emerging agenda of Securicor, which can also be used fairly accurately to indicate the attitudes held within the industry as a whole at this time. Confronted with the structural constraints of the image of the state – that is, the majority of the British population’s state-centric normative expectations about how security ought to be provided – Securicor used a variety of resourceful methods to develop publicly recognisable linkages with the Metropolitan Police in an attempt to capture legitimacy from this core state institution. This in turn signified the foundation of what we will term here the ‘pluralist’ set of practices. Those institutions adopting this pluralist position, which over the decades would stretch to

¹ It was in 1839 that the security arrangements set down in the Metropolitan Police Act 1829 were finally made permanent. See: Sir Cyril Philips, ‘Politics in the Making of the English Police’, in *The Home Office: Perspectives on Policy and Administration, Bicentenary Lectures 1982* (London: Royal Institute of Public Administration, 1983), p.52.

include a miscellany of public and private actors, operated on the conviction that the security sector could be populated by private security providers so long as they somehow conformed to the prevailing state-centric conceptions of legitimacy depicted within the image of the state. The pluralists were therefore interpreting the image of the state in quite a loose manner. For they understood the structural influence of state-centric ideas of legitimacy and security provision, but reasoned that these ideas could be manipulated to their own private ends. In developing linkages with the state institutions, the pluralists were therefore attempting to disguise or obscure their privatised security solutions under a veil of 'stateness'.

On the other side, we find the emerging agenda of the Metropolitan Police, which directly contrasted with these pluralist practices. Drawing upon their substantial resources and privileged status within the postwar security sector the Metropolitan Police sought to protect the state's position as the pre-eminent security provider in Britain by attempting to undermine Securicor's political strategising. This in turn marked the beginnings of what we will term here the 'monopoly' set of practices. Those institutions assuming this monopoly position, which again over the years came to include a wide variety of public and private actors, contended that the security sector ought to be monopolised by the state and that any non-state institution attempting to penetrate this domain – by attempted to siphon-off state legitimacy, for instance – should accordingly be cast aside. In promoting the monopoly set of practices within the postwar security sector, then, the Metropolitan Police were formulating their preferences around a very literal and direct interpretation of the image of the state. They were, in a sense, the bearers and perpetuators of the monopoly myth.

This chapter will illustrate how the negotiations between the pluralist practices of Securicor and the monopoly practices of the Metropolitan Police unfolded over the course of the late 1940 and 1950s. It will demonstrate that while the Metropolitan Police dominated this phase of negotiations, for this was a period when the British state enjoyed great institutional power and popularity, especially in matters of security and social order, there were signs towards the end the 1950s that the pluralist practices of Securicor was gaining momentum. And as the influence of Securicor increased, so too did the degree of contestation over the key resource of legitimacy within the postwar security sector. In order to map out these interactions this chapter will be divided into five sections, each representing a distinct stage of the negotiations.

Section 3.2 will first provide some contextual information about the constitution of the security sector within immediate postwar Britain, before moving on to the first round of correspondence between Securicor and the Metropolitan Police which unfolded in 1950. Next, Section 3.3 will explore the next round of negotiations during the mid-1950s, which followed a relatively similar path to the preceding round and therefore marked the gradual formalisation of the pluralist and monopoly agendas. Section 3.4 will then examine the negotiations in the first half of 1959, which represented the emergence of a more assertive and independent pluralist stance by Securicor. Next, section 3.5 will investigate the exchanges between these two institutions in the second half of 1959, which signified the first dent in the Metropolitan Police's monopoly agenda and a corresponding advance in Securicor's attempts to capture legitimacy. Finally, Section 3.6 will provide a few theoretically-informed conclusions about this opening phase of the negotiations. It will, more specifically, illustrate how the dialectical processes of contestation and continuity which were revealed in the preceding empirical sections – and which were expressed through the state-in-society concepts of image and practices – serve to explain the re-legitimation of private security in postwar Britain.

3.2 Plurality Versus Monopoly

To begin with, this section will set down some important contextual information about the Metropolitan Police and Securicor, emphasising in particular the way in which the 'unevenly contoured (ideational) terrain' of the postwar security sector served to facilitate and constrain the operations of these two actors. It will then analyse the opening round of negotiations between them, which were initiated by Securicor in an attempt to advance their pluralist practices, but were then instantly stifled by the Metropolitan Police who were pursuing their ideologically counterposed monopoly practices.

Postwar British culture was strikingly characterised by a strong attraction towards something approximating Migdal's image of the state. Following victory in World War II, a profound sense of national unity and a belief in the virtues of the British state permeated the majority of the population. As a consequence, a sizeable proportion of British citizens in the second half of the 1940s and the 1950s were drawn towards the idea of a stable and universal social order guaranteed by the

benevolent British state. Indeed, this idea formed a central component of what has widely been termed the 'postwar consensus'.² Within the British security sector – and indeed beyond – the public police at this time were commonly viewed to be one of the pre-eminent symbolic manifestations of this image. Robert Reiner captures this status when he writes that "...by the 1950s the police had become not merely accepted but lionized by the broad spectrum of opinion. In no other country has the police force been so much a symbol of national pride".³ And, he continues, despite their necessary recourse to coercion, the public police "...were purported to be accountable through an almost mystic process of identification with the British people".⁴ To be sure, it is important to note that this attraction to the police institution was not – and indeed never has been – universal. Ian Loader and Aogan Mulcahy, for instance, are quick to emphasise that sentiments towards the police are certainly not homogenous, but are rather "...structured by such axes of division as class, gender, ethnicity, sexuality, and age".⁵ Yet at this particular point in postwar British history, such divisions were relatively shallow. And as a consequence, the Metropolitan Police, as the most distinguished and best resourced police force in the country, were endowed with extremely high levels of legitimacy in the immediate postwar years. All said, then, the prevailing cultural attitudes of this period closely correlated with the monopoly myth – there was a widespread normative expectation among the population that the state ought to be the only legitimate provider of security functions.

The circumstances of Securicor and the nascent private security industry at time could not have been more contrasting. Securicor has always been considered to be one of the pioneering private security companies in Britain. For instance, in their analysis of the British private security industry Bruce George and Mark Button have commented that Securicor "...marked the beginning of the first 'modern' security companies".⁶ Another commentator of the industry, Hilary Draper, has reinforced this assertion when she writes that Securicor "...can claim to be the precursor of the modern guard company in England".⁷ Yet in 1945 Securicor – or Night Guards Ltd

² Dennis Kavanagh, 'The Postwar Consensus', *Twentieth Century British History* 3(2) (1992), pp.175-190.

³ Reiner, *The Politics of the Police*, p.48.

⁴ Reiner, *The Politics of the Police*, p.55.

⁵ Ian Loader and Aogan Mulcahy, *Policing and the Condition of England: Memory, Politics and Culture* (Oxford: Oxford University Press, 2003), p.52.

⁶ Bruce George and Mark Button, *Private Security* (Leicester: Perpetuity Press, 2000), p.26.

⁷ Hilary Draper, *Private Police* (Sussex: Harvester Press, 1978), p.19.

as it was registered until 1953 – employed only two security guards who patrolled their clients' premises on bicycles.⁸ This simple observation serves to effectively illustrate just how small the private security industry was within immediate postwar Britain. Indeed, the fact that there appear to be no estimates of the size of the private security industry in 1945 itself suggests that its status was so insignificant that no-one considered it worthy of measurement. Moreover, in addition to its diminutive size, the private security industry at this time experienced considerable public relations problems. For the flip-side of the British attraction towards a state-centred social order was a deep cultural resistance towards the very idea of private security provision, which grated against the majority of the British population's normative expectations about how security ought to be provided. Tom Clayton, for instance, remarks that during Night Guards' early days “[p]ress, public and police were uniformly hostile to the idea of private night watchmen”.⁹ In other words, while the public police were endowed with a huge amount of legitimacy within the immediate postwar era, private security companies were noticeably lacking in this important resource.

But despite these constraints, by the early 1950s the private security industry was starting to expand. By 1951 Night Guards employed 170 security guards who were primarily engaged in the protection of ordinary industrial facilities, such as the Vauxhall Motors spare parts depot in Barnet, North London.¹⁰ Furthermore, one estimate suggests that total private security industry sales within Britain at this time amounted to approximately £5 million,¹¹ which indicates that there were now numerous other private security companies populating the security sector alongside Securicor.¹² In fact, it is worth noting one particular private security company which

⁸ Nigel South, *Policing For Profit: The Private Security Sector* (London: Sage, 1988), p.21.

⁹ Tom Clayton, *The Protectors: The Inside Story of Britain's Private Security Forces* (London: Osbourne, 1967), p.12.

¹⁰ Sarah Underwood, *Securicor: The People Business* (Oxford: CPL Books, 1997), p.18.

¹¹ W. E. Randall and P. Hamilton, 'The Security Industry of the United Kingdom: Its Growth, Role, Accountability, and Future', in *The Security Industry in the United Kingdom: Papers Presented to the Cropwood Round-Table Conference July 1972*, eds. Paul Wiles and F. H. McClintock (Cambridge: University of Cambridge Institute of Criminology, 1972), p.67.

¹² Indeed, drawing upon the 1951 census data, Trevor Jones and Tim Newburn have observed that there were no less than 46,950 individuals working in 'Security occupations' at this time – see: Trevor Jones and Tim Newburn, 'Policing Public and Private Space in Late Modern Britain', in *Crime Unlimited: Questions for the 21st Century* eds. Pat Carlen and Rod Morgan (Basingstoke: Palgrave, 1999), p.102. This certainly seems to confirm that Securicor were now one of many private security companies. However, it must be recognised that not all of these individuals were employed in industrial facilities protection and similar guarding activities, for the census data was based upon an extremely broad categorisation of 'security occupation'. It included, for instance: Tidesman, Signalman, Meteorological

was created in that same year, since it would eventually become, together with Securicor, the other major market-leader within the British private security sector. In 1951, Erik Philip-Sørensen founded Plant Protection Ltd above a grocer's shop in Macclesfield,¹³ and this company – which became Group 4 seventeen years later – came to assume a central position in political negotiations regarding the role of private security companies within the security sector. So the early 1950s was a period of growth within the British private security industry, and an era in which the future market-leaders were establishing themselves. Yet because these companies were expanding from such a modest base, and were experiencing such acute public relations difficulties which resulted from their perceived lack of legitimacy, their impact upon the security sector as a whole was still extremely limited. Professor Sir Leon Radzinowicz, for instance, has commented that at this time "...the private security industry had barely gained a foothold in Britain".¹⁴

It is within this context of small-scale growth and public relations difficulties that Night Guards first initiated contact with the Metropolitan Police, in the process laying down the beginnings of what would become the pluralist set of practices. This contact came in the form of three letters sent by the Managing Director of Night Guards, R. D. Godfrey, to the Commissioner and a Captain of the Metropolitan Police between June and August 1950. In these letters, Godfrey informed these high-ranking police officers that Night Guards had recently started an 'Investigations Branch' run by an ex-C.I.D./Special Branch officer and, in order to expand this new service, Night Guards wished to employ more ex-C.I.D. officers. Godfrey then enquired whether the Metropolitan Police would be willing to offer any assistance in this recruitment strategy.¹⁵ Given that this correspondence represents the first recorded instance of any private security company contacting one of the core state

Reporter, Park Ranger and Coast Guard, to name but a few – see: General Register Office, *Census 1951, Classification of Occupations* (London: HMSO, 1956), p.111. This discrepancy is symptomatic of wider problem. For, as Jones and Newburn note elsewhere, it is extraordinarily difficult to obtain consistent and reliable information on the growth of the private security industry – see: Trevor Jones and Tim Newburn, 'How Big is the Private Security Sector?', *Policing and Society* 5 (1995), pp.221-232.

¹³ *G4S International*, June 2006, p.33.

¹⁴ Leon Radzinowicz, 'Opening Address', in *The Security Industry in the United Kingdom: Papers Presented to the Cropwood Round-Table Conference July 1972*, eds. Paul Wiles and F. H. McClintock (Cambridge: University of Cambridge Institute of Criminology, 1972), p.13.

¹⁵ The National Archives (TNA): Public Record Office (PRO), MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. These letters are dated 19th June 1950, 26th July 1950 and 24th August 1950.

institutions within the British security sector, it is important to examine the rationale behind these seemingly innocuous letters in some detail.

To begin with the obvious, Godfrey's request could simply be taken at face value – it could be interpreted as nothing more than a means of optimising Night Guards' recruitment strategy. For these ex-police officers would probably require less skills training when compared with someone recruited from a non-security background. It could also be conjectured, however, that Night Guards wanted to employ ex-police officers because they represented a direct linkage to the key resource of legitimacy within the postwar security sector. By employing these particular individuals, in other words, Night Guards could have begun the process of establishing a visible and relatively official-looking connection between themselves and the Metropolitan Police. This in turn would potentially have served to communicate to the British population that Night Guards were organising their operations in accordance with the widely held normative expectations about how the security ought to be provided. To be sure, Night Guards would remain a private organisation, but if they employed ex-police officers then they would at least have a degree of 'stateness' integrated into their services. Furthermore, if these individuals were recommended by high-ranking Metropolitan Police officials then this 'stateness' would appear to be even more concrete. If Godfrey's correspondence is viewed as a strategy to capture legitimacy from the Metropolitan Police, then, this suggests that Night Guards were indeed at this early stage forming their preferences in line with a loose reading of the image of the state.

To give this interpretation more credibility, however, it is important to demonstrate how this legitimacy could then be translated into a commercial advantage, for as a commercial organisation Night Guards were ultimately driven by the imperative to increase their profit margins. Indeed, it is especially important to demonstrate this given that the early 1950s was already witnessing a period of growth within the private security industry. What was the advantage, then, of investing time and resources in attempting to capture legitimacy from the Metropolitan Police if an adequate customer base already existed? It is contended here that there are two convincing answers to this question. First, it has frequently been observed that customers often regard private security services as a 'grudge purchase'.¹⁶ This

¹⁶ Interview with Patrick Somerville, conducted on 29th June 2007.

involves recognising that, in accordance with their normative expectations about how security ought to be provided, the majority of the British population would generally prefer their security demands to be satisfied by the public police. Consequently, it is only when this is not possible that they reluctantly turn towards private security provision. This attitude is described very effectively by Ken Livingston and Jerry Hart when they write that:

In common with another equally old and well-established profession, it [private security] has often provided a service considered somewhat shady and unsavoury – regardless of the size of demand – rarely something to be paraded publicly and certainly not as an icon of public integrity.¹⁷

For private security companies such as Night Guards, then, this prevailing attitude equated to a customer base which was unwilling to pay high prices for private security services, and as a result profit margins were low (indeed, this was – and to an extent still – is an industry-wide phenomenon). From the perspective of these companies, then, enhancing their legitimacy could be viewed as a way of placating this reluctant attitude and in turn increasing their profit margins.

Second, the industrial facilities protection sub-sector into which companies such as Night Guards were expanding in the 1950s represented only a very small proportion of the entire British security sector. During the 1940s and 1950s, in particular, the majority of this sector was dominated by the police. And this dominance constituted a very significant barrier of entry. For in those areas where the police were long-established as the main security providers, the widespread normative expectation that the state ought to be the only legitimate provider of security was especially strong, since the actual presence of the police served to reinforce this cultural norm. In order to penetrate these state-dominated sectors of the security sector, private security companies such as Securicor were thus even more compelled to capture the key resource of legitimacy from the state, since this was one of the only methods of overcoming the barrier of entry to these new markets. Both of these answers, then, provide support for the argument that Securicor were indeed beginning an attempt to siphon-off legitimacy from the Metropolitan Police with their correspondence. And if this was the case, we can assert that Securicor were, in effect, laying the foundations

¹⁷ Ken Livingstone and Jerry Hart, 'The Wrong Arm of the Law? Public Images of Private Security', *Policing and Society* 13 (2) (2003), pp.160-161.

for the pluralist set of practices – that is, they were interpreting the structural influence of the image of the state to mean that private security companies could feasibly populate the security sector alongside the state institutions so long as they somehow conformed with the majority of the British population’s state-centric normative expectations about how security ought to be provided. As we will now see, however, the Metropolitan Police proved to be extremely protective over its legitimacy.

Prior to Godfrey’s correspondence, the Metropolitan Police were certainly aware of the growth of the private security industry and had already developed the beginnings of a policy stance towards these organisations. For instance, a letter sent by the Assistant Commissioner of the Metropolitan Police to the Chief Constable of Birmingham in the early 1950s stated that:

In 1948...the question was considered of taking action against these firms under S. 10 of the Police Act, 1919 (covering uniform) and S. 2 of the Public Order Act, 1936 (usurping the duties of the police), but the Director of Public Prosecutions considered there to be insufficient evidence to support a prosecution but recommended they should be closely watched and the Home Office informed as to their activities.¹⁸

This letter demonstrates that the emergence of the modern private security industry greatly troubled the Metropolitan Police. In one sense, by invoking Section 10 of the Police Act 1919 they were clearly concerned that British citizens might mistakenly identify a private security guard as a policeman, thereby indirectly undermining the status of the public police. Indeed, as the next chapter will illustrate in more detail, the strategy of intentionally blurring the distinction between the uniforms of the public and private police came to be viewed as another method through which private security companies could capture legitimacy from the state.

In a more profound sense, however, the Metropolitan Police were concerned that companies such as Night Guards could actually be interpreted within the remit of Section 10 of the Public Order Act 1936, which proscribes the activities of any non-state groupings “organised or trained or equipped for the purpose of enabling them to be employed in usurping the functions of the police or of the armed forces of the Crown”.¹⁹ Interpreted in these terms, Night Guards were seen as a private army

¹⁸ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This letter is dated 11th September 1951.

¹⁹ *Public Order Act 1936* (c.6), Section 2 (1)(a) (London: HMSO).

seeking to overthrow the universal social order guaranteed by the state. The slight historical irony regarding this interpretation is that the Public Order Act 1936 was passed in response to the violence and public disorder which resulted from the growing Fascist movement during the interwar years.²⁰ Yet Night Guards were established in 1935 precisely “...to protect Mayfair residents from East End undesirables and Mosley Fascists”.²¹ In this respect, then, Night Guards and the Public Order Act 1936 essentially represented complementary public and private sector responses to the same events. This historical nuance made no impression on the Metropolitan Police, however, who were inclined towards an aggressive policy stance towards the private security companies. Yet they were not permitted to shut down these companies since, as the Assistant Commissioner’s letter asserted, the Director of Prosecutions determined that it was not possible to undermine the legal status of companies such as Night Guards using the Police Act 1919 or the Public Order Act 1936. So the Metropolitan Police decided instead upon the less aggressive strategy of ostracising the private security companies so as to avoid conferring any legitimacy upon their operations. This policy stance was in part exemplified by the fact that Godfrey received no response to his three letters.

At this juncture, it is useful to consider in more detail the rationale behind the Metropolitan Police’s attempts to exclude private security companies such as Night Guards from the British security sector. There are two possible motivations for this policy stance. First, we could interpret this strategy from the rather cynical public choice perspective, in which the Metropolitan Police could be seen as selfish utility maximisers jealously protecting their professional domains – or ‘bureaus’ – from the emerging competition of the private security companies.²² Second, we could view this strategy from the more optimistic public interest perspective, in which the Metropolitan Police could be seen as benevolent ‘plutonic guardians’, protecting the public order from the destabilising effects of private security provision.²³ In the

²⁰ Robert Reiner, ‘Policing, Protest, and Disorder in Britain’, in *Policing Protest: The Control of Mass Demonstrations in Western Democracies*, eds. Donatella Della Porta and Herbert Reiter (Minnesota: University of Minnesota Press, 1998), p.42.

²¹ Johnston, *The Rebirth of Private Policing*, p.19.

²² James Buchanan, ‘From Private Preferences to Public Philosophy: The Development of Public Choice’, in *The Economics of Politics*, eds. James Buchanan, Charles Dowley, Albert Breton, Jack Wiseman, Bruno Frey and A. T. Peacock (London: Institute of Economic Affairs, 1978), p.12.

²³ The illuminating phrase ‘plutonic guardians’ has been coined by Ian Loader. See: Ian Loader, ‘Fall of the ‘Plutonic Guardians’: Liberalism, Criminology and Political Responses to Crime in England and Wales’, *British Journal of Criminology* 46 (2006), pp.561-586.

event, it is probable that both motivations were present in the development of this strategy. However, research conducted by Robert Reiner suggests that the plutonic guardian rationale may have been dominant. For in his investigation of the attitudes of Chief Constables who began their careers before the 1960s, he discovered that "...their reasons for joining...[the force were]...predominantly an attraction to the job itself: 54 per cent gave purely non-instrumental reasons, 30 per cent mixed, with only 16 per cent instrumental. This is unusual in their generation".²⁴ This evidence indicates that many police officers in the 1950s and 1960s – especially the ambitious ones who eventually ascended to the apex of the profession – were driven more by non-instrumental public interest motivations than by instrumental selfish motivations. This is an important point because it suggests that the Metropolitan Police's policy towards the private security companies was more likely than not being constructed in line with the public interest – that is, the British population's prevailing normative expectations about how the security sector ought to be constituted. Viewed from this perspective, then, we can assert that the Metropolitan Police were setting down the foundations for the monopoly set of practices – that is, they were forming their preferences in accordance with a very literal and direct interpretation of the image of the state, in which the state institutions such as the police were viewed as being the only legitimate actors within the postwar security sector. Based on this interpretation, then, we can assert that it was in the promotion of their monopoly practices that the Metropolitan Police were attempting to exclude Night Guards from the security sector.

This section has drawn upon the first recorded exchanges between the private security and state institutions within postwar Britain to demonstrate that these actors were from the outset entering into the negotiations over the constitution of the security sector from opposing positions. In laying the rudimentary foundations for their pluralist practices, Securicor were interpreting the image of the state rather loosely to mean that private institutions could provide security functions so long as they somehow conformed with the majority of the British population's normative expectations about how security ought to be provided. Their strategy for doing this was to capture legitimacy from the state. In setting down the beginnings of the

²⁴ Robert Reiner, 'Chief Constables in England and Wales: A Social Portrait of a Criminal Justice Elite', in *Beyond Law & Order: Criminal Justice Policy and Politics into the 1990s*, eds. Robert Reiner and Malcolm Cross (Basingstoke: Macmillan, 1991), p. 69.

monopoly practices, the Metropolitan Police were interpreting the image of the state very directly to mean that only state institutions were endowed with the legitimacy to undertake security functions. They therefore set about undermining Securicor's attempts to capture legitimacy from the state. At this early stage, then, we are confronted with two sets of contrasting practices, each derived from a particular interpretation of the same image of the state. This in turn illustrates how in the immediate postwar years the constitution of British security sector was being contested by both state and non-state institutions, but that this contestation was being structured along particular lines which served to reproduce to some extent the image of state. It is important to note, however, that at this early juncture the degree of contestation was nominal. The monopoly practices of the Metropolitan Police dominated the proceedings, for they easily diffused Securicor's initial strategy for capturing legitimacy. Given the dominance of these monopoly practices, it is possible to observe that in the immediate postwar years the British security sector did actually resemble quite closely the institutional arrangements envisaged in the monopoly myth. As we will see, however, over the subsequent rounds of negotiations the pluralist practices developed by Securicor would slowly gather momentum, in the process gradually eroding these monopolistic institutional arrangements.

3.3 Consolidating Agendas

This section will analyse the next phase of negotiations between Securicor and the Metropolitan Police which took place in 1953. This phase essentially signifies the consolidation of the contest between the emerging pluralist and monopoly practices which was set up three years earlier. To be sure, the outcome was very similar, with the monopoly practices of the Metropolitan Police again dominating proceedings. However, this phase does mark the beginning of reciprocal correspondence between the two institutions – as opposed to the one-way dismissals of the previous phase – which in turn indicates a very small increase in the influence of Securicor's pluralist practices. Before we start analysing the content of these negotiations, however, a couple of contextual points first need to be made.

During the early 1950s, Night Guards became known by the British public as Security Corps.²⁵ In response, the Home Office quickly banned the company from trading under this name so as "...to pacify those who alleged the company was little more than a private army".²⁶ As a result, the company was registered as Securicor – an amalgamation of name Security Corps – on 1st January 1953. This sequence of events is interesting for two reasons. First, it suggests that the Metropolitan Police were not alone in their concern that private security companies could potentially usurp the police in their role as the guarantors of the British social order, for it seems that others too regarded them as threatening 'private armies'. Second, it also illustrates that the Home Office were prepared to constrain the activities of private security companies when required – although for now this was an isolated intervention, since the Home Office did not become properly engaged in the negotiations until the early 1960s. It is also worth noting for contextual purposes that Securicor had doubled in size over the previous two years, employing 360 guards and protecting £350 million worth of property throughout London in 1953.²⁷ Yet despite this market growth, Securicor nevertheless continued their strategy of attempting to capture legitimacy from the Metropolitan Police.

Given his apparent failure to provoke a response from the Commissioner of the Metropolitan Police, in 1953 Godfrey changed targets and instead sent a letter to another high-ranking official – the Commander of the Criminal Investigations Department. He explained that Securicor were publishing a coronation issue of the in-house magazine called *Securicor* and optimistically mentioned that: "We are very anxious to include an article on Scotland Yard by somebody of repute".²⁸ This seemingly innocuous request, it is contended here, can again be interpreted as part of a strategy to capture a degree of legitimacy from the state. For such an article could certainly have been used by Securicor to portray some kind of linkage between themselves and the Metropolitan Police. It could have been employed, in other words, to communicate to the British public that the Metropolitan Police were endorsing the services provided by Securicor, in the process infusing the company with the 'stateness' which was considered so essential for legitimately operating

²⁵ Underwood, *Securicor*, p.18.

²⁶ Underwood, *Securicor*, p.18.

²⁷ Underwood, *Securicor*, p.19.

²⁸ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This letter is dated 28th January 1953.

within the postwar British security sector. Like their attempts to gain employment referrals from the Commissioner, then, this strategy illustrates how the company was interpreting the image of the state to mean that if commercial organisations were to successfully and legitimately operate alongside state institutions within the security sector, then these organisations would have to somehow communicate publicly that they were structuring their operations in line with the British population's widespread normative expectations about how the security ought to be provided. This strategy can therefore be viewed as a further stage in the ongoing development of Securicor's pluralist practices.

Records show that the Commander neither ignored this letter nor provided a direct response, but instead referred Godfrey's request to the Public Information Department of the Metropolitan Police. A few of days later, this Department's secretary accordingly dispensed the following advice to the Public Information Officer in an internal communication:

An article by somebody from Scotland Yard on the work of Scotland Yard in the Coronation number of *Securicier* would, no doubt, help indirectly to publicise the work of Securicor Ltd, and in view of the correspondence in these files [of the Office of the Commissioner] it would not appear to be the desire of the Police to associate themselves too closely with this organisation.²⁹

Concurring with the Departmental Secretary's advice, the Public Information Officer wrote on the same day:

I think that the inference might be drawn from the publication of such an article that there was some association between the company and this force; or at least approval of the company by the Commissioner. I agree that we should send a polite refusal.³⁰

The records show that a 'polite refusal' was accordingly sent to Securicor four days later.

These internal notes reveal the gradual consolidation of the Metropolitan Police's policy stance regarding private security companies such as Securicor. For Securicor

²⁹ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 2nd February 1953.

³⁰ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 2nd February 1953.

were now consistently being viewed by the Metropolitan Police as an undesirable and illegitimate intruder into the postwar British security sector and therefore represented a threat to the status quo. As a result, the Metropolitan Police were once again clearly attempting to actively dissociate themselves from Securicor in order to avoid the possibility of communicating to the British population that the state was in any way connected to such companies. Crucially, the Metropolitan Police reasoned, this would serve to prevent the conferral of any ‘publicity’ or ‘approval’ – i.e. legitimacy – upon the operations of Securicor, thereby ensuring that such private security companies would remain marginalized within the British security sector. It is important to note, then, that this exchange seemed to represent a further stage in the consolidation of the Metropolitan Police’s monopoly practices, for it was once again premised on a very literal and direct interpretation of the image of the state in which only public institutions such as the police were seen to have the requisite legitimacy to operate within the postwar security sector. And any institution which contradicted these monopoly practices would accordingly be viewed not only as an opponent of the Metropolitan Police but an opponent of the public good more broadly.

It is also important to recognise that while the negotiations were still clearly proceeding in accordance with the monopoly practices of the Metropolitan Police, there was slightly more reciprocation in this episode compared with the previous exchange between these two institutions. For while in 1950 Godfrey’s letters received no response whatsoever from the Metropolitan Police, during this round of correspondence his efforts were at least rewarded with a ‘polite refusal’. To be sure, this was only a very nominal concession and hardly signified the emergence of any power dependence on the part of the Metropolitan Police. But it did nevertheless establish some kind of precedent for a two-way relationship to develop within the negotiations between the pluralist practices of Securicor and the monopoly practices of the Metropolitan Police. This in turn illustrates how instead of being monopolised by the state, the security sector was in fact very gradually becoming characterised by negotiation between public and private institutions promoting two divergent sets of practices, as the state-in-society approach would suggest.

3.4 Fabricating Legitimacy

This section will move forward to the first half of 1959, which proved to be an eventful and decisive year in the ongoing negotiations between Securicor and the Metropolitan Police. It will examine the way in which Securicor temporarily ceased their strategy of attempting to capture legitimacy directly from high-ranking Metropolitan Police officials and instead started to fabricate connections with this institution in the process of marketing their services to potential customers. It will then analyse the Metropolitan Police's reaction to this new pluralist strategy, which again primarily entailed undermining Securicor's operations. This section therefore represents another episode in the developing contest between the pluralist practices of Securicor and the monopoly practices of the Metropolitan Police.

Before investigating this phase of negotiations, however, it is again important to introduce some contextual information. By the end of the 1950s, Securicor had once more doubled in size, now employing 650 guards.³¹ Furthermore, many other private security companies also appeared to be expanding successfully. For instance, Plant Protection had by now moved into the Birmingham market and was employing some 200 security guards.³² This again suggests that despite their lack of legitimacy, private security companies were nevertheless extending their operations. But as we will see, regardless of this organic economic growth it was equally clear that these companies were still actively pursuing their strategies of attempting to capture legitimacy from the state institutions. Therefore, they still clearly viewed their opportunities for long-term expansion to be dependent upon the legitimacy of their operations. In addition, it is important to note that two years previously, in 1957, Sir Philip Margetson retired from his position as Assistant Commissioner in the Metropolitan Police to become a board member of Securicor.³³ Significantly, Margetson's employment history was utilised in subsequent years to increase Securicor's leverage in its interactions with the Metropolitan Police. This signifies the beginning of another pluralist strategy which continues to this day – that is, private security companies putting former high-ranking police officers on their boards in order to both blur the distinction between public and private security provision and to enhance the bargaining position of the industry. Yet despite this notable addition to

³¹ Underwood, *Securicor*, p.21.

³² *G4S International*, June 2006, p.33.

³³ Clayton, *The Protectors*, p.21.

Securicor's negotiating team, the opening events of 1959 were not directly initiated by the company.

In early 1959, the Commissioner of the Metropolitan Police received a letter from the security officer of Crown Agents – the public company representing the interests of British colonial administrations – enquiring about Securicor. For in their efforts to win the contract for guarding Crown Agent's head office, Securicor had informed this security officer that they "...work in close liaison with Scotland Yard".³⁴ As a consequence, the security officer wanted to discover the nature of this 'close liaison'. To begin with, this exchange is interesting because it demonstrates that in order to promote their services within the British postwar security sector, Securicor were again not content to simply market their services as 'Securicor products', but were rather compelled to advertise a connection between themselves and the prominent state institutions such as the Metropolitan Police. For this state connection served to give the appearance that their operations were endowed with a greater degree of legitimacy than would otherwise be the case. This can be seen as another example, then, of Securicor constructing their preferences in accordance with a loose interpretation of the image of the state, in which they attempted to somehow conflate their inherent 'privateness' with the 'stateness' considered to be so essential for the legitimate provision of security in postwar Britain. It represented, in other words, another stage in the development of the company's pluralist practices. Furthermore, the fact that the attraction of this connection prompted the Crown Agents security officer to contact the highest-ranking police officer in the country indicates the importance of this association in the mind of the security consumer, and therefore seems to vindicate this strategy.

On this occasion, the Commissioner delegated responsibility for dealing with this Securicor related enquiry to Assistant Commissioner 'A', who in turn appeared to be perplexed by the company's claims of any close liaisons with Scotland Yard. For in an internal communication to Assistant Commissioner 'D' he asserted that "...the organisation...has never received any police approval, and it cannot be said that the liaison between us amounts to any more than the normal relationship between Police

³⁴ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This letter is dated 13th February 1959.

and other privately employed watchmen”.³⁵ In the same communication Assistant Commissioner ‘A’ then proceeded to speculate upon the source of this seemingly unfounded claim. He wrote that:

At the recent exhibition of diamonds at Christie’s Sale Rooms...Securicor were engaged on the internal security and on this occasion, because of the great value of the exhibits, arrangements were made for a direct telephone line to be installed between Christie’s and West End Central Police Station and for guards to telephone the station at half hourly intervals during the time the exhibition was closed. This was an additional security measure and would have been afforded to any firm responsible for the security arrangements on such an occasion. This instance would hardly be grounds to the claim of working in close liaison with Scotland Yard.³⁶

Taking this exhibition to be the foundation of Securicor’s specious claim, a couple of weeks later a letter was accordingly sent to the Crown Agents security officer denying the existence of any ‘close liaison’.³⁷ Importantly, this series of communications demonstrates that six years after the previous recorded exchange between the two institutions, the Metropolitan Police’s policy stance towards Securicor had remained constant. Securicor should be approached with caution and under no circumstance was any ‘police approval’ or legitimacy to be conferred upon company’s operations by allowing connections – formal or informal, fabricated or authentic – to develop between the institutions. Once again, then, the same monopoly practices of the Metropolitan Police’s were holding firm in the face of Securicor’s evolving pluralist agenda. So while non-state actors were actively contesting the constitution of the security sector, as the state-in-society approach would predict, the magnitude of this contestation should not be over-emphasised, for the state institutions did remain at this time firmly in control.

Before we move on to the next episode in Securicor’s ongoing interactions with the Metropolitan Police, which took place during the second half of 1959, it is worth briefly examining further the significance of this diamond exhibition. In an interview conducted by the reporter Tom Clayton during the mid-1960s, Sir Philip Margetson was asked to pinpoint key the moments when Securicor’s operations really started to

³⁵ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 13th February 1959.

³⁶ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 13th February 1959.

³⁷ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This letter is dated 2nd May 1959.

thrive. His response was: “On the day that de Beers, the diamond people, awarded us the contract to guard the Ageless Diamond Exhibition at Christie’s showrooms in January 1959. For fifteen days we had diamonds worth over five million pounds in our care”.³⁸ Indeed, Clayton comments that the diamond exhibition contract “...gave security companies a new status, both business and professional”.³⁹ So regardless of whether or not this exhibition was the basis for fabricated claims of cooperation between Security and the Metropolitan Police, and regardless of the Metropolitan Police’s continuing efforts to suppress the private security industry’s status, it appears that successful private security companies such as Securicor were still performing well within the sector, in the process allowing them to accumulate more resources with which to augment their power in the ongoing negotiations with the Metropolitan Police, as the next section will illustrate.

3.5 The Changing Constitution of the Security Sector

This section will examine the final phase of the negotiations between Securicor and the Metropolitan Police, which took place in the second half of 1959. It will show that after Securicor’s failed attempt at fabricating legitimacy they returned to the strategy they first adopted in 1950 – that is, writing to the Commissioner of the Metropolitan Police in an effort to obtain an official endorsement from the most prominent police institution in the country. But whereas in 1950 this strategy barely registered on the radar of the Metropolitan Police, in 1959 this request was taken far more seriously. This final exchange thus serves to illustrate very effectively the relative progress of the pluralist practices of Securicor and the monopoly practices of the Metropolitan Police over the course of the 1950s. This section will conclude by illustrating how by the end of this decade the security sector was becoming increasingly characterised by contestation between these two conflicting sets of practices and was accordingly moving further away from the institutional arrangements embodied in the monopoly myth.

In July 1959, Godfrey sent another letter – which, significantly, was co-signed by Sir Philip Margetson, now a Director of Securicor – to the Commissioner of the

³⁸ Clayton, *The Protectors*, p.21.

³⁹ Clayton, *The Protectors*, p.21. Indeed, if you access the Group 4 Securicor website’s history section today, the entry for 1959 reads “Securicor won the high-profile contract to guard the ‘Ageless Diamond Exhibition’ at Christies” – see www.g4s.com/home/about/history.htm.

Metropolitan Police so as to inform him that Securicor were establishing a 'mobile patrol' service. He also asked in this letter if the Commissioner would care to comment upon this new service and, in what can certainly be construed as an attempt to influence the nature of any such comment, subsequently remarked that: "I might add that something similar is in being in the Birmingham area and is, I believe, well received by the local police".⁴⁰ Two important points stem from this letter. First, in expanding their operations into the mobile patrolling sub-sector, Securicor were clearly still finding new opportunities for organic economic growth. Second, in a manner very similar to their earlier expansion into the investigative services sub-sector, they wanted these new operations to be approved by the Metropolitan Police so as to endow them with a greater degree of legitimacy than otherwise would have been the case, since this would make these new operations more attractive to potential customers. As we have seen, this endorsement-seeking strategy represented a now relatively standard component of Securicor's pluralist practices. Yet this particular pluralist strategy was especially important in this instance when it is considered that mobile patrol services had traditionally been closely associated with the actual concrete operations of the public police and had therefore been imbued with a particularly strong sense of 'stateness'. In other words, the structural influence of the image of the state was very pronounced in this region of the security sector. 'State-endorsed legitimacy was thus a central resource in this projected expansion of Securicor's operations.

Significantly, the Commissioner did not disregard Godfrey's letter as he had done nine years previously, but instead delegated the matter to one of his Assistant Commissioners and maintained his own involvement throughout. Two weeks later, Assistant Commissioner 'A' wrote the following internal communication to Assistant Commissioner 'C' with regard to Securicor's new 'mobile patrol service':

The extension of the activities of Securicor to visiting various premises, involving as it must do movement through the streets by car and, no doubt, the examination of the exterior of premises, raises the problem of whether they are likely, because of the similarity in uniform, to become identified with the police

⁴⁰ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This letter is dated 27th July 1959. It is worth noting that at this time the other services offered by Securicor, according to a 1958 article in the company's house magazine now entitled *Security*, were internal security guarding, control room services and tele-contact services. See: Marquess of Willingdon, 'Securicor: Its history, Its Objects and How It Achieves Them', *Security* January 1958, pp.4-5.

in the eyes of the public, and in this respect it seems to be a most undesirable development.⁴¹

Here again, then, we come across one of the key components of the Metropolitan Police's policy stance with reference to Securicor – that is, an acute concern that the British population might begin to conflate the operations of the company with those of the public police. For such conflation could, from the Metropolitan Police's vantage point, result in two unsettling consequences. First, it could serve to confer legitimacy upon Securicor's new operations by communicating an association with the state institutions. Second, it could simultaneously begin to undermine the activities of the Metropolitan Police by blurring the distinction between public and private security provision. Both of these potential outcomes were antitheses to the monopoly practices of the Metropolitan Police.

Understandably, then, this latest development in the pluralist practices of Securicor clearly represented an ongoing concern for Assistant Commissioner 'A', for he soon afterwards submitted the following internal communication to the Commissioner regarding Securicor's proposed 'mobile patrol service':

The Midland Bank has already instituted a system to visit and check their own premises. The patrols wear bank messengers' uniform which could not be mistaken for police uniform. It is one matter, however, to look after one's own premises, but a different proposition when a body of uniformed security agents is maintained to be hired out to any firm prepared to pay for them.⁴²

This communication is significant not only because it once again reinforces the Metropolitan Police's ongoing portrayal of private security companies as something approximating a 'private army', but because it also specifies more clearly what type of private security provision falls into this particular category. This specification involves making a distinction between what has subsequently been termed 'in-house' and 'contract' private security.⁴³ In-house private security refers to the process whereby a variety of public and private organisations recruit and equip their security staff internally, as the Midland Bank were doing in the above quote. In contrast,

⁴¹ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 10th August 1959.

⁴² TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 19th August 1959.

⁴³ See: Alison Wakefield, *Selling Security: The Private Policing of Public Space* (Cullompton: Willan, 2003), p.58.

'contract' private security refers to the process whereby these same organisations procure security staff from external organisations such as Securicor. As the Assistant Commissioner's comments illustrate, and subsequent evidence suggests, in-house private security operations were considered to be less problematic than contract private security activities within government circles.

This viewpoint seems to be in part influenced by the notion that while in-house private security corresponds quite closely with the traditional rights of the individual to protect their own private property – that is, their right to self-defence – contract private security can potentially be hired out to protect any kind of property.⁴⁴ This is often seen to be a more sinister scenario because there is no connection between, to use a common phrase, 'a man' and 'his castle'. These companies could in theory be procured by 'any man' to protect 'any castle', which in one sense amounts to a corrupted invocation of traditional property rights. In addition, this hostility may also have been related to the fact that the everyday operations of in-house private security staff generally include many non-security functions such as public relations and reception duties, whereas contract private security staff are more directly engaged in conventional security provision, thereby giving them a more coercive edge.⁴⁵ Indeed, it is when these two notions are put together that contract private security could begin to resemble something like a 'private army' from the perspective of critical eyes. Either way, it is important to recognise this classification at this early stage and to note that for the remainder of this thesis we are mostly concerned with the activities of contract as opposed to in-house private security providers, for it is these organisations which were more openly contesting the constitution of the security sector.

Returning now to the undertakings of Assistant Commissioner 'A' in July 1959. It appears that his concerns regarding Securicor's new 'mobile patrol' operations were sufficient for him to eschew the Metropolitan Police's decade-old policy in which Securicor's operations were to be actively disregarded or 'frozen out'. For in a manner reminiscent of the police's aggressive reaction to private security companies in 1948, he suggested to the Commissioner in a further internal communication that the Metropolitan Police should resurrect the idea of undermining the legal basis of private security companies using Section 10 of the Police Act 1919 and Section 2 of

⁴⁴ Shearing, 'The Relation Between Public and Private Policing', p.411.

⁴⁵ Trevor Jones and Tim Newburn, *Private Security and Public Policing* (Oxford: Clarendon Press, 1998), p.56.

the Public Order Act 1936. Furthermore, in order to execute this legislation more effectively, he raised the possibility of involving the Home Office for purposes of reinforcement.⁴⁶ This aggressive solution again reveals the growing levels of disquiet within the Metropolitan Police about the threat that the expanding private security industry represented to the what they viewed as their rightful monopoly position within the security sector. It also demonstrates that a very literal and direct interpretation of the image of the state continued to prevail among the Metropolitan Police staff. They continued to serve, it seems, as the conscious or unconscious bearers and perpetrators of the monopoly myth.

Rather than pursuing the confrontational strategy outlined by his Assistant, however, the Commissioner opted instead for a far more measured course of action, replying that:

I am still in doubt about this whole project. There is the question of similarity of uniforms as well as H.O. [Home Office] points, and there are other grounds for objection we could put forward. I think we might as well see the writers [Godfrey and Margetson] now and give them our views and objections. I would prefer to adopt this procedure and to keep H.O. out of it at this stage. They can always be informed later if necessary.⁴⁷

Importantly, there is no evidence that any such meeting between Godfrey, Margetson and the Metropolitan Police ever occurred – indeed, records suggest that no face-to-face meetings between the private security and state institutions were to take place until the mid-1960s. Instead, it appears that the Commissioner was content to write a letter to Godfrey a week later explaining that Securicor could proceed with their ‘mobile patrols’ expansion, but that the company must acknowledge the proscriptions set down in Section 10 of the Police Act 1919 and Section 2 of the Public Order Act 1936. In addition, he also firmly requested that the company continue to provide the Commissioner’s Office with updates of the scheme’s progress.⁴⁸

⁴⁶ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This position is mapped in internal communications dated 19th August 1959 and 25th August 1959.

⁴⁷ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This internal communication is dated 26th August 1959.

⁴⁸ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. This letter is dated 2nd February 1959.

This exchange highlights some important developments in the interactions between Securicor and the Metropolitan Police. To begin with, Securicor's ongoing attempts to enhance the legitimacy of their operations by establishing official connections with the Metropolitan Police were no longer being met with a universally uncooperative and dismissive response. For while high-ranking officials within the Metropolitan Police were clearly still harbouring substantial reservations about engaging with Securicor – as evidenced in the revived proposals to enforce the Police Act 1919 and the Public Order Act 1936 – the Commissioner eventually, though rather reluctantly, consented to Securicor's new 'mobile patrol' services. This response can hardly be described as an endorsement and did not therefore facilitate the transfer of any great degree of legitimacy from the Metropolitan Police to Securicor. But it did mark a significant shift away from the 'freezing out' policies which they had implemented towards the beginning of the decade. It also set down a more reliable institutional channel through which Securicor could continue with their attempts to capture legitimacy from the core state institutions in the future.

Over the course of the decade, then, it seems that Securicor's status within the postwar British security sector had become more concretised, for they were now exercising some genuine agency in their negotiations with the Metropolitan Police. As a consequence, it can be observed that the pluralist practices of Securicor were gradually gaining a minor foothold in the security sector and that the monopoly practices of the Metropolitan Police were at the same time necessarily conceding some ground. The key resource of the legitimacy, in other words, was no longer concentrated so securely within the orbit of the central state institutions and was in turn becoming a more attainable target for the legitimacy-starved private security industry.

3.6 Conclusion

This chapter has demonstrated that by the end of the decade the postwar security sector was characterised by the emergence of two contrasting and conflicting sets of practices. And, crucially, each set of practices was consciously designed to bring into existence a different ensemble of institutional arrangements. Securicor were seeking to develop a pluralised system of security provision, in which both public and private security providers were able to legitimately function alongside one another within the

security sector. Conversely, the Metropolitan police were attempting to defend and reproduce a monopolistic system of security provision, in which only public security providers were able to legitimately function within the security sector. Importantly, then, to the extent that these two contrasting sets of practices were coming into conflict with one another – which, admittedly, was relatively infrequent during this period – it is possible to observe that the postwar security sector was increasingly being characterised by processes of contestation and change generated by conflict between state and society actors. As the state-in-society approach would suggest, in other words, even those domains which have generally been viewed as the very essence of the modern state – such as the security sector – have actively been contested by different sets of state and society practices.

Yet this chapter has also illustrated that in tandem with these processes of contestation and change, the postwar security sector was also characterised by a strong current of continuity. For as we have seen, the interactions between these different sets of practices within the security sector were also being clearly shaped by the structural influence of the image of the state. So regardless of the fragmented reality of the security sector, it seems that a large proportion of the British population continued to believe that the modern state ought to be the only legitimate provider of security functions – that is, they continued to believe in the monopoly myth.⁷ This image of the state had, in other words, become naturalised within their collective consciousness. As a consequence, the various institutions functioning within the security sector were all compelled to somehow integrate this image of the state into their respective sets of practices, for not doing so would cause them to encounter a significant degree of cultural resistance. In the case of the Metropolitan Police, the structural influence of the image of the state was clearly evident in their attempts to create a monopolistic security sector – indeed, they can be seen as the direct bearers and perpetuators of the monopoly myth. In the case of Securicor, however, the influence of the image of the state was more complex, for their very existence grated with the idea of a universal, state-centred system of security provision. And this sizeable disjuncture meant that they could not directly integrate the image of the state into their pluralist practices. Their interpretation of the image was therefore much more subtle and indirect. They interpreted it to mean that if they were to legitimately function alongside the state within a pluralised security sector then they would have to somehow capture legitimacy from the state, for this was one of the only conceivable

ways to bring their operations more closely in line with the majority of the British population's normative expectations about how security ought to be provided. As the state-in-society approach would suggest, then, the structural influence of the image of the state was causing a strong current of continuity to course through these divergent state and society practices, since whatever the outcome of these negotiations, key elements of the image of the state would to some extent be reproduced.

It is important to emphasise that it is this dialectical process of continuity and change, expressed here through the state-in-society concepts of image and practices, which serves to explain the complex political processes relating to the re-legitimation private security in postwar Britain. For on one side, it was the fluid nature of state and society practices in the security sector during the 1950s which explains how Securicor began to push their pluralist agenda in the face of state opposition. On the other, it was the strong current of continuity created by the structural influence of the image of the state which explains why Securicor harnessed their agency not to function as purebred market actors within the security sector but rather to capture legitimacy from the state. It is the dialectical interplay between these two processes, then, which explains the re-legitimation of private security in postwar Britain. Furthermore, in the next chapter we will witness this two-way dynamic even more clearly, since during the 1960s the security sector negotiations began to take on much greater proportions. For during this decade, the pluralist practices of Securicor and the monopoly practices of the Metropolitan Police were gradually translated into a larger number public and private institutions and were transferred into a more formal policy environment.

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The Regulation Debate: The Home Office and the BSIA (1960-1969)

4.1 Introduction

During the 1950s the negotiations between the private security and state institutions over the legitimacy to undertake security functions in the postwar British security sector took place within a rather ad hoc institutional environment. Yet despite these informalities two clear and coherent sets of practices began to emerge. First, the pluralist practices of Securicor, which centred around their ongoing attempts to capture legitimacy from the Metropolitan Police so as to enhance the company's position within the security sector. Second, the monopoly practices of the Metropolitan Police, which involved consistently undermining and marginalizing Securicor's activities wherever possible so as to promote the state as the only legitimate security provider functions within postwar Britain. This chapter will demonstrate how during the 1960s these pluralist and monopoly practices were first transferred into a new set of institutions, most notably the Home Office and the British Security Industry Association (BSIA), and were then systematically translated into a more formal and structured institutional environment. Furthermore, as the scale of the negotiations between these powerful public and private institutions assumed greater proportions, so the reality of the security sector moved ever further away from the institutional arrangements mapped out in the monopoly myth. For as we will see, by the end of the 1960s the security sector was a far more contested domain than it had been a decade earlier.

This chapter will also illustrate how these evolving negotiations gradually came to revolve around a single issue – the statutory regulation of the private security industry. For during the 1960s, the private security institutions increasingly came to see statutory regulation as the most effective means by which to accomplish their pluralist agenda of capturing legitimacy from the state institutions. This is because regulation would serve to establish a concrete, official and widely recognisable connection between the private security companies and the state. And this would in

turn facilitate the transfer of legitimacy from the state institutions to the private security industry, in the process enhancing industry's status and position within the security sector. As we will see, the importance attached to the regulation issue by the private security institutions shows once again how their preferences were continually being shaped the structural influence of the image of the state. For the private security companies were willing to sacrifice a degree of market freedom in exchange for the 'stateness' which a significant proportion of the British population considered to be so essential for the legitimate provision of security within postwar Britain. Conversely, it was precisely because regulation would have the effect of further legitimating the industry and allowing the private security companies to challenge the state's dominance in the security sector that the Home Office and police, following their now firmly established monopoly agenda, sought to suppress the regulation issue. Over the course of the 1960s, then, the contest between those institutions advancing the pluralist and monopoly practices increasingly came to be defined by these opposing positions in the regulation debate.

In order to analyse these interrelated themes, this chapter will be divided into six parts, each representing a different aspect or phase of the negotiations. Section 4.2 will begin by investigating why exactly the Home Office entered into these negotiations in the first place and by exploring the unique departmental culture of this institution. It is important to understand these background factors because during the 1960s the Home Office soon became the most powerful state institution within the negotiations and the chief proponent of the monopoly agenda. Section 4.3 will then examine the two issues upon which the Home Office focused at the beginning of the 1960s: mock police uniforms and regulation. Section 4.4 will analyse the Home Office's subsequent attempts to set a strong monopoly agenda for the ensuing regulation debate. Interestingly, in exploring this agenda setting process we will come across the first instance of a third set of practices – termed here the 'reformist' practices. To be sure, these practices play only a minor role in this phase of the negotiations. But, as we will see, they do become increasingly significant in later chapters. Next, Section 4.5 will explore the first face-to-face interactions between the Home Office, police and the private security representatives. Of particular interest in this section is, firstly, the different ways in which the private security and state actors approached the issue of regulation and, secondly, how this important meeting resulted in the creation of the BSIA. Section 4.6 will examine the 'rules of the game' which

characterised the interactions between the private security and state institutions at the close of the decade. It will, more specifically, show that although the pluralist practices of the private security institutions had by this juncture accumulated a significant amount of momentum, the allied monopoly practices of the Home Office and the police continued to ultimately dictate the terms of the negotiations. Finally, Section 4.7 will provide a few theoretically-informed conclusions about this second phase of the negotiations. It will, in particular, illustrate how the dialectical processes of contestation and continuity which were revealed in the preceding empirical sections – and which were articulated through the state-in-society concepts of image and practices – serve to explain the re-legitimation of private security in postwar Britain.

4.2 The Home Office Culture

This section has two purposes. First, it will examine how and why the Home Office entered into the negotiations over the legitimacy to undertake security functions in postwar Britain. This will in turn illustrate why the Home Office so quickly became the most powerful institution within these negotiations. Second, it will explore the strong departmental culture it added to the policy process. This will serve to explain why the Home Office was, from the outset, determined to channel its substantial resources towards the further promotion of the monopoly set of practices initially developed by the Metropolitan Police.

Aside from a brief intervention to outlaw the trade name ‘Security Corps’, the Home Office had remained firmly outside negotiations regarding the constitution of the security sector during the 1950s. During the early 1960s, however, the Home Office finally arrived into this policy arena. For at the one of the Central Conferences of Chief Constables in 1962 – an assembly which came together biannually under Home Office chairmanship – it was decided that a Working Party on Mock Uniforms and Vehicles should be established so as to facilitate discussion between Home Office officials and senior police officers about the private security industry.¹ This was a significant decision because it marked the point at which the most powerful state actor within the security sector started to participate within the increasingly important

¹ TNA: PRO, HO 287/626, Home Office, Private Police General. This information was drawn from an internal communication dated 10th March 1964.

negotiations regarding the legitimate role of the public and private spheres in the provision of internal security.

Official records provide no clear indication of the exact reason why the Home Office became involved in these negotiations at this particular time. It is possible, however, to outline two contextual factors which could very possibly have influenced this decision. The first factor relates to the continual expansion of the private security industry. For instance, in 1960 Securicor was purchased by Kensington Palace Hotels Ltd, a move which in turn substantially increased the volume of financial investment pumped into the company's operations.² Furthermore, in the same year De La Rue International, the largest commercial banknote printer and paper manufacturer in the world, founded the private security company Security Express, which was to become another market leader within a decade.³ Indeed, against the background of these expansions Clayton argues that "[i]t was in 1960 that industrial security began to emerge as Big Business in its own right".⁴ So while the attempts made by the private security companies to capture legitimacy from the central state institutions were meeting solid resistance, it appears the certain companies were nevertheless accruing an ever greater share of the security sector. It is very conceivable that the challenge that this expansion represented to the state-centric orientation of the security sector could have prompted the Home Office to engage more directly with the issues surrounding the industry.

The second factor relates to changes in the institutional arrangements between the Home Office and the police forces during the early 1960s. In historical terms, the relationship between the Home Office and police had always been very close. In 1829 the Metropolitan Police was established by the Home Secretary Robert Peel "...as quite literally a sub-department of the Home Office".⁵ And in 1919 'F Division' of the Home Office was set up specifically to develop policy for and liaise with the various police forces of England and Wales.⁶ Despite this closeness, however, the police forces were generally given a sizeable degree of independence

² Underwood, *Securicor*, p.22.

³ Clayton, *The Protectors*, p.22.

⁴ Clayton, *The Protectors*, p.22.

⁵ Lord Allen of Abbeydale, 'State Service: Reflections of a Bureaucrat', in *The Home Office: Perspectives on Policy and Administration, Bicentenary Lectures 1982* (London: Royal Institute of Public Administration, 1983), p.24.

⁶ Clive Emsley, *The English Police: A Political and Social History* (Harlow: Longman, 2nd edition, 1996), p.161.

from the Home Office on the grounds that decentralised policing would serve to protect the liberty of the population by preventing the establishment of a single, all-powerful centralised police force.⁷ Indeed, it is against the background of such constabulary independence that we should probably interpret the Commissioner of the Metropolitan Police's decision in 1959 to 'keep the Home Office out' of its negotiations with Securicor. Yet 1960 marked an important turning point in this institutional set-up because it signified the onset of what Clive Emsley terms "the steady march of centralisation", in which the police forces were gradually brought more directly under the centralised control of the Home Office.⁸ For in that year the Royal Commission on Police was formed and subsequently recommended changes which served to increase the power of the Home Office over the police forces.⁹ To be sure, many of these changes were not formally implemented until the Police Act 1964. Yet the beginnings of this process could certainly be viewed as another contextual factor causing the Home Office to follow the Metropolitan Police into the private security negotiations during the early 1960s. In the event, however, both of these factors probably served to influence the arrival of the Home Office into these negotiations. And if this was indeed the case, this suggests that the Home Office entered into this policy arena with a clear target – the expanding private security industry – and a great deal of institutional power and resources.

Furthermore, it is also important to explore in more detail the Home Office's departmental culture, since this provides a further insight into the way in which this key institution approached issues relating to the private security industry. In doing this, it is crucial to recognise from the outset that the very existence of the Home Office has always been closely related to the propagation of the monopoly myth which serves to structure institutional interactions within the British security sector. This is because of the unique position of the Home Office within modern British history. For as the former Home Secretary and Prime Minister James Callaghan commented, since its inception in 1782 the Home Office has had an "...unchanged basic function of preserving the civil peace that has continued to form the State's

⁷ Emsley, *The English Police*, pp.162-163.

⁸ Emsley, *The English Police*, p.160.

⁹ Emsley, *The English Police*, pp.172-175.

spinal cord down to this very day”.¹⁰ It was and still is, in other words, one of the clearest manifestations of the institutional arrangements advanced by early modern philosophers such as Hobbes. Importantly, this historical context means that the monopoly myth has generally been deeply institutionalised within Home Office’s departmental culture. For example, in a recent interview conducted by Ian Loader, a retired Home Office civil servant makes the following observation:

There was, I think, a sort of under-dialogue common sense of liberal values...Those are the sort of core, mostly shared ideas about the nature of justice that go back to Enlightenment thinking, fairly widely shared by the intelligent or the well informed, or the professionally involved. You can go back behind those to philosophical stuff from Plato and Aristotle to Hobbes and Kant.¹¹

Furthermore, after conducting almost two hundred interviews with former and currently employed civil servants, David Marsh, David Richards and Martin Smith reached a similar conclusion: “In the last sixty years”, they discovered, “two values, those of state intervention to ensure social order and libertarianism to defend individual liberty, have been fundamental precepts around which the Home Office culture has evolved”.¹² From the outset, then, the departmental culture of the Home Office has been permeated by a very literal and direct interpretation of the image of the state as the sole legitimate provider of security functions. As we will see, upon entering into the negotiations over the legitimacy to undertake security functions in postwar Britain the Home Office was thus immediately supportive of the monopoly practices developed by the Metropolitan Police over the preceding few years.

4.3 Uniforms and Regulation

This section will examine the undertakings of the first and only meeting of the Working Party on Mock Uniforms and Vehicles, which took place in May 1963 and marked the formal entry of the Home Office into the private security policy arena. It was a meeting for state representatives only: it was chaired by Mr A. W. Glanville, a

¹⁰ James Callaghan, ‘Cumber and Variableness’, in *The Home Office: Perspectives on Policy and Administration, Bicentenary Lectures 1982* (London: Royal Institute of Public Administration, 1983), p.9.

¹¹ Loader, ‘Fall of the ‘Platonic Guardians’’, p.563.

¹² David Marsh, David Richards and Martin Smith, *Changing Patterns of Governance in the United Kingdom: Reinventing Whitehall?* (Basingstoke: Palgrave, 2001), p.71.

Home Office civil servant from the police-orientated 'F Division', and was attended by six Chief Constables and one Chief Superintendent. And its explicit purpose was to construct a joint Home Office-police policy stance for negotiating with the private security industry.¹³ Significantly, it soon became apparent that the policy preferences expressed by these individuals essentially represented an expansion of the monopoly practices developed by the Metropolitan Police during the previous decade. For their common agenda was to explore the various ways in which the pluralist practices of the private security companies could be marginalized and controlled using the state's apparatus. For analytical purposes, the expansion of this monopoly agenda can be broken down into four separate points of interest.

Perhaps rather unusually, the first point of interest concerns a topic which never actually surfaced within the Working Party discussions. For while the participants considered many different means by which to control the operations of the private security companies, they at no point contemplated the possibility of using Section 2 of the Public Order Act 1936. The reason for this conspicuous omission can be perhaps be traced back to a Conference of District Chief Constables meeting which took place three years earlier in June 1960. During the course of once again assessing the applicability of this piece of legislation to the private security industry, the minutes of the meeting record the following outcome:

While it is not considered that formal objection can be taken to organisations of this kind on the grounds that they have 'organised, trained and equipped their employees for the purpose of enabling them to be employed in usurping the functions of the police', nevertheless it is considered that any extension of the fields of operation which would bring them into contact with members of the public is undesirable and should be discouraged.¹⁴

This decision-making process was important because it revealed the powers available to the Home Office and police in the promotion of their monopoly practices against the pluralist practices of the private security industry. For while the Home Office and police could 'discourage' the expansion of the private security companies, for example by preventing the transfer of legitimacy to their operations, it was now finally clear that they could not invoke Section 2 of the Public Order Act 1936 to

¹³ TNA: PRO, HO 287/626, Home Office, Private Police General. This information was drawn from the minutes of the first meeting of the Working Party on Mock Uniforms and Vehicles, 20th May 1963.

¹⁴ TNA: PRO, MEPO 2/8739, Metropolitan Police, Office of the Commissioner, Correspondence and Papers Concerning Securicor. These minutes are dated 20th June 1960.

completely eliminate them from the security sector. In other words, it was now accepted by these core state institutions that the legal status of the industry was guaranteed, for there is no indication that state officials ever again considered enforcing this legislation against the industry.

Although the Public Order Act 1936 was necessarily omitted from the Working Party's agenda, the other repeatedly considered legislative control, Section 10 of the Police Act 1919 which addresses the use of mock police uniforms, did assume a central position within this forum – indeed, it even provided the Working Party with its name. The Working Party's consideration of this legislation represents the second point of interest. As background, it is important to note that the Metropolitan Police had been concerned with this matter throughout the 1950s as they increasingly became aware that private security companies were issuing uniforms to their guards which closely resembled those uniforms worn by the public police. From the perspective of the private security companies, this represented one further strategy for capturing legitimacy from the state, since it served to rather superficially give the private security officers the air of 'stateness' considered to be so essential for the legitimate provision of security. This strategy, then, provides further indication that the private security companies were shaping their activities in accordance with the structural influence of the image of the state. From the Metropolitan Police's perspective, this strategy served only to drain their own reserves of legitimacy by creating an association between their own activities and the operations of these 'private armies' – hence their concern. This strategy therefore grated with their very literal interpretation of the image of the state. But while the Metropolitan Police made no attempt to enact this legislation during the 1950s, it appears that the entry of the Home Office into this policy area, with its superior administrative and political resources, prompted a more active standpoint to be adopted on this issue. For one of the explicit objectives of the Working Party was to modify Section 10 of the Police Act 1919 so that it could be more readily applied to the private security industry.¹⁵ The successful modification of this legislation would in turn constitute an useful enhancement of the Home Office and Police's ability to further realise their monopoly practices by stifling one dimension of the industry's ever-widening strategy of siphoning-off legitimacy from the core state institutions.

¹⁵ TNA: PRO, HO 287/626, Home Office, Private Police General. This information was drawn from the minutes of the first meeting of the Working Party on Mock Uniforms and Vehicles, 20th May 1963.

Significantly, the timing of this decision could not have been better, for at that moment a new Police Bill was being drafted in Parliament in order to implement the recommendations of the Royal Commission on Police. As a result, the proposals of the Working Party were swiftly integrated into the drafting procedures through a House of Lords amendment and soon emerged as Section 52(2) of the Police Act 1964, which read:

Any person who, not being a constable, wears any article of police uniform in circumstances where it gives him an appearance so nearly resembling that of a member of a police force as to be calculated to deceive shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.¹⁶

Again, then, the state institutions, now significantly strengthened by the presence of the Home Office, had successfully deployed their political and administrative resources to curtail the industry's efforts at capturing legitimacy from the state, thereby further advancing their monopoly practices in the increasingly contested security sector.

The third point of interest is, in retrospect, by far the most significant issue arising from the Working Party meeting, although this was not considered to be the case at the time. For the minutes of the meeting show that the Working Party discussed the possibility of one further form of legislative control: the introduction of statutory regulation or licensing of the private security industry. An internal communication written by Glanville reveals that this particular matter was debated in large part because the Commissioner of the Metropolitan Police supported the implementation of such a system.¹⁷ However, the minutes of the meeting show that the Working Party clearly disagreed with the Commissioner's assessment:

The Working Party were not in favour of registration or licensing of commercial security organisations, which would involve, or appear to involve some official guarantee of probity, if not efficiency and would lay the registration authority open to criticism for misdeeds of the firms.¹⁸

¹⁶ *Police Act 1964* (ch.48) (London: HMSO).

¹⁷ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 16th September 1963.

¹⁸ TNA: PRO, HO 287/626, Home Office, Private Police General. These minutes are dated 20th May 1963.

This is an extremely important judgement, for the members of the Working Party seemed to recognise that the consequences of statutory licensing would indeed be completely different to those of Section 10 of the Police Act 1919 or Section 2 of the Public Order Act 1936. The implementation of these latter pieces of legislation, for instance, would simply allow the state to curtail and undermine the activities of the private security industry from a distance within the context of a very impersonal, straightforward command and control relationship. They would therefore serve to enhance the ability of the Home Office and police to realise their monopoly practices. The implementation of statutory regulation, however, could potentially serve to bring the state institutions and the industry closer together in a very public and official-looking relationship, which could in turn have the unintended effect of transferring a considerable degree of legitimacy from the state institutions to the regulated private security companies. It would, in other words, serve to considerably strengthen the pluralist practices of the private security institutions and correspondingly weaken the monopoly practices of the Home Office and police – the very antithesis of the Working Party’s objectives.

This specific interpretation of the possible consequences of statutory regulation is central to the remainder of the negotiations and therefore deserves closer scrutiny. Statutory regulation would require the Home Office to set explicit standards for the industry, establish some kind of institutional apparatus with which to vet the private security employees or companies, and then issue some kind of state-approved license to those private security employees or companies who meet these criteria. While such a system would undoubtedly allow the state to control the industry more effectively through the setting of strict vetting standards, it would also lay down an explicit linkage between the private security companies and the state institutions within the security sector. It would, in other words, communicate to the British population that private security companies now represented a realistic alternative to the public police. So rather than curtailing their expansion, a system of statutory licensing could effectively serve to legitimate the operations of the private security companies. This point was succinctly reiterated by Glanville when a few months later he wrote in an internal communication on this matter to the Deputy Under-Secretary of State in charge of ‘F Division’ that “...the words ‘approved by the Home Secretary’ would

provide the companies with a valuable piece of propaganda".¹⁹ It was because statutory regulation represented such an effective institutional device for transferring legitimacy from the state to the private security industry that it became, in a short period of time, the central issue around which subsequent negotiations over the legitimacy to undertake security functions revolved.

The fourth and final point of interest emerging from these discussions relates to the Working Party's decision to initiate a more structured dialogue with representatives from the private security industry. The initial rationale behind this proposed dialogue was to discuss the enforcement of future restrictions upon the use of mock police uniforms. However, given the speed with which this recommendation reached the statute books, this rationale soon became obsolete. Yet an internal communication written by Glanville following the successful passage of the Police Act 1964 reveals that it was still considered worthwhile by the Home Office and police officials to set in motion a more structured dialogue with the private security industry.²⁰ This is interesting because it demonstrates that despite the additional powers provided by the mock police uniform legislation, the Home Office and police were still sufficiently concerned about the activities of the private security companies to enter into formal discussions with them. And when compared with Securicor's many failed attempts to initiate such formal discussions with the Metropolitan Police during the 1950s, this decision could certainly be viewed in a positive light from the perspective of the private security industry, for it would provide them with a more concrete platform from which to further consolidate their pluralist practices. However, as the next section will demonstrate, the Home Office made sure that this platform would not represent a level playing field, but would instead be significantly tilted towards the further advancement of their monopoly practices.

4.4 The Working Party on Private Security Organisations

The Working Party on Private Security Organisations was a crucial milestone in the negotiations over the legitimacy to undertake security functions in postwar Britain because it constituted the first occasion when the Home Office and police officials

¹⁹ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 8th November 1963.

²⁰ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 14th August 1964.

held face-to-face negotiations with representatives from the private security industry. This section will explore the Home Office's extensive preparations for this important meeting (the actual face-to-face negotiations will be examined in the next section), which involved reconciling two difficult problems. The first problem was that the very process of meeting with the private security representatives would inevitably entail conferring some degree of legitimacy upon their operations. And in line with their monopoly practices, the Home Office and police were accordingly concerned with minimising any such transfer of legitimacy. The second and more significant problem addressed by the Home Office was to ensure that the issue of statutory regulation was eliminated from the meeting's agenda. For regulation had the potential to be an extremely explosive issue in the context of these negotiations, as the previous section made clear. It is interesting to note that this increasingly became an internal problem, for some high-ranking Home Office and police officials were actually highly supportive of such regulation. And as we will see, this support in turn represented the genesis of a third set of practices, termed here the 'reformist' practices. For a period of time, then, the preparations for the Working Party came to be increasingly dominated by the attempts of those Home Office officials promoting the monopoly practices to marginalize these nascent pro-regulation reformist practices. This was because, from the monopoly perspective, those officials advancing the reformist practices were dangerously close to facilitating and empowering the pluralist practices of the private security companies by supporting the introduction of statutory regulation. Ultimately, the monopoly agenda prevailed in this internal fracture, but not before a third battle line was drawn in these ongoing negotiations (though it should be noted that the reformist practices did not gather any real momentum until the 1970s, as the next chapter will demonstrate). In short, then, the Home Office's preparations were designed to promote the monopoly practices against the now long-standing challenge of the pluralist practices, together with the new challenge of the reformist practices, for this was seen to be the most effective way of protecting the state's valuable reserves of legitimacy.

In autumn 1964 the Home Office began laying the foundations for the Working Party on Private Security Organisations. The specific rationale for holding this meeting was neatly articulated by Glanville in the following internal communication:

Perhaps the main justification for it would be that the development and multiplication of these organisations is a matter of public concern in which the Home Office is bound to be implicated and perhaps we should put ourselves in the position of being able to say that we have had discussions with their representatives.²¹

By putting themselves in this more proactive position, in other words, the Home Office and police would be better placed to control the course of any future interactions with the industry. This would in turn put these state institutions in the optimal position for continuing to assert their monopoly practices in the face of the pluralist practices of the private security industry. Another internal communication written by Graham-Harrison illustrates how the Home Office and police actually intended to fashion the specific institutional arrangements for this new forum – they wanted to “...induce them [the private security companies] to form a central body, with which the police, and when appropriate the Home Office, could discuss any problems that may arise”.²² Significantly, this ‘central body’ would eventually emerge in the form of the British Security Industry Authority, the creation of which we will examine in detail in the next section.

It is important to recognise, however, that while on the surface this objective might appear to have been relatively straightforward, from the Home Office’s perspective it also created two important problems. The first was related to the fact that it would be very difficult to hold such a meeting without unintentionally conferring some degree of official approval – or legitimacy – upon the private security companies. Glanville wrote in September 1964, for instance, that

...there is the danger that, merely by taking the initiative in arranging a meeting, we shall in practice have committed ourselves to developing increasingly close relationships with the organisations...Some measure of official recognition, guidance and help seems implicit in the invitation to join in talks.²³

²¹ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 22nd September 1964.

²² TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 14th April 1965. Although this document is dated seven months after Glanville’s it seems to be referring back to discussions which took place in the previous year, which brings the idea of a ‘central body’ in line with the chronology presented here.

²³ TNA: PRO, HO 287/626, Home Office, Private Police General. This quote is taken from a ‘Draft Memorandum for the Working Party on Mock Police Uniforms and Vehicles’. This particular document marks the point at which this initial Working Party was being dissolved and reconstituted in the form of the Working Party on Private Security Organisations.

Any such meeting therefore represented an opportunity for the private security companies to further advance their pluralist practices by capturing legitimacy from the Home Office and police. Indeed, Glanville accordingly presumed (rightly as it turned out) that the industry representatives would not pass up this opportunity to actively develop closer connections with the state by, for example, "...seek[ing] more positive support for the international security exhibitions...", which was a something they had attempted to do both in 1961 and 1963, though with no success.²⁴ Glanville was not merely anxious that the industry representatives would try to manipulate the meeting towards the realisation of their pluralist practices, however, but also that during the course of these negotiations the Home Office and police might actually be required to concede some ground to such demands so as to realise their own long-term monopoly agenda of concentrating the lobbying power of the industry into a single, manageable central body. He accordingly advised members of the Working Party that they might have to participate in future international security exhibitions and similar events, writing that "...in the context of attempting to persuade representatives of the organisations to cooperate with the police service and with the Home Office it might be difficult to withhold some degree of cooperation in these activities".²⁵ This trade-off was, of course, problematic because the conferral of any such 'official recognition, guidance and help' – that is, legitimacy – upon the industry directly conflicted with the Home Office and police's monopoly practices. It conflicted, in other words, with the Home Office and police's very literal interpretation of the image of the state in which public institutions were viewed as being the only legitimate security providers in postwar Britain.

The way in which this particular problem was approached is interesting for two reasons. First, it demonstrates that senior Home Office officials appeared to clearly comprehend the nature of the pluralist practices being advanced by the private security industry. For they certainly seemed to anticipate the industry's need to forge some kind of official connection with the state so as to capture legitimacy for their operations. They understood, in other words, how the image of the state – that is, the majority of the British population's normative expectations about how security ought to be provided – served to structure the operations of security providers within the

²⁴ TNA: PRO, HO 287/626, Home Office, Private Police General. This is an excerpt from a letter sent by Glanville to the Commissioner of the Metropolitan Police on 14th August 1964.

²⁵ TNA: PRO, HO 287/626, Home Office, Private Police General. See the 'Draft Memorandum for the Working Party on Mock Police Uniforms and Vehicles', dated September 1964.

postwar security sector. Second, these preparations also illustrate that it was becoming increasingly inevitable that the Home Office and police would have to accommodate elements of these pluralist practices so as to ensure that the private security companies would comply with their own monopoly practices. Crucially, then, this signifies that for the first time a relationship of power dependence might start to develop between these institutions. For the Home Office officials were now prepared to confer a limited degree of legitimacy upon the industry in exchange for the industry representatives' compliance in establishing a central body. This elucidates, then, how the constitution of the security sector was in reality moving ever further away from the institutional arrangements envisaged in the monopoly myth and was becoming an increasingly contested domain characterised by the conflicting demands of two contrasting sets of practices.

Significantly, however, Glanville's difficulties did not end here, for he encountered a second major problem with regard to the proposed Working Party meeting. This related to the fact that the meeting provided a forum for the further emergence of the statutory regulation issue. Glanville had already predicted that the private security representatives would "...see some advantage in registration and the adoption of strict codes of conduct..." in order to establish an official connection with the state and, by extension, capture a degree of legitimacy.²⁶ And he accordingly embarked upon a strategy of ensuring that the most important Home Office and police representatives thus understood the dangers that statutory regulation posed to the successful pursuit of the monopoly agenda. In undertaking this strategy, however, he soon came across some notable resistance. To begin with the Commissioner of the Metropolitan Police was in favour of statutory licensing on the grounds that it would provide a more formal legal mechanism through which to control the industry's operations. In an internal communication written during autumn 1964, for instance, he noted that the Commissioner's ongoing preference for statutory licensing was "evidently a thorny problem".²⁷

As will become increasingly evident, the Commissioner's standpoint on regulation actually marked the emergence of a third set of practices within the negotiations over legitimacy to undertake security functions within postwar Britain, termed here the

²⁶ TNA: PRO, HO 287/626, Home Office, Private Police General. This is an excerpt from a letter sent by Glanville to the Commissioner of the Metropolitan Police on 14th August 1964.

²⁷ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 22nd September 1964.

'reformist' practices. It is therefore important to introduce the nature of these practices. Like those advancing the monopoly practices, advocates of the reformist practices interpreted the image of the state in relatively straightforward manner to mean that state institutions such as the police ought to be the only providers of security functions in postwar Britain. Unlike those promoting the monopoly agenda, however, the reformists also recognised that in its pure, idealised form the monopoly formula represented an unachievable ideal. As a consequence, they pragmatically accepted the reality of private security provision in the postwar security sector. Yet this was not a passive acceptance, for as far as possible the reformists sought to bring these private security companies in line with the monopolistic ideal of security provision as a universal, state-provided public good, even though a direct fit was unachievable. And, crucially, they aimed to accomplish this by enforcing these 'public good' standards upon the industry using state mechanisms such as statutory regulation. To be sure, they acknowledged that this strategy might serve to indirectly re-legitimate the operations of the private security companies, but in the name of maximising public safety this was generally regarded as an acceptable unintended consequence. These reformist practices can therefore be situated somewhere in between the monopoly and pluralist practices. For like the monopoly practices they shared a very state-centred approach to security problems, though it was much more pragmatically executed. And like the pluralists, they supported a system of statutory regulation, though they viewed this as a means of reforming the industry, not as a method of enhancing the legitimacy of the industry. We can see from depiction of the reformist practices, however, that in the context of the regulation debate, the reformists and pluralists represented an incongruous alliance on the pro-regulation side. And it was this which caused so much concern to those Home Office and police officials promoting their avowedly anti-regulation monopoly practices.

Indeed, the challenge represented by these reformist practices became far more pronounced a few months later when the Home Secretary Frank Soskice developed both a sudden interest in private security and an according reformist preference for statutory regulation. In January 1965, for instance, Soskice asked Home Office officials for information and advice on "...Securicor and other private protection organisations..." and loosely contextualised this request by saying that "...[q]uestions

have been asked and I should know more than I do".²⁸ He was immediately provided with a succinct Home Office briefing note, the final line of which read "...our present view is that there is no immediate case for regulation".²⁹ This concluding sentence was clearly intended to bring Soskice in line with the Home Office and police's dominant monopoly practices. But Soskice was not satisfied by this argument and responded thusly:

There is a feeling that services of this sort should only be undertaken by the police, and anything like 'vigilantes', or (although happily we are miles from this) private armies would excite extreme public resentment. But should anything occur like a fight between these organisations and gangsters there would be immediate disquiet. Has the time not come when if they are to operate they must be strictly publicly controlled?³⁰

Soskice's strategy for dealing with these private security companies was thus to implement a system of 'strict public controls' along the lines of statutory regulation. Soskice was not particularly concerned, it seems, that such a system would have the paradoxical effect of enhancing the industry's status by transferring legitimacy to their operations. He instead wanted to formally acknowledge their existence and bring their operations within the orbit of the state. Soskice's position in the regulation debate thus represented a clear example of the nascent reformist practices. From the perspective of the majority of the Home Office officials, most of whom adhered closely to the monopoly interpretation of regulation, Soskice's policy stance thus constituted an alarming internal institutional fracture with potentially serious consequences. For it was clear that these monopoly-orientated officials did not want to enter into future talks with private security representatives when the issue of statutory regulation was on the negotiating table, since this would serve only to bolster the industry's pluralist agenda.

In order to reinforce the anti-statutory monopoly regulation agenda, then, the next briefing note sent to the Home Secretary in April 1965 was more detailed and more persuasively pitched:

²⁸ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 1st January 1965.

²⁹ TNA: PRO, HO 287/626, Home Office, Private Police General. This briefing note is dated 13th January 1965.

³⁰ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 16th January 1965.

The legend 'Registered by the Secretary of State', which would no doubt be used by firms in their publicity, might be taken by the public as carrying some guarantee, particularly in view of the nature of the services provided by these firms, and it might be suggested that the Secretary of State had some responsibility for making good any loss that might be incurred through inefficiency or negligence, or through mere failure to safeguard valuable property effectively.³¹

This effectively represented a restatement of the policy arguments developed during the Working Party on Mock Uniforms and Vehicles, but personalised so as to persuade the Home Secretary of their importance. The Home Secretary remained unswayed, however, communicating back to the Home Office that in his opinion private security companies "...should in some way be put under police supervision, or license, or perhaps be embodied into some kind of auxiliary police organisation".³² Soskice was therefore remaining firm in his reformist position. It is significant to note, furthermore, that records indicate that the Home Secretary was at this same moment being lobbied by Raphael Tuck MP into bringing private detective agencies under statutory control, which no doubt strengthened Soskice's preference for licensing the private security companies.³³ The reformist practices were therefore supported not merely by certain breakaway individuals within the Working Party, but also by other state elites within Parliament – indeed, in the subsequent decade the House of Commons was to become the main conduit for the divisive reformist lobby, as the next chapter will demonstrate.

In a final bid to rescue the Home Office and police's anti-statutory regulation monopoly agenda, Mr. Graham-Harrison, Deputy Under-Secretary of State and the most senior Home Office official directly involved the preparations for the Working Party, arranged a meeting in May 1965 with Soskice. Significantly, an internal communication sent by Graham-Harrison to Glanville a couple of days later reveals that this meeting represented a victory for the Home Office and police's monopoly practices: "After some discussion S. of S. [Soskice]...said that in his view the objections to introducing any system of registration were in the present circumstances

³¹ TNA: PRO, HO 287/626, Home Office, Private Police General. This briefing note is dated 15th April 1965.

³² TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 26th April 1965.

³³ TNA: PRO, HO 287/627, Minister's Case, Private Police General. See the letter from Tuck to Soskice dated 30th March 1965.

conclusive”.³⁴ This meeting therefore appeared to consolidate for the time being the Home Office and police’s anti-regulation agenda and prevent any serious internal fragmentation along the monopoly-reformist fault line. Moreover, any lingering doubts over Soskice’s commitment to this monopoly agenda were allayed when in December 1965 he was replaced as Home Secretary by Roy Jenkins, who did not appear to take any direct interest in the regulation issue. So at the end of 1965 the agenda for the Working Party on Private Security Organisations was for now set: Home Office and police representatives were to initiate a dialogue with the private security companies so as to encourage them to form a central body with which state institutions could discuss (or more precisely control) matters relating to the industry; and, at the same time, the Home Office and police representatives would also attempt to minimise official contact with the industry and keep the issue of statutory regulation firmly away from the negotiating table so as to avoid conferring any unnecessary legitimacy upon their activities.

The playing field for the first face-to-face meeting between the private security and state representatives was now in theory tilted in favour of the Home Office and police’s monopoly practices. This agenda was only achieved, however, after much internal contestation between the contrasting monopoly and reformist practices inside the Home Office and police alliance, which shows how the negotiations were now taking on much more complex proportions. For the fault lines were no longer simply set down between private security and state institutions, but were now also internal to the state. This illustrates even more clearly the extent to which the constitution of the security sector was moving away from the blueprints of the monopoly myth, for the state institutions were no longer characterised by a total commitment to the advancement of monopoly practices against the pluralist practices of the private security industry.

4.5 The BSIA, Regulation and Manipulation

This section will analyse the actual undertakings of the Working Party on Private Security Organisations, which represented the first instance that Home Office, police and private security representatives had been assembled together within a formal

³⁴ TNA: PRO, HO 287/626, Home Office, Private Police General. This internal communication is dated 12th May 1965.

institutional setting. It will illustrate that, for the most part, this meeting progressed in line with the Home Office and police's hard fought preparations which were designed to advance their monopoly practices. For as they intended the meeting resulted in the establishment of the BSIA as a central body through which the Home Office and police could consult with the industry. Furthermore, the issue of regulation, though briefly discussed, was on the whole successfully marginalized and no internal fragmentation along the monopoly-reformist fracture line occurred. As the Home Office predicted, however, the private security companies did succeed in exploiting and manipulating the terms of the meeting in order to communicate to the British population that a more official connection was being established between the industry and the state institutions. The private security institutions, in other words, did manage to capture some legitimacy from the meeting, in turn advancing to some extent the progress of their pluralist practices.

The first meeting took place in October 1965. Importantly, the opening session of this meeting was attended by state representatives only – that is, Graham-Harrison and Glanville of the Home Office, the Commissioner of the Metropolitan Police and four Chief Police Constables. To begin with, these state officials agreed that all meetings with industry representatives should be given no publicity whatsoever so as to avoid arousing any “unnecessary apprehensions”.³⁵ The Home Office and police were thus still clearly anxious about the repercussions of associating themselves with these ‘private armies’, for any such associations could serve to either enhance the legitimacy of the industry or undermine their own status.

After this opening session the state officials met separately with representatives from the manned guarding and cash-carrying side of the industry and then with representatives from the hardware side of the industry. It is important to note that these two sides of the industry have always had very different functions, for the guarding and cash-carrying side has generally been involved in the active and coercive policing of everyday citizens in a manner similar to the public police, whereas the hardware side has mostly been concerned with far more passive and technical security solutions relating to alarms and locks. Moreover, the fact that the state officials consulted with these two sides separately is significant because it shows

³⁵ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. This information is taken from the minutes of the meeting held on 18th October 1965.

that they were viewed in different lights. The most critical difference seemed to be that while the guarding and cash-carrying side of the industry was attempting to operate in a domain which had traditionally been claimed as the exclusive preserve of the modern state, the hardware side was operating in a domain which had never come within the remit of the modern state. As a consequence, the Home Office and police have generally seemed to be far less concerned with the hardware side of the industry (other than with the annoyance of false alarms taking up police time), since it has posed no threat to their professional remit and has not served to undermine the idea of security provision as a state-centred, universal public good. But as we have seen, the Home Office and police have been greatly troubled by the guarding and cash-carrying side of the industry since, from the monopoly perspective at least, it challenges the integrity of the core state function of providing security as a public good. It is important to note, then, that throughout the remainder of this investigation we will focus exclusively upon the state's negotiations with the manned guarding and cash-carrying side of the industry (and the contract as opposed to in-house element of this side).

In selecting representatives from the manned guarding and cash-carrying sub-sectors with which to initiate a formal dialogue, the Home Office and police officials chose to meet with two directors from each of the three largest private security companies – that is, Securicor, Security Express and Factoryguards (which was formerly Plant Protection Ltd and was to become Group 4 three years later). The resulting discussions closely followed the course anticipated by the Home Office officials in their extensive preparations for this Working Party. To begin with, the minutes of the meeting show that both the state and private security representatives agreed that it would be mutually beneficial for the private security companies to establish a central body which could be used to communicate with the industry in future consultations.³⁶ It is significant to note at this juncture that something approximating the envisaged central body did in fact already exist, for in 1958 the International Professional Security Association (IPSA) was founded with the aim of promoting professionalism within the private security industry.³⁷ There are two possible explanations, however, why the state officials decided not to utilise this body

³⁶ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. These minutes are dated 18th October 1965.

³⁷ George and button, *Private Security*, p.42.

in future consultations. First, IPSA was created specifically to represent small and medium sized private security companies, so the large companies with which the Home Office and police were concerned were not members of this organisation.³⁸ Second, and probably more importantly, it was evident that the Home Office and police wanted to influence the terms on which this central body was to be established so as to ensure that this institution would conform as far as possible with their monopoly practices. And this was far more easily accomplished by encouraging the construction of a new organisation as opposed to reshaping the existing terms of an already established one. Indeed, David Cowden, who began working for Securicor in 1969 and eventually became Chairman of the BSIA, interpreted the Home Office's decision-making process in precisely these terms: "The BSIA was set up as an organisation that would from time to time allow the government to have a dialogue, if only to defend the government's position if it ever got attacked on the whole thing".³⁹ This observation would be confirmed at numerous points over the next few years. Either way, the decision to create a central body certainly served to fulfil the first objective of the Home Office and police's monopoly agenda.

The Home Office and police's other objective of steering the discussions firmly away from the issue of statutory regulation was similarly accomplished, though less smoothly. For as predicted, the industry representatives did indeed lobby in favour of such a system, as the minutes of the meeting reflect: "The representatives of the security organisations said that...it would seem desirable for the Home Office to undertake a system of licensing to prevent unsatisfactory firms from setting up in business".⁴⁰ The ostensible logic behind this request was that the industry's poorly regarded status within the security sector was in part due to the existence of the increasingly large number of 'cowboy' operators, whose 'unsatisfactory' operations served to damage the reputation of the industry as a whole. Thus by eliminating this cowboy element through statutory regulation, the overall status of the industry would be enhanced. To be sure, this process was certainly an important consideration and was reiterated at numerous points over the next few decades (and there was the additional bonus that the newly regulated companies might be able to pick up the contracts which would be left behind by the now eliminated cowboy companies).

³⁸ George and Button, *Private Security*, p.42.

³⁹ Interview with David Cowden, conducted on 19th November 2007.

⁴⁰ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. These minutes are dated 18th October 1965.

However, the fact that Securicor, Security Express and Group 4 would also receive a state-endorsed license, which they could utilise to portray themselves as state-deputised security operatives functioning with much greater degree of legitimacy, was also clearly a substantial motivation for lobbying in favour of regulation. This scenario, then, shows once again how the preferences of the private security companies were continually being shaped by the image of the state. These companies were not attempting to expand their operations purely through conventional market mechanisms, but were instead willing to sacrifice a degree of their market freedom in order to capture the quality of 'stateness' which was considered by a significant proportion of the British population to be so essential for the legitimate provision of security in postwar Britain. Statutory regulation was thus becoming the primary means through which the private security companies could further their pluralist practices.

Given the centrality of this argument to this investigation, it is important at this juncture to once again question the credibility of this scenario. For given that these companies were still expanding successfully, why were they so determined to enter into this trade-off? Indeed, by the mid-1960s, Securicor had almost 90 branches in the United Kingdom, employed over 6,000 uniformed guards and ran a fleet of approximately 600 armoured vehicles; Security Express employed 1,200 guards and ran a fleet of over 250 armoured vehicles; and Factoryguards also employed 1,200 guards but ran a slightly smaller fleet of 50 armoured vehicles.⁴¹ These statistics show that the private security companies had expanded substantially over the past twenty years. Yet despite this growth, these companies were still facing serious cultural constraints within the postwar security sector. For the average British citizen thought that security provision ought to be provided by the state, not the market. These attitudes are in part captured by the 1962 Royal Commission on the Police, which discovered that 80 percent of the respondents considered the British police to be the "best in the world" and that 83 percent felt a "great respect" for the police.⁴² And this positive standpoint towards the police, it seems, translated into an equally strong distrust of private security provision. This can be clearly identified in the following comments given by a security industry public relations officer in the mid-1960s:

⁴¹ Clayton, *The Protectors*, p.23.

⁴² Loader and Mulcahy, *Policing and the Condition of England*, p.4.

People who say there is no such thing as bad publicity have never handled a security company's account. One theft with built-in news value can cancel years of solid successes. One stupid incident involving a security guard can revive all the old canards about strong-armed men and private armies.⁴³

This quote illustrates to great effect how the image of the state was still serving to constrain the activities of the private security companies. It appears that the very existence of these companies grated against the way in which the average British citizen considered that security ought to be provided. This therefore demonstrates why there was indeed sufficient motivation for the private security representatives to lobby in favour of a system of statutory regulation – they clearly still needed to capture legitimacy from the state in order to continually expand their operations within the unique cultural context of the postwar security sector. It was still necessary, in other words, for the private security companies to pursue their now long-standing pluralist practices.

Returning now to the Working Party meeting: in accordance with their pre-arranged monopoly agenda the Home Office and police officials immediately neutralised the industry's request for statutory regulation and steered the course of the discussion back towards their pre-prepared objectives:

The chairman [Graham-Harrison] said that it was unlikely that the Home Secretary would be willing to promote licensing legislation, but that it should be possible to achieve high standards in small firms as well as large by establishing a professional association with its own code of conduct, membership of which would be a guarantee of status and a guide to the public.⁴⁴

This is therefore a clear example of the monopoly practices of the Home Office and police countering the pluralist practices of the private security companies. It is interesting, however, that while the state officials were acutely aware of the logic behind the industry's pluralist agenda, so too were the industry representatives cognisant of the state's monopoly agenda. Reflecting back on these discussions, for instance, Jorgen Philip-Sorensen, who was one of the Factoryguards representatives attending this meeting, commented that: "They [the Home Office and police] also felt

⁴³ Clayton, *The Protectors*, p.12.

⁴⁴ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. These minutes are dated 18th October 1965.

that licensing would give us an imaginary form of authority so we could act and behave like policemen. A pseudo-police force. They were suspicious: you're a private army".⁴⁵ This is the important sub-text which was not always clearly betrayed in the official minutes of the meeting.

This sub-text aside, however, it is important to recognise that during these formal discussions the Home Office and police officials appeared to enforce their monopoly practices with apparent success. For in line with Home Office's carefully constructed agenda, the private security representatives were now charged with the responsibility of constructing a central representative body for consulting with the state and, at the same time, the idea of statutory regulation had been completely sidelined. This was nothing more than the industry representatives expected, however. As Jorgen Philip-Sorensen comments: "We knew we wouldn't get statutory regulation straight away. So we started with self-regulation to show that we could do it. That made it easier to get to the next step: statutory regulation".⁴⁶ It seems that the private security companies were quite prepared to concede ground to these monopoly practices in the short term, in the hope that in years to come they would be better placed to impose their pro-regulation pluralist agenda. Indeed, the simple fact that as a consequence of this meeting they now had a solid institutional base upon which to further consolidate their agency and promote these pluralist practices could be seen as a victory of sorts, especially when compared with their completely marginalized status a decade or so earlier

Outside of the formal Working Party meeting, however, it is also interesting to note that these companies were quick to capitalise upon this new institutional set-up by communicating to the British public that some kind of alliance was indeed emerging between the industry and the state. It soon transpired, in other words, that Glanville's early concerns about initiating a formal dialogue with the private security companies turned out to be very well founded. Over the next few months, representatives from these private security companies began to actively publicise their new relationship with the state institutions. For instance, an article in the *Daily Telegraph* during November 1965 reported upon a speech made by Mr. Cooper-Key – one of the Security Express representatives – as follows: "A National Association of commercial security organisations to join in a 'united front' with the Home Office, police and

⁴⁵ Interview with Jorgen Philip-Sorensen, conducted on 17th December 2007.

⁴⁶ Interview with Jorgen Philip-Sorensen, conducted on 17th December 2007.

insurance companies in the fight against crime was called for yesterday".⁴⁷ And in what seems to be a clear reference to the Working Party discussions, a representative of Factoryguards supplied the following comment to a *Daily Express* reporter: "I would like to see some sort of licensing system for security companies under the Home Office".⁴⁸ This demonstrates that while the private security companies were forced to concede ground to the Home Office and police's monopoly practices during the Working Party discussions, they were nevertheless able to use the fact that these discussions had taken place at all to contribute towards their pluralist strategy of developing public linkages between themselves and the state institutions so as to capture state legitimacy, even if these linkages were far short of the more solid institutional connections which would have been constructed through a system of statutory regulation.

Moreover, even when they were ostensibly complying with the Home Office and police's agenda these companies were still seeking to maximise all the benefits they could possibly derive from this new institutional relationship. In April 1966, for example, delegates from eight large private security companies came together in order to lay the foundations for the central body which was to represent the industry from then onwards. The minutes of this meeting indicate that there was a clear consensus among the delegates in favour of establishing this body, which was to be named the British Security Industry Association, reporting that: "It was finally resolved that the formation of the new Association should be proceeded with, all firms present agreeing".⁴⁹ Rather than conveying this news to the Home Office and police, however, a representative from Chubb Group informed Glanville at the Home Office that "...the whole thing may fly apart by centrifugal forces". And to prevent this from happening, the Chubb Group representative suggested that:

It would be most helpful if Mr. Dunham [Managing Director of Chubb Group] could be seen to be received from someone in authority in the Home Office...would it be possible for Mr. Dunham to be invited to the Home Office to give some report of the progress being made, some modest publicity being given to this event? If this could be done it would greatly strengthen Mr.

⁴⁷ *Daily Telegraph*, 'Anti-Crime National Front Call', 18th November 1965.

⁴⁸ *Daily Express*, 'Those Other Men in Blue', 22nd March 1966.

⁴⁹ British Security Industry Association (BSIA), *Council Meeting Minutes*, 1st April 1966 (BSIA Archives).

Dunham's position and improve the chances of the Association being brought into operation.⁵⁰

This therefore constitutes yet another instance of the industry attempting to develop official and publicly recognisable connections with the core state institutions so as to capture a degree of their legitimacy. Like the newspaper publicity, this did not necessarily contribute directly to their primary strategy of bringing about statutory regulation, but it nevertheless represented another attempt to advance their pluralist practices more broadly defined. Significantly, in their eagerness to facilitate the successful creation of the BSIA, the Home Office officials conceded to this request and arranged for Dunham to meet with Sir Charles Cunningham, the Permanent Under-Secretary of State, and the most senior civil servant within the Home Office. This scenario thus demonstrates that the private security industry had clearly now entered into a genuine relationship of power dependence with the Home Office and police. The companies were prepared to cooperate with the Working Party's objectives, but only if they could siphon off some of the state's legitimacy in return. They were, in other words, starting to exercise some genuine agency within the security sector negotiations, thereby enabling them to promote their pluralist practices and challenge the monopoly practices of the Home Office and police.

This section has illustrated, then, that while the Home Office and police were managing to steer the debate surrounding the core issue of statutory regulation in line with their monopoly practices, the private security companies were nevertheless exercising an increasing degree of agency on the periphery of the negotiations. They were able, in other words, to promote their pluralist practices by capturing small amounts of legitimacy in a number of less direct ways. At this stage, the security sector was therefore increasingly characterised by conflict between two opposing sets of practices, as the state-in-society approach would indeed suggest. Yet, as we will now see, this was not an unstoppable, uni-directional trend. For the extent to which these companies could continue to advance their pluralist practices over the next few years was severely limited by the Home Office and police during the course of the

⁵⁰ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. This information is contained in an internal communication dated 13th May 1966 and sent by Glanville to the Home Secretary, and carbon copied to Graham-Harrison.

subsequent Working Party meetings, when the more stringent 'rules of the game' for these negotiations were gradually set down by these state institutions.

4.6 The Rules of the Game

This section will examine the 'rules of the game' which increasingly came to characterise the negotiations between the private security and state institutions during the late 1960s.⁵¹ It will show that these rules were implemented by the Home Office and the police in order to reinforce their monopoly practices against the growing power of the private security industry's pluralist practices. Although it will also be emphasised that because these rules were nevertheless premised on formal, face-to-face interactions with private security representatives they also served to consolidate the agency of the private security institutions.

During the next Working Party meeting, which took place in August 1967, the Home Office and police representatives again conducted the opening session in the absence of the private security representatives so as to set down a clear monopoly agenda. The minutes of the meeting show that "...the Working Party did not like the idea of state or police registration – mainly because such registration would inevitably imply that the operations and standards of work of a particular firm had official blessing".⁵² The Home Office and police were thus as troubled as ever by the idea of conferring any 'official blessing' – or legitimacy – upon the operations of the private security companies. Furthermore, this quote also illustrates that the Working Party was no longer plagued by any divisions along the monopoly-reformist fracture lines, for the idea of regulation was firmly rejected. All said, then, the opening session was characterised by a firm commitment to the monopoly practices which had once again come to dominate the Home Office and police. With this in mind, the officials then met with the private security representatives. The minutes indicate that this session was very short and notable for only two reasons.

First, it was agreed that the BSIA would now function as the main institutional body through which the Home Office and police would from now on engage with the

⁵¹ The useful term 'rules of the game' has been taken from: Martin Smith, *Pressure, Power and Policy: State Autonomy and Policy Networks in Britain and the United States* (Hemel Hempstead: Harvester Wheatsheaf, 1993), p.61.

⁵² TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. This information is taken from the amended section of the Working Party minutes dated 17th October 1967.

industry, thereby consolidating the formal institutional arrangements between these public and private agencies.⁵³ This represented, then, one of the central ‘rules of the game’ which would define the negotiations in years to come: communication between the industry and the state would take place only through this institutional channel – there would, in other words, be no more impromptu meetings with the Permanent Under-Secretary of State. Second, it was decided that no further publicity should be given to the Working Party discussions.⁵⁴ Taking into account the differing agendas of these institutions, it was presumably the Home Office and police representatives who instigated this latter policy. And, working on this presumption, it seems reasonable to surmise that this stipulation was probably a reaction to the media coverage of the first Working Party meeting which was generated by the private security companies. This can therefore be interpreted as another core ‘rule of the game’ for future negotiations: no more publicity. So while the Home Office and police were willing to provide the industry with some official publicity in the context of setting up the BSIA, once this core objective had been accomplished this resource was no longer to be exchanged.

The rule-making did not end here, however, because following this joint consultation the state representatives then held another brief meeting among themselves when, significantly, it was further decided that “[t]he consultations... would generally be of a technical nature and would not alter the status of the private security firms in any way”. This decision was intended to allay “...anxieties in the police service about the possibility of the private security firms developing into private police forces and encroaching upon the functions of the service”.⁵⁵ The Home Office and police were therefore using their elevated position in their institutional relationship with the private security companies to lay down yet another very important ‘rule of the game’: that discussions would be confined to technical matters only. This would in turn serve to limit even further the extent to which the private security companies could advance their pluralist practices, which were based upon the

⁵³ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. This information is taken from the non-amended section of the Working Party minutes dated 18th August 1967.

⁵⁴ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. This information is also taken from the non-amended section of the Working Party minutes dated 18th August 1967.

⁵⁵ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes of Meetings 1965-1967. This information is taken from the amended section of the Working Party minutes dated 17th October 1967.

development of broad and ambitious connections between the industry and the state, particularly through the auspices of the Working Party.

This institutional environment then became even more unfavourable to the private security companies during the course of the next Working Party meeting. To begin with, the Home Office and police did not begin preparations for the next meeting until September 1969, and in the intervening two-year period records suggest that no consultations occurred between these public and private institutions. Clearly, this lack of engagement suited the Home Office and police to the detriment of the private security industry. For the while the Home Office and police's monopoly practices were strengthened by a lack of association between the two sets of institutions, the industry's pluralist practices were almost entirely dependent upon it. Then, in finally preparing for the next meeting, the Home Office sent a letter to the Secretary of the BSIA informing him that subsequent Working Party discussions would focus upon issues relating to the hardware section of the industry only.⁵⁶ This decision represented a significant blow to the BSIA, for the resulting dialogue would essentially bypass its membership, which was primarily comprised of guarding and cash-carrying companies. While no explanation was given by the Home Office and police for this decision, it seems reasonable to speculate that by orientating the discussions towards the uncontroversial hardware side of the industry they were minimising the possibility of transferring any legitimacy to the far more controversial manned guarding and cash-carrying side.

All of the 'rules of the game' instituted by the Home Office and police in the late 1960s were thus essentially designed to consolidate their monopoly practices in the face of the increasingly powerful pluralist practices of the private security industry. For they were all created to either prevent or minimise the potential transfer of legitimacy from the state institutions to the private security institutions. Moreover, the Home Office and police were both willing and able to enforce these new rules. This was clearly demonstrated during the next Working Party meeting, which took place in October 1969, when the BSIA representatives attempted to contravene these recently established stipulations. For instance, the minutes of the meeting show that Mr. Dunham – Managing Director of Chubb Group and BSIA representative – initiated the following discussion:

⁵⁶ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes 1969. This letter is dated 3rd September 1969.

To be effective the BSIA should be able to demonstrate that membership brought benefits. They wanted, Mr. Dunham said, something more than friendship from the Home Office; they wanted their sponsorship. They hoped that the police would accept that membership of the BSIA guaranteed high standards of technical competence and integrity and would recommend the members of BSIA to those who sought their advice of security.⁵⁷

Here, then, Dunham was attempting to enhance and publicise the linkages between the state institutions and the private security companies – a strategy which clearly ran contrary to two of the rules instituted by the Home Office: first, that the Working Party was not to be utilised as a vehicle for influencing the status of the industry; and second, that no public communications could result from the Working Party discussions. Significantly, the minutes show that the Chairman – now Mr. Trevelyan of the Home Office – immediately enforced these rules with his response:

The Chairman said that the Home Office had already given support to the BSIA and, indeed, had been involved to some extent in the setting up of the Association. Their confidence in the BSIA had been demonstrated by their suggestion that the BSIA supervise the industry. Note would be taken of what had been said.⁵⁸

This response can be construed as a polite but firm refusal of Dunham's requests. Through the enforcement of these rules, furthermore, the institutional pattern for the remainder of the Working Party discussions was set. Records show, for instance, that the remaining three Working Party meetings were dominated by technical issues surrounding the hardware section of the private security industry, as the rules stipulated.⁵⁹ Moreover, the last regular Working Party meeting took place in October 1972, after which point the formal dialogue between Home Office, police and private security representatives seemingly ground to a temporary halt.

The initial success which the private security companies had experienced through their new, formalised institutional relationship with the central state institutions was

⁵⁷ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes 1969. These minutes are dated 28th October 1969.

⁵⁸ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes 1969. This information is taken from the minute of the Working Party meeting dated 28th October 1969.

⁵⁹ TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes 1970; TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes 1970-1971; TNA: PRO, HO 287/1477, Private Police and Security Organisations, Working Party on Security Organisations, Minutes 1971-1972.

therefore steadily diminishing as the Home Office and police increasingly imposed their monopoly practices upon the negotiations. For these rules of the game in effect served to create a localised policy network in which the monopoly practices of the Home Office and police were privileged over the pluralist practices of the private security institutions. Yet, when taken as a whole, the 1960s were nevertheless characterised by a pronounced intensification in the degree of contestation between, on one side, the combined pluralist practices of the private security companies and the BSIA and, on the other, the monopoly practices of the Home Office and police. This is especially the case when the highly networked position of the BSIA is compared with the relatively ostracised position of Securicor at the close of the 1950s. So while the industry was not necessarily able to capture much legitimacy from the Home Office and police by 1969, their new levels of interconnectedness certainly meant that they much more strategically placed to do so in the future.

4.7 Conclusion

This chapter has illustrated that, in certain respects, the security sector at the close of the 1960s quite closely resembled the security sector at the end of the 1950s. For it was still primarily characterised by a political contest between the pluralist and monopoly sets of practices. And the purpose of each of these practices was still to bring about a different ensemble of institutional arrangements within the security sector. Those institutions advancing the pluralist practices, for instance, still wanted to develop a pluralised system of security provision, in which both public and private security providers were able to legitimately function alongside one another within the security sector. Whereas those institutions advancing the monopoly practices still wanted to defend and maintain a monopolistic system of security provision, in which only public security providers were able to legitimately function within the security sector.

There were two main differences by the end of the 1960s, however. The first difference was that this contest was now taking place on a much grander scale. For while in the 1950s the pluralist practices were being advanced by Securicor alone, a decade later they had been adopted by all the major private security companies, together with their new trade association, the BSIA. Similarly, while in the 1950s the monopoly practices were being advanced solely by the Metropolitan Police, a decade

later they had been considerably reinforced by the support of the Home Office and other high-ranking police officials – the brief reformist breakaway notwithstanding. The second difference was that although the monopoly practices of the Home Office and police were still controlling the negotiations, the pluralist practices of the private security institutions had clearly accumulated power and momentum over the course of the 1960s. So by the end of the decade these institutions were consequently in a better position to pursue their pluralist strategy of capturing legitimacy from the state. The political contest between these two sets of practices was, in other words, less one-sided than before. As the state-in-society approach would suggest, the political domain supposedly at the very heart of the state was therefore increasingly being characterised by a political contest between contrasting sets of state and society practices.

This chapter has also elucidated, however, that strong currents of continuity were nevertheless still running through these negotiations. For the structural influence of the image of the state was clearly still serving to shape and mould the both the pluralist and monopoly practices of the private security and state institutions respectively. So despite the growing prominence of the private security industry, it seems that a sizeable section of the British population were unmoving in their normative expectation that the state ought to be the only legitimate provider of security functions – that is, their attachment to the monopoly myth appeared to be unwavering. This in turn meant that the image of the state was necessarily reflected in each set of practices, for it could not be ignored without these security providers encountering cultural resistance. In the case of the Home Office and police, the structural influence of image of the state continued to provide an empowering context for their monopoly practices – that is, in their attempts to defend a state-monopolised security sector they remained the direct bearers and perpetrators of the monopoly myth. In the case of the private security companies, on the other hand, the structural influence of the image of the state was still more of a constraint. For they were forced to continue with their complicated endeavours to capture legitimacy from the state in order to structure their operations as far as possible with these normative expectations about how security ought to be provided. With this in mind, then, it is important to recognise that even as the private security companies were becoming increasingly powerful within the postwar security sector, they were using this power not to function as purebred market actors but rather to capture an ever greater degree of

legitimacy from the state. As the state-in-society approach would suggest, then, the structural influence of the image of the state was still causing a strong current of continuity to course through these divergent state and society practices. For once again, whatever the outcome of these negotiations, central components of the image of the state would to some extent be reproduced.

It is important to re-emphasise, then, that it is this dialectical process of continuity and change, articulated here using the state-in-society concepts of image and practice, which ultimately serves to elucidate the complex political processes relating to the re-legitimation private security in postwar Britain. For on one side, it was the fluid nature of state and society practices within the security sector over the course of the 1960s which demonstrates how the various private security institutions managed to successfully advance their pluralist agenda in the face of ongoing state opposition. On the other, it was the strong current of continuity created by the structural influence of the image of the state which explains why these private security institutions used this agency not to function as market actors within the security sector but rather to capture legitimacy from the state. It is the dialectical interplay between these two processes, furthermore, which enables us to understand the re-legitimation of private security in postwar Britain. Interestingly, in the next chapter we will see these patterns of political contestation and continuity complicated by the emergence of a much more powerful set of reformist practices, thereby adding a clear third dimension to these previously bifurcated negotiations. As we will see, this development had the largely unintended effect of both augmenting the bargaining position of the private security industry and, by extension, further advancing the cause of the re-legitimation of private security in postwar Britain.

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Parliamentary Pressure (1969-1979)

5.1 Introduction

By the end of the 1960s, the negotiations regarding the constitution of the security sector within postwar Britain had been transferred into a far more formal political network. While this new set of institutional relations certainly had the effect of concretising the agency of the private security companies, the 'rules of the game' which served to structure these interactions were nevertheless weighted decisively in favour of the monopoly practices of the Home Office and police. This was perhaps most clearly evidenced by the way in which the issue of statutory regulation, which was viewed by the Home Office and police with great trepidation, and by the private security companies with a corresponding degree of optimism, was eliminated from the policy network's agenda. However, this chapter will show how these 'rules of the game' were transformed over the subsequent decade and the balance of power was accordingly shifted gradually further towards the pluralist practices of the private security institutions. The primary factor which served to instigate this transformation was the entrance of numerous parliamentary actors into policy arena. For, crucially, these actors were collectively responsible for giving further shape and substance to the nascent reformist practices which, as we have already inferred, served to rather paradoxically complement the pluralist practices of the private security companies with regard to the central issue of statutory regulation.

The reformist practices were briefly introduced in the previous chapter, primarily in relation to the ultimately inconsequential interventions of the Home Secretary Frank Soskice. Given the centrality of these practices to the present chapter, however, it is worth restating their core characteristics. In many respects the reformist practices have much in common with the monopoly practices. For both are premised on a direct interpretation of the image of the state. The key difference between them, however, is that the reformists are far more pragmatic in their application of this interpretation. For rather than seeking to marginalise the private security industry because it contradicts the image of the state, they instead reluctantly accept its existence. Yet, critically, this is not a passive acceptance. This is because as far as

possible they want to use statutory regulation to actively bring the operations of the private security companies in line with the ideas of 'good' security provision extolled in the image of the state – that is, they want to see all security provision, whether delivered through public or private institutions, to take the form of a universal and accountable public good. So while they accept that the industry contradicts the image of the state, they want to use regulation to reshape the industry towards this same image, thereby reducing the scale of the initial contradiction and, by extension, increasing public safety.

The reformist support for statutory regulation has rather paradoxical unintended consequences, however, since it also serves to complement the pluralist practices of the private security industry. For such a regulatory system would, of course, establish the official public-private institutional connections which could potentially serve to transfer legitimacy from the state institutions to the industry. To the extent that both the pluralists and reformists want to bring about a system of statutory regulation, then, they form a political alliance. As we have already seen, during the 1960s a series of carefully orchestrated political manoeuvres by the Home Office and police managed to prevent any such alliance developing, for these institutions judged that it would have the effect of undermining their anti-regulation, monopoly agenda. This chapter will show, however, that the Home Office and police could not suppress the formation of this alliance indefinitely. For over the course of the 1970s, the reformist practices of the parliamentary actors and pluralist practices of the private security institutions combined to give the issue of statutory regulation far more political weight than in the past. And this alliance, of course, served to further increase the possibilities for the re-legitimation of private security.

This chapter will map out this phase of the negotiations in six parts. Section 5.2 will first provide some important background information about the nature of parliament as a political actor within postwar Britain. It will, in particular, elucidate its constitutional powers and contextualise its relations with other state actors such as the central government departments. Section 5.3 will then examine Parliament's historical interest in private security provision, which traditionally revolved around the twinned issues of privacy and private investigators. Next, Section 5.4 will investigate the reformist practices of the Committee on Privacy, which during the early 1970s came into direct conflict with the monopoly practices of the Home Office and police with regard to the question of statutory regulation of the private security

industry. Section 5.5 will then examine the series of private members' bills introduced into the House of Commons during the mid and late 1970s, which were all designed to bring about a system of statutory regulation. This section will also illustrate how the parliamentary actors and the private security institutions were increasingly forming a reformist-pluralist alliance at this time so as to publicise the issue of regulation. Section 5.6 will analyse the 1979 Green Paper which the Home Office published in an attempt to reassert their monopoly practices in the face of growing pressure from the now wide variety of public and private institutions promoting the reformist and the pluralist practices. Finally, Section 5.7 will provide a few theoretically-informed conclusions about this third phase of the negotiations. It will, more specifically, illustrate how the dialectical processes of contestation and continuity which were revealed in the preceding empirical sections – and which were expressed through the state-in-society concepts of image and practices – again serve to explain the re-legitimation of private security in postwar Britain.

5.2 Parliament and Political Influence

This section will outline the political influence of parliamentary actors. It will illustrate that parliamentary actors – which in this thesis includes parliamentary committees and individual MPs – have a series of political powers available to them in order to pursue their preferences. Furthermore, when applied in the right context these powers can serve to significantly change the shape of the political landscape. The negotiations over the legitimacy to undertake security functions, as we will see, represented such a context, thereby enabling these parliamentary actors to make a substantial impact upon this policy area.

The position of Parliament within the British political system has been hotly debated over the past three decades. The long-standing notion of 'parliamentary sovereignty', which was advanced in the traditional Westminster model of British government, placed Parliament right at the centre of the political system, with the constitutional capability to override political parties, government departments and societal pressures. From this perspective, it was the core of the elitist, unitary and centralised British state. Over the past few years, however, the recently emergent governance paradigm has openly challenged this interpretation of parliamentary power. Martin Smith, for instance, views this traditional reading of 'parliamentary

sovereignty' as nothing more than a "constitutional myth", which only had real analytical purchase during a limited period of the mid-nineteenth century.¹ Instead of viewing the British political system as being centralised around Parliament, then, the governance theorists instead focus upon the widely dispersed and conflict-laden patterns of power among political parties, central government departments, non-state pressure groups and supranational institutions in the policy-making process, and in turn allocate Parliament only a relatively limited role in this much more broadly defined political system. This is a very important analysis, for it illustrates that while Parliament is a key political actor, its ability to influence political events is largely dependent upon the extent to which it can forge alliances with other actors. As we will see, it was the alliance between the reformist practices of the parliamentary actors and the pluralist practices of the private security companies which actually made a real difference to the security sector negotiations in the long run.

Yet as a corrective to the governance paradigm, some analysts have accordingly warned us not to over-marginalise Parliament – especially the House of Commons – within the contemporary British political system, arguing that while it is one among many actors it nevertheless occupies a rather special position. For David Judge, Parliament remains crucial because it is the only institution which acts as a "...two-way *conduit* between 'political nation' and the executive".² And in performing this function, Parliament assumes the unique role of linking together the 'governing' and 'governed' sections of society in something approximating a consensual and representative relationship. It serves to legitimate, in other words, the potentially volatile relationship between the 'rulers' and the 'ruled' in British society. Judge is quick to acknowledge that in reality Parliament is indeed often bypassed and marginalised within the policy-making process as the governance theorists assert. But, he continues, any such marginalisation is necessarily limited because all the governing agencies involved need at the very least to maintain the impression that Parliament is still legitimating the policy-making process for the resulting policy outcomes to be widely accepted. In this way, then, Parliament always tends to structure the policy-making process to some degree. Or, as Judge puts it:

¹ Martin J. Smith, *The Core Executive in Britain* (Basingstoke: Palgrave Macmillan, 1999), p.219.

² David Judge, *The Parliamentary State* (London: Sage, 1993), p.2.

...the central state cannot be examined in Britain without reference to the structural and organising precepts of parliamentary government itself. This is not to argue that central state institutions act consistently in accordance with these precepts, merely that there is a widespread belief, within and beyond the executive, that they *should*.³

So when examining the impact of parliamentary actors upon the security sector negotiations, it is important to keep in mind that while they are most powerful when operating in an alliance, they do nevertheless have the ability to make more of an autonomous impact upon the policy process than many other actors do. Indeed, as we will see in this chapter, this can be witnessed during the early 1970s when the reformist practices of parliamentary actors started to autonomously challenge the monopoly practices of Home Office and police with regard to the central issue of statutory regulation.

In depicting parliament as a political actor, it is also necessary to explore in greater detail the exact institutional mechanisms through which parliamentary actors are able to influence the policy-making process and the political contexts in which these mechanisms have the greatest impact. Philip Norton summarises the policy-making powers of Parliament as follows:

Parliament's involvement in the initiating stage may be classified as sporadic...The principle means by which policies may be brought on to the policy-making agenda are several. On the floor of each House they comprise questions, motions, and the second reading of private members' bills. Away from the floor, there are two unofficial routes, those of party committees and all-party groups, and one official route, that of select committees. There is also the opportunity to table early day motions.⁴

During the private security negotiations from the early 1970s to the late 1990s, a variety of parliamentary actors employed most of these mechanisms in order to influence the direction of the statutory regulation policy agenda. But in the specific era examined within this chapter the main mechanisms utilised were, in the 1970-1974 period, a rather heterogeneous parliamentary committee, and in the 1974-1979 period a series of private members' bills.

Norton further reminds us, however, that the impact of these parliamentary mechanisms is also dependent upon context. He argues, for instance, that "[t]he

³ Judge, *The Parliamentary State*, p.133 [italics in original].

⁴ Philip Norton, *Does Parliament Matter?* (Hemel Hempstead: Harvester Wheatsheaf, 1993), pp.56-57.

occasions when these means are likely to prove most effective are when there is no existing policy in the area or when the issue is a contentious but non-party one, with the government preferring to adopt an ostensible hands-off approach”.⁵ Significantly, the statutory regulation policy area during the early 1970s did indeed satisfy many of these criteria. To begin with, while there was a clear Home Office and police policy stance on regulation, there was no existing legislation serving to formally define the boundaries of debate. In addition, in the early 1970s the issue was not yet party-politicised, which meant that parliamentary actors from both benches were open-minded with regard to this issue. Furthermore, through careful planning the Home Office had certainly managed to maintain a ‘hands-off’ approach in the sense that it wanted to actively dissociate itself from the private security companies wherever possible so as to avoid raising the profile of the industry. As these contextual factors suggest, and as subsequent sections will demonstrate, when parliamentary actors became involved within this policy area they did have a substantial impact upon the debate. With these points in mind, then, we must now begin to examine the historical involvement of parliamentary actors in this policy area, which initially revolved around the twinned issues of privacy and private investigators.

5.3 Parliament, Privacy and Private Security

This section will examine Parliament’s historical interest in issues concerning the private security industry, which was initially focused primarily upon the broader matter of privacy and its relation to the activities of private investigators. It will show, more specifically, that by the time parliamentary actors started to intervene in the security sector negotiations, they were already characterised by a nascent reformist agenda. It will also demonstrate that in the context of the regulation debate these reformist practices served to complement the pluralist practices of the private security institutions and conflict with monopoly practices of the Home Office and police.

The parliamentary lobby in favour of statutory regulation did not gain any real momentum until 1969, yet the foundations for this lobby were established in 1961 when Lord Mancroft introduced his Right of Privacy Bill. Although the Bill itself was very broadly pitched, intending “...to give to every individual such further

⁵ Norton, *Does Parliament Matter?*, p.57.

protection against the invasion of his privacy as may be desirable for the maintenance of human dignity”,⁶ during the Bill’s second reading it became clear that its remit included, among other things, the licensing of private investigators.⁷ The Bill did not progress beyond its second reading, yet it did generate a great deal of sympathy within the Lords and seemingly ignited a general parliamentary interest in the twinned issues of the protection of privacy and the statutory regulation of private investigators. This therefore represented the genesis of the reformist practices of the parliamentary actors which gathered momentum in subsequent years, especially during the 1970s. As a related aside, it is important to note at this juncture that while the activities of private investigators have not yet been analysed in this thesis, they do constitute one – admittedly rather small⁸ – section of the private security industry. Furthermore, like the contract manned guarding side of the industry, private investigators have sought to operate in a domain over which the modern state has historically claimed a monopoly. As such, the activities of private investigators have similarly been characterised by the constraining structural influence of image of the state, the struggle for legitimacy and the corresponding desire for statutory regulation. As will become clear, then, they have been important propagators of the pluralist set of practices.

Six years later, in February 1967, these twinned issues made their first appearance in the House of Commons when Alexander Lyon MP (Labour) introduced his Right of Privacy Bill under the ten minute rule. This Bill was an explicit attempt to continue Lord Mancroft’s earlier efforts to generate a wider parliamentary interest in the protection of privacy. Lyon did not, however, manage to secure a second reading and his lobbying efforts accordingly disappeared.⁹ Then, two years after this, in April 1969, Tony Gardner MP (Conservative) introduced his Private Investigators Bill into the House of Commons, again under the ten minute rule. Strikingly, this Bill represented the first endeavour to regulate the activities of private investigators directly. Gardner was concerned that there was no regulatory body to ensure that professional standards were maintained within this sub-sector – “...there is no one available to keep an eye on the ‘private eye’”¹⁰ – and thus proposed to institute a system whereby private investigators would be required to obtain a certificate from a

⁶ HL Bill (1960-61) [35].

⁷ HL Deb (1960-61), vol.229, col.607.

⁸ George and Button, *Private Security*, pp.90-92.

⁹ HC Deb (1966-67), vol.740, col.1566.

¹⁰ HC Deb (1968-69), vol.782, col.1444

county court judge stating that they were a “fit and proper person” before they could legally undertake their operations.¹¹ This Bill therefore represented the further development of Parliament’s inclination towards a reformist agenda.

While on the surface, Gardner’s Bill seemed to conform with the growing parliamentary pressure surrounding this issue in a straightforward manner, the background to his Bill is very revealing. For in an article published in the private investigator trade press a few months later, Peter Heims, Vice-President of the Association of British Investigators (the largest trade association in this sub-sector), claimed that “...I was responsible for the original draft upon which Anthony Gardner based his Bill”.¹² If this claim is taken to be genuine, it reveals a number of interesting things about this part of the negotiations. It first indicates that the activities of the private investigators, like those of the larger private security companies, were clearly being structured by the image of the state – that is, they were being constrained by the majority of the British population’s normative expectations about how security (or investigative services in this case) ought to be provided. Indeed, Peter Heims accordingly commented in the trade press at the time that “...many of the public regard us as being in a rather dubious business”.¹³ A sizeable proportion of the public, other words, considered that the state ought to undertake these functions, not commercial organisations. Against this backdrop, then, we can conjecture that Heims’s draft bill represented an attempt to capture legitimacy from the state institutions through a system of statutory regulation in order to portray private investigators as state-deputised security actors and in turn placate the public’s poor regard for private investigator services to some degree. And with this rather loose interpretation of the image of the state, the private investigators can be regarded as clear purveyors of the pluralist set of practices.

Furthermore, it seems that this pluralist strategy was being facilitated by the reformist tendencies of the parliamentary actors. For Gardner’s Bill was effectively serving to enhance the pluralist practices of the private investigators. To be sure, this alliance was clearly not based upon a sharing of political ends, since Gardner’s rationale was to control and reform the industry in order to protect the public, whereas the private investigators’ rationale was to confer a greater degree of legitimacy upon

¹¹ HC Bill (1968-69) [146].

¹² *The Private Investigator*, ‘Invasion of Privacy’, August 1970.

¹³ *The Police Review*, ‘To Elevate the Profession of the Investigator’, 5 May 1972.

their operations and in turn increase their competitiveness. And this is precisely why the reformist practices and pluralist practice are seen here as being different from one another. Yet because both of these sets of practices shared a commonality in the means to these different ends – statutory regulation – they entered into an alliance. Indeed, the fact that there was no opposition to Gardner’s Bill in the House of Commons and that it was accordingly scheduled for a second reading two months later illustrates the strength of this alliance. In the event, however, this particular permutation of the emergent reformist-pluralist alliance did not impact greatly upon the security sector negotiations because an extended parliamentary debate over the Divorce Reform Bill meant that there was not sufficient time to carry out this second reading, and the Bill disappeared.

But while Gardner’s Bill prematurely faded away, the broader issue certainly did not – indeed, it soon became far more prominent. For in November 1969, Brian Walden MP (Labour) introduced his Right of Privacy Bill into the House of Commons, which was to have a far greater impact than its predecessors. Though more broadly pitched than Gardner’s Bill, it still retained an explicit focus on curtailing and reforming the activities of private investigators.¹⁴ And the House of Commons again remained sympathetic to the cause, rewarding Walden’s Bill with a second reading two months later. This second reading, in January 1970, proved to be highly successful. For after an extremely supportive debate James Callaghan, the Home Secretary, declared that the various issues relating to protection of privacy certainly required more attention and that the government would accordingly establish a Committee on Privacy to conduct a more technical investigation into these matters.¹⁵ With this promise, Walden withdrew his Bill.

It is also significant to note that in the final contribution to the second reading debate, Niall MacDermot MP (Labour) commented that: “The outstanding feature of the debate has been that not one hon. Member has suggested that there is no need for legislation”.¹⁶ This illustrates the overwhelming degree of parliamentary support for a system of statutory regulation to control and reform the private investigator sub-sector of the private security industry – it shows, in other words, a strong commitment in the House of Commons towards the reformist practices. It also provides an indication of

¹⁴ HC Bill (1969-70) [25].

¹⁵ HC Deb (1969-70), vol.794, col.939-941.

¹⁶ HC Deb (1969-70), vol.794, col.956.

the impending split between Parliament and the Home Office over this issue. For while the House of Commons was inclined towards the pro-regulation reformist set of practices, the Home Office was firmly in favour of the anti-regulation monopoly set of practices. The fault lines initially set down by Soskice four years earlier were therefore re-opening, signalling a new phase of internalised state contestation within the security sector negotiations. Furthermore, this section has also revealed the beginnings of a new reformist-pluralist alliance with reference to the issue of statutory regulation. And, crucially, this alliance would also come to have great ramifications for the industry's attempts to capture legitimacy from the state institutions, as the next section will start to elucidate.

5.4 The Committee on Privacy Versus the Home Office

This section will examine the undertakings of the Committee on Privacy between 1970 and 1973, with a particular emphasis on the way in which the Committee's reformist practices increasingly came into conflict with the monopoly practice of the Home Office and police and served to complement the pluralist practices of the private security institutions. For in their support of statutory regulation, these reformist practices had the unintended (but accepted) consequence of contributing towards the re-legitimation of private security. In terms of the resulting changes in the shape of the security sector negotiations, this section will demonstrate that while the Home Office did eventually managed to impose its anti-regulation agenda upon the proceedings, the influence of the parliamentary actors was beginning to shift the balance of power towards a pro-regulation agenda.

The Committee itself was rather eclectic in its composition, including members of the three main parties drawn from both the House of Lords and House of Commons, together with a number of lawyers and trade union representatives, and was chaired by Kenneth Younger, a former Labour MP and at that time Chairman of the Howard League for Penal Reform, Chairman of the Advisory Council on the Penal System, and Director of the Royal Institute of International Affairs.¹⁷ The Committee began its enquiries in early 1970 by taking evidence from a range of relevant agencies, both state and non-state. Of particular interest here is the evidence presented by the private investigators on one side and the Home Office and police on the other. For this

¹⁷ *The Private Investigator*, 'Invasion of Privacy', August 1970,

illustrates how the different sets of practices were impacting upon one another – the long-term outcome of which was crucial in the re-legitimation of private security in postwar Britain.

In line with the previously established pluralist practices of the private security industry, the private investigators were extremely supportive of statutory regulation. Early in the enquiry, in May 1970, Graham-Harrison of the Home Office drew upon his experiences in the Working Party on Private Security Organisation to inform the Committee Chairman of this position: “Many of the more reputable firms are said to desire the creation of a professional code and a system of licensing”.¹⁸ And the evidence subsequently submitted by the private investigators to the Committee certainly confirmed this suspicion. Finlay’s Bureau of Investigation, for instance, sent a letter to the Committee in September 1970 concluding that:

...we would therefore strongly support that the Committee looks carefully into, and thereafter recommends, that some form of practising certificate be introduced for reputable Private Investigators, which could be renewed annually by a Judge in Chambers of a County Court.¹⁹

In a similar manner, the ABI, which at the time had 483 members and was judged by the Committee to “have the best claim to represent reputable private detectives”,²⁰ wrote in their submission that:

The Association of British Investigators believes that proper recognition of a professional body observing a strict code of conduct would be in the best public interest and the Association would therefore support suitable legislation which would restrict the activity of lawful intrusion to suitable persons.²¹

These submissions thus provide further evidence that this small section of the private security industry, like the large contract manned guarding companies, was actively attempting to bring about a system of statutory regulation. It was willing to relinquish

¹⁸ TNA: PRO, HO 264/57, Committee on Privacy Circulate Papers, PRI (70) 1-20.

¹⁹ TNA: PRO, HO 264/69, Committee on Privacy, Circulated Papers, PRI (71) 13-20. This letter is dated 4th September 1970.

²⁰ TNA: PRO, HO 264/69, Committee on Privacy, Circulated Papers, PRI (71) 13-20. This quote was drawn from an internal communication written by the Committee Secretary on 11th February 1971.

²¹ TNA: PRO, HO 264/69, Committee on Privacy, Circulated Papers, PRI (71) 13-20. Although this submission was not dated, it must have been sent to the Committee between 31st December 1970 and 11th February 1971. This is because the Association of British Investigators was not officially incorporated until the first date and the Committee Secretary had received the submission by the second date.

a degree of control over its operations in exchange for an official linkage with the state, which would then potentially facilitate the transfer of the key resource of legitimacy from these state institutions to the industry, and would in turn serve to enhance its competitiveness within the security sector. It was shaping its preferences, in other words, in accordance with a loose interpretation image of the state in which both public and private institutions could populate the security sector so long as they somehow conformed to the majority of the British population's normative expectations about how security ought to be legitimately provided. The private investigators were, in other words, actively pursuing a pluralist agenda.

Also in line with their previously established monopoly practices, the Home Office and police were resolutely opposed to statutory regulation in their submissions to the Committee. In April 1971, for example, the General Secretary of ACPO sent a letter to the Committee asserting that: "The Commissioner of the Police of the Metropolis was firmly opposed to registration of Private Detective Agencies in that such persons would be given an enhanced status..."²² And in July 1971 the Home Office submitted the following memorandum to the Committee regarding the statutory licensing of private investigators:

...the impression which would be given by any system would be that those admitted had passed stringent tests and could be employed without fear that they would themselves prove dishonest or employ reprehensible methods. Because of the false impression it would give, the idea of 'licensed private detectives' is unattractive.²³

Both of these submissions represented attempts to reiterate and reinforce the long-established policy stance of the Home Office and the police towards the notion of introducing a system of statutory licensing into the private security sector. Their concern was that such a system would potentially serve to 'enhance the status' of security providers within this sector by conferring upon them a degree of the state's legitimacy. And such a transfer of legitimacy would, in their eyes, facilitate the expansion of the industry into a domain which they viewed as being the sole remit of the modern state. This was, in other words, a standard application of the monopoly

²² TNA: PRO, HO 264/76, Committee on Privacy, Circulated Papers, PRI (71) 41-50. This letter is dated 20th April 1971.

²³ TNA: PRO, HO 411/7, Committee on Privacy, Memoranda of Evidence, Home Office Oral Evidence. This memorandum is dated 15th July 1971.

set of practices. In effect, then, both the private investigators and the Home Office and police were attempting to sway the Committee on Privacy towards their respective interpretations of statutory regulation.

Significantly, during the process of evaluating these submissions the Committee was more sympathetic to the pluralist practices of the private investigators than the monopoly practices of the Home Office and police. For instance, the various members of the Committee assembled for a weekend in July 1971 with the objective of evaluating the submissions they had received so far. Although the Committee members certainly recognised and gave careful consideration to the Home Office and police's objections towards statutory regulation, they were not convinced by the overriding importance of the monopoly rationale, as the minutes of the meeting illustrate:

The Chairman, summing up the discussion, said that they were in general satisfied that the activities of private detectives constituted a sufficiently special threat to privacy to call for a licensing system of some kind. The aim of this should be to inhibit the likelihood of their undesirable activities, not to give them a stamp of approval.²⁴

The Chairman's summation gives a clear insight into the logic of the reformist practices – the state ought to be firmly in charge of the security sector, so it should implement a system of statutory regulation not to enhance the legitimacy of the industry but rather to control the operations of the private security companies. The Committee on Privacy was thus more disposed towards the pro-regulation pluralist preferences, not because these actors shared the same ends but because they shared the same means to their different ends. This in turn caused a fracture to emerge within the state along the reformist-monopoly fault line. And, as we will see, this fragmentation was to increase over subsequent months.

In this July meeting the Committee was only supposed to reach provisional recommendations with regard to the statutory regulation of private investigators, for they had still not yet received oral evidence from arguably the most important representative of all – Sir Philip Allen, the Permanent Under-Secretary of State for the Home Office. However, the provisionality of their recommendations would be called

²⁴ TNA: PRO, HO 411/7, Committee on Privacy, Memoranda of Evidence, Home Office Oral Evidence. These minutes are dated 16th July 1971 – 18th July 1971.

into question following this high profile interview. During this interview, which took place at the Home Office in October 1971, Allen was flanked by two Deputy Under-Secretaries of State, Mr Graham-Harrison and Mr Waddell, and together they once again advanced a solid defence of the Home Office's long-standing monopoly practices. Allen explained, for instance, that "[t]he main danger in licensing private detectives was, as the Home Office memorandum had pointed out, that the public might be misled into thinking that they had some special competence or powers".²⁵ He also suggested that in addressing the difficult question of how to control the operations of these private investigators "[p]ossibly an ad hoc body was the only answer".²⁶ This line of reasoning thus directly reproduced the previously established Home Office strategy for tackling the larger contract manned guarding companies – that is, in order to avoid conferring any legitimacy upon their operations they should be institutionalised within a non-statutory set of relations designed specifically to minimise official linkages between these public and private institutions. Indeed, this strategy was unsurprising given that Waddell considered that the issues surfacing in regard to the private investigators and the larger private security companies were really "...not all that different".²⁷

Given that by 1971 this Home Office evidence was based upon twenty years of experience in dealing with private security provision and was delivered by the department's most senior civil servant in his own surroundings, one might have expected it to represent a rather persuasive submission to the Committee's enquiries. This was not the case, however. A series of internal communications written by the Committee Secretary at the beginning of 1972 reveal that the chapter of the Committee's report which discussed the statutory regulation of private investigators had actually been written before Allen's oral evidence was received.²⁸ Moreover, the Secretary added that:

I have now revised the draft, both to take account of Sir Philip Allen's evidence and of further consultations I have had on points arising therefrom, but not so as

²⁵ TNA: PRO, HO 411/7, Committee on Privacy, Memoranda of Evidence, Home Office Oral Evidence. This quote is taken from the minutes of the meeting dated 21st October 1971.

²⁶ TNA: PRO, HO 411/7, Committee on Privacy, Memoranda of Evidence, Home Office Oral Evidence. This quote is taken from the minutes of the meeting dated 21st October 1971.

²⁷ TNA: PRO, HO 411/7, Committee on Privacy, Memoranda of Evidence, Home Office Oral Evidence. This quote is taken from the minutes of the meeting dated 21st October 1971.

²⁸ TNA: PRO, HO 264/83, Committee on Privacy, Circulated Papers (71) 98-114. This internal communication is dated 14th January 1972.

to depart in any way from the Committee's general intention reached at their meeting at the Berystede Hotel in July.²⁹

It seems, then, that the Home Office's additional submissions were never going to alter the previously established reformist practices of the Committee. As the previous episodes in the House of Commons suggested, such as the readings of Gardner's and Walden's private members' bills, parliamentary actors were generally persuaded by the reformist position and their minds would not be changed by the monopoly practices of the Home Office. Furthermore, the fact that these reformist practices were complemented by the pluralist practices of the private investigators with regard to statutory regulation no doubt strengthened the Committee's resolve.

The official Report of the Committee on Privacy, which was published a few months later in July 1972, accordingly recommended that a Central Licensing Authority be set up and given the task of administering licenses to those private investigators who satisfied the criteria of a "fit and proper person".³⁰ This was precisely the system which the Home Office feared, since it could potentially have the effect of conferring legitimacy upon the operations of the private investigators. This recommendation is also very enlightening because it illustrates the extent to which the Committee was willing to pursue its pro-regulation reformist agenda in the face of substantial Home Office and police opposition. Furthermore, it is important to note that this recommendation largely reproduced the content of Gardner's 1969 Bill, which was allegedly based upon the work of Peter Heims, Vice-President of the ABI. This in turn demonstrates the way in which the reformist-pluralist alliance was capable of challenging the monopoly practices of the Home Office. Moreover, when the Report was discussed in Parliament one year later, in July 1973, the growing fragmentation between reformist practices of the parliamentary actors and the monopoly practices of the Home Office was reproduced upon one of Britain's most public stages.

In this parliamentary debate, Robert Carr, the Home Secretary, did actually agree to some extent with the motivations behind the Committee's proposals to license private investigators – that is, controlling and regulating their activities – thereby illustrating again that the Home Office and the parliamentary actors were not entirely

²⁹ TNA: PRO, HO 264/83, Committee on Privacy, Circulated Papers (71) 98-114. This internal communication is dated 14th January 1972.

³⁰ *Report of the Committee on Privacy*, Cmnd. 5012 (London: HMSO, 1972), pp.135-140.

counterposed on principle, for they both wanted to control what happened to the industry. But returning to the long-standing Home Office monopoly agenda, Carr also added that he was also extremely concerned that statutory regulation would effectively amount to a “license to pry”.³¹ Expanding upon this theme he went on to reason that: “The public might also be misled...into believing that the fact that a person possesses a license implies some special status, competence or power”.³² In other words, then, Carr was arguing that rather than controlling their activities, such a system would have the opposite effect and serve to confer legitimacy upon their operations, in the process giving the private investigators more power than ever. For these reasons he rejected this recommendation. But given the overwhelming parliamentary pressure in favour of statutory regulation it was apparent that Carr could not simply dismiss this recommendation outright. So despite his powerful position, the Home Secretary was compelled to cede some ground by outlining an alternative solution:

We have therefore been considering whether there is an alternative method which would achieve the committee’s objectives without the drawbacks, and we believe that it means starting the other way round. A person would be disqualified from acting as a private detective if he had been convicted of an offence involving dishonesty, violence or intrusion into privacy or if he had been given a custodial sentence... We believe that in this way we should remove from practice those persons who are not found proper to act as detectives without giving anyone a positive license which might misleadingly create the impression that a person was positively certified as being suitable or was specifically empowered to make an inquiry.³³

This alternative solution did seem to offer a compromise between the parliamentary actors’ demands for some kind of formal control over private investigators and the Home Office’s desire to minimise the potential for conferring an unnecessary degree of legitimacy upon this particular sub-sector of the private security industry. Yet this solution did not satisfy the parliamentary lobby, which throughout the remainder of the debate continued to question the Home Office’s rationale and persevered with its reformist practices by calling for statutory regulation. The Home Secretary did not concede any further ground, however, and the parliamentary lobby was merely left with the promise of a government White Paper to be published on these matters later

³¹ HC Deb (1972-73), vol.859, col.1966.

³² HC Deb (1972-73), vol.859, col.1966.

³³ HC Deb (1972-73), vol.859, cols.1966-1967.

in the year.³⁴ Significantly, no such White Paper was ever published, which suggests that the Home Office was not actually genuinely trying to compromise with these parliamentary actors but was instead acting insincerely and attempting to undermine their reformist agenda. But despite this rather authoritarian imposition of the Home Office's monopoly practices, the parliamentary lobby certainly did not disappear. Indeed, in subsequent years it widened its focus by encompassing the entire private security industry in its pro-regulation reformist agenda, in the process establishing a much stronger alliance with the pluralist practices of the private security industry, as the next section will demonstrate.

Before moving on to this next period of parliamentary lobbying, it is important to note that by the end of 1973 the security sector negotiations were beginning to change shape. While the Home Office and police were still successfully enforcing their monopoly practices, their conflicts with the reformist practices of the parliamentary actors over the issue of statutory regulation certainly served to weaken their overall position. Furthermore, this significant rupture in the state also had the effect of enhancing the pluralist practices of the private security companies, for they now had a clear outlet for their pro-regulation agenda through the state. This section has illustrated, then, that the security sector negotiations were now characterised by a contest between three sets of practices which increasingly blurred the traditional public-private divide. This shows once again, then, how the reality of the security sector was moving ever further away from the monopoly myth in which a unified and coherent state is seen to exercise complete dominance over the security sector.

5.5 Private Members' Bills

This section will demonstrate how ongoing parliamentary intervention during the second half of the 1970s, much of it through the medium of private members' bills, continued to shift the balance of the security sector negotiations towards a pro-regulation agenda. Importantly, this shift was not achieved by parliamentary actors lobbying alone within Westminster, however, but rather in partnership with a variety of private security institutions. This in turn had the effect of generating a more substantial reformist-pluralist alliance which increasingly worked against the monopoly practices of the Home Office and police. And, of course, as this alliance

³⁴ HC Deb (1972-73), vol.859, col.1956.

rallied around the cause of statutory regulation, the possibilities of the private security industry formally capturing legitimacy from the state increased accordingly. In order to understand how this alliance developed, it is first necessary to examine the circumstances of the larger private security companies during the early 1970s.

At this time, the private security industry in Britain was expanding at a respectable rate. In 1970, the industry was worth a sizeable £70 million and employed 40,000 men, the majority of whom (25,000) were engaged in guarding, patrolling and cash-in-transit.³⁵ And measured in terms of sales volume – as opposed to number of companies – 90 percent of the industry was represented by the BSIA.³⁶ Yet the industry still suffered from extremely bad press. It was at the time “popular mythology” that the industry lacked responsibility – that is, there was widespread cultural antipathy towards the industry – and this in turn limited the opportunities for expansion which were available to the private security companies.³⁷ The industry thus still wanted to bring about a system of statutory regulation so as to capture a greater degree of the legitimacy from the state and enhance its attractiveness in the eyes of the average British citizen. Its preferences, in other words, continued to be shaped by the image of the state. But while in the early 1970s, the Committee on Privacy presented the private investigator sub-sector of the industry with an excellent opportunity to pursue these pluralist practices, the larger private security companies were not so strategically positioned at this time.

The BSIA, reflecting the preferences of its members, still wanted to lobby in favour of statutory regulation, but was still locked into the rules of the game set down by the Home Office and police. For instance, a BSIA memorandum sent to the Cambridge Institute of Criminology’s Cropwood Round-Table Conference on private security in July 1972 asserted that: “The B.S.I.A. supports legislation which would enable the security companies to be licensed but the present attitude of the Home Office is that a case has not yet been made out”.³⁸ Indeed, during the open debate at this high-profile conference, the attending Home Office representative reiterated this anti-regulation ‘attitude’ against a hostile audience of pro-regulation academics and private security

³⁵ Randall and Hamilton, ‘The Security Industry of the United Kingdom’, p.67.

³⁶ Randall and Hamilton, ‘The Security Industry of the United Kingdom’, p.68.

³⁷ Randall and Hamilton, ‘The Security Industry of the United Kingdom’, p.68.

³⁸ BSIA, ‘Memorandum’, Appendix A, in *The Security Industry in the United Kingdom: Papers Presented to the Cropwood Round-Table Conference July 1972*, eds. Paul Wiles and F. H. McClintock (Cambridge: University of Cambridge Institute of Criminology, 1972), p.105.

representatives.³⁹ The censure of a few academics and industry representatives was certainly not sufficient to change the Home Office's monopoly practices, however. In effect, then, after many years of struggle, the private security companies were now at the negotiating table, but were being silenced.

This subordinated position was even more clearly reflected in the BSIA Council Meeting minutes at this time:

Mr. Dunham asserted that BSIA had fallen back, as it is not known nor mentioned by press, radio or television...they should do something to promote the Association and by so doing improve the stature of the security industry...The Chairman agreeing with this view said that BSIA carried little no weight in various circles and members must act to make the Association known.⁴⁰

It is important to re-emphasise that the marginalised status of the BSIA was precisely what the Home Office officials had in mind when they established the Working Party. They wanted all the political activity of the private security industry concentrated into a single body which they could then manipulate and manage. This was not a full-proof plan, however. For some private security companies subsequently started to distance themselves from the BSIA and operate outside of the formal policy network so as to take advantage of the new opportunities presented by the Committee on Privacy's reformist attack on the monopoly practices of the Home Office and police. In order to examine this new movement, we must focus in particular on the strategising of Group 4 and Norman Fowler MP (Conservative).

Group 4 Chairman Jorgen Philip-Sorensen was one of the strongest proponents of implementing statutory regulation within the private security industry – a perspective which was influenced by his previous experiences in the Swedish private security industry, which has a long history of regulation and accordingly enjoys very high levels of legitimacy.⁴¹ It is no coincidence to discover therefore that in July 1973 Norman Fowler, who at that time was both a Member of Parliament and serving on the Group 4 board of directors,⁴² introduced into the House of Commons the Security

³⁹ *The Security Industry in the United Kingdom: Papers Presented to the Cropwood Round-Table Conference July 1972*, eds. Paul Wiles and F. H. McClintock (Cambridge: University of Cambridge Institute of Criminology, 1972), p.76.

⁴⁰ BSIA, *Council Meeting Minutes*, 27th June 1972 (BSIA Archives).

⁴¹ Interview with Jorgen Philip-Sorensen, conducted 17th December 2007.

⁴² Draper, *Private Police*, p.142.

Industry Licensing Bill under the ten minute rule.⁴³ Importantly, this was the first Bill which directly reflected the interests of companies such as Group 4 by linking together the idea of statutory regulation specifically with the private security companies. The timing of this Bill, too, was highly significant, since it was introduced just one week before the parliamentary debate on the Committee on Privacy's recommendations was scheduled, and was therefore deployed to have maximum impact upon this pro-regulation lobby.

In presenting the Bill to Parliament, Fowler's introductory speech, as one would expect from someone with vested interests in Group 4, was highly supportive of the industry:

We must all learn to take crime prevention more seriously. If that is the case the private security industry will have an increasingly important part to play. This part should be encouraged and the intention of the Bill is to encourage good security firms and to ensure high standards.⁴⁴

Fowler's support of the industry was also supplemented by a Conservative Party pamphlet published in that same year in which he wrote that:

Private security is much criticised in Britain but much of this criticism is ill-founded. The best private security in Britain is very good and the aim of policy should be to encourage this...Licensing would show clearly that the government recognised the contribution that private security could make and at the same time encourage even more firms and individuals to make use of their services.⁴⁵

Significantly, then, this represents the first instance of a state representative actively promoting a pluralist agenda, thereby pulling these practices across the public-private divide. Fowler therefore clearly represented a crucial component of Group 4's own pluralist practices (although it should be noted that the existence of the Conservative Party pamphlet also suggests that Fowler was acting not purely on behalf of Group 4's management, but also from a personal ideological conviction in the virtues of free market provision – a conviction which would be displayed more clearly in years to come when serving in successive Thatcher governments).

⁴³ HC Bill (1972-73) [175].

⁴⁴ HC Deb (1972-73) Vol. 859, col.537.

⁴⁵ Norman Fowler, *The Cost of Crime* (London: Conservative Political Centre, 1973), p. 20.

But despite the significance of this Bill within the context of the security sector negotiations, it did not receive a second reading in Parliament. Statutory regulation of the private security industry was not yet a high profile issue capable of generating widespread interest. Nevertheless, due to the propitious timing of its introduction, this rejection did not represent the conclusion of the Bill's life in Parliament. For during the parliamentary debate on the Committee of Privacy's findings nine days later, Fowler made two contributions to the long discussion on the Committee's recommendations in order both to draw attention to his Security Industry Licensing Bill and to argue that private security companies should be regulated alongside private investigators.⁴⁶ With these arguments, then, he was once again promoting the pluralist practices of Group 4 more particularly and the private security industry more generally. As we have already seen, the Home Office rejected all suggestions of regulation at the end of this debate. Yet the fact that Fowler, and by extension Group 4, had not let this opportunity pass without forging an extremely public connection between themselves and this issue represented a very important step towards the shift in the balance of power within the security sector negotiations.

After the Committee on Privacy's and then Fowler's parliamentary interventions there followed short period of only very gradual movement within both Parliament and the BSIA. In the first instance, the vestiges of the Committee's regulation project were kept alive over the next few months in the form of two unsuccessful Private Detectives (Control) Bills, both of which were introduced as ordinary presentations by Michael Fidler MP (Conservative) and were supported by Norman Fowler.⁴⁷ But these achieved little publicity and it was becoming increasingly obvious that the Home Office was neither intending to produce the promised White Paper on private detective disqualification, nor were they going to engage with the issue of statutory regulation more generally. The Home Office were still avowedly pursuing their monopoly practices by refusing to bring about any situation in which legitimacy could be transferred from the state to the private security industry.

Furthermore, perhaps galvanised by the activism of Group 4, the BSIA were now slowing re-addressing the issue of statutory regulation. During a Council Meeting in January 1974, for instance, they approached the matter cautiously. With a clear ongoing appreciation of the rules of the game set down by the Home Office years

⁴⁶ HC Deb (1972-73), Vol. 859, cols.1967 and 2029-2030.

⁴⁷ HC Bill (1973-74) [32]; HC Bill (1973-74) [77].

before, the participants first "...considered that the Home Office was unlikely to initiate this subject unless stimulated by the Association stating a case in favour of licensing". The task of constructing such a case was accordingly delegated to the BSIA Policy and Public Relations Committee.⁴⁸ Just over a year later, in April 1975, the Council Meeting minutes show that while participants agreed that a case certainly could be made in favour of licensing the transport and guard patrol sections – that is, the main operations of Securicor, Group 4 and Security Express – they did not seem to have a substantive strategy for pursuing these pluralist practices.⁴⁹ The BSIA, it appears, still considered itself to be limited by the rules established by the Home Office. Yet, in this period of general inertia, a new period of state fragmentation along the monopoly-reformist fault line caused by another parliamentary actor was once again to enhance the possibilities of the private security industry capturing legitimacy from the state through a system of statutory regulation.

In February 1974, Bruce George entered the House of Commons as a new Labour MP and soon afterwards started to take a strong interest in reforming the private security industry. For like many parliamentary actors before him he immediately seemed to be inclined towards the reformist position – that is, he wanted to increase training standards and professionalism within the industry through statutory regulation. In 1976, George accordingly started preparations for his long pro-regulation parliamentary campaign – which would take the form of numerous private members' bills, participation in select committee enquiries and a handful of long parliamentary speeches – to reform the private security companies through statutory regulation. To begin with, George attempted to recruit allies from the BSIA, for as we have seen parliamentary actors are strongest when allied with other political actors. The BSIA were supportive but still cautious, as the minutes of a June 1976 Council Meeting reflect:

He [Mr Smith of the Policy and Public Relations Committee] reported on a query from Mr. Bruce George regarding licensing to which he had replied, on behalf of the B.S.I.A., that the Association would support licensing but were of the impressions that parliamentary time, to give consideration to this subject, would not be made available in the foreseeable future.⁵⁰

⁴⁸ BSIA, *Council Meeting Minutes*, 17th January 1974 (BSIA Archives).

⁴⁹ BSIA, *Council Meeting Minutes*, 15th April 1975 (BSIA Archives).

⁵⁰ BSIA, *Council Meeting Minutes*, 15th June 1976 (BSIA Archives).

This caution was almost certainly related once again to the restrictive rules of the game set down by the Home Office, for during the subsequent Council Meeting the Director-General, John Wheeler, explained that George's campaign would probably suffer from "...lack of support by the Home Office and Police".⁵¹ The BSIA were, it seems, still highly sensitised to the monopoly practices of the Home Office and thus remained relatively inert on the issue, for now at least. But while the BSIA were unable to advance George's campaign, Group 4 were. For this company, which had previously eschewed the Home Office's rules of the game in their partnership with Norman Fowler, once again dismissed the implicit proscriptions of this central state institution and immediately became staunch supporters of the campaign, as George recently explained: "Group 4 were constantly supporting me on regulation...Helping me with the bills, arguing the case".⁵² From Group 4's perspective, then, this alliance with George would contribute towards their pluralist strategy of capturing legitimacy from the state through a system of statutory regulation. This therefore represented another example of the reformist-pluralist alliance, but this time involving one of the largest private security companies, as opposed to a section of the comparatively small private investigator sub-sector. As one might expect, then, this permutation of the alliance was to prove far more influential in years to come.

With Group 4's assistance, George introduced two private members' bills into the House of Commons during 1977, each of which sought to regulate the private security industry through the establishment of a statutory licensing scheme governed by a central body. The first bill, entitled Registration of Private Security Firms,⁵³ was presented to the House of Commons in February under the ten-minute rule and was significant not just for its content, but also for the supporters and detractors it listed. According to George, the Bill's supporters included MPs from both benches of the Commons, a number of academics, the Police Federation, the BSIA, the ABI, both large and small companies within the industry, and the journal *Top Security*.⁵⁴ Apart from the Police Federation, whose position in this list seems rather inexplicable given the police's long-standing policy stance on this issue, these supporters elucidate once again the development of a rather incongruous alliance between reformists and pluralists from both public and private institutions. To reiterate, the ultimate

⁵¹ BSIA, *Council Meeting Minutes*, 27th January 1977 (BSIA Archives).

⁵² Interview with Bruce George, conducted on 30th October 2007.

⁵³ HC Bill (1976-77) [62].

⁵⁴ HC Deb (1976-77), Vol.925, col. 1251.

objectives of these various institutions were not always the same. For, generally speaking, while the industry institutions wanted to capture a greater degree of legitimacy from the licensing system, the parliamentary actors and institutions wanted to reform the industry through the same means. But despite these contrasting motivations their preferences actually complemented each other.

The main detractor listed by George, however, was the Home Office. Indeed, he noted in his introductory speech that:

It is paradoxical that normally in these circumstances the Government say to an industry that they want to establish rules for it and the industry wants to stay free. In this case it is the industry itself that is crying out for Government intervention and regulation, while the Home Office is resisting the idea.⁵⁵

This scenario could indeed be considered paradoxical when compared with an ordinary industry. But private security is not particularly ordinary. The provision of security has a unique historical lineage, for no other social function has been so closely connected with the modern state – a connection which was crystallised in early enlightenment political thought and has been translated into both theory and practice for much of the last three hundred years. This is why state security provision has become so constitutive of the idealised image of the state which structures the security sector. And it is precisely because the monopoly practices of the Home Office were founded upon a very literal and direct interpretation of this image of the state – in other words, it was precisely because they were the defenders of the monopoly myth – that they sought to undermine any institutions which challenged this image, as private security companies clearly did. Once this is recognised, the Home Office's rejection of George's Bill was not paradoxical but rather perfectly understandable. And, crucially, because of this rejection the Bill was not awarded a second reading. Moreover, George's second bill, which was introduced as an ordinary presentation a couple of months later, and essentially represented a more detailed version of the first, met the same fate.⁵⁶

Yet although on the surface the failure of these bills seemed to constitute another successful episode in the Home Office and police's ongoing strategy of suppressing the industry's attempts to capture any of the state's legitimacy, a closer examination

⁵⁵ HC Deb (1976-77), Vol.925, col. 1251.

⁵⁶ HC Bill (1976-77) [114].

reveals that this was not necessarily the case. For although George's Bills made no inroads within Parliament, they did seem to publicly ignite a broader debate around the issue of statutory regulation. Indeed, private members' bills often have this important indirect impact upon political issues. For as David Marsh and Melvyn Read note, "...even unsuccessful private members' bills often have significance".⁵⁷ Significantly, this burgeoning interest in the regulation of the private security industry was perhaps nowhere more starkly evident than in the changing fortunes of the BSIA towards the end of the 1970s. The level of optimism which characterised the BSIA Council Meeting in January 1978, for instance, contrasted markedly with the pessimistic tone of the Council Meetings conducted at the beginning of the decade. The minutes of this meeting, for example, take note of

...the increasing interest being shown in the Association as evidenced by the numerous enquiries for information on the BSIA, the interviews sought by journalists from a wide range of news media and the fact that the Association is being cited as the voice of the security industry in such journals as 'Business News' and 'Which?'.⁵⁸

Furthermore, the BSIA annual luncheon guest list for 1978 included among others; the Permanent Under-Secretary of the State for the Home Office; the Commissioner, Deputy Commissioner and Assistant Commissioner of the Metropolitan Police; and a high-ranking official from H.M. Inspectorate of Constabularies.⁵⁹ This enhanced profile, especially the publicity generated by these high-ranking luncheon guests, demonstrates that the BSIA were now able to substantially redefine their role within the security sector negotiations. Far from being locked into a restrictive agenda, it seems that the BSIA were now actively engaging in the regulation debate and promoting the pluralist agenda. Furthermore, this pro-active stance appeared to have a knock-on effect in the industry more generally. For in the 1978 Annual Report, the Director-General wrote that: "Applications continue to be received, especially from companies engaged in the provision of guards and patrols under contract. This is no doubt encouraged by the continuing consideration of the question of licensing..."⁶⁰

⁵⁷ David Marsh and Melvyn Read, *Private Members' Bills* (Cambridge: Cambridge University Press, 1988), p.1.

⁵⁸ BSIA, *Council Meeting Minutes*, 24th January 1978 (BSIA Archives).

⁵⁹ BSIA, *Council Meeting Minutes*, 24th January 1978 (BSIA Archives).

⁶⁰ BSIA, *Reports and Accounts*, 31st December 1978 (BSIA Archives).

And this, of course, had the effect of further enhancing the BSIA's ability to advance the pluralist cause against the monopoly practices of the Home Office and police.

By the end of 1978, the rather incongruous but nevertheless effective reformist-pluralist pro-regulation alliance was thus clearly changing the nature of the security sector negotiations. To begin with, it seems that the profile of the industry and its relationship with the state was certainly being raised as a result of this alliance – as evidenced in the luncheon guest-list – which in turn had the effect of conferring a small degree of legitimacy upon the industry (or at least the BSIA). Furthermore, the continuing success of the alliance also appeared to represent one further step toward the realisation of the industry's main pluralist objective – that is, capturing a much greater degree of legitimacy from the state through a system of statutory regulation. With these developments, then, the reformist-pluralist alliance between the private security institutions and the parliamentary actors seemed to represent a mounting challenge against the monopoly practices of the Home Office and police. And in tandem with these conflicting sets of practices, the reality of the security sector appeared to be moving ever further away from the institutional arrangements envisaged in the monopoly myth. In reaction to these trends, then, it is unsurprising to find that the Home Office – who were at this time still the primary bearers and propagators of these monopolistic institutional arrangements – were once again compelled to stamp out the issue of regulation, which they attempted to do through the medium of a departmental Green paper, as we will now see.

5.6 The Green Paper

This section will examine the 1979 Green Paper entitled *The Private Security Industry: A Discussion Paper*, which was published by the Home Office in a direct attempt to defend their anti-regulation monopoly practices against the challenges of the growing pro-regulation reformist-pluralist alliance. It will show that although the Home Office once again managed to successfully uphold their anti-regulation monopoly agenda, their ability to do this in the face of the reformist-pluralist alliance was becoming increasingly compromised. This in turn enhanced the probability of the private security companies capturing legitimacy through a system of statutory regulation.

Unlike a decade earlier, the Home Office could no longer bury the regulation issue within a highly structured policy network characterised by strict rules of the game, for the combined efforts of parliamentary lobbying and industry strategising had now successfully projected the issue into the public sphere. As a result, the Home Office was in turn forced to employ an equally public medium to smother the issue, which came in the form of a Green Paper published in February 1979. The Green Paper purported to advance a balanced assessment of the cases both for and against regulating the private security industry. Indeed, the Home Office authors asserted from the outset, rather incredulously given the nature of the Home Office's previous engagement with the issue, that "[t]he Government have not yet formed a view on the balance of these arguments".⁶¹ Yet upon reading the Green Paper it soon becomes clear that its intention was not to provide a balanced assessment of the regulation debate but rather to systematically undermine the arguments in favour of regulation and thereby reassert the Home Office's monopoly practices within this policy area. Indeed, this lack of objectivity was duly noted by Stenning and Shearing in their analysis of the document at the time:

...it is evident to even the most casual observer that the Discussion Paper is a tentative governmental response to some quite specific pressures for the introduction of some form of regulatory legislation...there is often as much, if not more, comment to be made on what the Paper did not talk about (and why it did not talk about it), as on what the Paper did talk about.⁶²

And, perhaps understandably, George reflects back upon the skewed orientation of the Green Paper in slightly more emotive terms, commenting that "I managed to wring out of Merlyn Rees [the Home Secretary]...a Green Paper in 79 and it was a hatchet job on me, deliberately. Just to destroy the concept of regulation".⁶³ Given its centrality to the advancement of the Home Office's anti-regulation monopoly practices, then, the Green Paper represented an important moment in the private security negotiations. The remainder of this section will map out the main arguments within the paper.

⁶¹ Home Office, *The Private Security Industry: A Discussion Paper* (London: HMSO, 1979), p.1.

⁶² Philip Stenning and Clifford Shearing, 'Private Security and Private Justice', *British Journal of Law and Society* 6(2) (1979), p.262.

⁶³ Interview with Bruce George, conducted on 30th October 2007.

In order to put forward their anti-regulation position, the Home Office authors advanced two main arguments. First, they set down a rather abstract and normative rationale for rejecting the notion of statutory regulation. This began with the basic proposition that: "...the responsibility for maintaining law and order rest in this country with the police",⁶⁴ and that "[n]o one may usurp the role of the police".⁶⁵ This constituted a restatement of the Home Office's very literal interpretation of the image of the state in which only state institutions are seen to be endowed with the requisite legitimacy to undertake security functions. With this image in mind, they then asserted that rather than actively undertaking police-like security functions, private security guards must therefore merely be functioning as a supplement to the self-defence activities undertaken by many 'ordinary citizens' within their own private property. As in the image of the state from which they were drawing, then, this assertion depicted a clear and impenetrable boundary between the public and private spheres. And given this boundary, the authors subsequently contended that private security guards, unlike the public police, were therefore endowed with no "special powers" over and above the ordinary citizen. As a consequence, they concluded, there was no need to use statutory regulation so as to safeguard the ordinary citizen from the private security companies.⁶⁶ The Home Office authors were essentially asserting, then, that the monopoly myth was in fact a reality. As Stenning and Shearing noted at the time, this was a highly unsatisfactory argument because it was patently clear that private security guards did indeed have special powers over and above the ordinary citizen, for they controlled access to and behaviour within both public and private spaces while wearing military-style uniforms.⁶⁷ Contrary to the image of the state, there was therefore a clear blurring of the boundary between the public and private spheres. The monopoly myth was certainly not a reality. The Home Office authors did not, however, allow this complication to interfere with the advancement of their monopoly agenda.

Second, however, the Home Office authors were nevertheless compelled to move away from their normative logic and provide a more practical response to George's private members' bills, since these constituted the major platform upon which the pro-

⁶⁴ Home Office, *Discussion Paper*, p.10.

⁶⁵ Home Office, *Discussion Paper*, p.12 .

⁶⁶ Home Office, *Discussion Paper*, pp.8-9.

⁶⁷ Stenning and Shearing, 'Private Security and Private Justice', p.263.

regulation lobby was at the time building its momentum. In a now familiar manner, then, the Home Office authors sought to undermine the licensing rationale:

First, any form of licensing or statutory control could give the appearance of state approval to particular activities and by increasing an apparent distinction between approved security personnel and other citizens lead people mistakenly to believe that such personnel had some legal authority or power which they did not in fact have.⁶⁸

This anti-regulation argument was founded upon the long-standing concern that licensing would serve to confer an unwanted degree of legitimacy upon the industry. To be sure, in order to demonstrate that they were still considering the cases for and against this argument the Home Office authors linked it with the Committee on Privacy's report of seven years earlier. In a rather disingenuous manner they claimed, for instance, that the pro-regulation recommendations of this report "remain under consideration".⁶⁹ Yet it soon becomes clear that the prospect of such regulation ever being implemented was remote when they added that:

A particular disadvantage of formal controls over private detectives (which the Younger Committee recognised) is that the possession by a private investigator of a license, or other form of authority, might give the false impression of his having special powers or status in the eyes of the public.⁷⁰

The legitimacy rationale was therefore being deployed by the Home Office authors not just to neutralise George's broadly pitched private members' bills, but also their historical antecedents. This therefore represented an all-out attack on the reformist practices of parliamentary actors over the past few years and, by extension, an indirect attack on the pluralist practices of their private security industry allies.

Crucially, these arguments did indeed succeed in temporarily reasserting the Home Office's monopoly practices within this policy area – although this was probably more related to the fact that the Green Paper was supported by the powerful triptych of the government, the Home Office civil servants and the police rather than the cohesion of the document itself. It is thus possible to conclude that in 1979 the Home Office was still able to successfully realise its monopoly practices in the face of the

⁶⁸ Home Office, *Discussion Paper*, pp.12-13.

⁶⁹ Home Office, *Discussion Paper*, p.16.

⁷⁰ Home Office, *Discussion Paper*, p.17.

reformist-pluralist alliance, for it had once again stamped out the issue of statutory regulation. However, the ability of the Home Office to stifle this issue was by this time becoming increasingly compromised, for three important reasons. First, the idea of regulating the private security industry was now far more public than ever before. While in the past the regulation issue was for the most part contained by the Home Office and police within a relatively small circle of departmental actors and industry representatives, it was now clearly set out within the Green Paper – an openly public document. And although the Green Paper was intentionally written in order to steer the reader towards the case against statutory regulation, the case in favour was certainly not discredited. The idea of statutory regulation of the private security industry was now, in other words, a widely accessible reference point. This in turn served to benefit the reformists and pluralists who, for different reasons, wanted to publicly build the case in favour of implementing statutory regulation.

Second, in addition to the idea of statutory regulation escaping its formerly narrow institutional confines, the entire shape of the security sector negotiations had now changed. Towards the end of the 1960s, the Home Office had managed to prevent the state fracturing along the monopoly-reformist fault line with regard to the issue of statutory regulation. By the end of the 1970s, however, this fracture was now firmly established, with a number of parliamentary actors on the reformist side and the Home Office and police on the monopoly side. Importantly, this fracture in turn provided a window of opportunity for the private security institutions to unite their pluralist practices with the reformist practices of the parliamentary actors and against the monopoly practices of the Home Office in order to advance the cause of statutory regulation. Through this alliance, then, the private security institutions had broken free of the rules of the game set down by the Home Office a decade earlier and now had a variety of concrete institutional channels through which to pursue their pluralist practices. And as the ability of the private security companies to pursue their pluralist practices increased, so did the possibility of the industry capturing greater degrees of legitimacy from the state.

Finally, the Green Paper was published not only at a time when the localised context of the security sector policy network was changing, but during a period of broader political-economic transformation. For just three months after the Green Paper was released, the first Thatcher government assumed power and began implementing its far-reaching neoliberal project. The new emphasis upon market-centred as opposed to

state-centred solutions to political-economic problems served to redistribute resources within security sector negotiations even more in favour of the pluralist practices of the private security industry, as the next chapter will illustrate.

5.7 Conclusion

This chapter has demonstrated that during the course of the 1970s, the security sector became increasingly characterised by a political contest between three different sets of state and society practices. Once again, the purpose of each of these sets of practices was to bring about a particular ensemble of institutional arrangements within the security sector. Now, however, the exact nature of these different institutional arrangements completely revolved around contrasting ideas about the role of statutory regulation. Those private security institutions advancing the pluralist set of practices, for instance, still wanted to create a pluralised system of security provision, in which both public and private security providers were able to successfully and legitimately function alongside one another within the security sector. But over the course of the 1970s, their primary strategy for accomplishing this was increasingly to lobby for statutory regulation, since they judged this to represent the most effective institutional mechanism through which to capture legitimacy from the state institutions. Those parliamentary institutions and actors promoting the reformist set of practices wanted to establish a state-centred political system, in which the operations of the private security industry were permitted to exist so long as they could be controlled through state auspices. And, significantly, their main strategy for achieving this control was the introduction of statutory regulation. In their joint support for statutory regulation, then, the reformists and pluralists formed a natural alliance, even though their ultimate political ends differed markedly. Finally, those central state institutions advancing the monopoly set of practices still wanted to defend and maintain a state-monopolised security system, in which only public security providers were able to legitimately function within the security sector. Their primary strategy for doing this was to prevent the transfer of any legitimacy from the state to the private security industry by opposing statutory regulation – they were therefore the natural political opponents of the pluralists and reformists.

As this chapter has illustrated, with the entrance of the reformist practices of the parliamentary actors into the negotiations, and the development of their political

alliance with the pluralist practices of the private security institutions, the balance of power started to swing away from the monopoly practices of the Home Office and police. This meant that the private security companies seemed to be moving ever closer towards their objective of formally capturing legitimacy from the state via a system of statutory regulation. Despite this shift in the balance of power, however, for the time being these central state institutions nevertheless managed to retain the upper-hand in these increasingly fragmented negotiations by preventing any such transfer of legitimacy. Yet to the extent that the degree of conflict between these three sets of contrasting practices further intensified over the course of the 1970s, it can be observed that the security sector came to be defined more and more by clear processes of contestation and change. As the state-in-society approach would suggest, the political domain which was supposedly at the impenetrable heart of the modern state was therefore still strongly characterised by a complex and evolving political contest between divergent sets of state and society practices.

However, this chapter has also illustrated that despite these pronounced processes of contestation and change, the security sector during the 1970s was still characterised by prominent currents of continuity. For the structural influence of the image of the state continued to run through the negotiations. So despite the increasingly contested reality of the security sector, a sizeable proportion British population still believed that this sector ought to be monopolised by the modern state – that is, they still believed in the monopoly myth. And this, of course, meant that the image of the state was in some way reflected in each set of practices, for this image could not be ignored without these public and private security providers encountering significant cultural resistance. As one would expect, the structural influence of the image of the state was most directly reflected in the monopoly practices of the Home Office and police, who remained the direct bearers and perpetuators of the monopoly myth. The structural influence of the image of the state was quite obvious, too, in the reformist practices of the parliamentary actors and institutions, for they ultimately wanted to bring about a hierarchical, state-controlled security sector, even though they did pragmatically accept the existence of a state-regulated private security industry at the foot of this hierarchy. Finally, as before, the structural influence of the image of the state was evident in the pluralist practices of the private security industry, though in a less direct manner. For they were forced to continue with their ongoing efforts to somehow capture legitimacy from the state, which now primarily involved lobbying for a

system of statutory regulation. Whatever the outcome of these negotiations, then, key elements of the image of the state would inevitably be reproduced. As the state-in-society approach would suggest, then, at the end of the 1970s the security sector was characterised not only by intense political contestation between different sets of state and society practices, but also by strong currents of continuity brought about by the structural influence of the image of the state.

It is important to emphasise once again, then, that it is this dialectical process of continuity and change, expressed here through the state-in-society concepts of image and practice, which serves to elucidate the complex political processes relating to the re-legitimation private security in postwar Britain. For on one side, it was the ever-changing and fluid nature of state and society practices in the security sector during the 1970s which illustrates how the private security institutions managed to form an alliance with the parliamentary reformists in order to advance their pluralist practices against the monopoly agenda of the Home Office and police. On the other, it was the strong current of continuity created by the structural influence of the image of the state which explains why these private security institutions used their increased bargaining power not to promote themselves as purebred market actors within the security sector but rather to capture greater degrees of legitimacy from the state through a system of statutory regulation. It is the dialectical interplay between these two processes, furthermore, which continues to explain the re-legitimation of private security in postwar Britain. The next chapter will demonstrate how this dialectical process became even more complex during the 1980s and early 1990s as a transformation in the political-economic context of postwar Britain prompted the emergence of a fourth set of practices within the security sector negotiations – termed here the ‘neoliberal’ set of practices. This development served to once again shift the balance of power within the negotiations, and in turn had extremely important consequences for the re-legitimation of private security within postwar Britain.

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The Neoliberal Experiments (1979-1996)

6.1 Introduction

By the end of the 1970s, the negotiations over the legitimacy to provide security functions within the postwar security sector were characterised by three sets of practices divided into two factions: on one side were the monopoly practices of the Home Office and police; on the other side was an incongruous but increasingly effective alliance between the pluralist practices of the private security institutions and the reformist practices of the parliamentary actors. As we have seen, at the close of the 1970s the Home Office and police were just about controlling the terms of the security sector negotiations. This chapter will demonstrate, however, that by 1996 a consensus had finally emerged in line with the preferences of the pro-regulation reformist-pluralist alliance. But, significantly, this decisive transformation, which had far-reaching consequences for the re-legitimation of private security in postwar Britain, did not involve a straightforward shift in the balance of power between these two factions. This chapter will show that there were instead three complex catalysts for this change.

First, and perhaps most obvious, was the ever-growing influence of the alliance between private security institutions and the parliamentary actors. However, the previously linear pro-regulation trajectory of this crucial alliance experienced some substantial ruptures during the 1980s which, rather paradoxically, served in the long run to make it even more powerful. For with the transformation in the political-economic context brought about by the emergence of neoliberalism, certain private security companies began to distance themselves from their long-term pluralist strategy of attempting to capture legitimacy from the state and instead experimented with the alternative strategy of operating as ordinary market actors. This in turn signified the emergence of a fourth set of practices, termed here the 'neoliberal' position. Interestingly, these neoliberal practices – which, it should be noted, draw their name more from the libertarian than the authoritarian strand of the neoliberal

political-economic project¹ – were based upon a disregard for the structural influence of the image of the state. In other words, they eschewed the majority of the British population's state-centric expectations about how the security sector ought to be constituted and instead proceeded on the assumption that this sector functioned in accordance with ordinary market principles – hence their efforts to operate as ordinary market actors. Freed now from the burden of capturing legitimacy from the state, then, the private security companies advocating this new neoliberal agenda rejected the notion of statutory regulation and accordingly advocated a system of market-friendly self-regulation. With regard to the crucial issue of regulation, these new neoliberal practices thus represented a striking contrast to the resolutely pro-regulation pluralist set of practices. Significantly, this new strategy proved to be productive for a few years and in turn allowed many private security companies to rapidly expand their operations. Towards the end of the 1980s, however, these neoliberal practices encountered significant a degree of cultural resistance – which was unsurprising given that they were eschewing the structural influence of the image of the state – and their operations were accordingly undermined by a severe legitimacy crisis. This in turn served to bring the now strengthened industry back towards the pluralist set of practices and the corresponding alliance with the parliamentary reformists. Moreover, during the 1990s this reunited reformist-pluralist alliance became the central catalyst in the development of the pro-regulation consensus.

Second, the politicisation of law and order during the mid-1980s, especially in relation to the policing of the 1984-85 miners' strikes, had an enormous impact on the previously solid monopoly alliance between the Home Office and police. For not only did it introduce tension into this relationship, but through some heavily contextualised political logic it also served to shift ACPO and the Police Federation away from their long-standing monopoly practices and towards the reformist position occupied by the parliamentary actors. This shift in practices, as one would expect, substantially strengthened the pro-regulation lobby. In addition, the politicisation of law and order served to dilute the image of the state which structured the security sector, in the process making it slightly easier for the private security institutions to

¹ For an examination of the two contrasting strands of the neoliberal project, see: Andrew Gamble, *The Free Economy and the Strong State: The Politics of Thatcherism* (Basingstoke: Macmillan, 2nd edition, 1994).

reconcile their awkward status in the security sector with the British population's prevailing normative expectations of how security ought to be provided.

Third, the depth and conviction of the Conservative Party's neoliberal project during the 1980s had the effect of transforming the 'world view' of the Home Office. For in a remarkable ideological turnaround, Home Office ministers and officials gradually moved away from their previously dominant monopoly practices and instead actively embraced the emergent neoliberal position. Curiously, this meant that the Home Office continued to oppose statutory regulation, but for a completely different rationale than was the case in the past – regulation now represented an unwanted bureaucratic constraint upon the logic of the free market. So with the emergence of the pro-regulation consensus during the mid-1990s, it was not the monopoly practices but rather the new neoliberal practices of the Home Office which were defeated. As we will see, the abandonment of the monopoly practices by both the Home Office and police during the 1980s had important consequences for the re-legitimation of private security.

In order to elucidate these complex themes, this chapter will be divided into five parts. Section 6.2 will examine the relationship between neoliberalism, the private security companies and the statutory regulation debate which, though replete with paradoxes and unintended consequences, resulted in the eventual strengthening of the industry's pro-regulation agenda and its reformist-pluralist alliance with the various parliamentary actors. Section 6.3 will then explore the politicisation of law and order during the 1980s and the corresponding conflicts between the Home Office and the police which resulted in the major police institutions re-aligning themselves with the pro-regulation alliance. Next, Section 6.4 will investigate the Home Office's response to its increasingly isolated and untenable position in the regulation debate. It will focus in particular upon the period during late 1980s and early 1990s when the Home Office increasingly began to operate in line with a distinctly neoliberal set of practices. Section 6.5 will examine the Home Affairs Select Committee enquiry into the private security industry during 1994 and 1995. This high profile parliamentary forum, in a manner similar to the Committee on Privacy two decades previously, served to bring together in one political arena the many conflicting sets of practices of the private security industry, the Home Office, the police, parliamentary actors and other interested parties. It is a measure of how far the security sector negotiations had transformed by this juncture that the pro-regulation recommendations put forward by

the pluralists and reformists within this enquiry had such decisive repercussions for the regulation debate. For by the end of the Conservative Party's period in government, the Home Office was eventually forced to relinquish its anti-regulation standpoint and the stage was set for the formal re-legitimation of the private security industry in postwar Britain through a system of statutory regulation. Finally, Section 6.6 will provide a few theoretically-informed conclusions about this fourth phase of the negotiations. It will, more specifically, illustrate how the dialectical processes of contestation and continuity which were revealed in the preceding empirical sections – and which were articulated using the state-in-society concepts of image and practices – continue to explain the re-legitimation of private security in postwar Britain.

6.2 Neoliberalism and the Private Security Industry

This section will show that with the ascendance of neoliberal political-economic ideology and policy during the 1980s, the majority of the private security companies started to develop a new set of practices. They moved away from the pluralist set of practices which had defined their activities over the past three decades and began instead to lay the foundations for the neoliberal set of practices. These new practices were based upon the idea that private security companies could unproblematically function as ordinary market actors within the security sector without reference to the structural influence of the image of the state. As a consequence, they decided that they no longer needed to capture legitimacy from the state through a system of statutory regulation so as to conform with the majority of the British population's normative expectations about how security ought to be delivered. This section will then demonstrate that for a limited period in the mid-1980s these new practices seemed to be benefiting the industry as the private security companies experienced significant organic economic growth. However, these companies soon encountered cultural resistance, as one might expect given that they were completely disregarding the structural influence of the image of the state. They accordingly entered into a legitimacy crisis and were in turn compelled to both return to their former pluralist practices of capturing legitimacy from the state and resurrect their corresponding pro-regulation alliance with the parliamentary reformists. As we will see, however, on resuming these old linkages the private security companies were better resourced and

more powerful than ever before and were thus more equipped to challenge the monopoly practices of the Home Office.

On 4th May 1979, the Conservative Party led by Margaret Thatcher entered into office, bringing with it a market-orientated – or neoliberal – approach to the political-economic problems of the day. But while the neoliberal agenda advanced by the Conservatives was eventually to impact substantially upon the security sector negotiations, the government's initial policy stance towards the private security industry seemed to represent, on the surface at least, a direct continuation with the approach taken by the preceding Labour government. The Home Office, for instance, immediately started to institute through the BSIA an improved system of self-regulation in line with the recommendations of the previous government's 1979 Green Paper.² This process resulted in the establishment, on 28th May 1982, of the National Inspectorate of Security Guard, Patrol and Transport Services, which was an industry-run institution designed to maintain standards among BSIA registered companies.³ This policy outcome thus seemed to indicate a clear continuation of the long-standing monopoly set of practices, for in steering the industry towards a system of self-regulation, the Home Office were in effect preventing the establishment of any formal connections between the industry and the state which could serve to confer legitimacy upon the private security companies.

A number of private security companies certainly interpreted the Home Office's manoeuvres in this way, seeing the encouragement of a self-regulatory regime as a further stage in the ongoing struggle over legitimacy. And these companies once again resigned themselves to the long-game, reluctantly conforming with these monopoly practices for the time being in the hope that at some point in the future they would eventually accrue enough power to pursue more successfully the case for statutory regulation and in turn impose their pluralist practices upon the postwar security sector. For instance, Jim Harrower, former Chief Executive at Group 4 and later Chairman of the BSIA, commented that during the 1980s "[w]e still had to push

² HC 397-II (1983-84) *Second Report from the House of Commons Defence Committee: The Physical Security of Military Installations in the United Kingdom*, (London: HMSO, 1984). p.246. This information is taken from oral evidence given by Mr Alistair Torrance, Inspector General of the National Inspectorate of Security Guard, Patrol and Transport Services.

³ Alistair Torrance, 'Annual Report by the Inspector General for the year ended 31 December 1983', in HC 397-II (1983-84) *Second Report from the House of Commons Defence Committee: The Physical Security of Military Installations in the United Kingdom*, (London: HMSO, 1984), p.238.

self-regulation and stand up and be counted. To get there [statutory regulation]”.⁴ Thus from Group 4’s perspective, they would simply continue their negotiations with the Home Office over the key resource of legitimacy. This evidence suggests, then, that during the early 1980s the negotiations between the private security industry and the Home Office were structured along exactly the same lines as the preceding three decades.

This was not the case, however. For some of the other private security companies began to see the re-imposition of self-regulation not so much as a constraint upon their ongoing attempts to capture legitimacy from the state, but rather as a re-packaged opportunity to circumvent the perennial problem of legitimacy. In order to properly understand the emergence of this alternative strategy, which resulted in the establishment of the neoliberal set of practices, we need to examine the specifics of the new neoliberal context in which these companies found themselves in slightly more detail. First, it is important to recognise that during the immediate postwar decades the British political landscape was broadly structured around a relatively coherent set of state-centric political and economic principles – commonly known as the ‘postwar consensus’.⁵ Governments of the day accordingly tended to look for state-centred solutions to economic and welfare problems – which partly explains the dominance of the state-centred monopoly practices of the Home Office and police during this era. This consensus started to fracture during the 1970s, however, as many media commentators and politicians began to criticise the British political system for being too ‘overloaded’ with state functions.⁶ According to these critics, Britain was becoming ungovernable. This political crisis in turn set the scene for the Conservatives to win the 1979 general election on the back of a neoliberal manifesto which proposed distinctly market-orientated solutions to these economic and welfare problems.⁷ The extent to which the postwar consensus has since given way to a new market-orientated neoliberal political landscape is hotly debated.⁸ Yet all tend to

⁴ Interview with Jim Harrower, conducted on 17th July 2007.

⁵ For a historical analysis of the development of this consensus, see: Paul Addison, *The Road to 1945: British Politics and the Second World War* (London, Pimlico, revised edition, 1994).

⁶ Anthony King, ‘Overload: Problems of Governing in the 1970s’, *Political Studies* 23(2) (1975), pp. 284-296.

⁷ Stuart Hall, ‘The Great Moving Right Show’, in *The Politics of Thatcherism* eds. Stuart Hall and Martin Jacques (London: Lawrence and Wishart, 1983), pp.19-39; Colin Hay ‘Narrating Crisis: The Discursive Construction of the Winter of Discontent’, *Sociology* 30(2), pp.253-277.

⁸ Some emphasise the ‘abandonment of consensus’, see: Dennis Kavanagh, ‘Whatever Happened to Consensus Politics?’, *Political Studies* 33(1985), p.541. Others, however, highlight the need to

agree that there was at least some kind of discernable market-orientated shift in political outlook across the British state-society sphere.

Faced with the increasingly market-orientated political-economic context of the early 1980s, then, certain private security companies decided that it might be possible to abandon their long-standing and often futile attempts to capture legitimacy from state institutions and instead experiment with the idea of operating as ordinary market actors within the security sector. Certain companies, in other words, experimented with the notion of disregarding the structural influence of the image of state by functioning outside of the British population's prevailing normative expectations about how the security sector ought to be constituted. The immediate advantage of this alternative strategy was that it allowed these companies to disengage with their struggle for statutory regulation and instead actively welcome the Home Office's policy of self-regulation, thereby aligning themselves for once with the most politically powerful institution in the security sector. Furthermore, if these companies were going to operate as ordinary market actors then supporting self-regulation made perfect economic sense, for this mechanism served to minimise the number of bureaucratic constraints imposed upon the industry and accordingly maximised the ability of these companies to function in accordance with the logic of the unfettered market. Due no doubt to the way in which this neoliberal experiment seemed to streamline the industry's position in British society and its relations with the Home Office, these neoliberal practices quickly increased in popularity during the early 1980s until they soon became the dominant viewpoint within the BSIA. The prefacing comments penned by the BSIA Chairman, W. E. Randall, in the 1982 BSIA Annual Report are illuminating in this respect: "Our members are fully committed to the concept of self-regulation of the industry and the need to be accountable".⁹ So for many private security companies, the neoliberal era represented an opportunity to distance themselves from the intractable problem of legitimacy and finally operate as ordinary market actors within the security sector.

These neoliberal practices were not, however, merely based upon naïve wishful thinking, for the private security companies were at the same time being presented

disaggregate between the ideational and institutional dimensions of each individual policy area when assessing the extent of the neoliberal transformation, see: David Marsh and R. A. W. Rhodes, 'The Implementation Gap: Explaining Policy Change and Continuity', in *Implementing Thatcherite Policies: Audit of an Era* eds. David Marsh and R. A. W. Rhodes (Buckingham: Open University, 1993), pp.170-187.

⁹ BSIA, *Reports and Accounts*, 31st December 1982 (BSIA Archives).

with more possibilities for organic economic growth than ever before. These came from both state and non-state sources. On the state side, in an attempt to reduce the financial burden on the exchequer the Thatcher government became increasingly eager to contract out traditional state security functions to private security contractors. To take one important example, annual Ministry of Defence expenditure on private security contracts increased ten-fold during the 1980s, from £461,000 in 1984-85 to £4,418,000 in 1989-90.¹⁰ These contracts did not cover what would later be termed 'inner core' state security functions, since they generally involved only the routine guarding and patrolling of military sites and only nominal interaction with the public, but they nevertheless represented a significant economic breakthrough for the private security industry.¹¹

On the non-state side, Trevor Jones and Tim Newburn have commented upon two trends which had the effect of providing the private security industry with promising new opportunities for organic economic expansion during the 1980s. First, drawing upon Shearing and Stenning's writings, they noted that the construction of shopping malls and other forms of 'mass private property' created some degree of new demand for security services, and where this could not be satisfied by the police the private security industry was usually drafted in.¹² Second, they observed that economic rationalisation and downsizing throughout the British economy meant that many jobs which had performed 'secondary' social control functions – such as bus conductors, ticket inspectors and roundsmen – were being phased out, in the process creating a vacuum which was frequently being filled by 'primary' social control providers such as private security guards.¹³ So against the backdrop of these highly favourable trends, the neoliberal practices of the private security companies gathered momentum and the struggle for legitimacy within the security sector accordingly became far less urgent.

¹⁰ HC 171 (1989-90) *Sixth Report from the House of Commons Defence Committee: The Physical Security of Military Installations in the United Kingdom* (London: HMSO, 1990), p.ix.

¹¹ HC 397-II (1983-84) *Second Report from the House of Commons Defence Committee: The Physical Security of Military Installations in the United Kingdom*, (London: HMSO, 1984); HC 171 (1989-90) *Sixth Report from the House of Commons Defence Committee: The Physical Security of Military Installations in the United Kingdom* (London: HMSO, 1990).

¹² Trevor Jones and Tim Newburn, 'Urban Change and Policing: Mass Private Property Re-Considered', *European Journal on Criminal Policy and Research* 7 (1999), p.238. They also noted, however, that this trend was much less prominent in Britain when compared with North America.

¹³ Trevor Jones and Tim Newburn, 'The Transformation of Policing? Understanding Current Trends in Policing Systems', *British Journal of Criminology* 42(1) (2002), pp.139-142.

One important consequence of this experiment for the shape of the security sector negotiations was that it largely dissolved the reformist-pluralist alliance with the parliamentary actors. For while this alliance was extremely valuable to the private security companies in their efforts to capture legitimacy from the state institutions, within the context of the neoliberal experiment this lobby suddenly became an obstacle. This fracture was vividly demonstrated in 1984, when Bruce George conducted an enquiry into the Ministry of Defence private security contracts through the auspices of the House of Commons Defence Committee. During this enquiry he interviewed Mr. A. Torrance, Inspector General of the BSIA's newly established National Inspectorate, about the highly variable enforcement of standards within the self-regulated industry. This resulted in a revealing exchange in which Torrance questioned: "How can we legally enforce these standards on other [i.e. non-BSIA] companies either a) to apply for membership, or b) achieve our standards?" George replied: "You go down to the Home Office and say, 'We support Bruce George's bill to license the security industry'". Torrance then responded: "...we are an organisation which is fairly recent and I think as we go along our professionalism will increase and the standards of the industry, that segment for which we are responsible, will also increase".¹⁴ This clearly demonstrates the extent to which the BSIA had now changed its position within the regulation debate, for while during the previous decade George's private members' bills represented key lobbying mechanisms through which the industry could potentially capture legitimacy from the state institutions, they were now merely viewed as inconvenient attempts to bring about unwanted bureaucratic controls. This is a clear example of the BSIA thinking like an ordinary market actor and shifting its agenda from the pluralist to the neoliberal set of practices.

This said, there was certainly not a blanket conversion to these neoliberal practices among BSIA members. Group 4 and a number of other companies, for instance, continued to persevere with their pluralist practices and their corresponding struggle for legitimacy over the course of the 1980s. For example, Group 4 were highly supportive of George's next (and again unsuccessful) Private Security Bill, which he introduced in June 1988, thereby keeping a small-scale version of the reformist-

¹⁴ HC 171 (1989-90) *Sixth Report from the House of Commons Defence Committee: The Physical Security of Military Installations in the United Kingdom* (London: HMSO, 1990), p.254.

pluralist alliance alive.¹⁵ Some private security companies clearly continued to believe, in other words, that despite the transformation of the political landscape in Britain, the only way to operate effectively within the security sector was still to capture a degree of legitimacy from the core state institutions so as to function in accordance with the majority of the British population's normative expectations about how the security ought to legitimately be provided. But as the 1980s progressed, these companies increasingly found themselves in the minority. For example, David Dickinson, former Managing Director of Group 4 and current BSIA Chief Executive, recently explained the situation in the following terms: "The Group 4 position had always been statutory regulation, but we didn't make a lot of public pronouncements about it because we were good loyal BSIA members, and the BSIA position was 'we're doing perfectly well thank you'".¹⁶ The neoliberal experiment was soon to be undermined in terrible circumstances, however.

On 22 September 1989, a bomb planted by the Irish Republican Army was detonated at the Royal Marine barracks in Deal, instantly killing ten marines and seriously wounding another twenty-three (one of whom later died from his injuries). During the political fallout of this attack, it very quickly emerged that in January 1988 the responsibility for guarding the barracks had been transferred from the Marines to a relatively large private security company called Reliance Security Systems. This immediately initiated a highly public debate in both parliament and the press about the inadequacies of private security companies in performing their state-contracted guarding functions. The press were first to elaborate upon the connection between the bombing and the failure of private security companies. The next day *The Independent* vividly reported, for instance, that:

As the bodies of the dead – aged in their twenties and mid-thirties – were dragged from the rubble, the privatisation of security was strongly criticized. The job of patrolling the perimeter was taken from full-time Marines last year and given to Reliance Security Systems, a private security company.¹⁷

A few days later the same paper then quoted the following from an interview conducted with a former Marine at the barracks: "Some [private security] guards refused to patrol the graveyard because they believed it was haunted. One was

¹⁵ HC Deb (1987-88), vol. 135, col. 220'; Interview with Jim Harrower, conducted on 17th July 2007.

¹⁶ Interview with David Dickinson, conducted on 25th October 2007.

¹⁷ *The Independent*, 'Base Where Bomb Kills 10 was 'Soft Target' for IRA', 23rd September 1989.

frightened of the dark”.¹⁸ From the media’s perspective, then, it was clear that any status or credibility gained by the industry over the past decade was to be quickly disregarded as they instead returned to their traditional standpoint of mocking the industry. This situation brings to mind the comments of the public representative working in the industry during the late 1960s who said that because of the industry’s precarious status in British society a decade of good work can be completely undermined in one instance.

Furthermore, Members of Parliament were equally disparaging. In mid-October 1989, Martin O’Neill MP (Labour), who was at the time Shadow Secretary for Defence, seemed to reflect the mood of many MPs with the following comments on the Deal bombing:

The presence of some private security firms at gates and on perimeter duty gives a clear sign to terrorists that part of the security is the responsibility of people who do not have access to arms, and who have only a minimum of training and often only the slimmest of commitments to the job...I hope that we can ensure that no more of these cheapjack firms will be hired”.¹⁹

And the number of parliamentary questions concerning the government’s plans to regulate the industry in order to raise standards increased sharply, with no less than thirteen written answers being required of the government on this matter over the ensuing parliamentary session.²⁰ This cultural resistance to the unregulated private security industry, in the form of both unforgiving official criticism and dismissive mocking by the media, had the significant effect of completely undermining the industry’s neoliberal practices. For it became increasingly clear that private security companies did not in fact have sufficient acceptance among a significant proportion of the British population to operate effectively within the security sector without the conferral of state legitimacy. So while the neoliberal context undoubtedly served to

¹⁸ *The Independent*, ‘Deal Barracks Bombing: Deal Private Security Team ‘Undermanned’’, 28 September 1989.

¹⁹ HC Deb (1988-89), vol. 158, cols.173-174.

²⁰ HC Deb (1989-90), vol. 163, written answers, col. 391; HC Deb (1989-90), vol.164, written answers, col. 384; HC Deb (1989-90), vol. 165, written answers, cols. 869-870; HC Deb (1989-90), vol. 168, written answers, col.72; HC Deb (1989-90), vol. 168, written answers, col.86; HC Deb (1989-90), written answers, vol.168, col. 103; HC Deb (1989-90), vol. 169, written answers, col.756; HC Deb (1989-90), vol.170, written answers, col.372; HC Deb (1989-90), vol.171, written answers, col.99; HC Deb (1989-90), vol.173, written answers, col. 172; HC Deb (1989-90), vol.176, written answers, col.119 (10/07/90); HC Deb (1989-90), vol.177, written answers, col.261; HC Deb (1989-90), vol.177, written answers, col.471.

cloud the legitimacy issue in the short-term, the Deal bombing revealed the long-term reality: in the eyes of the majority of the British population market-based security was no substitute for state security. The process by which many private security companies attempted to disregard the structural constraints of the image of the state was thus doomed to failure. This re-emphasises one of the key propositions of the state-in-society approach: while state and society practices are ever-changing and fluid and can deviate from the image of the state, they cannot deviate too far since this runs counter to the fundamental normative expectations about what the state ought to do. Any attempts to completely contravene the structural limitations of the image of the state will thus be undermined when they inevitably encounter cultural resistance.

Due no doubt to their long-standing familiarity with this legitimacy dilemma, many private security companies quickly returned to their former pluralist agenda of attempting to capture legitimacy from the state through a system of statutory regulation. For instance, a former executive of a large private security company recently described this policy shift among the high-ranking industry representatives as follows: "...when the Royal Marines Barracks at Deal was bombed...we took the opportunity to say 'ok then we must have a move towards statutory regulation, is that agreed, yes it's agreed'".²¹ Similarly, David Cowden, who at the time was working for Securicor, summarised the exact same decision-making process in the following terms:

We've got to be coming from a fundamentally more sound background in working with the general public. The Deal bombing actually sharpened up one or two and switched their minds. John Wheeler [Chairman of the BSIA's National Inspectorate and Conservative MP] overnight almost changed his view.²²

Indeed, on the 6th November 1989 and 17th January 1990 John Wheeler introduced into Parliament his unsuccessful Security Industry Bills to bring about statutory regulation of the private security industry.²³ To be sure, these Bills did not follow precisely the same regulation formula mapped out by Bruce George in his numerous private members' bills, for they put forward the notion of giving the BSIA's National

²¹ Interview with a former executive of a large private security company who wished to remain anonymous.

²² Interview with David Cowden, conducted on 19th November 2007.

²³ HC Deb (1988-89), vol.159, col.702; HC Deb (1989-90), vol.164, col.304.

Inspectorate statutory backing,²⁴ thereby essentially advancing what George calls “statutory self-regulation”.²⁵ This divergence over institutional arrangements aside, however, these bills did signify the reconnection of the pluralist practices of the private security companies with their parliamentary allies.

Yet while on the surface it appears that the security sector negotiations had simply come full circle over the 1980s, with the industry and parliament again unified in a pro-regulation reformist-pluralist alliance against the Home Office and police’s dominant anti-regulation monopoly practices, there were now four crucial differences. First, after a decade of benefiting from government contracts, the growth of mass private property and a shift towards ‘primary’ social control provision, the private security industry had grown significantly. For instance, the marketing consultancy Jordon and Sons estimated that the industry’s annual turnover increased from £476.4 million in 1983 to £1,225.6 million in 1990.²⁶ And this growth meant that the private security companies now had considerably more resources to draw upon in their attempts to influence the course of the security sector negotiations. Second, the failed neoliberal experiment served to strengthen the industry’s political bargaining position in another way. For the process of contracting out security services during the 1980s meant that the state was now dependent upon a few large private security companies to deliver a number of supposedly public goods. And once a departmental function such as this has been devolved to the private sector it is often very difficult for that department to find the necessary resources to reintegrate that function back into its portfolio. This intensified relationship of power dependence between the industry and the state, which in turn meant that the preferences of these companies could no longer be dismissed so easily by the core state institutions. Third, while the image of the state still served to structure institutional activities within the security sector, it had undoubtedly been diluted to some extent by the shift away from the state-centred postwar consensus and the emergence of neoliberal project. This in turn meant that the ideational constraints upon the industry were slightly less severe than was the case in previous years – though they were still strong enough to compel the industry to continue with its strategy of capturing legitimacy from the state. Finally, by the late

²⁴ HC Bill (1988-89) [214]; HC Bill (1989-90) [55].

²⁵ Interview with Bruce George, conducted on 30th October 2007.

²⁶ Jordon and Sons, *Britain’s Security Industry* (London, 1989); Jordon and Sons, *Britain’s Security Industry* (London, 1993) – quoted in: Jones and Newburn ‘How Big is the Private Security Sector?’, p.226. As Jones and Newburn note once again, however, it is difficult to assess the reliability of these statistics. Nevertheless, even if taken as approximate, these statistics illustrate an unambiguous trend.

1980s the police were no longer supporters of the anti-regulation monopoly practices and had joined with the reformist side of the pro-regulation reformist-pluralist alliance – this major policy turnaround will be examined in the next section. Each of these four differences, then, served to augment the power of the pluralist practices of the private security industry and in turn increased the possibility of the industry capturing legitimacy from the state over the subsequent few years.

6.3 The Police and the Politicisation of Law and Order

This section will demonstrate how during the 1980s the long-standing monopoly alliance between the Home Office and police began to fracture as issues of law and order became increasingly politicised, especially in relation to the 1984-1985 miners' strike. This episode of state fragmentation had two significant consequences. First, it served to dilute the image of the state, which had already be partially undermined by the ascendance of neoliberal political-economic ideology, in the process enabling the private security industry to pursue more effectively its pluralist practices. Second, it prompted the major police institutions to shift their political operations from a monopoly to a reformist set of practices. This in turn substantially compromised the ongoing viability of the monopoly set of practices within the postwar security sector, thereby strengthening the bargaining power of the counterposed reformist-pluralist partnership. And these two consequences, of course, increased the possibilities of the industry capturing legitimacy from the state through a system of statutory regulation.

Despite the eventual fracturing of the institutional relations between the Home Office and police, at the beginning of the 1980s their long-standing alliance was in fact never stronger. This was due to a particularly close relationship between the Conservatives and the police. In the foreword to the 1979 Conservative Manifesto, for instance, Margaret Thatcher wrote that her Party's strategy for the future was founded "...above all on the liberty of the people *under the law*".²⁷ This classic liberal formulation captured the Party's conviction at the time that while most services can and should be provided through the market with a minimum of state interference, they believed that the one indisputable state function was the maintenance of law and

²⁷ Margaret Thatcher, 'Foreword to the Conservative Manifesto 1979' in *British General Election Manifestos 1959-1987* ed. F. W. S. Craig (Dartmouth, Parliamentary Research Services, 3rd edition, 1990), p.267 [italics added].

order. As such, the Manifesto went on to assert that “Britain needs strong, efficient police forces with high morale. Improved pay will help Chief Constables to recruit up to necessary establishment levels”.²⁸ This was a strong statement of support for the police. Furthermore, there is plenty of evidence to suggest that the Conservatives delivered on this pledge over subsequent years. Between 1979 and 1988, for example, more than 12,000 additional police officers were recruited, police powers were increased through the Police and Criminal Evidence Act 1984, and the Home Office provided support for more weaponry and training in public order policing.²⁹ This government sponsorship, then, meant that the already close relationship between the police and the Home Office was even more concretised during the early 1980s. So despite the contradictory policy of contracting out what came to be known as ‘outer core’ security functions at this time (as mentioned in the previous section), the Conservative’s focus upon law and order did enable the Home Office and police to continue to maintain their monopoly set of practices.

By the mid-1980s, however, the alliance between the Conservatives and the police began to disintegrate. The primary cause of this fracturing was the politicisation of law and order and the concomitant de-legitimation of the police. In historical terms, the police’s popularity in British society had arguably peaked during the 1950s and 1960s when, as previous chapters have shown, the institution was ‘lionized’ by a significant proportion of the general public and was endowed with a sizeable amount of legitimacy within the security sector. This status was, furthermore, a critical factor in allowing the Home Office and police to advance such a literal interpretation of the image of the state in their monopoly practices, for it gave an important degree of concreteness to this agenda, thereby making it more viable. From the late 1960s onwards, however, the actions of the police were increasingly brought into question as police officers clashed with demonstrators and rioters in a number of public order disputes and were, at the same time, bedevilled with a series of high profile corruption scandals.³⁰

This de-legitimation trend arguably reached its low point, however, during the handling of the 1984-1985 miners’ strikes. In response to these strikes, the police,

²⁸ Conservative Party, ‘Conservative Manifesto 1979’ in *British General Election Manifestos 1959-1987* ed. F. W. S. Craig (Dartmouth, Parliamentary Research Services, 3rd edition, 1990), p.275.

²⁹ Philip Rawlings, ‘Creeping Privatisation? The Police, the Conservative Government and Policing in the late 1980s’, in *Beyond Law and Order: Criminal Justice Policy and Politics into the 1990s* eds. Robert Reiner and Malcolm Cross (Basingstoke: Macmillan, 1991), p.42.

³⁰ Reiner, *The Politics of the Police*, pp.59-62.

strongly backed by the Conservative Party, controversially deployed considerable physical force against many thousands of British miners in an effort to maintain public order. The confrontations are described in detail by Clive Emsley:

They [the pickets] found themselves confronted by policemen drawn from a dozen or so different forces, but uniformly kitted out in riot overalls with helmets and visors, shields and long batons. Police tactics were also new. Lines of men carrying long shields took the brunt of any missiles hurled at the police; the lines then parted to release either squads of men carrying small, round shields and batons, or mounted police – the former, according to the new [ACPO Public Order Policing] *Manual*, were to ‘disperse and/or incapacitate’ demonstrators, the latter ‘to create fear’.³¹

This was a long way from the friendly policy of policing by consent which characterised public security provision during the 1950s. Far from resonating with the public’s desire for a stable social order, these police actions were widely seen to be both excessive and militaristic and also invoked the deeply ingrained British fears about the emergence of a nationalised police force and an authoritarian British state.³² These criticisms in turn brought into question the legitimacy of the police within the security sector. The scale of this legitimacy crisis was captured neatly by Robert Reiner when he commented that: “Altogether the trauma of the miners’ strike for policing has been rightly compared to the impact of Vietnam on the US military”.³³ This significant moment in British policing history had two important consequences for the security sector negotiations.

First, it served to refashion to some extent the image of the state. In order to understand how this happened it is necessary to re-emphasise once again that the image has never been detached from reality. The relationship between the image of the state on one side and state and society practices on the other is a dialectical one. So when a certain set of practices deviate radically from the image of the state, then the image itself is transformed to some extent as expectations about what the state ought to do change. It is contended here that this is precisely what happened during the miners’ strikes. By policing so far outside of the majority of the British public’s normative expectations about how security ought to be provided, the actions of the public police during the 1980s served to decrease the degree of state legitimacy within

³¹ Clive Emsley, *The English Police*, p.184.

³² Clive Emsley, *The English Police*, pp.184-185.

³³ Reiner, *The Politics of the Police*, p.68.

the security sector. And this had notable consequences for the pluralist practices of the private security companies because as public faith in the public police decreased, so the cultural context of the security sector – or the image of the state – became less hostile to private security provision. To be sure, this certainly does not mean that there was an automatic shift of legitimacy from the public police to the private security companies, for legitimacy is not a zero-sum resource. It is an intangible quality which has to be toiled for over time. But it did nevertheless create a more favourable cultural context in which the private security companies could enhance their legitimacy.

This contextual transformation should not be overstated, however. For while the police certainly lost some of their legitimacy during the mid-1980s, they still retained a sizeable degree of cultural capital. Indeed, Krista Jansson shows that although public support for the police fell during this period, according to the British Crime Survey the proportion of people who considered the police to be doing a ‘fairly good’ or ‘good’ job stayed above the 80 percent mark between 1982 and 1988.³⁴ And, furthermore, Reiner, remarked at the beginning of the 1990s that: “Such studies as the recent British social attitudes survey show that the police institution and leadership remains the most trusted pillar of the state”.³⁵ So although the image of the state within the security sector had been diluted in a manner favourable to the private security companies, it is important to repeat that it had not transformed to the extent that the industry no longer had to concern itself with questions of legitimacy, as the Deal bombing so effectively demonstrated.

Second, the politicisation of law and order served to indirectly lay the foundations for the severance of the long-standing monopoly alliance between the Home Office and police in their negotiations with the private security industry. For during the aftermath of the miners’ strike both the Police Federation and ACPO consciously sought to distance themselves from their highly politicised relationship with the Conservatives in an effort to steer the police force back towards the safe ground of non-political ‘constabulary independence’.³⁶ And this distancing gave these police institutions space in which to reassess their policy stance regarding the industry. Crucially, it was within the context of this new-found political space that ACPO

³⁴ Krista Jansson, *British Crime Survey – Measuring Crime for 25 Years* (London: Home Office, 2007), p.21.

³⁵ Reiner, ‘Chief Constables in England and Wales’, pp.62-63.

³⁶ Reiner, *The Politics of the Police*, p.73.

produced a pro-regulation report in March 1988 entitled *A Review of the Private Security Industry*. In order to generate data for this report, a questionnaire investigating criminality within the private security industry was sent to all police forces within Britain. The report not only uncovered a substantial amount of criminality within the industry, but in addition “all but two [of the 49 territorial police forces] expressed the view that either statutory licensing, or legislation to establish compulsory ‘self’ regulation, was essential to progress”.³⁷ Against the backdrop of this overwhelmingly pro-regulation response, the report accordingly mapped out an official ACPO policy position in favour of statutory regulation. ACPO was now, in other words, a firm advocate of the reformist set of practices – that is, it wanted to control and reform the industry. It must also be acknowledged, however, that this new reformist position was not only adopted at the Chief Constable level, for three months later the Police Federation were openly listed by Bruce George as supporters of his pro-regulation 1988 Private Security Bill.³⁸ The police rupture with the Home Office over the issue of statutory regulation was therefore significant, for both of the major police institutions had now eschewed their long-standing monopoly agenda in favour of the reformist set of practices.

By the middle of 1988, then, the politicisation of law and order in Britain, combined with the ascendance of neoliberalism, had impacted greatly upon the security sector negotiations. For not only had the image of the state been diluted to some extent by neoliberal project and the authoritarian government-police response to the 1984-1985 miners’ strikes, but the major police institutions had abandoned their anti-regulation monopoly alliance with the Home Office and had openly sided with the pro-regulation reformist lobby. Furthermore, when these events are considered alongside the Deal bombing in 1989 and the concomitant shift within the industry back towards the reformist-pluralist alliance, the pro-regulation lobby was by the end of the decade substantial, including the police institutions, a growing number of parliamentary actors and the majority of the private security industry. It must once again be noted, though, that the more specific preferences which were expressed within this lobby were by no means harmonious. For while the police and the parliamentary actors wanted to use regulation to control the industry’s operations, the private security

³⁷ Association of Chief Police Officers, *A Review of the Private Security Industry* (North Wales Police, 1988), p.4.

³⁸ HC Deb (1987-88), vol.135, col. 220.

companies were seeking to employ regulation to capture much needed legitimacy from the state institutions. Yet these divergent preferences came together in a rather incongruous but nevertheless mutually beneficial manner. This was because they had a common enemy: the monopoly and now neoliberal practices which, from very different vantage points, propounded a strong anti-regulation agenda. Significantly, it was under the weight of this growing pro-regulation reformist-pluralist lobby that the Home Office's anti-regulation standpoint started to capitulate. As the next section will demonstrate, however, this Home Office capitulation was not from the monopoly position, but rather the neoliberal one.

6.4 The Transformation of the Home Office World View

This section will show how during the late 1980s and early 1990s the Home Office continued to defend its anti-regulation policy stance against the increasingly powerful pro-regulation lobby, which now comprised the reformist practices of both the police and parliamentary actors, together with the pluralist practices of the private security institutions. It will demonstrate, however, that this defence was no longer asserted from a monopoly perspective but rather a neoliberal one. This significant transformation in the Home Office world view had considerable ramifications for the way in which the different sets of practices played out within regulation debate. For it increasingly gave the upper hand to the pro-regulation reformist-pluralist alliance and in turn brought the industry one step close to formally capturing legitimacy from the state through a system of statutory regulation.

For most of the 1980s, the Home Office steered clear of direct interventions in the security sector negotiations. This was perfectly understandable given that, on the surface at least, the various political processes within the sector seemed to be structured in line with the Home Office's long-standing monopoly practices. For instance, its alliance with the police institutions was stable, the industry was actively pursuing self-regulation, and the reformist parliamentary actors, whose influence was largely dependent upon the now defunct reformist-pluralist alliance, were accordingly relegated to a peripheral existence. To be sure, this version of the policy network was certainly not as tightly locked into the Home Office's monopoly agenda as it was during the 1960s – the emergence of the parliamentary-industry reformist-pluralist alliance during the 1970s had certainly ensured that – but so long as this set of

political relationships did not stray too far from the 1979 settlement, then the Home Office had little motivation to interfere. As we have seen, however, by the end of the 1980s nothing had remained constant. Not only had the majority of the private security industry, via a pronounced neoliberal detour, realigned itself with the pro-regulation parliamentary lobby, in the process reinstating the reformist-pluralist alliance, but ACPO and the Police Federation had now very publicly joined the reformist side of this powerful partnership. And, moreover, this formidable pro-regulation lobby was, towards the end of the 1980s, beginning to apply considerable pressure upon the Home Office to rethink its anti-regulation policy stance. These transformations in the constitution of the policy network in turn forced the Home Office to formally readdress the regulation issue.

Upon doing this, however, it soon transpired that the Home Office, too, had changed significantly over the preceding decade, for the world view of many Home Office officials and ministers had, perhaps rather inevitably, been significantly influenced by a decade of Conservative neoliberalism. Many Home Office officials and ministers were no longer characterised by the 'platonic guardianship' of the 1950s and 1960s, in which they took very seriously the responsibility of very directly reproducing the image of the state through their monopoly practices – that is, they were no longer the direct bearers and perpetuators of the monopoly myth. Instead, they were now advocates of the neoliberal set of practices. Similar to the neoliberal practices of the private security companies, the neoliberal practices of the Home Office were predicated upon a disregard for the structural influence of the image of the state within the security sector. The security sector was instead viewed like any other, unproblematically populated by a mixture of public and private providers. Furthermore, against the backdrop of widespread neoliberal reforms, the Home Office decreed that this ordinary sector, like any other, can and should be streamlined by increasing the influence of free-market principles upon these public and private providers. As a consequence, the Home Office continued to advance a strict anti-regulation policy stance, not on the basis of preventing the transfer of legitimacy to the industry (for this was now considered to be irrelevant), but because this would minimise the bureaucratic constraints on the security sector and accordingly maximise the influence of the free market. As we will see, again in a manner similar to the neoliberal practices of the industry, the neoliberal practices of the Home Office proved to be untenable and lasted only a few years.

In order to impose their neoliberal practices on the regulation debate, then, the Home Office set up a Working Party in 1989 – the department’s first focused analysis of the industry since the 1979 Green Paper. Once again, the investigations undertaken by the Working Party did not represent a balanced and open-minded assessment of the cases for and against statutory regulation. From the outset, for instance, its objective was limited to a consideration of the “...ways in which self-regulation might be improved”,³⁹ and nothing more. The possibility of implementing statutory regulation was simply not on the agenda. The resulting Working Party report, entitled *The Private Security Industry Background Paper*, thus quickly reached the inevitable conclusion that any problems within the industry should be resolved by instituting a new ‘Manned Services Inspectorate’ to replace the existing National Inspectorate, which would in turn supposedly bring about a more sophisticated and inclusive system of industry self-regulation.⁴⁰ While on first appearances this recommendation actually seems to reproduce the analysis of 1979 Green Paper – that is, self-regulation minimises official connections between the industry and the state and accordingly limits the transfer of legitimacy to the industry – a closer examination in fact reveals that the report marked the emergence of a brand new rationale for justifying this old conclusion. It signified the start of a formal shift from the monopoly to the neoliberal set of practices.

The core argument of the report is captured in the following assertion: “The government starts from a position of favouring deregulation in as many spheres of economic activity as possible in the interests of maximising competition and consumer choice”.⁴¹ This offers a completely different explanation for supporting self-regulation. For rather than drawing upon monopolistic, state-centric notions of legitimacy in the security sector, it is instead founded upon the distinctly neoliberal notion that, wherever possible, the state should not interfere with the private sector and firms should accordingly operate in line with the logic of the unfettered market. The most important consequence of this new rationale was that the private security industry was no longer viewed by the Home Office as an enemy of the state and the public good. For without the image of the state to highlight the irregularity of the industry, it was viewed as an ordinary private sector actor functioning in accordance

³⁹ HC Deb (1988-89), vol.149, col. 597.

⁴⁰ Home Office, *The Private Security Industry Background Paper* (Unpublished, 1991), p.9.

⁴¹ Home Office, *The Private Security Industry Background Paper*, p.8.

with conventional market principles. This position was most clearly illustrated by the Home Office's interpretation of the crime statistics advanced in the 1988 ACPO report (to which it was in large part responding):

Assuming the manned guarding sector of the security industry employs 100,000 personnel, the rate of offending revealed by the most recent ACPO review (336 per 100,000) compares with a rate of offending of 8,234 per 100,000 of the general male population aged 17-50. On this basis, the level of offending by private security personnel would not justify the introduction of an inevitably expensive and bureaucratic licensing system.⁴²

In comparing the industry's personnel to the general male population, the Home Office was implying that there was nothing 'special' about the activities of the private security guards. They were just ordinary people doing ordinary jobs. This could be considered a very problematic framework of comparison because it ignored the fact that private security guards do occupy an unusually powerful position within British society. Indeed, in recognition of this many pluralist and reformist commentators subsequently observed that the correct framework of comparison should be the corresponding level of offending among police officers, for these are the only other individuals engaged in full-time, pro-active security occupations. But this criticism was lost on the new neoliberal 'world view' of the Home Office.

This emerging neoliberal policy position was further formalised in December 1993 when the Home Office undertook a review of the functions of the police in order to ascertain whether state resources could be deployed more efficiently within the security sector. The result was the precedent setting 1995 report entitled *Review of Police Core and Ancillary Tasks*. This report separated security functions into three categories: 'inner core', 'outer core' and 'ancillary'.⁴³ While 'inner core' concerned those functions which should be provided exclusively by the police, and 'ancillary' related to those menial activities which required no state intervention whatsoever, most interestingly, the middle category of 'outer core' made reference to a number of hybrid public-private security functions. These were defined as "...services [which] should be managed by the police service, but the method of delivery can be flexible, involving officers, specials, civilians or *contracting out*."⁴⁴ And the list of functions

⁴² Home Office, *The Private Security Industry Background Paper*, p.8.

⁴³ Home Office, *Review of Police Core and Ancillary Tasks* (London: HMSO, 1995).

⁴⁴ Home Office, *Review of Police Core and Ancillary Tasks*, p.11 [italics added].

judged to be suitable for contracting out to private security companies included the policing of public events, court security, prisoner and immigration escorts and the protection of abnormal loads.⁴⁵ To be sure, this definition does introduce the notion of police management, but no mention is made of formal statutory regulation. In effect, then, police management simply seemed to entail choosing which services to contract out, nothing more. This document therefore represented the culmination of the Home Office's neoliberal conversion. For this department was now arguing that, in an effort to relieve the financial burden on the Exchequer, certain security functions, which were in the past viewed as the exclusive preserve of the state, were now to be actively contracted out to the private security companies. As an informal practice, this process had of course been underway for over a decade, beginning when the private security companies started to receive contracts from the Ministry of Defence and other central government departments in the early 1980s. But, crucially, it was now concretised in a formal policy document, which meant that the Home Office's neoliberal practices were in turn pushed into the centre of the security sector negotiations.

Like the neoliberal practices of the private security companies, however, the neoliberal practices of the Home Office did not fare well. Indeed, taken together both of these neoliberal experiments appear to demonstrate that any attempt to eschew the structural influence of the image of the state – that is, any attempt to disregard the majority of the British population's state-centric normative expectations about how security ought to be legitimately provided – was to prove unsustainable. The clearest manifestation of this cultural resistance in this instance was the way in which the pro-regulation reformist-pluralist alliance – which now included the private security industry, the major police institutions and the parliamentary actors – continued to lobby against the Home Office's neoliberal practices during the early to mid 1990s. When Michael Stern MP (Conservative) introduced his Private Security (Licensing) Bill in May 1994, for instance, he was able to remark that "...regulation, licensing and inspection for private security firms...appears to have the support of not only large sections of the police...but the full support of the British security industry".⁴⁶ The Home Office could not continue to advance these anti-regulation neoliberal practices against such unified opposition. As a consequence, the pressure for change

⁴⁵ Home Office, *Review of Police Core and Ancillary Tasks*, pp.15-21.

⁴⁶ HC Deb (1993-94) vol.243, col.159.

within the security sector negotiations began to reach the critical moment in which something had to give – the anti-regulation position was simply untenable. And, as the next section will illustrate, this moment eventually arrived in the summer of 1994, when the House of Commons Home Affairs Committee responded to this pressure by announcing its intention to conduct an enquiry into the regulation of the private security industry.

6.5 The Home Affairs Committee and the Pro-Regulation Consensus

This section will show that the Home Affairs Committee's 1994-95 enquiry into the regulation of the private security industry can be viewed as the one of the key moments in the re-legitimation of the private security industry in postwar Britain. Like the Committee on Privacy enquiry twenty years previous, it became a forum in which all core members of the security sector negotiations – the private security industry institutions, Home Office, major police institutions and parliamentary actors – were able to simultaneously advance their contrasting sets of practices. Unlike the Committee on Privacy, however, the political resources, rules of the game and broader political-economic context were not so loaded towards the preferences of the Home Office that its outcome was essentially pre-determined. For the various social, political and economic forces which had caused the gradual fracturing of the security sector policy network over the past decade also served to ensure that the context in which the Home Affairs Committee conducted its enquiry resembled something approaching a level playing field. As a consequence, the majority opinion of the industry, police and parliamentary representatives during this enquiry set in motion the processes through which the Home Office was finally forced to capitulate to the pro-regulation reformist-pluralist alliance. This section will explore how the differing preferences advanced by these various pro-regulation actors within the Committee served to set down the terms of the resulting consensus.

In the months leading up to the Home Affairs Committee's enquiry, the Home Office's emerging neoliberal agenda was both a source of optimism and frustration for the private security industry. It was a source of optimism because in officially recognising and endorsing private security involvement within the British security sector, the Home Office was implicitly granting the industry a reasonable degree of legitimacy and was also providing it with a series of opportunities for organic

economic growth. The Home Office's neoliberal agenda was also a source of frustration, however, because in order to fully realise these new opportunities, and indeed to consolidate existing ones, the industry determined that it still needed to capture a much greater degree of legitimacy, not through implicit endorsements, but through formal and explicit statutory regulation – something which the Home Office, through its neoliberal lens, could not comprehend. For this was the only way that the private security companies could meet the majority of the British population's state-centric normative expectations about how security ought to be legitimately provided. Indeed, the ongoing need for legitimacy was once again acutely highlighted to the industry with the infamous experiences of Group 4's early prison escort contracts. As Sally Weale reflected in *The Guardian*:

In the early 90s, poking fun at Group 4 became a national pastime after they managed to lose seven prisoners within three weeks of taking on the first private prisoner escort service. Newspaper cartoonists and satirical shows like *Have I Got News For You* had a field day. Today Group 4 admits mistakes were made, but what the papers failed to point out, it says, was that police and prison services doing the same job were losing 12 prisoners a week.⁴⁷

The fact that state institutions were performing the same security functions as the private sector with less efficiency yet receiving virtually no criticism once again illustrated to the private security companies why they desperately needed to capture a greater degree of legitimacy from the state through statutory regulation. They needed to somehow situate their activities in line with the image of the state in order to be taken seriously within the security sector.

It was against this backdrop that the industry very persuasively communicated its pro-regulation pluralist agenda to the Home Affairs Committee. Group 4's written submission, for instance, commented that: "...the perception of criminality within the industry (fed by media scare stories) is now so well established that statutory regulation is now the only way to deal with the natural concerns expressed".⁴⁸ And Securicor's written submission reinforced this point: "The combined effect of statutory registration/licensing and access to criminal records would particularly

⁴⁷ *The Guardian*, 'The Great Escape', 15 November 1999 – quoted in: Livingstone and Hart, 'The Wrong Arm of the Law?', p.164.

⁴⁸ Group 4 Securitas, 'Memorandum', in HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.153.

enhance our public credibility...”.⁴⁹ Furthermore, in providing oral evidence to the Committee, Jim Harrower, who was at the time a Chief Executive of Group 4, explained more precisely why statutory regulation would improve relations with the public:

...the regulation of course would carry the identification card...and if there was enough publicity, which we would put into it, then the pensioners and people would know. If a guy comes forward with an ID card you can check it, you can see that it is a *bona fide* ID card and you can move ahead.⁵⁰

This explanation was remarkably consistent with the preferences of the industry forty years earlier. The private security companies still wanted to establish an official linkage between themselves and the core state institutions so as to capture a greater degree of the legitimacy within the security sector. For this would in turn enable them structure their operations in line with people’s normative expectations about how security ought to be delivered and thus consolidate their status within British society. The industry was still, in other words, advancing a loose interpretation of the image of the state in its pluralist practices. It is also important to note that while forty years ago the industry’s demands were almost universally dismissed, they were now being supported by the growing number of state institutions promoting the reformist set of practices.

On the whole, the reformist practices of the police institutions generally conflicted with the neoliberal practices of the Home Office with regard to the issue of regulation. For while they conceded that private security provision did serve to relieve the ever-increasing demands on police resources, they rejected the idea that private security companies could formally enter into the security sector without some kind of statutory regulation to control standards and accountability. This position was clearly mapped out in ACPO’s written submission to the Committee:

Arising out of the recent reforms of the police service and the growing demands and financial restrictions placed upon it, new opportunities have arisen for non-statutory bodies to enter the field of what has hitherto been seen solely as the remit of the police. As the private security industry moves to fill this void so it

⁴⁹ Securicor Security Services, ‘Memorandum, in HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.150.

⁵⁰ HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.5.

has attempted to provide a service traditionally seen as the responsibility of the police, but without the moral, ethical or legal constraints which apply to the police. It is ACPO's contention that the provision of a function inextricably linked to that of the police, should be structured within a statutory framework that commands public confidence.⁵¹

This quote is a clear statement of the reformist agenda, for while ACPO were pragmatically accepting the existence of the private security companies, they were also asserting that their operations would have to be controlled and reformed so as to conform with the notions of universal and egalitarian security provision extolled in the image of the state. It is therefore important to re-emphasise here that the reformists, unlike the pluralists, were not aiming to explicitly re-legitimate the private security industry through a system of statutory regulation, but were instead primarily concerned with protecting the public.

The parliamentary actors also advanced a clear statement of their reformist practices within the Home Affairs Committee enquiry, in turn echoing many of the arguments put forward by ACPO. The main parliamentary representative was, again, Bruce George MP. In his submission of oral evidence to the Committee, he pragmatically recognised, like the police, that the industry was inevitably going to assume an increasingly important position within the British security sector: "The security industry has already made substantial strides into those areas hitherto sacrosanct for the police and will continue to make further inroads".⁵² As a consequence of this position, moreover, George advocated a system of statutory regulation, as set out in his numerous private members' bills, so as to fashion "...an industry which functions effectively and responsibly".⁵³ It is interesting to observe here that compared to the other state actors, George's line of reasoning had remained remarkably consistent, being largely unchanged since he introduced his first private members' bill in 1977. George's overriding message had always been that private security provision in Britain must conform to exacting and publicly determined standards of training and accountability so as to protect the British public.

⁵¹ Association of Chief Police Officers, 'Memorandum', in HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), pp.99-100.

⁵² HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.78.

⁵³ HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.79.

Strikingly, in addition to the industry, police and parliamentary actors, numerous other organisations submitted evidence to the Home Affairs Committee in favour of statutory regulation, ranging from the Association of County Councils to the civil rights group Liberty. Among these many 'non-core' pro-regulation organisations – all of which served to strengthen the reformist-pluralist agenda – one in particular deserves brief examination here: the British Retail Consortium (BRC). For the written evidence presented by this institution provides us with a rare opportunity to bring the quantified opinions of everyday British security consumers into this investigation. According to the BRC, the British retail industry in 1992-1993 represented approximately 9 percent of the custom for the manned guard industry, amounting to something in the region of £63 million in contracts. In December 1994, the BRC sent a survey regarding the regulation of the private security industry to a large number of its member companies, which together represented no less than 22,000 retail outlets. And a resounding 90 percent of respondents were in favour of stronger regulation, 80 percent of whom wanted statutory regulation to be enforced by the state rather than through any self-regulatory mechanisms.⁵⁴ This therefore represents clear evidence that a notable section of the British population did indeed expect security provision to be legitimately provided through state mechanisms and that the private security industry could meet this expectation using a system of statutory regulation. It demonstrates, in other words, that the image of the state remained a prominent structural influence over the constitution of the security sector. And it was precisely this ideational structure which informed the pluralist practices of the private security industry (together with the reformist practices of parliamentary actors and police).

So not only were the core and non-core members of the negotiations lobbying emphatically in favour of the statutory regulation, but the security consumers were adding their extremely important pro-regulation preferences to the proceedings. As a consequence, the Home Office's neoliberal agenda was being pushed to breaking point. This was first evidenced in the Home Office's submission of oral evidence to the Committee, which was delivered by David Maclean MP, Minister of State for the Home Office. For rather than simply reiterating the Home Office's neoliberal self-

⁵⁴ British Retail Consortium, 'Supplementary Memorandum', in HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p. 159.

regulation rationale, which had been the standard policy stance for the past five years or so, he conceded that: “Our position is that I am coming to this Committee open-minded on where we should go for the future”.⁵⁵ And in this new and supposedly open frame of mind, Maclean admitted that: “I could not fail but notice that there were a large number of people in favour of statutory regulation”.⁵⁶ So although the Home Office declined to commit itself to statutory regulation, Maclean’s interview suggested that the department was accepting the inevitability of this outcome. The neoliberal practices of the Home Office were thus coming to the end of their short-lived lifespan.

This inevitability was then further compounded by the Committee’s report and subsequent debates in the House of Commons, both of which were resolutely pro-regulation in their orientation. The report, which was published in May 1995, directly reflected the majority opinion of the pluralists and reformists, recommending that the contract manned guarding side of the industry should be regulated by a newly instituted public body.⁵⁷ It is also particularly interesting to note the following observation made by the Committee in the report: “We have been impressed by the determination of the security industry to improve its own standards and the fact that the pressure for the introduction of regulation has come from within the industry itself”.⁵⁸ This indicates that the pluralist practices of the industry were in fact able to exert a significant influence over the outcome of the policy-making process, as indeed it would continue to do as the blueprints for statutory regulation were developed over the subsequent few years. And very similar sentiments were expressed when the House of Commons debated the report sixth months later. For not only were the majority of the speakers pro-regulation but it was also re-emphasised by Christopher Mullin MP (Labour), who was a member of the Committee, that “[t]he industry is begging to be regulated”.⁵⁹ The pluralist practices of the private security industry, then, had now penetrated the heart of the security sector negotiations, which represented a considerable progression when compared to the dismissive response to

⁵⁵ HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p. 40.

⁵⁶ HC 17-II (1994-95) *First Report of the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p. 47.

⁵⁷ HC 17-I (1994-95) *First Report from the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.xxix.

⁵⁸ HC 17-I (1994-95) *First Report from the House of Commons Home Affairs Committee: The Private Security Industry* (London: HMSO, 1995), p.xxxii.

⁵⁹ HC Deb (1994-95), vol.265, col.221.

Securitor's similar lobbying strategy forty years earlier. Yet despite these pro-regulation forces the Home Office, for a short period, continued to procrastinate over the issue and continue with its neoliberal practices.

The final breaking point, however, seemingly occurred in February 1996 when during Opposition Day in the House of Commons, Jack Straw MP, then Shadow Home Secretary, moved that the government implement the recommendations of the Committee.⁶⁰ There is an interesting prologue to this decision by New Labour to suddenly politicise this issue. For frustrated by the Conservative government's dilatory behaviour within the increasingly one-sided regulation debate, both Bruce George and Group 4 had shifted their attentions to the high-flying opposition party in the previous year. George recollects, for instance, that:

I shifted my tactics, persuading the opposition to take an interest in private security. That meant I went on endless Criminal Justice Bill committee stages where I made speeches, not aimed at the Tories but at people like Alun Michael, who was the opposition spokesman on criminal justice. I remember organising a conference in one of the committee rooms and inviting Blair who was then leader of the opposition. He said, 'well you liaise with Alun and I'll support regulation'.⁶¹

In addition to this intra-parliamentary pressure, the Labour Party were also being subjected to a subtle form of persuasion from the industry, as a former executive of Group 4 recently explained:

Up until the election in 97 we still sensed a great deal of reluctance from the Tories. But we the gang at Group 4 made up our mind when we did the Labour Party Conference...[that]...they know they're going to win, you could feel it, and so we decided that we'd be so nice that it hurt...we've been highly successful at getting them behind the scenes.⁶²

These re-directed lobbying tactics from the pluralists and reformists should certainly be considered as important contextual factors in the Labour Party's decision to dedicate an opposition day debate to this matter.

The resulting parliamentary debate was a more heated and partisan affair than previous exchanges, which was perhaps inevitable given that it was framed in party

⁶⁰ HC Deb (1995-96), vol.271 col.869.

⁶¹ Interview with Bruce George, conducted on 30th October 2007.

⁶² Interview with a former executive of Group 4 who wished to remain anonymous.

political terms with the next general election only one year away. In response to Straw's opening requests for the government to implement the Committee's recommendations, Maclean argued defensively that: "The security industry has expanded enormously over the past 25 years. It has had 25 years of success and achievement, which has been brought about because governments did not interfere with it".⁶³ This represented a restatement of the neoliberal interpretation of the security sector which relied more upon deeply ideological post-hoc rationalisation than an in-depth understanding of the private security industry. For twenty-five years prior to this statement the Home Office was fighting the Committee on Privacy's recommendations to regulate the industry precisely because such a policy would serve to legitimate the operations of the private security companies and facilitate their expansion – in other words, the exact opposite of Maclean's line of reasoning. In a way, then, this illustrates both the rapidity and the completeness of the Home Office's conversion from the monopoly to the neoliberal set of practices. Yet his line of reasoning did not convince the Home Office's opponents at the beginning of the decade and it certainly failed to do so now in the post-Committee context. Unsurprisingly, then, Maclean was followed by some very persuasive pro-regulation speeches delivered by both familiar campaigners such as Bruce George, Norman Fowler and Ivan Lawrence (who was Chair of the Committee), together with numerous recent converts. Arguing mostly from a reformist perspective, then, the House of Commons was overwhelmingly in favour of statutory regulation.

Against such concentrated countervailing forces, the Home Office was finally pressured into issuing a short response to the Home Affairs Committee in October 1996 which announced a new joint consultation exercise with the police and the industry over the costs and benefits of implementing statutory regulation in the contract manned guarding sector of the private security industry.⁶⁴ Then in December 1996 the Home Office published another Green Paper which tentatively set out the beginnings of a regulatory regime. Most importantly, the Home Office conceded in this paper that there was a case for regulating the contract manned guarding sector through statutory mechanisms – although it was ambiguous about exactly how this could be done. For while the Home Office recognised that a new licensing body

⁶³ HC Deb (1995-96), vol.271, col.882.

⁶⁴ HC 744 (1995-96) *Second Special Report from the House of Commons Home Affairs Committee: Government Observations on the First Report From the Home Affairs Committee Session 1994-95: The Private Security Industry* (London: HMSO, 1996), p.3.

would have to be established, it prevaricated over details such as whether licensing should apply to all private security guards or only to those with previous convictions, whether a central register should be used or physical license should be issued, and whether an inspectorate would be required to enforce the regime.⁶⁵ Nevertheless, behind this rather evasive attitude, it was clear that after a fifty year struggle a shaky pro-regulation consensus on the terms of the reformist-pluralist alliance had finally emerged.

After forty years of lobbying, then, the pluralist practices of the private security industry had finally taken the centre-ground of the security sector negotiations. The objections of the monopoly practices and, more recently, the neoliberal practices of the Home Office had finally capitulated to the mounting pressure of the pro-regulation lobby. The stage was now set, in other words, for the formal re-legitimation of private security via a system of statutory regulation. Yet it is important to note that this did not represent an out and out victory for the private security companies, for they only succeeded in capturing the centre-ground of these negotiations because of their alliance with the reformist practices of the parliamentary actors and the major police institutions. And although the reformists shared the pluralists vision of a state-regulated private security industry, they wanted to bring about such a system not to re-legitimate the industry but rather to control and reform it. There was therefore a clear trade-off in this political outcome. Nevertheless, this shaky consensus was a major step towards the re-legitimation of the private security industry in postwar Britain.

6.6 Conclusion

This chapter has demonstrated that the security sector negotiations during the 1980s and early 1990s were characterised by a political contest between four contrasting sets of state and society practices. The purpose of each set of practices was to bring about a different ensemble of institutional arrangements within the postwar security sector and, once again, the content of these divergent ensembles was largely determined by different policy stances with regard to the statutory regulation of the private security industry. First, the pluralists wanted to bring about a pluralised system of security

⁶⁵ Home Office, *Regulation of the Contract Guarding Sector of the Private Security Industry: A Consultation Paper* (London: HMSO, 1996), pp.3-9.

provision in which public and private security providers were able to legitimately function alongside one another in the postwar security sector and, moreover, they sought to accomplish this by lobbying for a system of statutory regulation. Second, the reformists wanted to institute a state-controlled system of security provision in which a reformed private security industry was placed at the foot of the security sector hierarchy and, as ever, they too sought to achieve this by lobbying for a system of statutory regulation. So, apart from a notable interval in the mid-1980s, the reformists and pluralists continued to form a pro-regulation alliance. Third, those institutions advancing the monopoly set of practices wanted to create a monopolistic system of security provision in which the state alone was endowed with the legitimacy to undertake security functions, and they accordingly opposed statutory regulation on the grounds that it would serve to confer legitimacy upon the private security industry. Finally, the neoliberals wanted to impose the logic of the unfettered market upon the security sector and, as such, opposed a system of statutory regulation since it represented an unnecessary bureaucratic constraint upon the commercial logic of the private security providers. Despite their unified resistance to statutory regulation, however, no monopoly-neoliberal alliance emerged because, firstly, they did not exert influence at the same time and, secondly, they were ideologically incommensurable.

As this chapter has illustrated, during the course of the 1980s and early 1990s the balance of power between these different practices changed considerably. Alliances were broken and resurrected, old conflicts were buried and then revived in different forms, institutions changed their world views, and new sets of practices emerged while others were sentenced to irrevocable decline. By the mid-1990s, however, it was the alliance between, on one side, the reformist practices of the parliamentary actors and the police and, on the other, the pluralist practices of the private security industry which began to determine the agenda of the security sector negotiations. And, as we have seen, this alliance in turn greatly enhanced the possibility of the industry capturing legitimacy from the state through a system of statutory regulation. As the state-in-society approach would suggest, then, this political domain, which for many continues to represent the very heart of the modern state, was more and more defined by intense political contestation and negotiation between multiples sets of divergent practices.

This chapter has also demonstrated, however, that in parallel with these processes of contestation and change, the security sector during the 1980s and early 1990s was

also characterised by clear processes of continuity. For the structural influence of the image of the state continued to shape and mould the course of the security sector negotiations. The majority of the British population continued to believe in the monopoly myth – that is, they continued believe that the state ought to be the only provider of security functions in postwar Britain – even if this belief was diluted to some degree by the emergence of neoliberalism and the politicisation of law and order during this era. And the various public and private institutions within the security sector were therefore compelled to reflect this belief – or this image of the state – within their respective sets of practices if they wanted to avoid encountering cultural resistance. This was evident once again in the monopoly practices of the Home Office and police during the early 1980s, for these institutions wanted to directly translate the image of the state into an institutional reality. It was clearly evident, too, in the reformist practice of the parliamentary actors and later on ACPO and the Police Federation, for these institutions sought to institute a state-controlled system of security provision in which a reformed private security industry was integrated into the lower rungs of the security sector. The structural influence of the image of the state was once again less directly evident in the pluralist practices of the private security institutions, who sought to reconcile their problematic status in the security sector by attempting to capture legitimacy from the state, primarily through a system of statutory regulation. Interestingly, the neoliberal practices of the private security industry and the Home Office actively eschewed the structural influence of the image of the state and, as we have seen, encountered enough cultural resistance to undermine their operations. This explains the short-lived existence of this particular set of practices. Importantly, then, because of the widespread influence of the image of the state, any outcome resulting from these negotiations would to some extent reflect key components of this image. As the state-in-society approach would suggest, then, the postwar security sector was characterised by both contestation between different sets of practices and, at the same time, continuity brought about by the structural influence of the image of the state.

It is important to emphasise once again, moreover, that it is this dialectical process of continuity and change, articulated here through the state-in-society concepts of image and practice, which serves to elucidate the complex political processes relating to the re-legitimation private security in postwar Britain. On one side, it was the contested and fluid nature of state and society practices in the security sector during

the 1980s and early 1990s which demonstrates how the private security institutions managed to forge a sufficient number of political alliances to push their pluralist agenda above the other sets of state and society practices competing within the security sector. On the other, it was again the strong current of continuity created by the structural influence of the image of the state which explains why the private security institutions used their enhanced agency not to function as market actors within the security sector but rather to capture legitimacy from the state via a system of statutory regulation. It is the dialectical interplay between these two processes which allows us to understand the re-legitimation of private security in postwar Britain. Interestingly, the next chapter will demonstrate how these complex and contradictory political processes increasingly became more complementary and harmonious towards the end of the 1990s as a coherent and strong consensus evolved in line with the reformist-pluralist alliance. This in turn had the extremely important consequence of laying the foundations for the successful passage of the Private Security Industry Act 2001, which represented a critical moment in the re-legitimation of private security in postwar Britain.

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New Labour, New Legitimacy (1997-2001)

7.1 Introduction

By the end of 1996, there finally appeared to be some degree of consensus emerging within the security sector negotiations about the need to implement statutory regulation of the private security industry. It was an imperfect consensus, however. For while the police institutions, numerous parliamentary actors and the majority of the industry enthusiastically endorsed this policy stance, albeit for quite different reasons, the Home Office was not nearly so forthcoming. It had only reluctantly conceded to the pressure of the amassing pro-regulation reformist-pluralist alliance and as a consequence the ensuing Home Office Green Paper, though clear in its acceptance of statutory regulation, did not provide much in the way of a strategic vision for the future. Had the Conservatives won the 1997 general election, then, the road from the 1996 Green Paper to the statute book would in all probability have been a very uncertain one.

In the event, though, New Labour cruised to victory in this election with a massive 179 seat majority. And, more importantly for our present purposes, the incoming government's criminal justice policy, which formed a central part of their electoral strategy, served to provide a much needed strategic vision for the future of private security provision. For not only were New Labour committed to statutory regulation but, through their 'partnership approach' to crime control, they set down a political programme which aimed to both reform and re-legitimate the industry. This strategic vision thus served to unify the security sector negotiations like never before by satisfying both the reformist and pluralist agendas within a single policy stance and, at the same time, casting aside the vestiges of the monopoly and neoliberal practices. Building upon this unusual period of calm within the security sector, then, New Labour and its allies were able to set in motion the political and constitutional processes which resulted in the Private Security Industry Act 2001. Crucially, this Act marked a new and critical stage in the long process of the re-legitimation of the industry.

The objective of this chapter is to trace the main political processes which characterised the four years from New Labour's victory in the 1997 General Election to the passing of the Private Security Industry Act in 2001. These processes will be divided into six main phases. Section 7.2 will examine the development of New Labour's 'partnership' approach to criminal justice and show how this approach was applied specifically to the private security industry. Next, Section 7.3 will explore how this policy stance was received by both the reformist and pluralist members of the security sector policy network. Section 7.4 will then explore the political and constitutional processes by which the resulting reformist-pluralist consensus was translated into the 1999 White Paper on the regulation of the private security industry. Section 7.5 will then follow the passage of the resultant Private Security Industry Act 2001, which is key to understanding the re-legitimation of private security in postwar Britain. Section 7.6 will provide a few theoretically-informed conclusions about this fifth and final phase of the negotiations. It will, more specifically, illustrate how the dialectical processes of contestation and continuity which were revealed in the preceding empirical sections – and which were expressed through the state-in-society concepts of image and practices – serve to explain the re-legitimation of private security in postwar Britain. Finally, in the form of an epilogue, Section 7.7 will briefly offer some very preliminary insights into how the resulting regulatory regime has so far impacted upon the status of the private security industry at the beginning of the twenty-first century.

7.2 New Labour's Partnership Approach to Crime and Disorder

This section will examine the development of New Labour's 'partnership approach' to crime control both in general terms and in its specific implications for private security provision. It will, in particular, show how this policy served to satisfy both the reformist practices of the police and parliamentary actors and the pluralist practices of the private security institutions, in turn setting down the foundations for the emergence of a much stronger consensus within the postwar security sector.

It is first necessary to understand the context in which New Labour addressed the issue of crime control. In recent years, David Garland has observed, "...high crime rates have become a normal social fact in Britain...the threat of crime has become a

routine part of modern consciousness”.¹ As a consequence, the issue of crime control has increasingly become a central component of electoral strategy over the past couple of decades. In order to gain office, political parties within contemporary Britain have had to convince the electorate that they can mount an effective battle against this threatening ‘social fact’. Traditionally, the Conservatives had been the most successful party in this policy area, with Thatcher’s successive governments in particular adopting a hard-line position with regard to criminal justice policy – even though they did sometimes take this position too far in the eyes of the public, as their heavy-handed response to the 1984-85 miners’ strikes so vividly demonstrated. In a remarkable turnaround, however, during the early and mid 1990s New Labour launched an extremely effective campaign to capture this pivotal policy domain, as Eugene McLaughlin and John Muncie note: “Crime was crucial to both the ideological rebirth of the Labour Party as ‘New Labour’ and its landslide victory in the 1997 General Election”.² Armed with the rhetorically powerful slogan ‘Tough on Crime, Tough on the Causes of Crime’, New Labour soon persuaded Middle England that they represented the best solution to crime and disorder problems in late twentieth century Britain.

Once in power, this rhetoric was translated by the New Labour government into a ‘partnership approach’ to crime control. In broad terms, this approach was premised on the argument that against the backdrop of crime as a deeply embedded ‘social fact’, it was important, in Garland’s words, “...to withdraw the state’s claim to be the chief provider of security and to attempt to remodel crime control on a de-differentiated, partnership basis”.³ This was because recent experience showed that criminal justice policy based upon the ‘monopoly provider’ model was clearly not facilitating the realisation of criminal justice policy objectives and, from New Labour’s perspective, could not therefore be employed as the basis for their ‘Tough on Crime’ agenda – indeed, this was evidenced in the decline of the monopoly practices within the security sector negotiations during the 1980s and early 1990s. With this emphasis on partnership, then, it is important to recognise that from the outset New Labour were eschewing any vestiges of the monopoly set of practices

¹ Garland, ‘The Limits of the Sovereign State’, p.446.

² Eugene McLaughlin and John Muncie, ‘The Criminal Justice System: New Labour’s new Partnerships’, in *New Managerialism, New Welfare?* eds. John Clarke, Sharon Gewirthz and Eugene McLaughlin (London: Sage, 2000), p.169.

³ David Garland, ‘The Culture of High Crime Societies: Some Preconditions of Recent ‘Law and Order’ Policies’, *British Journal of Criminology* 40 (2000), p.348.

which aimed to translate the monopoly myth in an institutional reality. Furthermore, the new government were also creating a window of opportunity for the private security industry to push their pluralist agenda and the parliamentary actors and the police institutions to realise their reformist agenda, for both of these sets of practices were, in different ways, predicated upon the establishment of a concrete institutional partnership between the industry and the state.

In more concrete terms, the 'remodelling' of crime control on a 'de-differentiated, partnership basis', involved an ambitious attempt by New Labour to absorb the various public-private partnerships established by the Conservatives during the previous decade, together with numerous independent crime control initiatives, into a single 'Third Way' approach to criminal justice policy.⁴ The basic intention of this approach was to put state agencies in control of 'steering' crime control strategies, while the corresponding 'rowing' functions were to be devolved to variety of non-state actors. Furthermore, while the state institutions were in theory supposed to assume the dominant role within these partnerships, non-state actors were nevertheless actively encouraged to contribute towards the development of crime control initiatives so as to ensure that a degree of the responsibility for controlling crime was transferred away from the state. Non-state actors were, in other words, 'empowered' within this new partnership approach. Importantly, once in office New Labour quickly formalised this partnership approach in the form of the Crime and Disorder Act 1998 which, as McLaughlin, Muncie and Hughes note, asserted that: "...for successful outcomes to be achieved, responsibility for crime reduction and community safety should be devolved from a central state to a series of semi-autonomous local partnerships, made up of statutory and independent agencies and privatised bodies".⁵ It should be recognised, however, that while this legislation constituted the central component of New Labour's approach to crime control, it did not in fact represent a radical departure from some of the criminal justice policies which were implemented in a more piecemeal manner by the preceding Conservative government. The main difference was that New Labour arguably approached crime

⁴ Eugene McLaughlin, John Muncie and Gordon Hughes, 'The Permanent Revolution: New Labour, New Public Management and the Modernization of Criminal Justice', *Criminology and Criminal Justice* 1(3) (2001), pp.306-307; Gordon Hughes and Eugene McLaughlin, 'Towards a New Paradigm of Sovereign Power?: Community Governance, Preventative Safety and the Crime and Disorder Reduction Partnerships', in *Selected Papers from the 2003 British Criminology Conference, Bangor* eds. Simon Cottee, Catrin Smith and Emma Wincup (available at www.britisoccrim.org/v6.htm).

⁵ Eugene McLaughlin, John Muncie and Gordon Hughes, 'The Permanent Revolution', p.311.

control policy in a far more strategic, committed and coordinated manner, with a clearer vision of what the relationship between state and non-state actors ought to look like – that is, a comprehensive system of ‘joined-up’ governance.

This said, while it was always clear that New Labour were going to encourage partnerships with localised community organisations, it was far from certain whether it was always their intention to promote partnerships with market actors such as the private security companies. Indeed, during their period in opposition New Labour were often critical of the marketisation of public services within the criminal justice sector, for they judged this trend to be more threatening to the delivery of security as a public good than the devolution of powers to non-market community institutions, such as neighbourhood watch associations.⁶ As the previous chapter illustrated, however, around the time of the Home Affairs Committee enquiry into the private security industry, parliamentary actors such as Bruce George and private security companies such as Group 4 forced the private security regulation issue onto New Labour’s criminal justice agenda. And when New Labour subsequently targeted this issue during an opposition day debate in February 1996 they effectively committed themselves to the integration of a regulated private security industry into their partnership approach to crime control. Moreover, what is particularly interesting about this policy development is that, unlike the Conservatives, New Labour seemed to appreciate that for private security companies to be integrated into their partnership approach to crime control it was essential that they were both reformed and re-legitimated using statutory regulation. Significantly, it was this recognition which facilitated the development of a much stronger consensus within the security sector policy network, for it satisfied the preferences of both the reformist and pluralists.

To understand how New Labour reached this line of reasoning, it is first important to explore the central dilemma inherent within British criminal justice policy during the mid-1990s. Garland captures this when he remarks that:

The predicament for government today, then, is that they (i.e. ministers, officials, agency executives etc.) see the need to withdraw or at least qualify their claim to be the primary and effective provider of security and crime control, but they also see, just as clearly, that the political costs of such a move are likely to be disastrous...[This is because]...the myth of the penal sovereign and its ‘law and order’ powers are too deeply inscribed, and too politically

⁶ Eugene McLaughlin, John Muncie and Gordon Hughes, ‘The Permanent Revolution’, p.305.

potent, to be easily dismantled by rational critique and administrative reform, and we will continue to observe its invocation.⁷

Garland is effectively arguing that the transition from a monopoly to a partnership model of security provision within late twentieth century Britain was constrained by the image of the state as the only legitimate provider of security functions. For this image was so deeply ingrained within the collective world view of the main part of the British population that it was extremely difficult for institutions to act against it, since in doing so they would soon meet cultural resistance – as the fate of the Conservative government’s neoliberal practices had clearly demonstrated. Consequently, it was essential for these partnerships to be constructed in a manner which to a large extent conformed with this image. And in the case of the private security companies, New Labour recognised that this required the implementation of statutory regulation which would in turn serve to reform and re-legitimate the industry, in the process bringing the private security companies closer to the majority of the British population’s normative expectations about how the security sector ought to be constituted.

This can be evidenced in New Labour’s rhetoric upon coming into power. For instance, on 15 July 1997, just a few weeks after the general election, the new Home Secretary Jack Straw communicated the following in a speech at the BSIA annual luncheon:

To solve the chronic problems of neighbourhood disorder will require co-ordinated action by central and local government, by the criminal justice agencies and by the communities themselves. But the private sector – and the private security industry – also have a crucial role to play. To ensure that you are able to play that role to the full, we must get your industry onto a sound footing. This means proper regulation. But in reiterating my commitment to regulation, my message is not one of mistrust, but of confidence. I am confident that by working together for sound regulation, we can rid the industry of the ‘cowboy’ operators and so restore public faith in your important role in the fight against crime. That is in the public interest as much as it is in the interests of the industry.⁸

This is a very revealing speech, for it elucidates clearly the crucial connections between New Labour’s partnership approach, the government’s expectations of the

⁷ David Garland, ‘The Limits of the Sovereign State’, pp.449-450.

⁸ Jack Straw, *Speech for the BSIA Annual Luncheon* (Unpublished, July 1997).

private security companies, the need to 'restore public faith' in the industry and the role that regulation can play. Its underlying message was clear – 'sound regulation' equates to reform and re-legitimation. In arriving at this conclusion, then, the sole noncommittal member of the security sector policy network, the Home Office, was now a firm champion of statutory regulation. Furthermore, the Home Office was also able to provide a clear strategic 'Third Way' direction for the future of the private security industry in Britain – a future in which it was a professional and legitimate partner of the state. This in turn laid the foundations for a strong consensus on the reformist-pluralist centre-ground within the security sector negotiations.

7.3 The Strong Consensus

This section will examine the responses of the major police institutions, the main parliamentary actors and the private security industry to New Labour's partnership strategy. It will show how these core actors were on the whole highly supportive of this strategy, in the process leading to the creation of a strong consensus on the reformist-pluralist middle-ground. It will illustrate, in other words, that after decades of rising contestation within the security sector, a period of relative calm appeared to be descending upon the negotiations over the legitimacy to undertake security functions within postwar Britain.

As we have already seen, from the late 1980s onwards ACPO and the Police Federation were increasingly in favour of regulating the private security industry. Initially, their motivation for supporting this policy was simply to eradicate the 'cowboy' element from the industry – a policy stance most clearly mapped out in ACPO's 1988 report. Their approach, in other words, represented a classic example of the reformist set of practices which specified that a reformed private security industry was permitted to exist at the foot of a state-controlled, hierarchical security sector. Yet in tandem with New Labour's more positive policy stance towards the industry, certain high-ranking members of ACPO now seemed to be enthusiastically encouraging the development of more proactive partnerships with the private security companies and were therefore beginning to shift their policy stance towards some kind of reformist-pluralist middle-ground.

For instance, in an influential 1998 newspaper article published in the *Financial Times*, Ian Blair, then Chief Constable of Surrey and until recently Commissioner of the Metropolitan Police, observed that:

The past 50 years have seen a steady but accelerating loss of the public police's share of the broad market for security. The police has lost its monopoly over the guarding of cash-in-transit, the control of sports events and the escort of prisoners. Above all, the police has lost its monopoly over the patrol of places where people congregate. Where once people shopped in high streets, which are public spaces where the police has a monopoly, now they go to shopping centres, which are private and patrolled by private security guards.⁹

Yet the police should not passively accept these trends, Blair contended, but rather actively engage with these new security providers: "The service should put itself forward as the central point for cooperation between all agencies that affect the security of communities and as the central point of a system of patrols carried out by police, volunteers, local authorities and private companies".¹⁰ This proposed system of institutional arrangements would, he continued, steer "...a middle course between the indefensible claim to a monopoly over patrol and the creeping, unregulated extension of private security in public places. It is a kind of 'third way' for the police".¹¹ Both in its rhetoric and its concrete proposals, this statement clearly resonated with New Labour's partnership approach to private security provision. Crucially, then, it signified a willingness on the part of ACPO to support statutory regulation of the private security industry not just to reform the industry but to actively build partnerships with the private security companies. The close alliance between the Home Office and police with regard to this contentious issue was therefore to a large extent restored, although in the inverse form of its previous monopoly-orientated incarnation. For, strikingly, both of these core state institutions in the security sector now wanted to both reform and re-legitimize the industry, thereby straddling both the reformist and pluralist set of practices.

Yet it is important to acknowledge that while in the late 1990s this partnership approach increasingly came to represent official ACPO policy – as evidenced by the institution's cooperative relationship with the industry over the next few years and, more symbolically, by Blair's professional ascent to eventually become the highest-

⁹ Ian Blair, 'The Police has Lost its Monopoly of Crime Patrols', *Financial Times* 17th July 1998.

¹⁰ Blair, 'The Police'.

¹¹ Blair, 'The Police'.

ranking police officer in the country – there were still elements of dissent towards this more proactive partnership approach within the major police institutions. For as Peter Davies, current ACPO lead on the private security industry, recently remarked, “...there has been mixed enthusiasm for closer engagement with the industry on the part of ACPO's leaders, many of whom still lack trust and confidence in the private security industry”.¹² The most probable reason for this scepticism was actually indicated by Blair in his *Financial Times* article when he wrote that: “All of us involved in policing have subconsciously adopted the image of the bobby on the beat, *alone* responsible for the safety of the community”.¹³ In other words, police officers have traditionally been strongly inclined towards a monopolistic world view which advocates a very direct fit between state and society practices and the image of the state. And such deeply ingrained world views do not suddenly disappear without a trace. So while it can be observed that there was certainly a pronounced movement towards a more reformist-pluralist, or partnership, approach to the private security industry within ACPO at this time, this was not a straightforward and smooth transition since the traditional reservations towards the industry associated with the monopoly practices continued to hold some sway.

In addition to this generational element, there was also some evidence of opposition to the partnership approach from the Police Federation which, though supportive of the reformist agenda of employing statutory regulation to eliminate the cowboy companies from the industry, was far less enthusiastic about the pluralist agenda of actively re-legitimizing the industry. This was because they considered that re-legitimation would have the effect of threatening their professional domain: the standard foot patrol. The Police Federation thus ensured that their criticisms of the pluralist agenda were raised during the passage of the Private Security Industry Bill through Parliament a couple of years later.¹⁴ This important police institution, in other words, remained firmly on the reformist side of the consensus. But in spite of these various objections, it is important to note that the most powerful section of the public police – the new generation of Chief Constables – was nevertheless increasingly in favour of New Labour's partnership approach, in which the private security industry would be both reformed and re-legitimated through statutory

¹² Interview with Peter Davies, conducted on 3rd August 2007.

¹³ Blair 'The Police' [*italics added*].

¹⁴ HC Deb (2000-01), vol.365, cols. 1005-1011.

regulation. In other words, they embraced both sides of the reformist-pluralist consensus.

In examining the response of the main parliamentary actors to New Labour's proposals, we must again turn our attention towards Bruce George MP, who continued to be the most influential and outspoken member of parliament within this field. Significantly, in the short period between the publication of the December 1996 Green Paper and New Labour's landslide victory in the May 1997 General Election, George – together with his research partner Mark Button, who was (and still is) a Lecturer at the University of Portsmouth – wrote a response to the outgoing Conservative government's tentative proposals to regulate the industry. In this document George and Button maintained that while they most certainly welcomed any proposals to regulate the private security industry, the regulatory regime mapped out in the 1996 Green Paper did not go far enough.¹⁵ In response to these deficiencies, over the subsequent year George and Button developed the following 'three-dimensional' model of what their ideal regulatory framework would look like: first, it should be 'wide', including both the contract and in-house sides of all the sub-sectors of the industry, and not just the contract manned guarding sub-sector; second, it should be 'deep', stipulating that both companies and individual employees must be licensed and that for a license to be attained certain minimum training standards must be satisfied; and third, the regulator responsible for administering and enforcing the licensing system should be a statutory agency independent of the industry.¹⁶ For George and Button, only such a 'Comprehensive Wide' model would serve to eliminate the cowboy element from the industry and protect the public.¹⁷ George's message was thus very clear: like the Police Federation, he would support New Labour's proposals so long as the resulting regulatory regime was sufficiently wide, deep and independent to satisfy his reformist agenda; unlike the Police Federation, however, he seemed unconcerned about simultaneously re-legitimizing the industry through a system of statutory regulation.

To complete the strong policy network consensus, the main private security industry representatives – that is, the BSIA and the larger companies such as Group 4 and

¹⁵ Bruce George and Mark Button, *Comments on the Home Office Consultation Paper – Regulation of the Contract Guarding Sector of the Private Security Industry* (Unpublished, March 1997).

¹⁶ Bruce George and Mark Button, 'Private Security Industry Regulation: Lessons From Abroad for the United Kingdom', *International Journal of Risk, Security and Crime Prevention* 2(3) (1997), pp.187-200.

¹⁷ Bruce George and Mark Button, 'Private Security Industry Regulation', pp.196-197.

Securicor – were also extremely supportive of New Labour’s partnership approach. This is unsurprising given that in almost every respect this approach satisfied the pluralist practices that they had been consistently pursuing for the past half century. For it would enable the private security companies to finally establish a widely recognisable official-looking connection between themselves and the state, in the process allowing them to capture some of the much needed resource of legitimacy within the security sector. This would in turn allow these companies to both consolidate and expand upon their operations within the security sector, thereby generating higher profit margins. Indeed, it is interesting to note that the industry responses to the New Labour’s early consultations repeatedly emphasised the importance of the means by which this connection would be communicated to the public – that is, the physical license. For instance, the Managing Director of a medium-sized company outlined the following ideal-type scenario in a letter dated 17th September 1997 to Alun Michael, Minister for Home Affairs:

...every security officer/guard would be issued with a registration card/license and a badge with the registration number. Such a badge could be worn on the uniform of which ever company the guard then works for and would become a recognised symbol of an *approved, vetted* and *trained* security officer.¹⁸

The license thus was considered to be critical to the process of re-legitimizing the operations of the industry. This specific issue aside, the most prominent industry representatives in the BSIA also sought to keep the more generalised momentum of the security sector negotiations moving firmly in the pro-regulation direction, as Jorgen Philip-Sorensen comments: “It was a united effort to regulate by many, many companies. We maintained a very pro-active stance”.¹⁹

It is interesting to note, however, that during this period the BSIA were lobbying not, as one might expect, merely for a ‘light’ regulatory regime which did little more than secure the connection between the industry and the state institutions through the issuing of a state-endorsed license, but like Bruce George they also wanted the resulting regulatory regime to be relatively wide, deep and independent.²⁰ This was

¹⁸ Private Information.

¹⁹ Interview with Jorgen Philip-Sorensen, conducted on 17th December 2007.

²⁰ See, for instance: BSIA, *The British Security Industry Association’s Response to the Consultation Paper ‘Regulation of the Contract Guarding Sector of the Private Security Industry’* (Unpublished, March 1997).

in large part because they wanted the legislation to be sufficiently 'heavy' to eliminate the cowboy companies which for so many years had been consistently bringing the entire industry into disrepute with their criminal behaviour. John Cairncross, current Home Office lead for private security regulation, recently summarised this agenda as follows:

The industry welcomed legislation. When we consulted the industry, people within the industry had been campaigning for years because they wanted some recognition of professionalism, and the legitimate end of the industry wanted the illegitimate end kicked out because the cowboys were making the reputation of the industry poor for everybody else.²¹

This serves to demonstrate the two important ways in which statutory regulation would contribute towards the re-legitimation of the private security industry: first, through a more positive process it would serve to enhance the status of the reputable end of the industry by establishing a connection between these companies and the state; second, through a more negative, proscriptive process it would eliminate those companies whose presence was detrimental to the status of the industry. Furthermore, in eliminating this less reputable end there was also the added possibility that the remaining companies could then move into the vacated market space. In summary, then, the BSIA and the larger private security companies were predictably highly supportive of New Labour's partnership approach to criminal justice, primarily because it satisfied their pluralist practices, but also because it dovetailed with their secondary reformist requirements. Thus with such a strong pro-regulation reformist-pluralist consensus among the core actors of the security sector policy network, the Home Office set in motion the constitutional processes which would eventually result in the Private Security Industry Act 2001.

Interestingly, this section has illustrated how following the emergence of New Labour's partnership approach the degree of contestation between the different sets of practices within the security sector started to decrease. A strong consensus was now developing around the alliance between those institutions advancing the reformist and pluralist sets of practices. To be sure, there were still voices of dissent coming from both the fading monopoly practices of some police officers and some of the hard-line reformists who were sceptical about the movement towards a reformist-pluralist

²¹ Interview with John Cairncross, conducted on 15th August 2007.

middle-ground. Yet it seems that these voices of dissent barely registered on the radar of the ascendant reformist-pluralist movement.

7.4 The White Paper

This section will first explore how the Home Office translated the strong reformist-pluralist consensus into the White Paper entitled *The Government's Proposals for Regulation of the Private Security Industry in England and Wales*, which was published in March 1999. It will then analyse the various reactions of the core security sector actors towards this White Paper. In doing this, this section will show once again how the negotiations over the legitimacy to undertake security functions within the postwar security sector were increasingly being characterised less by contestation between multiple sets of practices than by a strong consensus on the reformist-pluralist middle-ground.

In his foreword to the White Paper, Jack Straw once again reiterated the government's increasingly positive stance towards the industry:

The Government's commitment to a partnership approach to crime and disorder as set out in the Crime and Disorder Act means that there will be the opportunity for the private security industry to play a wider role in security community safety. It has also been suggested recently that the private security industry might be able to assist the police by performing a form of complementary patrol service.²²

This again demonstrates the synchronisation of New Labour's partnership approach and the pluralist practices of the private security institutions, for it was becoming increasingly clear that the government, too, wanted the industry to legitimately function alongside the state within the security sector. The White Paper then proceeded to map out the proposed regulatory regime. For analytical convenience and clarity, this will initially be summarised here using George and Button's previously introduced three-dimensional analytical framework of 'width', 'depth' and 'independence'.

The proposed legislation could most certainly be characterised as 'wide'. For not only did it stipulate that both contract and in-house sides of the manned guarding

²² Home Office, *The Government's Proposals for Regulation of the Private Security Industry in England and Wales*, Cm 4254 (London: HMSO, 1999), p.1.

sector were to be licensed, but the definition of manned guarding itself was broadly defined to include standard guarding and patrol services, door supervisors, cash-in-transit, wheelclampers and the use of guard dogs. In addition, it also specified that those who install, monitor and maintain alarm systems were to be licensed. And, finally, it indicated that at some point in the future private investigators, security consultants, locksmiths, keyholders and contracted court enforcement officers would also be integrated into the regulatory regime.²³ Indeed, with the small exception of safe deposit centres, these proposals covered every sub-sector mentioned in George and Button's critical response to the 1996 Green Paper.²⁴ In total, then, the White Paper estimated that the resulting regulatory regime would encompass approximately 240,000 individuals employed by 8,000 companies.²⁵ This figure serves both to illustrate the enormous proportions that the industry had reached by the close of the twentieth century – by this estimate it was double the size of the police which in March 1999 totalled 123,841²⁶ – and by extension the impact that developing a partnership with such a large industry would have upon the constitution of the British security sector. By bringing so many private security officers into the regulatory regime, the re-legitimation of the industry was set to be a major turning point in the provision of security in the contemporary Britain.

But while the proposed regulation was 'wide' it was not, by contrast, particularly 'deep'. To be sure, all security personnel from the ground level up to director level were to be subjected to a criminal records check so to ensure that they were a "fit person" before they could be granted a license. This measure was specifically designed to eliminate much of the cowboy element from within the industry, which was one of the central purposes of regulation.²⁷ However, the responsibility for maintaining reasonable training standards and high degrees of service delivery was packaged not within the compulsory licensing scheme for individuals but within a voluntary licensing scheme for companies. This meant that while companies which successfully satisfied certain British Standards quality criteria would receive official accreditation – 'approved contractor status' – it was not illegal to fall below these

²³ Home Office, *The Government's Proposals*, pp.23-26.

²⁴ George and Button, *Comments on the Home Office Consultation Paper*, p.3.

²⁵ Home Office, *The Government's Proposals*, p.26.

²⁶ Home Office, *Statistical Bulletin: Police Service Strength* (London: Research Development and Statistics Directorate, 2nd edition, 2007), p.15.

²⁷ Home Office, *The Government's Proposals*, pp.12-15.

British Standards.²⁸ In other words, the proposed regulatory regime would ensure that security personnel were not criminals, but it would not guarantee that they were effective at providing security functions. But although this seems like a weakness, subsequent experience would demonstrate that reputable companies were so keen to demonstrate their professionalism and eligibility for ‘partnership status’ so as to maximise their legitimacy within the security sector that they willingly entered into this voluntary accreditation scheme.

Finally, the White Paper provided for the establishment of a new public regulatory institution – at this point to be called the Private Security Industry Authority – which was, in principle at least, designed to have a significant degree of independence from of the industry. For while the proposed Board would include representatives from police, the private security industry, local authorities, insurers, customers and the public, it was to be “...headed by a Chairman who has no personal interest in the private security industry”.²⁹ Furthermore, this institution was to be directly accountable to the Home Secretary, thereby ensuring that the direction of private security industry policy would remain in accordance with the Home Office’s interpretation of the public good, even though it was apparent that this interpretation increasingly dovetailed with that of the industry.³⁰ So in undertaking its functions – which primary involved administrating and enforcing the licensing system and raising the standards of the industry – the Private Security Industry Authority would in theory exercise a considerable degree of independence. In addition, it is worth noting that the Home Secretary, in consultation within the Authority, was also given the power to introduce secondary legislation through statutory instruments. This would, for example, allow the these actors to make the voluntary licensing scheme compulsory in the future.

But while depth, width and independence were undoubtedly important dimensions of the proposed regulatory regime, of equal if not more significance from the industry’s perspective was the way in which the official connection between the state and the industry was to be communicated to the public. For although it was certainly essential for the state to recognise the industry as a legitimate provider of security functions, it was even more important for members of the general public to do so.

²⁸ Home Office, *The Government’s Proposals*, pp.19-22.

²⁹ Home Office, *The Government’s Proposals*, p.10.

³⁰ Home Office, *The Government’s Proposals*, p.10.

Indeed, it was the public's normative expectations about how security ought to be provided that the private security companies were attempting to satisfy. If the average British citizen started to accept private security companies as legitimate providers of security, then the industry could really establish itself within the British security sector. It was the communication of this official connection to the public, in other words, which would serve to bring the industry's operations in line with the structural influence of the image of the state. In this crucial respect, then, the White Paper asserted that: "The Authority will issue successful applicants with a physical license. This is likely to be in the form of a plastic card which incorporates measures to prevent fraud such as a photograph of the applicant and a hologram". Furthermore, the White Paper continued, "[t]he Authority will be expected to publicise the appearance of the card. Businesses and members of the public will be encouraged to ask for sight of the license before allowing them onto their premises".³¹ With regard to the process of re-legitimation, these were extremely significant proposals. Not only would the Private Security Industry Authority issue and publicise a personalised, official-looking license explicitly communicating the connection between the industry and the state, but it would also encourage the public to approach a private security officer carrying such a license in the same manner as they would a public police officer. For one of the most prominent and commonly used rituals of the public police officer is 'flashing their badge' to a member of the public so as to demonstrate that they are legitimate, state-endorsed providers of security, and now the state was encouraging members of the general public and private security officers to enter into the same ritual. This therefore represented a critical contribution towards the process of orientating the activities of the private security industry in line with the image of the state.

Altogether, then, the White Paper generally seemed to satisfy the various reformist and pluralist preferences of all the core actors within the security sector policy network, and their responses certainly indicated that this was indeed the case. In their official response to the White Paper, for instance, ACPO stated that it

...broadly welcomes the proposals for regulation of the private security industry as laid out in the White Paper. We believe that they form a comprehensive and timely framework within which the Police Service and the private security

³¹ Home Office, *The Government's Proposals*, p.16.

industry can co-operate to produce an industry in which the public can have confidence.³²

ACPO was thus now consistently supporting New Labour's partnership approach to private security provision, again consolidating its renewed alliance with the Home Office. It was, in other words, reinforcing its position on the reformist-pluralist middle-ground in which statutory regulation was seen to represent a means of both reforming and re-legitimizing the industry.

Bruce George, again writing with Mark Button, similarly welcomed the White Paper, although not so much for its strategic vision of a legitimate partnership between the industry and the state – which was never George's primary concern – than for its contribution towards his overarching reformist practices of enhancing professional standards within the industry. To this end, George and Button contended, the proposals set forth in the White Paper "...do not go as far as we wished, but they do go a long way to laying the foundations for a system of regulation that is wide and will eventually – we hope – also be deep".³³ Understandably, their main concern was that the voluntary accreditation scheme would not induce all companies to raise their professional standards to an acceptable level and they accordingly argued that this component of the regulatory regime should be made mandatory. This aside, however, they were supportive of the White Paper. Moreover, the significance of this endorsement should not be underestimated, for after twenty years of lobbying George had become the main link between parliamentary opinion and the industry. As the editor of *Professional Security* noted at the time: "Mention the words 'Security' and 'MP' and one name springs to mind – Bruce George".³⁴ And given that over the subsequent months he was one of the most active participants during the resulting Private Security Industry Bill's second reading, seven committee stages, third reading and report, withdrawal of his endorsement would probably have proven to be problematic for both the government and industry.

The private security industry's response to the White Paper was an interesting mixture of great enthusiasm and ambivalence. The trade publication *Security Management Today* unsurprisingly reported that "...reaction from the manned

³² Association of Chief Police Officers, *Response to the Government's Proposals Regulation of the Private Security Industry in England and Wales* (Unpublished, July 1999), p.1.

³³ Bruce George and Mark Button, 'Evolution or Revolution?: An Assessment of the Government's Proposals for the Private Security Industry', *Professional Security* 9(5) (1999), p.24.

³⁴ *Professional Security* 9(5) (1999), p.24.

services sector seems to be ecstatic”.³⁵ David Fletcher, Chief Executive of the BSIA during the late 1990s, elucidated why this was so:

For more than 30 years, the BSIA and its members have been working to ensure that customers can have confidence in security products and services. This is why we welcome regulation; it will enable those companies who have operated to quality standards for many years to get official recognition for their efforts, and will help to achieve a positive image for the security industry.³⁶

This quote serves to reinforce the link between ‘official recognition’ and ‘positive image’ – in order to function effectively and legitimately within the British security sector, the private security industry had to associate itself with the state in the eyes of the average security consumer. It had to capture the ‘stateness’ which was considered to be so essential to the legitimate provision of security, since this would serve to orientate its operations in line with the structural influence of the image of the state. Crucially, statutory regulation was now finally going to satisfy this long-standing pluralist objective. As *Security Management Today* succinctly put it: “In essence, private security won’t be so private anymore”.³⁷ Indeed, one of the only criticisms coming from the principal manned guarding representatives concerned the reliability and concreteness of the means by which the official connection between the industry and the state would be communicated to the public – that is, the form of the actual license. As Peter Black, Managing Director of Group 4 at the time, remarked at a June 1999 conference on the proposed regulation organised by the GMB:

The proposals are simply the best option for the future of the security industry. They have our full support, we would remove nothing and would only add a PIN number to the licensing scheme such that (as with health care professionals) false licenses can be easily traced.³⁸

The logic behind these remarks was clearly that Group 4 wanted to ensure the integrity of the primary concrete symbol linking together the industry and the state and therefore conferring legitimacy upon the operations of the private security

³⁵ *Security Management Today*, ‘Special Report: Regulation’ (May 1999), p.28.

³⁶ *Security Management Today*, ‘Special Report: Regulation’ (May 1999), p.28.

³⁷ *Security Management Today*, ‘Special Report: Regulation’ (May 1999), p.26.

³⁸ Peter Black, *Speech to the West Midlands fringe meeting the GMB conference on the regulation of the security industry* (Unpublished, June 1999).

companies. For a black market in false licenses would certainly have the effect of damaging the power and effectiveness of this symbol.

Interestingly, however, the security alarms systems sub-sector of the industry was simply ambivalent about the regulatory regime. To begin with, *Security Management Today* reported: “The electronic sector has been caught off-guard, as it were, by the proposals, which many seem to have assumed was a discussion taking place in the manned security sector only”.³⁹ And while representatives from this sub-sector did not explicitly contest the White Paper, their attitude towards the proposed regulations could only be described as passive acceptance. There was nothing approaching the enthusiasm of the manned guarding sector.⁴⁰ It could convincingly be argued that the reason for this ambivalence was related to the fact that, historically speaking, the security alarms systems sub-sector had experienced a very different relationship with the structural influence of the image of the state when compared to the manned guarding sub-sector. For while the latter was performing security functions – such as patrolling and guarding – which had traditionally been claimed as the exclusive preserve of the modern state, the state had never sought to monopolise electronic security technology such as alarms. As a consequence, this technologically orientated sub-sector was at no point in its history compelled to capture legitimacy from the core state institutions so as to satisfy the majority of the British population’s normative expectations about how security ought to be provided. The security alarms systems companies were, for all intents and purposes, ordinary market actors. Thus statutory regulation represented for this sub-sector not so much an opportunity to expand their operations as an unnecessary exercise in extending bureaucratic red tape into their marketplace.

The security alarms systems sub-sector aside, however, the responses of the core policy network actors to the White Paper were extremely positive. Indeed, the responses of the non-core actors were, it seems, equally enthusiastic: “Over 180 responses [to the White Paper] were received from a broad range of interests within the industry and outside. The great majority were supportive of the proposals”.⁴¹ Unlike previous consultation processes, then, the negotiations surrounding the 1999

³⁹ *Security Management Today*, ‘Special Report: Regulation’ (May 1999), p.28.

⁴⁰ *Security Management Today*, ‘Special Report: Regulation’ (May 1999), p.28. See also: National Approval Council for Security Systems, *Response to the White Paper: The Government’s Proposals for the Regulation of the Private Security Industry in England and Wales* (Unpublished, July 1999).

⁴¹ Home Office, *Private Security Industry Bill [H.L.] Explanatory Notes* (London: HMSO, 2000), p.2.

White Paper were not characterised by contestation between numerous sets of practices over the implementation of statutory regulation, but were rather defined by an ever consolidating reformist-pluralist consensus in favour of statutory regulation. This in turn provided a conducive context for the government to introduce the corresponding bill into Parliament and set in motion the constitutional processes which would eventually serve to significantly enhance the legitimacy of the private security industry in postwar Britain.

7.5 The Private Security Industry Act 2001

On 7th December 2000, the Private Security Industry Bill was presented to the House of Lords. With the exception of two changes, both of which served to narrow the scope of the regulatory regime, the Bill was basically the same as the White Paper. First, the security alarms systems sub-sector was removed from the Bill, which no doubt reflected their ambivalence to licensing. Second, and far more controversially, all in-house licensing, except in the case of door supervisors and wheelclampers, was removed from the Bill.⁴² Charles Clarke, then the Minister of State for the Home Office responsible for steering the Bill through the House of Commons, subsequently explained the rationale behind this exclusion. To begin with, he argued, in-house security employees would be subjected to a more thorough internal vetting process than contract employees, thereby rendering an extra level of vetting unnecessary – a line of reasoning which, understandably, convinced very few reformists within the security sector negotiations. In addition, and probably much closer to the underlying truth, Clarke noted that the inclusion of in-house personnel would take the estimated number of licenses needed to between 300,000 and 350,000 and would therefore overload the regulator.⁴³ Either way, this modification is notable for being the main cause of controversy in the Bill's subsequent progress through Parliament. And for our purposes it is important to note that it only impacted upon the reformist agenda – it did not have any repercussions for the pluralist practices of the private security industry and their attempts to capture legitimacy from the state through a system of statutory regulation.

⁴² HL Bill (2000-01) [4].

⁴³ Stg Co Deb (2000-01) Co B Private Security Industry Bill, col.68.

The Bill's passage through the House Of Lords was nevertheless relatively smooth, although not as we shall see without a crucial intervention by the BSIA. To begin with, it is important to recognise that especially during its first term in office, before the invasion of Iraq created deep political divisions, New Labour was in a powerful position within the British political system and party discipline was very high. Thus upon its entry into the House of Lords, the Private Security Industry Bill experienced strong support from the Labour benches. The Conservative benches, however, were still characterised in part by a distinct anti-regulation neoliberal standpoint, and were not initially so enthusiastic. And it was only following a consultation with David Cowden, then the BSIA Chairman, that they decided to support the Bill. Cowden recalls the consultation as follows:

I remember getting a call, I was Chairman of the BSIA at that stage, not working for Securicor, and got this call to go and see a group in the Lords...They said, 'Right, thank you for coming, now you don't want this legislation at all do you?' It was a Tory group, you know. And they were really flummoxed when I said, 'Well, yes'. 'You do?', they said, 'Oh crikey, but isn't this interference?' I said, 'Yes, but for the last few years now the responsible end of the industry, and the BSIA as its mouthpiece, have been moving towards a regulatory process. The fact that we've been getting into prisons, airport security, seaport security, military establishment security, we deserve some degree of recognition. That's what we're talking about. We have to keep defending this position that we're all a bunch of vandals, but we're not. Apart from being a huge industry, we deserve something better.' And they said, 'Oh right, so what do you want us to do?' So I said, 'All I really want you to do is tidy up.'⁴⁴

It is therefore against the backdrop of this exchange that we must interpret the assertion made by Lord Cope of Berkeley, the Conservative peer who led his Party's contribution towards the House of Lords debate on the Bill, that: "We accept the judgement of the Government that it is time to legislate".⁴⁵ And later in the Bill's second reading Lord Viscount, another Conservative peer, confirmed this support when he remarked that this was "...not...a party politically controversial Bill".⁴⁶ Given this fundamental consensus, greatly lubricated by a key industry representative, the Bill progressed through the committee and report stages in the Lords with only minor amendments – although it is worth noting that in both of these stages there

⁴⁴ Interview with David Cowden, conducted on 19th November 2007.

⁴⁵ HL Deb (2000-01), vol.620, col.581.

⁴⁶ HL Deb (2000-01), vol.620, col.592.

were unsuccessful attempts by reformists to bring in-house licensing back into the legislation.⁴⁷

Having completed its route through the House of Lords, the Bill was then introduced into the House of Commons for its second reading on 15th March 2001. With New Labour's enormous majority of 179 seats there should have been few difficulties in steering the Bill through the Commons. However, a potential problem did emerge in the form of Bruce George, who was considering withdrawing his support because of the removal of in-house licensing, which he judged to be a significant blow to his reformist agenda.⁴⁸ While the loss of George's endorsement would certainly not have endangered the government's capacity to secure the Bill's passage into the statute books, it would hardly have represented an auspicious beginning for the regulatory regime to have its main parliamentary supporter and campaigner stand against it. In the event, however, circumstances in the form of the impending general election prevented George from opposing the Bill, as he recalled:

Charles [Clarke] then said, 'I don't mind you speaking against the Bill, that's your privilege, but if you successfully move any amendments, and the amendment is carried in the Commons, then the Bill is the prisoner of the Lords. The election is going to be X date, and if one person objects to the Bill as it has come from the Commons then that's the end of your Bill. And I can't guarantee that the Bill will be in the next Queen's speech'.⁴⁹

This scenario was indeed very plausible, especially since the reinsertion of in-house licensing, George's most likely first target for amendment, had already been rejected twice within the Lords. So faced with the choice of supporting a Bill he thought was not sufficiently 'wide' or losing the opportunity to regulate the industry after almost a quarter of a century of persistent campaigning, George understandably chose the former option. As a consequence, the Bill's passage through the second reading, committee, report and third reading was, at least among the most prominent parliamentary actors involved, characterised once again by consensus. Indeed, in the last of seven committee sittings, Simon Hughes, the Home Affairs spokesman for the Liberal Democrats, commented that: "An important Bill, long in gestation, has been

⁴⁷ House of Commons Library, *The Private Security Industry Bill [HL]*, Research Paper 01/34 (London: HMSO, 2001), p.18.

⁴⁸ Interview with Bruce George, conducted on 30th October 2007.

⁴⁹ Interview with Bruce George, conducted on 30th October 2007.

dealt with in one of the least confrontational ways of any Home Office Bill that I can remember. I am glad that there was such consensus...”.⁵⁰

This said, some fundamental concerns were nevertheless voiced by a few of the more peripheral parliamentary actors, who clearly held deep reservations about the reformist-pluralist consensus. For example, John Hayes MP (Conservative) remarked during the second reading that:

Unless the private security industry can, through the Bill and other measures that the House might introduce, conform to the constitutional role of the police that I have described, maintain the public trust that I have illustrated, and – vitally – ensure that those ethical standards for law enforcement are maintained, I believe that we are heading towards a dangerous abyss, into which no member of the House, of whatever party, would wish us to tumble.⁵¹

Such concerns were given further credibility by the similarly grave warnings of the Police Federation, who ensured that their arguments regarding the dangers of legitimating the private security companies by supporting their pluralist practices were communicated through another Conservative MP, Peter Luff.⁵² These dissenting voices, which seemed to be pitched somewhere between the hard-line reformist and monopoly agendas, were clearly perturbed by the notion of officially conveying to the public that the industry was now a legitimate state-deputised partner in the high-profile fight against crime.

Yet these last throes from the diminishing monopoly lobby and the disillusioned reformist lobby barely registered against the parliamentary majority of satisfied reformers and pluralists. As a consequence, the Private Security Industry Act successfully reached the statute books on 11th May 2001, less than one month before the 2001 general election which had almost inadvertently derailed the Bill’s passage through Parliament. In form, partly due to the manner in which it was rushed through Parliament, but more as a result of the underlying consensus, the Act resembled the Bill in every crucial respect: a mandatory licensing system would ensure that the contract side of the manned guarding, private investigator, security consultant and keyholder sub-sectors, together with the contract and in-house sides of the door supervisor and vehicle immobiliser (i.e. wheelclamping) sub-sectors, were populated

⁵⁰ Stg Co Deb (2000-01) Co B Private Security Industry Bill, col.232.

⁵¹ HC Deb (2000-01), vol.365, col.1048.

⁵² HC Deb (2000-01), vol.365, cols. 1005-1011.

by 'fit and proper persons' (which now meant non-criminals with a bare minimum of mandatory training, thereby making the regime ever so slightly deeper); a voluntary accreditation scheme would encourage companies to maintain high levels of training and delivery standards; these regulatory tools would be administered and enforced (using a created series of newly criminal offences) by the Security Industry Authority (SIA), a non-departmental public body directly accountable to the Home Secretary; and the Home Secretary, in collaboration with the SIA, was given the power to modify the regulatory regime through secondary legislation using statutory instruments.⁵³

Significantly, however, the Act itself did not put forward any kind of strategic vision for the future development of the private security industry, for like all Acts of Parliament it was characterised by dense legalese which was purposely designed to narrowly define the Act's implications. As a consequence, there were no allusions to the important partnership rhetoric which so strikingly characterised the content of the White Paper and subsequent parliamentary debates. Yet this is not to say that this crucial rhetoric disappeared. For instance, John Cairncross, current Home Office lead for private security regulation, recently explained that the Home Office has used a combination of both the rhetorically powerful White Paper and the densely detailed 2001 Act in constructing the resulting regulatory regime so as to ensure that the strategic vision of a partnership between the industry and the state has indeed been translated into some kind of institutional reality.⁵⁴ In a sense, then, the entire process from the 1999 White Paper to the 2001 Act can be taken as one legislative package which served to map out the future of the private security industry in England and Wales (and eventually Scotland and Northern Ireland).

Crucially, it was a package which represented a historic turning point in the constitution of the security sector. For it demonstrated that the future of security provision in Britain was to be constructed upon a reformist-pluralist alliance. Drawing upon the reformist side of this alliance, the private security companies were to be reformed in order to bring the operations of these companies and their employees in line with state-determined notions of 'good' security provision. For instance, private security guards would now have to meet certain criteria to ensure

⁵³ *Private Security Industry Act 2001* (c.12) (London: HMSO). See also: Bruce George and Mark Button, *Understanding the Private Security Industry Act 2001* (Caltrop Online, 2002).

⁵⁴ Interview with John Cairncross, conducted on 15th August 2007.

that they were 'fit and proper persons', they would have to be better trained than before and their activities would be situated in clear lines of accountability leading directly to the Home Secretary. More importantly for our purposes, however, drawing upon the pluralist side of this alliance, the industry was to be put through a formal process of re-legitimation. Private security companies were to become the official partners of the police within the 'extended policing family' and private security guards would now carry physical licenses asserting that they were state-endorsed security providers. In 2001, then, after more than half a century of lobbying, the private security companies had to a large extent realised their long-standing objective of formally capturing legitimacy from the modern state through a system of statutory regulation.

7.6 Conclusion

This chapter has demonstrated that while the security sector in the years 1997-2001 was again characterised by political negotiations between different sets of state and society practices, it seems that in the months leading up to and during the passage of the Private Security Industry Act 2001 the formerly intense contestation between these practices was largely giving way to a degree of consensus. To be sure, it was still possible to see four distinct sets of practices being promoted by a variety of public and private actors during this period. And each of these sets of practices continued to represent a concerted effort to bring about a particular ensemble of institutional arrangements within the security sector. For instance, it was once again possible to witness: the monopoly practices, which represented an attempt to create a monopolistic system of security provision in which the state alone is endowed with the legitimacy to undertake security functions; the neoliberal practices, which represented an attempt to inculcate the security sector with the logic of the unfettered market; the reformist practices, which represented an attempt to institute a state-controlled system of security provision in which a reformed private security industry was placed at the foot of a hierarchically ordered security sector; and finally the pluralist set of practices, which represented an attempt to bring about a pluralised system of security provision in which public and private security providers were able to legitimately function alongside one another in the postwar security sector. Given, then, that all of these sets of practices were evident in this phase of negotiations, the

security sector never became a completely uncontested domain, even during this period of relative calm. As the state-in-society approach would suggest, then, this core political domain, which many consider to be the impenetrable heart of the state, was characterised by a degree of contestation.

Yet it is important to recognise that during this period the monopoly and neoliberal sets of practices barely registered at all within the security sector negotiations. For the institutional arrangements that the proponents of these two sets of practices sought to realise were no longer regarded as being viable by the core actors within the security sector. Instead, the negotiations were completely dominated by the allied proponents of the reformist and pluralist sets of practices, which included the parliamentary actors and some members of the police on the reformist side, the private security institutions on the pluralist side, and the New Labour government and ACPO in the middle-ground between these two positions. The final outcome of the negotiations in the form of the Private Security Industry Act 2001 thus reflected the joint preferences of the these two allied sets of practices. This in turn meant that the Act constituted an explicit attempt to both reform and re-legitimate the private security industry. Crucially for our present purposes, then, the Act was explicitly designed in part to directly confer legitimacy upon the operations of the private security companies – in other words, it represented a critical moment in the re-legitimation of private security in postwar Britain. So, viewed historically, although the Act was brought about within the context of a strong political consensus, especially when compared to the dominance of the anti-regulation monopoly practices during the immediate postwar decades, the Act also serves to highlight the enormous degree of change which had occurred as a direct consequence of the security sector negotiations. For the much of the postwar era, the re-legitimation of private security represented an anathema to the core state institutions, yet at the turn of the twenty-first century these very same institutions were in part responsible for setting in motion this very process.

This chapter has also illustrated, however, that despite this significant historical transformation in the constitution of the security sector brought about by the passage of the Private Security Industry Act 2001, this key political domain was nevertheless still characterised by a strong current of continuity. For the structural influence of the image of the state continued to shape the course of the security sector negotiations. It seems that at the turn of the twenty-first century a sizeable proportion of the British population continued to believe that the state ought to be the only legitimate provider

of security functions in postwar Britain – that is, they continued to believe in the powerful monopoly myth. Indeed, the 2001/2002 British Crime Survey discovered that 75 percent of the public considered that the police were doing a ‘very good’ or ‘fairly good’ job.⁵⁵ To be sure, this figure had fallen by 17 percent since the first British Crime Survey in 1982, which revealed that 92 percent of respondents thought that the police were doing a ‘very good’ or ‘fairly good’ job.⁵⁶ Yet even with this decline, public support for the police was still comparatively high – for instance, in 2002 the National Institute of Justice in the United States found that only 59 percent of the American public expressed ‘a great deal’ of confidence in their public police.⁵⁷ These statistics therefore seem to further corroborate the notion that the power of the monopoly myth among the British public remained strong at the beginning of the twenty-first century. Within this cultural context, then, the miscellany of public and private institutions operating within the security sector were compelled to integrate this belief – or image of the state – into their respective practices so as to avoid encountering any cultural resistance towards their activities. As we have consistently seen throughout this and previous chapters, both the reformist and pluralist sets of practices, like the dominant monopoly practices, were consequently imbued with the structural influence of the image of the state. In the case of the reformists, this structural influence was relatively direct, reflected in their vision of a state-controlled security sector which permitted a reformed private security industry to exist at the foot of a hierarchically ordered system of security provision. In the case of the pluralists, this structural influence was less direct and was reflected in their attempts to obfuscate their commercial status by capturing legitimacy from the state through a system of statutory regulation. Given that the Private Security Industry Act 2001 was based upon the preferences of these two sets of practices, this important piece of legislation thus served to reproduce key elements of the image of the state. As the state-in-society approach would suggest, then, despite the considerable changes that had taken place within the security sector over the past five decades, this political domain was also characterised by a pronounced current of continuity brought about by the structural influence of the image of the state.

⁵⁵ Jansson, *British Crime Survey*, p.21.

⁵⁶ Jansson, *British Crime Survey*, p.21.

⁵⁷ Tyler, ‘Enhancing Police Legitimacy’, p.90.

It is important to emphasise once again that it has been this dialectical process of continuity and change, expressed here through the state-in-society concepts of image and practice, which serves to elucidate the complex political processes relating to the re-legitimation private security in postwar Britain. For on one side, it has been the ever-changing and fluid nature of state and society practices in the security sector which explains how the private security institutions managed to form such a durable and politically powerful alliance with the parliamentary actors, the police and the government in order to push their pluralist preferences to the forefront of the security sector negotiations. On the other, it has been the strong current of continuity created by the structural influence of the image of the state which explains why these private security institutions have consistently harnessed their agency not to function as market actors within the security sector but rather to capture legitimacy from the state. It is the interplay between these two processes, then, which explains the re-legitimation of private security in postwar Britain.

7.7 Epilogue

This investigation has now demonstrated that between 1945 and 2001 the private security industry struggled and toiled to shape its operations in accordance with the image of the state – that is, in accordance with the majority of the British population’s state-centric normative expectations about how security ought to be provided. With the passage of the Private Security Industry Act 2001, it seems that the private security industry had finally accomplished this long-term objective. For in alliance with a number of state institutions, it had succeeded in establishing a clear and official-looking connection with the state which would theoretically serve to confer state legitimacy upon the operations of the private security companies. The aim of this epilogue is to offer some brief observations about the extent to which this strategy has actually worked over the subsequent years. This means exploring the following two questions: following the passage of the 2001 Act does the British population now think that the state-deputised and state-regulated private security companies ought to provide security functions in postwar Britain?; and have the institutional arrangements envisaged in the Act translated into the anticipated commercial advantage for the private security companies?

In order to explore these questions, it first necessary to provide a brief time-line of the post-2001 regulatory regime. To begin with, the Security Industry Authority was officially instituted in April 2003 with the stated objectives of increasing public trust in the private security companies, improving standards and professionalism across the industry and strengthening the position of the industry within the ‘extended policing family’ – objectives which clearly followed on from the intentions of the White Paper.⁵⁸ The SIA’s geographical remit initially included just England and Wales, but was then extended to Scotland in June 2006 and will be further stretched to cover Northern Ireland in 2009. The process of implementing the full licensing scheme began in earnest during March 2006 (door supervisors were given an earlier start point of June 2004), and by June 2008 over 250,000 licenses had been issued within the security guarding, close protection, door supervisor, cash-in-transit, public space surveillance, vehicle immobiliser and key-holding sub-sectors – although it is important to note that security guarding accounted for over half of the issued licenses and therefore continued to represent the most important sub-sector.⁵⁹ In addition, by June 2008 a total of 498 companies had attained ‘approved contractor’ status through the voluntary accreditation scheme, including the largest multinational providers such as Group 4 Securicor (which was created through a merger of Group 4 and Securicor in July 2004).⁶⁰

Once the regulatory regime had been running for one year, the SIA commissioned an initial review of the impact of licensing upon the security guard sub-sector. The resulting research illustrated that while licensing was indeed serving to further legitimate the industry, in important respects progress was relatively slow. On the positive side, 83 percent of the security guards surveyed thought that the public trusted them more since they had been subjected to criminal records checks, 73 percent judged that the public were now more aware of how security guards can enhance security and community safety, and 57 percent then reflected that this increased public trust and respect was attributable to the “national, recognisable

⁵⁸ Security Industry Authority, *Corporate and Business Plans 2003 to 2006* (London: SIA, 2003), pp.10-11.

⁵⁹ Security Industry Authority, *Licensing Statistics*, 16th June 2008 – accessed online on 17th June 2008 at: www.the-sia.org.uk/home/licensing/stats_2.htm.

⁶⁰ Security Industry Authority, *Register of Approved Contractors*, 16th June 2008 – accessed online on 17th June 2008 at: <http://www.the-sia.org.uk/home/acs/roac.htm>.

license”.⁶¹ Furthermore, 33 percent declared that they have enjoyed a better relationship with the police since the regulatory regime was implemented.⁶² Significantly, these statistics do seem to indicate a relatively direct relationship between intentions of the Act and its consequences. They suggest that the private security industry has gradually been assuming a more legitimate position within the British security sector.

Less encouraging from the industry’s perspective, however, is the fact that so far most companies have been unable to translate this increased legitimacy into rising profit margins. For only 13 percent of companies asserted that licensing had increased turnover, while 19 percent actually considered that licensing had contributed towards a decrease in turnover. The majority (54 percent) simply concluded that licensing had no impact upon their profit margins.⁶³ The most probable reason for this can perhaps be found in the statistic that 69 percent of companies reported that while customers seem to recognise the positive impact of licensing, they are still motivated only by price, which in turn indicates that the ‘grudge purchase’ is still a factor. This aside, however, it is also important to note that 27 percent reached the opposite conclusion: that it was possible to translate increased legitimacy into profit.⁶⁴ Interestingly, the research indicated that it was the larger companies which were using the licensing scheme to successfully expand into more areas of security provision and to increase profits.⁶⁵ This finding is further reinforced by the observations of Jorgen Philip-Sorensen, drawing upon his experiences with Group 4 Securicor, who recently commented that: “Today security guards are doing things which were never dreamed of a few years ago. Licensing is undoubtedly a key to this. It has been expensive, but it has made a dramatic difference”.⁶⁶ An example of the new opportunities available to companies such as Group 4 Securicor was provided by the announcement in July 2008 that:

One of Britain’s largest private security firms [Group 4 Securicor] is to be awarded a £100 million contract to provide cover for the emergency services if

⁶¹ IFF Research, *Security Guard Licensing*, Research Report Prepared for SIA/COI (London: SIA, 2007), p.34.

⁶² IFF Research, *Security Industry Licensing*, p.27.

⁶³ IFF Research, *Security Industry Licensing*, p.42.

⁶⁴ IFF Research, *Security Industry Licensing*, p.44.

⁶⁵ IFF Research, *Security Industry Licensing*, p.46.

⁶⁶ Interview with Jorgen Philip-Sorensen, conducted on 17th December 2007.

they are on strike or swamped by a national disaster, because the army is too stretched to offer back-up.⁶⁷

This suggests that just as the larger companies led the industry into regulation, it is these same companies which are being the quickest to capitalise upon the increased legitimacy brought by the licensing system. Yet there are also some signs that the ability to transform legitimacy into profit is trickling down the industry, as Baroness Henig, current Chairman of the SIA, has recently commented: "...gradually people are now seeing that if they can actually improve the standard of the industry and if they can improve its image, they can get more business".⁶⁸

In essence, what these preliminary research findings suggest is that the Private Security Industry Act 2001 has certainly not brought about some kind of historical end point in which the private security industry has been completely re-legitimated – indeed, as we have seen with the ebbing and flowing of legitimacy throughout this thesis, such end points simply do not exist. Rather it has triggered another critical stage in the long process of re-legitimation. David Dickinson, former Managing Director of Group 4 and current BSIA Chief Executive, captured this state of affairs very effectively when he remarked that "[l]icensing is the start of a journey". He continued:

If the future forty years ago was to get public acceptability of what we do, the future in the next forty years is to move up our people, their standing, their status, their skills, their accountability, into the area where the police officers are. If you go to Sweden [where there is a long history of statutory regulation], police officers and private security officers have the same esteem in public affection. That's been achieved by upscaling the private security industry to the point where it can in its own way be as professional, accountable and useful as the police can in theirs.⁶⁹

Yet while this is only one further stage in the long process of re-legitimation, it is likely to be a decisive one. For it is predicted here that over next few years we will see the private security companies gradually capturing ever greater degrees of legitimacy from the state as they increasingly conform to the majority of the British population's state-centric normative expectations about how security ought to be delivered. If this is to be the case then in the future we will no doubt witness the

⁶⁷ *The Observer*, 'Group 4 Backup for Emergency Services', 13th July 2008.

⁶⁸ Interview with Baroness Henig, conducted 28th June 2007.

⁶⁹ Interview with David Dickinson, conducted on 25th October 2007.

development of a security sector characterised by, on the one hand, an ever more complex, hybrid system of public-private security provision and, on the other, those state-centric notions of security provision which were originally set down in the enlightenment political thought of Hobbes and his contemporaries and have been perpetuated ever since by the powerful monopoly myth.

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Conclusion

8.1 The Route to Re-Legitimation

The research question posed at the beginning of this investigation was: how have private security companies once again become legitimate providers of security functions within postwar Britain? In order to answer this question, it was first contended that we needed to develop an organising perspective for examining the relationship between three variables: the state, private security institutions and the legitimacy to undertake security functions. We could not utilise the monopoly paradigm, it was argued, because in asserting that the state can and should be the only institution with the legitimacy to undertake security functions it severely underplays and obfuscates the way in which both public and private security providers have contested the institutional space within the security sector. This said, it was also argued that the state-centric ideas about security provision put forward within the monopoly paradigm have nevertheless served to profoundly influence the way in which politicians, intellectuals and everyday citizens think about security provision, which in turn influences the nature of this contestation between these public and private security providers. The monopoly paradigm has therefore been viewed not as an organising perspective but rather as a powerful myth throughout the course of this investigation. It was thus reasoned that in order to understand the re-legitimation of private security in postwar Britain, we needed to develop an organising perspective which accounted for the complex, dialectical relationship between the public-private contestation within the security sector and the ideational influence of the monopoly myth.

This dialectical relationship, it was then argued, could be successfully articulated using the state-in-society model. For this approach makes an important distinction between, on one side, the inherent complexity and messiness of the institutional 'practices' of state and society actors in all political domains and, on the other, the cohesive and unifying ideational influence of the 'image' of the state, especially within core political domains such as the security sector. By analysing the conflicting and contrasting 'practices' of state and private security institutions within the security

sector, together with the unifying influence of the 'image' of the state within this sector (the monopoly myth), it was thus asserted that the state-in-society approach represented the most effective organising perspective for answering the research question. Against this theoretical backdrop, the majority of this thesis has proceeded to demonstrate that in order to comprehend the re-legitimation of private security in postwar Britain, we need to understand the interactions between four distinct sets of practices and their respective interpretations of the image of the state (or monopoly myth) within the security sector. These four sets of practices have been categorised as follows.

1) *Monopoly Practices*. Beginning with a very literal and direct interpretation of the image of the state, those institutions advocating the monopoly set of practices believe that only state institutions such as the public police have the requisite legitimacy to provide security functions within postwar Britain. Private security companies are accordingly viewed as illegitimate 'private armies' which advance a particularistic and atomised vision of social order. They are seen to be invading institutional space which only state institutions have the legitimate right to occupy. As a consequence, those institutions advancing the monopoly practices attempt to undermine the operations of private security companies so as to ensure that security provision remains a universal, state-centred public good. Moreover, they are firm opponents of statutory regulation, for they regard this institutional mechanism as a dangerous device which could serve to re-legitimate private security provision.

2) *Reformist Practices*. Like the monopoly practices, those institutions advancing the reformist practices interpret the image of the state in quite a straightforward manner to mean that state institutions such as the public police ought to exercise a legitimate monopoly over security provision. Unlike the monopoly practices, however, they recognise that this institutional formula represents an unachievable ideal within postwar Britain and they in turn accept the reality of private security provision in the security sector. Yet this is not a passive acceptance, for as far as possible the reformists seek to bring the operations of the private security companies in line with the idea of security provision as a universal and egalitarian public good, as specified in the image of the state. Crucially, they aim to accomplish this by enforcing state-determined standards of security provision upon the private security companies through a system of statutory regulation. While they recognise that this strategy might also serve to indirectly re-legitimate the private security companies,

this is regarded as an acceptable unintended consequence in the name of enhancing public safety. Insofar as the reformists both support statutory regulation and accept its unintentional consequences, then, they represent the indirect facilitators of the re-legitimation of private security in postwar Britain.

3) *Pluralist Practices*. Compared to the monopoly and reformist practices, those institutions advancing the pluralist practices interpret the image of the state in a more indirect manner. To be sure, they recognise the structural influence of its key principles, in particular the state-centric notions of legitimacy. But they do not view this legitimacy as being the non-transferable quality of state institutions. Instead, they regard it as a free-floating resource which can be colonised by state and non-state institutions alike. In the case of the state institutions, the colonisation of this key resource is seen to be relatively straightforward, for they simply have to follow constitutionally defined standards and lines of accountability. In the case of non-state institutions such as the private security companies, the colonisation of this key resource is viewed as a much more complicated affair. For these companies need to somehow develop official connections with those state institutions already endowed with this legitimacy in order to capture it from them. Their main strategy for bringing about this complicated institutional set up is to lobby for statutory regulation. With their attempts to bring about a system of statutory regulation in order to capture legitimacy from the state, then, those institutions advancing the pluralist practices are the main agents of the re-legitimation of private security in postwar Britain.

4) *Neoliberal Practices*. Unlike the other three sets of practices, those institutions advocating the neoliberal practices largely disregard the structural influence of the image of the state upon the postwar British security sector. State-centric notions of legitimacy and the idea of security as a universal public good are considered to be unimportant. As such, the security sector is viewed as an 'open-house' in which any security provider, public or private, can unproblematically establish its operations. Furthermore, the neoliberals view statutory regulation of private security companies with suspicion, for they consider it to be a constraint upon the ability of commercial organisations to provide security through the logic of the unfettered market. To the extent that those institutions advancing the neoliberal practices challenge the idea of statutory regulation, then, they can be viewed as opponents of the re-legitimation of private security in postwar Britain.

It has been demonstrated over the preceding chapters that in order to comprehend the processes relating to the re-legitimation of private security, it has been necessary to analyse the intense political contestation and negotiation which has occurred between these four sets of practices in postwar Britain. As we have seen, these processes of contestation and negotiations have unfolded in five distinct phases. Phase one (1945-1959) was characterised by the gradual development of and subsequent clash between the pluralist practices by Securicor and the monopoly practices by the Metropolitan Police. During these immediate postwar years, the Metropolitan Police completely dominated Securicor within the negotiations over the constitution of the security sector. For while at this time Metropolitan Police were endowed with considerable reserves of political, economic and administrative resources, Securicor were vastly inferior in these important respects. Yet, crucially, it was the inventive and calculated strategising of these pluralists which began to lay down the strategy of capturing legitimacy from the state institutions so as to enhance their status within the security sector.

Phase two (1960-69) witnessed the consolidation of this emerging contest between the monopoly and pluralist sets of practices. On the monopoly side, the Metropolitan Police were reinforced by the Home Office and other high-ranking police officers who coordinated their agenda through a series of Home Office Working Parties. On the pluralist side, Securicor were joined by other large private security companies who, following the instructions of the Home Office, started to organise their lobbying agenda through the British Security Industry Association. While the Home Office and police still had a clear advantage in terms of bargaining resources, the private security institutions were much stronger than in the preceding decade and were accordingly able to collectively advance their pluralist practices with more and more success. Moreover, during this phase statutory regulation became the central issue around which the negotiations revolved. On one side of the regulation debate, the private security institutions were ardent advocates of regulation, for they conjectured that it would allow them to capture a significant degree of legitimacy from the central state institutions. Conversely, the Home Office and police were equally resolute opponents of regulation because they wanted to prevent any such transfer of legitimacy. During this period the anti-regulation monopoly practices of the Home Office and police continued to control the security sector negotiations, but the pro-regulation pluralist practices of the private security institutions were nevertheless

making considerable headway. At this time, then, the re-legitimation of private security in postwar Britain gradually began to look more plausible.

Phase three (1969-79) saw the establishment of the reformist practices by a number of parliamentary actors. Importantly, the reformists soon entered into an alliance with the pluralists since both positions supported statutory regulation, albeit for different reasons. This alliance started to shift the balance of the negotiations away from the anti-regulation monopoly agenda of the Home Office and police. Yet after almost a decade of often intense debates, these institutions nevertheless managed to once again reassert their monopoly practices upon the security sector negotiations. This said, it was becoming increasingly clear that the reformist-pluralist partnership did have the potential to fundamentally reshape the nature of security provision within postwar Britain by creating a broad pro-regulation consensus, which would in turn have the effect of both reforming and re-legitimizing the private security industry.

Phase four (1979-1996) did indeed see the emergence of a consensus around the pro-regulation agenda of the reformists and pluralists, thereby laying the foundations for the formal re-legitimation of the private security industry. However, the path to this consensus was complex. After reassessing the shift in political-economic context brought about by the rise of neoliberalism in the early 1980s, many private security companies moved from a pluralist to neoliberal set of practices, in the process undermining the reformist-pluralist alliance. Towards the end of the 1980s, however, this neoliberal experiment began to falter, plunging the industry into a further legitimization crisis. Most of the private security companies accordingly returned to the pluralist position and entered back into partnership with the reformists. This new permutation of the reformist-pluralist partnership was, however, strengthened by the growth of the private security companies during the 1980s and the addition of ACPO and the Police Federation on the reformist side of the alliance. As consequence of this newly empowered partnership, when the reformists and pluralists pushed once again for statutory regulation during the mid-1990s they eventually succeeded, thereby setting in motion the political processes which resulted in the Private Security Industry Act 2001. It is important to mention that during the mid-1990s the Home Office, now in a rather isolated position, did continue to oppose statutory regulation. However, after a radical transformation in the world view of the Home Office during the 1980s, this opposition was now advanced from a neoliberal perspective rather than monopoly one. Either way, with the reformist-pluralist constructed consensus, both

the monopoly and neoliberal sets of practices, together with their very different objections to statutory regulation, were by the mid-1990s cast into the periphery of the negotiations.

Phase five (1997-2001) witnessed the reformist-pluralist alliance, now further concretised by the support of the New Labour government, firmly assert itself upon the middle-ground of the negotiations over the constitution of the security sector. A variety of state and non-state institutions adopted positions within the reformist-pluralist spectrum, all of which supported the implementation of statutory regulation. Building upon this strong consensus, the preferences of the reformist-pluralist alliance were accordingly translated into the Private Security Industry Act 2001. For the pluralists, this Act set down the official institutional connection through which legitimacy could be transferred from the state institutions to the private security companies. It signified, for them, a crucial stage in the ongoing process of re-legitimising the private security industry in postwar Britain. For the reformists, it established the institutional and legal mechanisms by which to impose wider and deeper standards of training and accountability upon the private security companies. They recognised that this would have the additional effect of re-legitimising the industry, but this was generally regarded as nothing more than an acceptable unintended consequence. The few remaining institutions advancing the monopoly and neoliberal agendas were now completely marginalised and had virtually no influence whatsoever over the construction of the Private Security Industry Act 2001. In expressing the preferences of this reformist-pluralist alliance, then, the Private Security Industry Act 2001 was central to the process of re-legitimising the private security industry in postwar Britain and represented a historical moment in the changing constitution of the security sector more generally.

Regardless of these pronounced processes of political change and contestation, however, there was nevertheless a striking current of continuity coursing throughout the entire duration of the security sector negotiations. For the structural influence of the image of the state was inextricably intertwined with all of these processes of contestation. This was because during the second half of the twentieth century, it appears that the majority of the British population continued to more or less believe that the state ought to be the only provider of security functions in postwar Britain – that is, they continued to believe in the powerful monopoly myth. And with the notable exception of the unsustainable neoliberal practices, each set of practices

necessarily reflected elements of the image of the state so as to avoid encountering any cultural resistance. This was most clearly evident in the monopoly practices, which were designed to directly translate the monopolistic image of the state into an institutional reality. It was quite clearly evident, too, in the reformist practices, which were designed to institute a state-controlled system of security provision in which a reformed private security industry was integrated into the lower echelons of the security sector. And, most importantly, it was indirectly evident in the pluralist practices, which were designed to reconcile the problematic status of the industry with the monopoly myth by attempting to confer state legitimacy upon the private security companies through a system of statutory regulation. In addition, it was not evident at all in the neoliberal practices, which in large part explains why they were so unsustainable. Due to the widespread structural influence of the image of the state, then, any political outcome resulting from negotiations between these sets of practices would inevitably contain elements of this image. This was certainly the case with the Private Security Industry Act 2001. For the regulatory regime legislated for in this Act essentially had two purposes: first, to reform the industry in line with state-determined standards of security provision (the reformist preferences); second, to transfer legitimacy from the state to the private security industry so as to communicate to the public that the industry is a legitimate provider of security functions (the pluralist preferences). To the extent that these outcomes are now being realised – and as we have seen in the Epilogue early evidence indicates that this is indeed the case – then it is possible to conclude that the Private Security Industry Act 2001 has served to both usher in a radical new era of security provision and, at the same time, reproduce those state-centric notions of security provision which have their origins in the enlightenment.

This said, it is both significant and interesting to mention that the degree to which these state-centric notions of security provision have been reproduced over the postwar decades has gradually diminished. This important trend has been related to notable shifts in the dominant sets of practices during this period. For instance, throughout the 1950s, 1960s and 1970s, the monopoly practices of the Home Office and police largely determined the political outcomes within the security sector. The aim of these institutions was to directly translate the image of the state – or, more specifically, a hierarchical state-monopolised security sector – into some kind of institutional reality. Of course, they never actually managed to completely realise this

objective, as evidenced by the steady expansion of the private security companies. And this is why the monopoly myth has remained just that – a myth. Yet they did nevertheless succeed in bringing about this institutional ensemble to some extent. As a consequence, during the years that the monopoly practices of the Home Office and police dominated the negotiations, it was possible to observe that the institutional arrangements within security sector did quite strongly resemble the monopoly myth (and this, no doubt, serves to explain why the monopoly paradigm became the default position for understanding security provision in postwar political science). By the turn of the twenty-first century, however, the monopoly practices had long since faded away and the security sector negotiations were now dominated by the reformist and pluralist practices of the private security institutions, parliamentary actors, the police and the New Labour government. Although these institutions did integrate the image of the state into their sets of practices to varying degrees, none of them interpreted this image as directly and literally as the Home Office and police did in the immediate postwar decades. The political outcomes brought about by these reformist and pluralist institutions – most notably the Private Security Industry Act 2001 – therefore reflected the image of the state to a slightly lesser degree than was the case in the past. As a result, it can be observed that the distance between the monopoly myth and the institutional reality of the security sector has increased over the course of the postwar era.

Against this backdrop, then, it is also interesting to question whether the content of the image of the state correspondingly changed over the postwar decades. For the image of the state does not have some kind of cocooned, independent existence. It is located in a dialectical relationship with the different state and society practices. So as the dominant practices within the security sector shifted, did the set of ideas embodied within the image of the state change as well? No definite answer can yet be given to this question, for it is concerned with recent a very transformation in an intangible and subjective variable. Nevertheless, it seems likely that as the institutional reality of the security sector moved further away from the normative blueprints of the monopoly myth, so the content of the image of the state to some extent transformed. For instance, a security provider interpreting the image of the state in 2008 might see a slightly different series of social norms than would have been the case half a century earlier. The state-centric notions of security provision would no doubt still be there, but probably in a less absolute manner than fifty years

before. If this is indeed the case, then it is possible to conjecture that future generations of security providers will in all likelihood be structured by an even more diluted image of the state. And this in turn suggests that those state-centric notions of security provision which were crystallised over the course of modern political history perhaps experienced their high-point in the middle of the twentieth century and have since been subjected to a process of slow and steady dilution.

It is critical to highlight, however, that the rate of this dilution really has been nothing more than 'slow and steady' and should certainly not be over-emphasised. For as we have seen, the image of the state during the first decade of the twenty-first century was still sufficiently powerful and state-centric to compel the private security companies to continue with their long-term strategy of capturing legitimacy from the state so as to conform with the majority of the British population's state-centric expectations about how security ought to be provided. This is unsurprising given that the monopolistic, state-centric image of the state was one of the central political principles to emerge from the enlightenment and has influenced the world views of countless politicians, intellectuals and everyday citizens in Britain ever since. We would not therefore expect this profound idea to disappear over the course of two or three generations. Even in a diminished and diluted capacity, then, we can expect the image of the state to cause a state-centric current of continuity to course through the security sector for many decades to come.

To conclude our charting of the route to re-legitimation, then, it is crucial to once again emphasise that it is this combination of continuity and change, examined here through the image-practice dialectic, which serves to explain the re-legitimation of private security in postwar Britain. For on one side, it was the highly contested and fluid nature of state and society practices in the postwar security sector – the supposedly impenetrable heart of the state – which serves to explain how the private security institutions managed over the course of five decades to fashion a sufficient number of political alliances with a variety of state institutions to advance their pluralist practices within the negotiations over the legitimacy to undertake security functions (although it must be acknowledged that the changing political-economic context also had an important impact upon this process). On the other side, it was the ever prominent current of continuity generated by the structural influence of the image of the state which served to explain why the private security institutions used their enhanced agency not to function as purebred market actors within the security

sector but rather to capture legitimacy from the state via a system of statutory regulation. It is the dialectical interplay between these two processes, then, which explains the re-legitimation of private security in postwar Britain.

In addition to elucidating this highly significant trend, however, it is important to recognise that this theoretically-informed discussion also has a great deal of relevance for the broader academic debates about the nature of British sovereignty at the beginning of the twenty-first century, as we will now see.

8.2 The State, Security and Sovereignty in the Twenty-First Century

The arguments put forward in this thesis contribute towards two important, and in many ways parallel, debates currently running in the disciplines of criminology and political science. Within the criminology discipline there is an ongoing contention over the extent to which the security sector in Britain is witnessing either the emergence of a radical new era of networked, non-state policing or the gradual evolution and extension of a traditional, state-centred system. One strand of this debate has already been introduced in this thesis during our discussion of the nodal governance and anchored pluralism paradigms. For the nodal governance theorists, we are entering into a new networked system of security provision, whereby a miscellany of public and private auspices and providers come together in order to create security solutions which are sensitive to localised (or nodal) problems of disorder. Conversely, the anchored pluralism theorists recognise that private security is becoming increasingly prominent, yet they nevertheless regard its expansion as being structured by state's 'explicit directions' and 'implicit permissions'. Private security provision is therefore viewed by the anchored pluralism theorists as an extension of state rule.

Significantly, by drawing upon the state-in-society approach, which as we have seen cuts a middle way in between these two paradigms, this investigation has succeeded in capturing elements of both perspectives within a single analysis, and thereby advances a new position within this Criminology debate. For it is first asserted here that we are indeed witnessing the emergence of new trends within the British security sector. Private security companies are now providing core security functions – such as emergency services during times of national disaster, when social order is at its most vulnerable – not directly for the public good but rather to increase their profit

margins. This represents a radical shift away from what Robert Reiner calls the "...Enlightenment's modern conceptions of social justice".¹ Yet as we have seen with the pluralist practices of the private security companies throughout this investigation, the commercial logic of the industry nevertheless remains infused with these 'modern conceptions of social justice'. For instance, in order to maximise their profit margins, these companies have actively sought to be regulated by the British state in order to associate themselves with these very same 'modern conceptions of social justice'. They have, in other words, enthusiastically entered into a trade-off with the reformists in which they have openly sacrificed a degree of market autonomy through a system of statutory regulation so as to conform with the British population's state-centric normative expectations about security ought to be legitimately provided. It can be contended, then, that the market signals within the British security sector are deeply entangled with the state-centric notions of security provision which have their origin in the enlightenment. Indeed, as Paul Verkuil observes: "Because security is a traditional public good, privatisation must be integrated into that framework, not the other way around".² Thus the British security sector is neither dominated by the modern state, nor has it progressed to a postmodern pluralist system of security provision. We are instead currently in an acute moment of social, political and economic flux in which a radical new era of networked, public-private security provision is overlapping with the traditional, state-centred system which dates back to the enlightenment. It is argued here, then, that a greater appreciation of this complex, overlapping process would potentially lead to an interesting new avenue of enquiry within contemporary criminological analysis, which draws upon a combination of the nodal governance, anchored-pluralism and state-in-society models.

Over the past fifteen years or so a similar debate has been played out within the political science discipline, although at a slightly higher level of abstraction. This debate revolves around the degree to which the modern, bureaucratic and hierarchical British state as a whole is currently being either 'hollowed out' or 're-constituted'. While both schools of thought recognise that the line between public and private is becoming increasingly blurred, the degree to which this signifies the beginning of a new, 'hollowed out' postmodern order or the 're-constitution' of the traditional, modern state-centred order is highly contested. The arguments put forward in this

¹ Robert Reiner, 'Policing a Postmodern Society', *Modern Law Review* 55(6) (1992), p.781.

² Paul R. Verkuil, *Outsourcing Sovereignty* (New York: Cambridge University Press, 2007), p.67.

thesis are particularly apt for cutting into this contention because the security sector is widely considered to be the quintessential state function – that is, the very essence of state sovereignty. Therefore, the dynamics of security provision – and in particular the relationship between security provision and regulation – have a great resonance for this debate.

Significantly, it is asserted here that the answer to this ‘hollowing out’ or ‘re-constitution’ conundrum once again probably lies somewhere in the region between these two counterposed positions. For as we have seen, the re-legitimation of private security exposes the British social order in a period of deep and pronounced transition. It shows how one of the vanguard industries of an emerging postmodern era has actively been reconciling its activities with the state-centric structures and norms of the modern era. Moreover, this industry has attempted to accomplish this complex process of reconciliation through a system of statutory regulation. For on one side, the statutory regulation of private security represents the extension of state-controlled governmental mechanisms over this postmodern industry – that is, it serves to ensure that ‘enlightenment conceptions of social justice’ shape and mould the operations of the private security companies. On the other side, however, statutory regulation represents a mechanism for consolidating the status of the private security industry within the contemporary state-society sphere – that is, it serves to empower the operations of the private security companies. We are witnessing, in other words, the simultaneous ‘hollowing out’ and ‘re-constitution’ of the British state. The re-legitimation of private security in postwar Britain therefore illustrates that in many ways the modern state is gone but it is certainly not forgotten.

8.3 Future Research

This final section will provide an initial indication of how the key arguments and concepts developed throughout this investigation can be used to contribute towards the understanding political issues which fall outside the immediate scope of the research question. It will focus in particular upon two areas of emerging research: first, comparing systems of private security regulation in different countries; and second, the development of regulatory regimes for controlling the activities of international private military companies. Before proceeding with this analysis, however, it must first be emphasised that when extending this research into these

other political domains, we are less interested in comparing specific historical moments – which are inevitably unique to the British case – than we are with translating the more abstract and generalised concepts and arguments developed throughout this thesis into these new research areas.³ This type of comparative process is often termed ‘analytical generalisation’ and coheres with ‘good’ social science research practice (for a more in-depth discussion of this process, see Appendix 1).

First, then, we are concerned with seeing how this investigation can contribute towards the project of comparing systems of private security regulation in different countries. There have been notable efforts to begin this comparative research by, for instance, Jaap De Ward and Mark Button.⁴ The main reason given by these authors for undertaking this research is that such comparative studies can disclose important lessons on how best to maximise the quality and effectiveness of security provision in a different countries. And, they continue, this matter takes on greater urgency against the backdrop of political processes such as European integration, which will potentially require the harmonisation of different types of national regulatory regime. These are certainly compelling reasons. However, these existing studies suffer from a common problem – they are rather formal, legalistic and constitutional in-their approaches. They tend to concentrate on how the modern state can and should reform the industry using various regulatory mechanisms and, by extension, they generally disregard the agency and preferences of the private security companies.

This approach is highly problematic because, as we have seen throughout this investigation, regulation in Britain is an ongoing process of political negotiation in which both the state and private security institutions are situated in a dialectical relationship. The regulatory relationship is not one of unidirectional reform, but rather a two-way, iterative process of both reform and re-legitimation. This insight implies that it is certainly possible – perhaps even probable – that private security regulation in other countries is similarly characterised by such dialectical political processes. Private security companies outside of Britain may be advancing some permutation of the pluralist set of practices and therefore embarking on a parallel

³ Richard Rose, ‘Comparing Forms of Comparative Analysis’, *Political Studies* 39 (1991), pp.446-462.

⁴ Jaap De Ward, ‘The Private Security Sector in Fifteen European Countries: Size, Rules and Legislation’, *Security Journal* 4 (1993), pp. 58-62; Jaap De Ward, ‘The Private Security Industry in International Perspective’, *European Journal on Criminal Policy and Research* 7 (1999), pp.143-174; Button, ‘Assessing the Regulation of Private Security Across Europe’, pp.109-128.

strategy of re-legitimation. Against this backdrop, then, it would be interesting to go beyond the formal and legalistic comparative studies of De Ward and Button and instead put together a multi-country study in which the history of private security regulation in each country is compared using the state-in-society approach as the comparative framework. In this new study it would be assumed that both state and private security institutions were endowed with agency and that both sets of institutions were structured by broad state-centric socio-cultural norms. We could then see whether similar sets of state and societal practices emerged within the different countries – that is, monopolists, pluralists, reformists and neoliberals. If divergent practices did emerge, as the state-in-society approach would suggest, then we could go about developing a more nuanced understanding of private security regulation across the globe and in turn draw more historically-sensitive, process-orientated lessons on how to maximise the quality and effectiveness of security provision in different countries.

This is, of course, an ambitious and long-term project. A more immediate and manageable study – a study which, furthermore, would feed into this more extensive project – would be to conduct an initial comparison along these lines between Britain and one other country. An interesting case for this more narrowly defined comparison would be Sweden. For private security companies industry in Sweden – as was pointed out in Chapter 7 – are endowed with extremely high levels of legitimacy, similar to the levels enjoyed by the public police. And, perhaps not coincidentally, these companies have been regulated by the Swedish state since 1973. It would be very interesting to investigate, then, the evolving relationship between these high levels of legitimacy and the industry's regulatory relationship with the state. For we could hypothesize that comparable processes of re-legitimation are at work, but at a more advanced stage. If this is the case – and if we regard this as a positive development, given the concomitant enhancement of professionalism which this entails – then we could draw upon the experience of Sweden to guide the future direction of private security regulation in Britain.

In addition to contributing towards this cross-country comparative project, the concepts and arguments mapped out in this investigation could also be used to add value to the current debate over the regulation of international private military companies. While these companies – at least in their more corporate contemporary

form – have been operating on the international scene since the 1960s,⁵ they first really came to prominence in Britain at the time of Sandline's involvement in the Sierra Leone civil war during 1998, and they have since become even more notorious with their participation in the Iraq war in recent years. In tandem with this increase in notoriety, so the academic debate on how best to regulate these organisations has gained momentum. Yet in manner similar to the extant literature comparing different domestic regulatory regimes, this debate has often been conducted at a relatively formal, legalistic and constitutional level, simply examining how states should use different regulatory mechanisms to reform those private military companies based within their territories.⁶ The abstract, legalistic nature of these debates is certainly understandable considering that any future legislation will, of course, be drafted in this form. But as a consequence the debate seems to lack an appreciation of regulation as a two-way political process, expressing the preferences of both the regulated and the regulators.⁷

Again, then, the insights into private security regulation developed throughout the course of this investigation could perhaps be used to develop a more sophisticated understanding of the nature of private military regulation. This seems especially appropriate considering that high profile members of the private military industry have long been calling for governments to impose statutory regulations on their activities.⁸ Against the backdrop of this investigation, it thus seems pertinent to question whether this is equates to a strategy for re-legitimizing the private military industry in a similar manner to the strategy pursued by private security companies in postwar Britain. It could be, in other words, that the long-established notion that

⁵ For the rise of UK private military companies, see: Christopher Kinsey, *Corporate Soldiers and International Security: The Rise of Private Military Companies* (London: Routledge, 2007).

⁶ For an example of such arguments in an academic context, see: Kevin A. O'Brien, 'What Should and What Should Not be Regulated', in *From Mercenaries to Market: The Rise and Regulation of Private Military Companies*, eds. Simon Chesterman and Chia Lehnardt (Oxford: Oxford University Press, 2007), pp.49-64. For an example of such arguments in a more official context, see: HC 577 (2001-2002) *Private Military Companies: Options for Regulation* (London: HMSO, 2002).

⁷ One notable exception to this trend is: James Cockayne, 'Make or Buy? Principal-agent theory and the regulation of private military companies', in *From Mercenaries to Market: The Rise and Regulation of Private Military Companies*, eds. Simon Chesterman and Chia Lehnardt (Oxford: Oxford University Press, 2007), pp.196-216.

⁸ See: Lt Colonel Tim Spicer, 'Memorandum', in HC 922 (2001-2002) *Ninth Report of the House of Commons Defence Committee: Private Military Companies* (London: HMSO, 2002), pp.Ev1-Ev4; Gurkha International Group of Companies, 'Memorandum', in HC 922 (2001-2002) *Ninth Report of the House of Commons Defence Committee: Private Military Companies* (London: HMSO, 2002), pp.Ev63-Ev65; ArmorGroup Services Limited, 'Memorandum', in HC 922 (2001-2002) *Ninth Report of the House of Commons Defence Committee: Private Military Companies* (London: HMSO, 2002), pp.Ev66-Ev79.

states in the international sphere exercise a 'collective monopoly' over the legitimate use of physical force has created some kind of diffuse state-centric socio-cultural constraint upon the activities of private military companies. And as a consequence these companies might be attempting to employ state regulation as a means of overcoming this constraint. If this is indeed the case, then the regulation of private military companies would not be a straightforward process of reform – as envisioned by many of the participants in the current debate – but also one of re-legitimation. To be sure, at the present time this is only a hypothesis, but it is certainly one worthy of further exploration. And, moreover, it also serves to demonstrate that the arguments and concepts developed throughout the course of this investigation could be used as novel starting points to conduct research which falls outside the immediate locus of the research question.

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Appendix 1

Methodology

This methodology appendix will outline the methods employed to generate data for the research question: how have private security companies once again become legitimate providers of security functions within postwar Britain? The data needed to answer this question must relate to the complex relationship between the private security industry and the British state in the period 1945-2001. Given the relatively long period of time covered, this investigation will largely draw upon historical, qualitative methods – specifically, document analysis (predominantly from archives) and oral reconstructions in the form of elite interviews. The first half of this methodological discussion will map out how these data gathering techniques have been used throughout the course of this investigation. The second half will then evaluate the status of the data generated by these techniques in accordance with following ‘trustworthiness’ criteria: credibility, transferability, dependability and confirmability.¹ Before commencing with this discussion it is important from the outset to briefly take note of the metaphysical assumptions underlying this investigation. Following the critical realist position, it is contended here that while there is an independent and real social world ‘out there’ (ontological realism), the subjective nature of the human mind means that the we can only generate imperfect, partial and value-laden interpretations of this world (epistemological relativism).² As we will see, these assumptions become particularly important when assessing the status of our research data, for these value-laden interpretations enter the research process at numerous stages, each time impacting upon the subjectivity of our arguments and conclusions.

To begin with, then, the primary method used to generate data throughout this investigation has been document analysis. This choice has been determined by both necessity and preference. Necessity because the time-frame of the research question

¹ Alan Bryman, *Social Research Methods* (Oxford: Oxford University Press, 2nd edition, 2004), pp.272-276.

² For a clear and concise depiction of critical realism, see: David Marsh ‘Explaining Change in the Postwar Period’, in *Postwar British Politics in Perspective* eds. Marsh, D. et al (Cambridge: Polity Press, 1999), 1-19.

in some part covers the (recently) 'dead' past, where none of the main protagonists are alive and available for interview. Consequently, documents are the only source of data for this period of time. Preference because documents, especially when richly textured as they are in this instance, are the most dependable and confirmable source of data from which to infer arguments and conclusions (as will be demonstrated later in this section). For this reason, document analysis has been selected as the primary research method not just for the 'dead' past covered by the research question but also the more contemporary period where the main protagonists are alive and available for interview (although where possible interviews have still been undertaken so as to provide valuable supplementary data).

In order to fully understand the re-legitimation process identified in the research question it has been necessary to draw data from documents created by both state and private security institutions. On the state side, documents have been used from two main sources. The first has been the national archives public records office in London. This location has provided a wealth of relevant documents, mostly private, internal communications written by ministers and civil servants. Furthermore, it has also facilitated access to a miscellany of written submissions from the private security industry, thereby providing a window into both sides of the security sector negotiations. Although these archives are not exhaustive, for as Nicolas Cox notes they do not always disclose references to telephone conversations and informal 'corridor' discussions,³ they are relatively far-reaching and have represented the largest and most valuable repository of information for this investigation. The obvious drawback of the national archives is that, under the stipulations of the Public Records Act 1967, documents can only be publicly released thirty years after their creation – the 'thirty year rule'. As a consequence, the national archives have only been used for the era 1945-1974 and have therefore been supplemented with other state documents to cover the remainder of the period set out in the research question.

The second main source of state documents has been the wide range of publicly available, open access documents produced by different parts of the British state. These include: parliamentary debates in the House of Commons, House of Lords and standing committees which are published in the Official Record (better known as

³ Nicolas Cox, 'National British Archives: Public Records', in *The Contemporary History Handbook* eds. Brian Brivati, Julia Buxton and Anthony Seldon (Manchester: Manchester University Press, 1996), p.265.

Hansard); government bills and private members' bills; the various white and green papers issued by central government departments; the reports of the numerous select and special committees; and finally reports produced by non-departmental public bodies such as the Security Industry Authority. While these sources do provide a great deal of extremely useful data on the activities and policies of the key ministers and civil servants involved in the security sector negotiations, together with the responses to these policies of many private security institutions, much of this data is inevitably diluted and manipulated before its public release in order to justify the policies of the government of the day. These openly available public documents do not therefore provide such a clear indication of the private, internal machinations of ministers and civil servants as do the declassified national archives material. Yet precisely because these documents have been created for public release, they are available for the entire period of time covered by the research question. They have thus been used in tandem with the national archives between 1945-1974 and then independently from 1975 onwards (although in this latter period they have been complemented with elite interviews, as will be discussed below).

On the private security side, documentary data has been taken from three main depositories. As already indicated, two of these have been the main state sources identified above: the national archives public records office and the open-access state documents. These state sources have come to store private security documents because institutions such as the Home Office and the police have over the years been both targets of private security lobbying and instigators of various private security consultation processes. And these processes have served to bring together private security and state documents in these locations. In one sense this can be seen as problematic since these private security documents will to varying degrees have been filtered by the state institutions responsible for their storage. This said, both of these sources do nevertheless represent very useful collections of private security documents and should not be overlooked. The third source of private security documents is probably the most important, however. For during the course of this investigation, I have negotiated access to the private archives of the British Security Industry Authority, which is located in Worcester. This institution was established in 1967 and ever since has been the main private security industry trade association, representing the interests of the biggest companies in the sector and providing the primary channel of communication between the industry and the state institutions. As

a consequence this private archive, which runs from BSIA's inception to the present day and comprises all of the association's minutes and annual reports, has proved to be an excellent source of private security documents for a significant part of the era covered by the research question.

In searching through these various archives it was not necessary to employ an explicit sampling technique, for (so far as I am aware) it was possible to read virtually all of the relevant documents stored in the three locations identified above. For instance, where an online catalogue exists (as it does in the national archives and Hansard), there was enough time within the remit of the research project to read through every 'hit' relating to private security. And where there was no such catalogue (in the private archives of the BSIA, for example), it was possible to read every single document in the collection. The analysis of documentary evidence conducted in this investigation has therefore been extensive and exhaustive. Yet this is not to say that these documents provide all the research data necessary to answer the research question – far from it. As most contemporary research methods experts agree, although historical documents are generally regarded as the most dependable and confirmable sources of data, they do not give the whole picture of any social process. As a consequence, it is generally agreed that where possible document analysis should be supplemented with other data gathering techniques, such as interviews.⁴ This methodological principle has been adhered to throughout this investigation, as we will now see.

The secondary research method employed within this investigation has been elite interviewing. Once again this choice has been determined by both necessity and preference. Necessity because there are gaps in the documentary historical record, (especially in the post-1974 period which is not covered by the national archives) which require filling in with other forms of data. In this sense, as Anthony Seldon notes, elite interviews can represent important stop-gap solutions in the absence of documents.⁵ Preference because of the unique, additional dimension that elite interviews bring to the data gathering process. For they can enable the researcher to develop a much deeper understanding of the 'world views' of those actors identified in the documentary historical record – that is, "...his/her perceptions, beliefs and

⁴ See, for instance: Anthony Seldon, 'Elite Interviews', in *The Contemporary History Handbook* eds. Brian Brivati, Julia Buxton and Anthony Seldon (Manchester: Manchester University Press, 1996).

⁵ Seldon, 'Elite Interviewing', p.358.

ideologies”.⁶ This has proven to be especially important in this investigation where the complex and often subtle ‘world views’ of different institutions and actors have had an enormous impact upon the course of the security sector negotiations.

In conducting these interviews every effort was made to speak to knowledgeable elites from a range of both private security and state institutions so as to generate the most representative data set possible.⁷ To a large extent this was successful, as the list of interviews conducted demonstrates (see Table 1 on page 251). However, this sample was skewed towards elites who were participating in the security sector negotiations during the 1980s and 1990s, since most of the elites working during the 1950s, 1960s and 1970s are either no longer alive or untraceable. Throughout the course of this investigation, the interviewees were encouraged to chronologically reconstruct their role in the negotiations, which as Richards notes is a logical and highly effective semi-structured interviewing technique.⁸ It is also particularly appropriate for generating the type of historical data required to answer our research question. Of the fourteen interviews conducted in this investigation, thirteen were recorded using a dictaphone in order to maximise the accuracy of the data generated. Significantly, only two interviewees requested that their comments be treated as ‘anonymous’ or ‘private information’. For the most part, then, the arguments and discussions resulting from the interview data are clearly attributable. By request, however, most of the full transcripts are not available for public dissemination. As evidenced by the widespread use of interview quotes throughout this thesis, this secondary data gathering technique generated some highly illuminating information, which in turn undoubtedly served to deepen our understanding of the re-legitimation of private security in postwar Britain.

Now we have outlined the two main research methods employed to generate data for the research question, it is necessary to evaluate the status of the data. This is an important exercise since it will allow us to assess the trustworthiness of the arguments and conclusions inferred from this data. This evaluation will proceed by cross-referencing the methods used and data generated here with accepted academic ‘trustworthiness’ criteria. While this might seem to be a relatively straightforward task, it should be acknowledged that there is some debate about what actually constitutes

⁶ David Richards, ‘Elite Interviewing: Approaches and Pitfalls’, *Politics* 16(3) (1996), p.199.

⁷ For elite interviewing sampling techniques see: Seldon, ‘Elite Interviewing’, p.356.

⁸ Richards, ‘Elite Interviewing’, p.202.

accepted criteria, especially in regard to historical, qualitative data. Standard criteria such as measurement validity, internal validity, external validity and reliability, it has recently been contended, have been developed in order to evaluate the status of quantitative data and are perhaps inappropriate for the evaluation of historical, qualitative data. Instead, research methods experts such as Alan Bryman argue that qualitative data can and should be evaluated using alternative criteria which, though reflecting the general intention of the standard criteria used to evaluate quantitative data, are more nuanced towards the idiographic nature of qualitative research.⁹ In many ways this actually entails watering down the standard criteria used to evaluate quantitative data so as to make them more compatible with the less controlled and less structured nature of qualitative data. In accordance with Bryman's reasoning, then, the qualitative data generated within this investigation will be evaluated by utilising the following four-part trustworthiness criteria which have been designed specifically to evaluate qualitative data. These are: credibility, transferability, dependability and confirmability.

The 'credibility' criterion (which parallels the standard quantitative criterion of internal validity) questions the trustworthiness of the lines of causality inferred from the data by the researcher. More specifically, it is concerned with the following conundrum: considering that each individual interprets the social world differently, how can we be certain that the line of causality implied in a document or interview constitutes an accurate representation of any given sequence of events? The simple answer to this question is that we cannot be absolutely sure of the accuracy – this is an unavoidable pitfall of qualitative research. Yet it is important to recognise that we can guard against misinterpretations by utilising what Philip Davies terms "multi-methodological triangulation".¹⁰ This firstly involves using a variety of data sources to generate a "parallax view upon events".¹¹ This can be done by gathering data relating to a particular decision-making process from primary documents, interviews and perhaps even secondary sources as well. Once these multiple views have been collated it is then possible to compare accounts of a sequence of events. When the accounts broadly correspond, we can say that they have been 'triangulated', and we can as a result be more confident about employing this data to infer conclusions.

⁹ Bryman, *Social Research Methods*, pp.272-273.

¹⁰ Philip H. J. Davies, 'Spies as Informants: Triangulation and the Interpretation of Elite Interview Data in the Study of Intelligence and Security Services', *Politics* 21(1) (2001), p.75.

¹¹ Davies, 'Spies as Informants', p.75.

Significantly, where possible this technique has been employed throughout this investigation. Data from a variety of sources has been used to reconstruct events and lines of causality as accurately as possible. It cannot be said that the result is a perfect set of arguments and conclusions, but efforts have at least been made to minimise any misinterpretations.

The ‘transferability’ criterion (which parallels the standard quantitative criterion of external validity) involves “...making judgements about the possible transferability of findings to other milieux”.¹² In order to determine the transferability of the arguments and conclusions advanced in this investigation, it is necessary to recognise that while this research is first and foremost a historical study, it is in another sense also a case study.¹³ Case study research intentionally focuses upon the particular as opposed to the general: “[t]he case is a specific, and complex, functioning thing”.¹⁴ And to the extent that this investigation concentrates upon the *British* private security industry and the *British* state, it can be classified as a (historical) case study at the level of the state. Once this is acknowledged it becomes clear that this investigation has limited transferability. The empirical arguments and conclusions apply only to Britain and cannot be readily transferred to other states – at least, not without the development of a carefully constructed comparative study across states. Yet this is not a problem as such, just a limitation. It would only become problematic should someone attempt to directly employ the empirical analysis advanced here to draw conclusions about the re-legitimation of private security in other countries, for this would contravene case study ‘good practice’. This said, it may be appropriate to transfer some of the conceptual, as opposed to empirical, arguments to other states since these are more abstract and therefore less shackled by an inherent Britishness – this is what Yin terms ‘analytic generalization’.¹⁵ For instance, the concepts of ‘pluralist’, ‘monopoly’, ‘reformist’ and ‘neoliberal’ practices which are developed throughout this investigation could potentially be used to analyse interactions between private security and state institutions in other countries. The ‘dependability’ criterion

¹² Bryman, *Social Research Methods*, p.275.

¹³ It is common for histories and case studies to be viewed as mutually exclusive research designs – see for instance: Robert Yin, *Case Study Research: Design and Methods* (London: Sage, 2nd edition, 1994), p.6. This seems to be an unnecessary distinction, however. For they can each share the characteristics of the other: case studies can be historical in their orientation and histories can be viewed as single cases.

¹⁴ Robert Stake, *The Art of Case Study Research* (London: Sage, 1995), p.2.

¹⁵ Yin, *Case Study Research*, p.10 and p.35.

(which parallels the standard quantitative criterion of reliability) basically probes the degree to which the research can be audited. This can be assessed by posing the question: could other researchers follow your methodology in order to undertake similar research and reach similar conclusions?¹⁶ The research conducted in this investigation is generally auditable because, for the most part, it does not draw upon any ‘private’ or ‘anonymous’ information. The documents used are all clearly referenced and, with the exception of the BSIA archives material and a scattering of privately obtained documents, are all publicly accessible. As a result, these documents could easily be checked out by an auditor. Furthermore, all but two of the interviewees have consented to having their identities disclosed, so an auditor could potentially approach any of these individuals to confirm information. However, this fact-checking process is dependent upon elites making themselves available to speak about their role in the private security negotiations for a second time, which due to time and resource limitations is certainly not guaranteed. Moreover, auditing elite interviews is reliant upon the further criterion of ‘confirmability’, which as we will now see is perhaps the most complex dimension trustworthiness to navigate.

The ‘confirmability’ criterion relates to the extent to which subjective, personal values have entered into the research process (this has no parallel in the standard quantitative criterion where objectivity is generally assumed as a default position throughout the research process).¹⁷ Personal values enter into the research process at two main stages: first, the data generated by the research subjects (through either the creation of documents or the communication of information during the interview); second, the interpretation of this data by the researcher. Each will be briefly examined here. The nature of the data generated by research subjects differs depending on whether it comes in the form of a document or an interview. Documents, on the whole, are less permeable to the influence of subjective, personal values. To be sure, they certainly do not represent an objective interpretation of events. For they are ingrained with what Peter Calvert calls “...the phenomenon of cognitive dissonance” – that is, the proclivity “...to smooth away inconvenient details which conflict with the evolving self-image of competence and honour”.¹⁸ But on the positive side they are not constructed purely for the benefit of academic researchers

¹⁶ Bryman, *Social Research Methods*, p.275.

¹⁷ Bryman, *Social Research Methods*, p.276.

¹⁸ Peter Calvert, ‘Using Documentary Sources’, in *The Contemporary History Handbook* eds. Brian Brivati, Julia Buxton and Anthony Seldon (Manchester: Manchester University Press, 1996), p.121.

(this is especially true with archive documents)¹⁹ and they do not therefore change their opinions and perspectives over time (unlike interviewees).²⁰ This in turn means that the influence of personal values tends to be minimised within documents. Conversely, interviewees, as Jarol Manheim and Richard Rich note, are particularly 'reactive' to the researcher and the aims of his or her research project.²¹ This means that the distorting effect of 'cognitive dissonance' is higher and subjects might even provide divergent accounts of the same events to different researchers (hence the auditing problems referred to above). As research methods, then, interviews are more value-laden than documents. To return to an earlier point, this is the predominant reason why documentary data has been prioritised within this investigation – that is, it is more confirmable than interview data. Yet it is important to acknowledge once again that neither method produces completely objective accounts of the phenomenon under investigation.

A further layer of personal values is then added when the researcher interprets the documentary and interview data. The researcher's interpretation of this data is influenced by his or her theoretical position, which will inevitably prioritise certain concepts, arguments and values over others.²² In this investigation, for instance, the data generated by the research subjects has primarily been interpreted through the lens of the state-in-society approach, which represents just one way of viewing the enormously complex relationship between state and societal actors. The arguments and conclusions advanced here would have been different if the research data had been interpreted, for instance, primarily through the lenses of either the nodal governance or anchored pluralism perspectives. The choice of theoretical framework thus adds an extra layer of subjectivity to the investigation. This is why Chapter 2 maps out in detail the theoretical framework employed in this investigation. For it is crucial that the reader is fully aware of personal values of the researcher.

It is important to conclude this section by asserting that while these layers of interpretation are unavoidable, they should not be viewed as a license to put forward unsubstantiated claims and conclusions about social reality under the banner of 'inevitable subjectivity', for we can both minimise and control the influence of

¹⁹ Cox, 'National British Archives', p.254.

²⁰ Seldon, 'Elite Interviews', p.357.

²¹ Jarol B. Manheim and Richard C. Rich, *Empirical Political Analysis: Research Methods in Political Science* (New York, Longman, 4th edition, 1995), p.155.

²² Marsh, Richards and Smith, *Changing Patterns of Governance in the UK*, p.4.

personal values. They can be minimised by following the various trustworthiness protocols outlined above – that is, by triangulating wherever possible, resisting over-generalisations and setting down a clear path for auditors. They can be controlled by explicitly stating the theoretical framework underpinning the investigation, thereby enabling readers to trace the influence of researcher’s personal values. By following these protocols, then, it is intended that the arguments and conclusions advanced here can be classified as ‘trustworthy’ research and can therefore be used with confidence in the ongoing academic and political dialogue about the nature of security provision in twenty-first century Britain. To repeat, though, this thesis (like any other social science thesis) should not be approached as an unproblematic and objective piece of research – all of the above caveats must be borne in mind at all times.

Table 1: Details of Interviewees (listed in the order they were conducted)

INTERVIEWEE NAME	POSITION(S)	INTERVIEW DETAILS
Sir John Wheeler	Director General, British Security Industry Association (1975-1989); Member of Parliament, Conservative (1979-1997)	18 th May 2007, Email
Baroness Ruth Henig	Chairman, Security Industry Authority (2007-present)	28 th June 2007, House of Lords, London
Andy Drane	Director, Security Industry Authority (2003-2004); Deputy Chief Executive, Security Industry Authority (2004-2007); Acting Chief Executive, Security Industry Authority (2007)	29 th June, SIA HQ, Holborn, London
Patrick Somerville QPM	Chairman, International Professional Security Association (2001-present)	29 th June, 2007 Thistle Hotel, Victoria Station, London
Jim Harrower	Managing Director, Group 4 Securitas (1988-2003); Chairman, BSIA (1992-1996 and 2004-2006)	17 th July 2007, BSIA HQ, Worcester
David Owen QPM CBE	Chief Constable, North Wales Police (1982-1994); Chairman, Association of Chief Police Officers Crime Committee (1982-1994); President, Association of Chief Police Officers (1990-1991)	24 th July 2007, Community Health Clinic, Llandudno
Peter Davies	Assistant Chief Constable, Lincolnshire Police (2003-present); Security Industry Lead, Association of Chief Police Officers (2003-present)	3 rd August 2007, Lincolnshire Police HQ, Lincoln
John Cairncross	Head of Security Industry Section, Home Office (2005-present)	15 th August 2007, Home Office, London
David Dickinson	Managing Director, Group 4 Securitas (1988-2002); Chief Executive, BSIA (2002-present)	25 th October 2007, BSIA HQ, Worcester
Bruce George	Member of Parliament, Labour (1974-present)	30 th October 2007, Portcullis House, London
David Cowden	Various Positions, Securicor (1969-2000); Chairman, BSIA (2000-2002)	19 th November 2007, Carlos Place, London
Jorgen Philip-Sorensen	Chairman and Chief Executive, Group 4 Securitas (1964-2000); Chairman, Group 4 Falck (2000-2004); Chairman, Group 4 Securicor (2004-2006)	17 th December 2007, Farncombe Estate, Broadway, Worcestershire
Anonymous	Former executive of Group 4	2007
Anonymous	Former executive of a large private security company	2007

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