GLOBAL POLICING AND THE CONSTABULARY ETHIC

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Abstract: This paper brides a gulf between the Enlightenment idea of a science of policing and contemporary police techno-science and asks questions about how such ideas can be brought into accord with notions of 'good policing'. Policing has been central to the art of governance since the modern period began more than two hundred years ago. Policing under transnational conditions presents enormous challenges. The system of global governance is highly complex and this is especially evident with regard to the conceptual field of policing. Globally speaking, police legitimacy is projected through a functionalist rhetoric predicated on certain folkdevils and suitable enemies, to which strong police measures are said to be the only answer. The original science of police was deeply imbued with normative thinking, since it was concerned with notions of the general welfare of society and state. In present times, police science is being reduced to experimental criminology and crime science.

This paper aims to affect thinking within the occupational world of policing by pointing to the idea of a Constabulary Ethic as an appropriate short-hand term for a broader normative standpoint for global policing. Empirical research is a necessary part of doing good police work, but it is not sufficient. Good science, like good governance, is possible only in an open society that fosters a dialogue that includes all its members. This essay aims to show the imperative of developing an ethical standpoint (called the Constabulary Ethic) for the system of subcultural meanings that inscribe the lifeworld of global policing.

INTRODUCTION

Global policing and the global system are synchronous, homologous and heteronymous. As such, the study of global policing concerns much more than international law enforcement. Coming to terms with the nature and practice of global policing involves understanding the global system. For the police agents who do this work, the most important question should be how to police the global system well. It is now common to speak in terms of transnational networks of police agents in a globalising world. This essay is part of a continuing development of the theoretical language for talking about the phenomenon of global policing (Bowling and Sheptycki, 2012). What we do here is provide a sense of where the science of policing has come from and where it has arrived. In a sense the essay aims to bridge an historical gap between the original modern conception of the science of policing and 21st century police techno-science. This inevitably raises normative questions since, in trying to think about policing in scientific terms, over time questions arise about how to 'do it better', which require an evaluation of what 'it' is. This should orientate theories about global policing around the central question: 'what is good policing?'. We are interested to encourage exploration into what a practical ethics of policing science on a global (or even planetary) basis might look like. The notion of the Constabulary Ethic is, we argue, absolutely crucial because, instead of narrowly focusing on questions of the measurability of effectiveness, efficiency and economy in policing work, it encourages questions about the relationship

between 'good policing' and the 'good society'. Here we aim to introduce an idea concerning an appropriate ethical standpoint for global policing: the Constabulary Ethic.

ORIGINS OF THE POLICE IDEA: FROM VON JUSTI'S ENLIGHTENMENT TO FOUCAULT'S TEARS

The police idea is a thoroughly modern one and it is intimately connected with the building up of that modern edifice of governance known as 'the State' (Mann, 1984). There is a huge literature concerning this notoriously difficult concept (eg. Jessop 1990; Tilly, 1975). The historical basis of the state idea lies in the Enlightenment period (Hampson, 1968; Pagden, 2013). Discussions about the state commonly reference Hobbs, Locke, Rousseau and Kant, among others, and note the many competing definitions of such terms as the 'social contract' and the 'state of nature' or 'civilisation'. From the Enlightenment period until the present time, except perhaps in a few isolated instances where Theocracy holds sway, the idea of a 'social contract' is the basis of all discussions concerning the legitimacy of government. During the closing years of the last century a number of thinkers made exaggerated claims concerning the 'death of the social' and consequently dramatic reconfigurations in political rationalities of rule (Baudrillard, 1983; Rose 1996). It is nevertheless interesting to notice the changing arch of meaning given to the terms 'police' and 'police science' (Brodeur, 2010), because this transformation is part of the changing nature of state governance.

Beginning sometime in the 18th century, if not before, European thinkers began to cast off the trappings of religious ideology as the theoretical basis of social order as slowly (and sometimes violently) the old feudal arrangements were supplanted by modern ones. That 'strange word police' was an important part of the new lexicon of governance (Radzinowicz, 1956; Pasquino, 1991). More than one Enlightenment age thinker sought to systematically articulate an understanding of the 'science of police'. Johann Heinrich Gottlob von Justi (1717-1771) was prominent among them. He understood policing to be a 'science to organise the internal constitution of the state in such a way that the

welfare of individual families should constantly be in a precise connection with the common good' (Jaschke, *et al.* 2007 p. 32). His near contemporary Joseph von Sonnenfels shifted the focus of policing more onto the security of the state itself. Together these thinkers elaborated a system of ideas; von Justi was concerned with 'low policing' with policing as general social welfare, discipline and social order, whereas von Sonnenfels with state security, that is with 'High policing' (Brodeur, 1983). Von Justi conceived police essentially as *cura promovendi salutem publicam* (concerned with the promotion of the public good). Sonnenfels defined the task of police more narrowly, as *cura avertendi mala futura,* (concerned to avert future ills). Both did so by assigning policing an overarching state-objective in the governance of civil society. The distinction between 'high' and 'low policing' remains pertinent in the post-9-11 era of heightened global security (Brodeur, 2007).

The language of *Polizeiywissenschaft* tipped into *Polizeiwissenschaft*, and the science of police, became more narrowly focused. By the mid-19th century in Germany, Hannoverean Police Commissioner Gustave Zimmermann was in a position to argue that, in practice, police was an institution devoted to preserving the state by 'observation, prevention, repression, and discovery', rather than by benevolent welfare measures. Here we can distinguish a positive and a negative sense of police science. Negative policing power is repressive power — today we might equate it with Herbert Packer's 'crime control model', or 'zero tolerance policing'. Positive policing power is facilitative; it enables members of the public to participate as members of a civil society. In the 18th century, the regulation of weights and measures was an important aspect of positive policing power. In both its negative and positive senses the science of policing was part of a broader programme of state governance. The German word *Polizei* is redolent with connotations of fighting/repressing. In its strongest sense *Polizei* is negative policing using law against internal enemies of the state as the military is used against external enemies. An associated German word, *Politik,* points more towards policing in its positive sense; fostering the health of the citizen's life, the social order and thereby the state's strength. Whatever else, the notions of 'good' policing that this language game implies and that emerge from these principles in action, is already written in the history books.

Other Enlightenment age names are linked with the development of the modern language of policing. The English jurist, William Blackstone, thought that the power of police derived from the Sovereign's obligation to maximise the welfare of his household and his realm. In his Lectures on Jurisprudence Adam Smith articulated a pretty straightforward understanding of the ends of policing, namely public peace and security, promoted through a blend of preventative action, intimidation and remedial action. Smith is incorrectly thought of today merely as 'an economist'. His concerns were much broader than this term suggests. In thinking about political economy he was greatly concerned with the moral sentiments and with matters of jurisprudence. His thinking about the science of policing was typical of Enlightenment thinkers, as pivotal to social order and thus part of and partly constitutive of, something much bigger than itself. It is not frequently appreciated, or appreciated enough, how concerned were early modern thinkers about the relationship between good policing and a social order primarily based on free trade and exchange between rational actors. The language of policing was, in Enlightenment thought, part and parcel of a concern with the 'art of government'. That is why policing is a synecdoche of the global system. As the practice of government changes, so too does the language of policing and undoubtedly both are affected by globalisation. Since, as David Bayley (1985) famously argued, police is government as the edge is to the knife, as character of global governance comes into question, the nature of its policing apparatus also becomes interesting.

Post Foucault, the language of police science has become seemingly paradoxical and also uncomfortable. The language of governance through a 'science of policing' justifies the permanent intervention of the institutions of the state into social life. Looking back at the history of the modern state from the historical vantage point of the 1980s, Foucault cynically observed that 'since the population is nothing more than what the state takes care of for its own sake, of course, the state is entitled to slaughter it, if necessary' (quoted in Jaschke, *et al.* 2007, p. 40). From the end of the 18th century up to the present our language for talking about society has been co-dependant on a notion of the state. From then until now important notions like 'civil liberties', 'rule of law', 'social-contract', etc. were grounded in a language based on the state-civil society distinction, where states were national ones. That modern state governance did not turn out as well as the thinkers of the Enlightenment period might have hoped gives cause for concern. In the electronic age, the 'panoptic promise' that surveillance power suggests, has been devolved (van der Vijver, 1998) into an increasingly comprehensive global system of disciplining. Under transnational conditions the *synopticon* — where the many may observe the few — has become as important a means of disciplining as the *panopticon,* where the few observe the many (Mathieson, 1997). Global policing means that the 'panoptic sort' is achieved within a 'surveillant assemblage' which transgresses state boundaries in multiple ways.

POLICING THE TRANSNATIONAL CONDITION

Roughly about the time that the Cold War ended, people began to think differently about 'international relations'. With the end of the 'bi-polar world system' came a host of technological advances with massive social implications. Changes in transportation, shipping, communications, information handling and logistics were part of a complex of factors underpinning something called 'globalisation'. The global system is an interconnected bundle of economic, cultural, social or political 'levels', 'processes' or institutions (Held and McGrew, 2000; Sklair, 1995). Globalisation has resulted is a major re-thinking about the functioning of the state. Anne Marie Slaughter understands the global system in terms of 'disaggregated rather than unitary states' (Slaughter, 2004, pp. 13-14). According to her, states are not monolithic, homogeneous entities. Rather they are disaggregated concatenations of relatively bureaucratically autonomous institutions, any of which are capable of acting transnationally. Close watchers of the various US federal law-enforcement agencies (the FBI, the DEA, the ATF, etc.) understand this point well, having observed the (often combative) inter-agency rivalry between them, which is often played out in the transnational realm (Andreas and Nadlemann, 2006). Early globalisation theorists argued that, under the economic conditions fostered by global neo-liberalism, the state was being 'hollowed out' (Rhodes, 1994; Sheptycki, 1995). Certainly after the financial crisis which began

in 2008, if not before, it became possible to see that generally speaking states' abilities to provide welfare to their populations were weakened. States' ability to nurture and protect populations have been undermined by the burdensome cost of maintaining and enhancing states' power to punish, coerce and force (Karstedt and Nelken, 2013) ([1]).

Concomitant with globalisation has been 'globalisation-crisis-talk' (Bowling and Sheptycki, 2012). There can be little doubt that considerable 'ontological anxiety', described by Jock Young as the 'vertigo of late modernity' (Young, 2007), has been a feature of the contemporary period. It is difficult to say precisely what are the causal connections between the diffuse cultural, economic, social and political aspects of globalisation and the 'politics of fear' (Furedi, 2005). What can be said is that, globally speaking in the early years of the 21st century, policing power is being increased along all dimensions (Deflem, 2006). There is now an impressive library of work that concerns policing and global governance (Aas, 2007; McGrew and Held, 2002; Sheptycki, and Wardak, 2004). Despite the theoretical differences, there is considerable consensus that under transnational conditions policing has become dis-embedded from the classic Weberian nation-state. This has happened in three different ways:

Policing has been transformed 'from above', so to speak, by the growing importance of transnational platforms of governance. As various platforms of governance existing above the level of 'the State' have grown in importance, so too have police agencies been affected. For example, the OECD provided the institutional nexus for the original development of anti-money laundering programmes and the early League of Nations provided a vehicle to advance global drug prohibition. Both of these policy developments at the transnational level above the state qua 'State' had tremendous implications for the practices of policing.

There is a second sense in which we can talk about the processes of change within the practices of policing. Policing has been transformed 'from below' as the global programme of neo-liberal governance gradually re-engineers the state

sector. Neo-liberal ideology holds that market relations are the truest form of human interchange and ought to be as unfettered as possible and on that basis tries to limit the role of state agencies in the governance of everyday life. One obvious effect of this is that people have become what David Garland referred to as 'responsibilised' (1996). As individuals become responsible for their own security, a foundational assumption of modern state-police legitimacy is eroded 'from below'. This process has eventuated in questions about the governance of 'plural policing' as the policing sector has fragmented into a host of security providers operating under private and/or public auspices (Loader, 2000; Nogala and Sack, 1999). It can be seen that, as governance has taken place increasingly at the transnational level 'above' the state, policing has been subsequently transformed and as states themselves have been 'hollowed out' as a result of neo-liberal ideology, the balance of 'positive' and 'negative' types of policing power have been affected. Because the state is being hollowed out under conditions of global capitalism, states become less able to provide positive policing interventions that facilitate social welfare. As social welfare declines, justification for 'negative policing', crime control and zero tolerance, increases.

Alongside these tendencies operating 'above' and 'below' there is a third process taking place and it is transforming police organisations 'from within'. The changes going on within the organisation of policing are the result of the continuous adoption of ever more advance information and communications systems. To a large extent the contemporary period is conditioned by continuous technological innovation and this means that, like every other social institution, the institutions that take on policing roles are in a continuous process of internal organisational transformation. But this is not new (Nogala, 1995). New technologies perennially promise enhanced power and capacity, technical glitches, system failure and planned obsolescence in varying measures. Many things are uncertain. As policing becomes dis-embedded from the state qua State, under transnational conditions the policing sector becomes ever more complex and feelings about it become tinged with urgency. When global policing emerges as a theoretical possibility, its legitimacy arrives as a question.

([2]) States have also been hollowed out as a consequence of the near catastrophic and cyclical failures of a global financial system that is un-policed.

POLICING LEGITIMACY

With the original policing idea came a vocabulary for discussing its legitimacy. Democratic policing theory has stressed in various ways accountability to the rule of law and to the people through political representation as the means to achieve the appropriate balance of interests in mediating police legitimacy. Until relatively recently, what was common to all discussions on the subject of policing legitimacy was an assumption that the state was the container within which these issues were worked out. When police work is carried out transnationally, relationships to both law and the political structures of accountability change because police work overflows the organisational buffers that modern jurisdictional boundaries traditionally put up. The legitimacy of modern states depended in large part on a sense of patria; that is, devotion to one's country. When Hume suggested that 'we are to look upon the vast apparatus of government as having ultimately no other object or purpose but the distribution of justice', it went without saying that such distribution happened within a country and the extent to which a given country was capable of 'doing it' (distributing justice) was a test of its government's legitimacy (quoted in Pagden, 2013, p. 303). The traditional vocabulary for talking about the legitimacy of democratic governance (social contract, separation of powers, rule of law, etc.) has, as its scarcely spoken assumption, the Weberian state. Under transnational conditions the notion of a unified and coordinated 'state' successfully maintaining a monopoly claim on the use of coercive power in the maintenance of social order on a specified territory does not seem so tenable (Bayley and Shearing, 1996). Plenty of effort has been put into imagining new ways of governing governance under the mantle of neo-liberalism (eg. Johnson and Shearing, 2003; Zedner, 2010). Meanwhile, manifestations of global policing power are largely justified on functional grounds: because the global system is plagued with certain problems (drug or immigrant smuggling, for example, or sex tourism or cybercrime) there needs to be a control response. These control responses are largely symbolic and manifest around a number of folkdevils and suitable enemies, what Peter Gill called 'rounding up the usual suspects' (2000). Global governance is multi-leveled and highly complex leaving significant feelings of anomie, conflict and dislocation (Bauman, 2006) making the functional-mission rhetoric of global policing all the more crucial to its legitimation. Functionalism is accompanied by claims of a technical scientific nature concerning 'what works' in policing. Proponents of the new 'crime science' (Smith and Tilly, 2005), 'experimental criminology' (Sherman, 2009), and 'intelligence-led policing' (Ratcliffe 2004) offer a few examples of how expert claims about policing are being made along techno-scientific lines. Functional-mission and scientific rhetoric constitute the main basis of policing legitimacy under transnational conditions. Police science in the 21st century aims to separate the risky from the at-risk, the threatening from the threatened and the undeserving from the deserving. Instead of legitimating policing within a language concerned with the social contract and the other concerns with early state theorists, global policing is legitimated on the functional assumption that strong 'law enforcement' (ie. policing in its negative sense) can keep the suitable enemies in their place because it is scientific. Legitimating policing this way pretends to the truth that humankind can be defined in black and white terms.

TYPOLOGY OF THE POLICING FIELD

The policing field is crowded with security actors (Dupont, 2007). The architecture of global policing has been described in hierarchical terms (Bowling and Sheptycki, 2012, p. 25). According to this view, there are several tiers to global policing. At the global level are such institutional players as Interpol, the World Customs Council and the United Nations Police. At the regional level are different transnational police networks, for example ASEANAPOL in South East Asia and Europol in the European Union. Then there are national level agencies, the German BKA and the Australian Federal Police for example, and municipal policing agencies, for example the London Metropolitan Police. This tiered structure seems logical but it is inaccurate and incomplete in some respects. Firstly, since it is recognised that policing may be undertaken under either private or public auspices, and sometimes as a hybrid, any understanding of the architectural hierarchy of global policing cannot be restricted to state agencies (Zedner, 2006). Even if we could build a picture of the pyramid of global policing that encompassed both private and public based security providers there is still a difficulty with this view. At the supposed 'bottom of the hierarchy', where policing actually takes place, that is to say

in specific localities, we discover that police work is always already wired in to the circuits of global police information sharing. The architecture of global policing is a vast web of inter-institutional interconnections that are continuously changing and difficult to map with certainty.

Another way to describe this crowded field of security actors in a logical way is by taking account of some basic conceptual distinctions. As already mentioned it is now well established in policing scholarship that a great deal of policing work is undertaken by private security providers (Stenning, 2009). There is therefore a basic distinction made between policing under public or private auspices with roughly half the policing field being on either side of the fence. Another important distinction, already introduced, is between 'high' and 'low policing' (Brodeur, 1983, 2007). This is the difference between political policing and community policing, it is the difference between policing on behalf of particular interests or on behalf of a more general interest. Making this distinction on a practical level can be often be fraught with difficulty, but for the sake of theoretical completeness, it is important to at least be aware that the field of policing governance extends to both 'high' and 'low' domains. Lastly, policing as a set of practices involves controlling both territory and population through watchfulness, preparedness and a variety of other means. This distinction, between the policing of territory and the policing of suspect populations, can also be usefully made. So, altogether we have three two-fold distinctions: between public and private, high and low, territorial and population based policing. These three distinctions can be depicted in the following typology:

The ideal types that populate this field provide a useful analytical point of view. Looked at this way it becomes very apparent just how complex the policing *field* is and, by extension, how difficult it is to conceive of an accountability schema to render all of the institutional actors in the policing sector democratically transparent and legitimate. Some major efforts to come to terms with the new complexities of governance of the policing field simply fail to map the whole field. Towards the end of the recent report by the so-called Stevens Enquiry, the Report of the Independent Police Commission (2013), there is a short mention of the development of policing intelligence. The report welcomes a near future when there will be:

… a single searchable intelligence source, saving officers' time, enhancing operability as well as realising potential cost savings for the service as a whole … (p. 176).

The Report of the Independent Police Commission does not critically analyze what intelligence-led policing entails, because it does not recognise the basic high-low police distinction. That the report was released during the height of a worldwide media storm concerning the revelations of whistle blower Edward Snowden, who publically exposed something of the inner workings of a global high police surveillance apparatus, might make such an omission seem remarkable. We can only use the opportunity here to signal that global discussions about how to make policing better ignore the high-low and public-private distinctions to their loss. When the institutions that comprise the actually existing global police sector are understood in terms of a conceptual field, as the

	POLICE WORK AIMED AT SECURING TERRITORY		POLICE WORK AIMED AT SECURING POPULATIONS	
	Private Forms	Public Forms	Private Forms	Public Forms
HIGH POLICING	Corporate Security Guards	Guardians of the State Apparatus	Corporate Security Specialists	State Security & the Secret Service
LOW POLICING	Private Security Guards	Uniformed Patrol Officers	Private Eyes and Private Spies	Police Detectives & Undercover Cops

(Source: Sheptycki, 2000, p. 11)
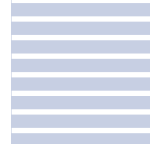
above typology suggest, raises profound issues of accountability to politics and to law. It also helps to frame empirical enquiry about day-to-day global policing so that very little gets left out.

The practical complexity of the global policing sector means that a great deal of what goes on in it remains relatively under-explored, or at least that exploration is known only to a relatively select number of people (Henry and Smith, 2007). Given the high degree of social anxiety previously discussed, and the organisational complexity, it is clear why the simplistic functional justifications for global policing are required. Narratives about global policing and certain suitable enemies — 'paedophiles', 'terrorists' and 'serious organised criminals', for example — provides a legitimation rhetoric which hides a complex set of practices left un-told. Ironically, the institutional nexus of global policing (which is intimately related to global governance) is ungoverned and, as things stand, ungovernable.

POLICING STUDIES AND POLICING SCIENCE

Enlightenment police science started off as an idea associated with the whole art of government. By the twentieth century, the language of police science had changed quite a bit. There are different opinions about what constitutes the most important historical landmark by which to characterise police science in the twentieth century. One candidate is the invention of radio-dispatched police patrol. The later introduction of other new technologies into the organisation of police systems cascaded in on a process of the 'scientification of police work' (Ericson and Shearing, 1986). The history of 20th century policing is a history of continuous technological transformation. Beginning in the mid-20th century there began to spring up some academic interest in policing as an object of empirical enquiry. Several ethnographic studies became famous landmarks in a small academic cottage industry in the United States and the United Kingdom (Newburn, 2011). In the United States, James Q. Wilson was an early pioneer in this new academic industry. His Varieties of *Police Behaviour* (1968) was a landmark study in the administration of comparative police science management in eight communities. Broadly speaking, two types of research can be distinguished: research for

policing and research about policing. The former is police science (eg. Sherman, 2009) the later is police studies (eg. Reiner, 2012).

It is not a case of either police science or police studies, it is a case of both police science and police studies. The demands for both training and education among all ranks of policing and security professionals are for well-rounded professionals capable of solving novel problems with innovative solutions. Too much science can become 'controlology', too much study risks the 'paralysis of analysis'. An appropriate balance must be struck. Not wanting to veer off on too much of a tangent into the philosophy of science, we would simply concur with the view of Sir Karl Popper that scientific claims are falsifiable; what makes policing scientific is some minimal commitment to 'falsifiability criteria'. Police science need not be strapped to the procrustean bed of experimentalism in order to be scientific (cf. Sherman 2009). The descriptive case study can be rigorously scientific. For example, Darwin's observations taken on his travels aboard the HMS Beagle, or the confirmation of the theory of continental drift by geophysicists in the mid-20th century are both examples of good science, but they are not experimental science. In the same way, a descriptive case study of Caribbean Policing (Bowling, 2011) or the relationship between police and public (Smith and Gray, 1985), or a comparative description of European and Australian policing (Hufnagel, 2013) can certainly be considered empirical contributions to the understanding of the global police system that are scientific insofar as they are falsifiable. There is a fruitful nexus between police studies and police science. What we advocate is an interdisciplinary approach that promotes reflexive thinking. Because the means of policing are so powerful (surveillance powers, arrest and detention, potential use of force), it is important that any would be purveyors of those means are dissuaded from the hubris that holds that 'reality is wholly knowable, and that knowledge and only knowledge liberates, and absolute knowledge liberates absolutely' (Isaiah Berlin, quoted in Hitchens, 1998).

The promotion of a balanced understanding of policing as both 'studies' and 'science' is to look for a way to govern governance. The interdisciplinary approach we advocate aims to turn the whole policing field which was previously considered ungovernable (if it was considered at all) into an object of governance.

POLICING AND ITS SUBCULTURES

One of the most troublesome concepts associated with the governance of policing and security is that of 'subculture' (eg. Waddington, 1999 Chan, 1997). It is troublesome, firstly because of the contestability of the term. Everybody uses the word 'police subculture' as if its' meaning were clear and simple, but there are variations in meaning. The term is particularly troubling because it is usually used when referring to obviously problematic aspects of police behaviour: brutality, racism, sexism and machismo, for example. Theoretically it is not certain to what extent these supposed traits of police subculture are imported in from the wider culture, but surely they are not unique to policing institutions. Because the term is often vague and because it is almost invariably used as a shorthand label used to signal problematic police behaviour, the notion of police subculture presents slippery issues for the governance of policing. We would seek to stress that the idea of 'police subculture' is frequently reified but it is conceptually ephemeral and cannot be an object of governance for policy management.

As we understand and use the term it is defined in the conceptual language established by the classic subcultural theorists (eg. Bittner, Brodeur, 2007b; Downes, 1966; van Mannen and Manning, 1978; Skolnick 1966). Subculture is a set of collectively learned problem-solutions and an occupational subculture is a set of learned problem-solutions specific to a particular workplace routine. For example, nurses and doctors working in Accident and Emergency Wards have a predominant set of worries concerning the management of disease, pain, dying and death experienced within the context of a modern bureaucratic institutional work environment. Decisions about resuscitating, the administration of CPR routines, defibrillation and other life-saving interventions offer highly dramatic circumstances in which workplace decisions are made. In these circumstances expert knowledge may run counter to the emotional desires of on-lookers and bureaucratic routines may not offer the flexibility to cater to unforeseen circumstances. The structural context of the A&E ward, with its different system of expert knowledge classification, often concerned with life and death choices and undertaken in the context of bureaucratic surveillance, offers conditions where subcultural understandings,

which ease the flow of action by the provision of 'recipe knowledge', flourish. An example of this is the so-called 'slow code' or 'code blue'. Sometimes in cases of cardiopulmonary failure, Accident and Emergency Ward personnel are faced with a situation where they effectively know that resuscitation will probably have harmful outcomes: the cardiovascular system may be revived, but higher cortical function may be impaired or disabled. Expectant family on-lookers may be of divided opinion, knowledge and understanding and likely desirous of a 'Hollywood ending', hospital procedures can offer varying forms of bureaucratic restriction, and emergency professionals have discretion to act. Calling a 'code blue' may signal the team to act out the procedures of life-saving, while going through the motions in slower manner or otherwise not performing in an optimal fashion. This allows the patient to die, while providing the on-lookers with a sense that measures that conform to expectations as seen in mass media portrayals are being taken. It will come as no surprise to learn that the practice of the slow code has ignited an ethical debate within the occupational world of the healing professions, but nobody is these discussions, at least to our knowledge, is talking about public accountability measures aimed at controlling the *subculture* of the medical profession (Lantos and Meadow, 2011). The ethics of life and death decisions in the healing professions continue to be largely a matter of an internalised ethical standpoint as summarised in, for example, the Hippocratic Oath.

Mutatis mutandis so is it with the police occupation, except that policing subculture is frequently on public trial. For working police agents there are problems associated with 'the job' that are collectively experienced. It is a 'tainted occupation', involved with a variety of kinds of 'moral dirt' from suicide to infanticide and much else. Insofar as those occupational problems generate collective solutions, they are learned problem-solutions, and these are the crux of an occupational subculture; from this point spins off a language of 'the job' and a subcultural universe of meaning. Just as the specific routines of the medical profession differ from place to place, depending on local circumstances — not least the technological backdrop for doing the work — so too does policing differ between jurisdictions. There are obvious differences in policing Montreal and Mumbai, Toronto and Tokyo, Regina and Rio de Janeiro. However, there are commonalities

since policing in all those places involves intervention in situations that 'ought-not-to-be-happening-and-about-which-someone-had-better-so-something-now' (Bittner, 1974, p. 17). Furthermore, policing agents have the capacity to muster coercive force, or threaten to do so, in order to get the job done. Additionally, so-called 'democratic policing' requires that such use of force is proportionate and the minimum amount necessary to get the job done. For example, if members of the public will not step back from the scene of an accident so that ambulance personnel, paramedics, and other emergency first-responders can properly attend to the scene, it is the police who have the authority to move the crowd. These features of police work, shared by policing agents the world over, mean that there is something of a 'family resemblance': a transnational subculture of policing so to speak. Police agents recognise their membership in this subculture. For example, when police officers go abroad on vacation, they sometimes bring with them emblems and other symbolic representations of their own organisation that they exchange with police they may meet in the countries they are visiting. Visit any police headquarters building and one will usually find a display symbolic paraphernalia from other agencies around the world, displayed with pride — perhaps in the corridor just outside the Chief Officer's office or in the reception area where more visitor traffic ensures a greater audience of appreciation. This is evidence of a transnational subculture of police. Subcultural theory is interesting because it encourages an appreciation of what the world looks like 'from within' the subculture, while at the same time allowing the subcultural theorist to place that worldview within a broader context. The ideology of the 'thin blue line' looks different if you are, or are not, part of the 'subculture'. All the while policing subculture reflects important aspects of the broader culture of which it is a contributing part.

If we can theorise a transnational subculture of policing, there is also a recognisable subculture of transnational policing. These agents are described by Robert Reiner as international technocratic police experts who disseminate the latest in scientific and technological solutions for a constantly innovating global police professionalism (Reiner, 1997, p. 1007). Transnational technocratic police experts have important effects on policing at the local level, and that is why the transnational subculture of policing is becoming more homogenous,

despite the residual variation. This interactive process between the transnational subculture of policing and the subculture of transnational policing contributes to and 'makes up' Global Policing. Into this occupational mix we wish to insert a range of concerns signaled by the idea of a Constabulary Ethic.

The subcultures of policing thus theorised are mixed up in global cultural reproduction more generally and a great many volumes have been written about this (Reiner, 1997). One facet of this that cannot escape particular mention is the tendency for the occupational subculture of policing to be excessively shaped by a pattern of political language which articulates in terms of a 'war on crime', a 'war on drugs', a 'war on terror' and other, slightly less martial metaphors such as: 'law enforcement', 'crime control', 'deterrence', 'disruption' and 'incapacitation'. The complex interplay between general culture and particular subcultures is conceptually difficult to elucidate, but one simple point can be made: unduly combative language in policing heightens the stakes for an already tainted occupation. Subcultural theory offers a useful way to approach and understand global policing but, saying this, we are not intending to reify the concept as an object of governance. It is merely a way to help make global policing theoretically visible. What remains interesting is the actual work of policing, but with the higher stakes that war rhetoric brings comes a cloak of secrecy behind which ethically questionable practices remain hidden. That is one good reason why truly independent academic research on policing maintains continuing relevance.

POLICING; IATROGENESIS AND THE SECURITY-CONTROL PARADOX

The original idea of a science of policing was concerned with establishing a stable set of arrangements between the organs of state-government and civil society to maximise total welfare. Under transnational conditions the state is no longer the container of insecurity that the modern nation-state system envisaged and policing practice has transcended the boundaries of 'the state'. Of all of the outcomes of these circumstances the problem of iatrogenesis is the greatest (Bowling, 2010). Iatrogenesis is a

concept borrowed from the sociology of health and medicine. It refers to situations where the proscribed cure for an illness actually makes matters worse. For example, the United States military used DDT, a highly toxic and carcinogenic pesticide, to 'de-lice' young Vietnamese children as a way of protecting against transmission of disease. The cure was effective against the sorts of diseases borne by lice, fleas and other similar infestations of the human body, but carried with it other, more serious health risks. Thalidomide is another example of iatrogenesis. Thalidomide was prescribed to expectant mothers as a morning sickness curative; during the late 1950s and early 1960s more than 10 000 babies in 46 countries were born with acute physical deformities brought on by their mothers' use of the drug. Iatrogenesis is the unwanted and unintended consequence of curative action and it is a nemesis brought about when human beings succumb to hubris.

There are many effects of global policing that have been shown to be iatrogenic (Bowling and Sheptycki, 2012, pp. 101-127). The most obvious, and therefore classic, example is that of the war on drugs. Decades after President Richard Nixon declared this war, it has become obvious that drug prohibition has not delivered on its aim to stamp out drug use. Ethan Nadelmann (2007), among a host of others, has argued persuasively that drug prohibition has caused more harm than good. The paradigm example of transnational policing (Sheptycki, 2000), 'drug enforcement', is a notorious example of words that succeed despite policy failure — failure that is visible across a range of policy areas including health, education and economic development. The global war on drugs has helped facilitate the inculcation of martial metaphors across a range of policing practices. This further amplifies a social tendency towards an 'us versus them' mentality within policing subculture. Just as it may difficult to monitor the use of 'code blue' in the A & E Ward (where public visibility and awareness may be hampered), absent any effective means of making the myriad institutions that comprise the global architecture of policing transparent and accountable to the global society being policed means that correcting iatrogenic problems is difficult. This might be called the 'global police accountability gap' and into it is poured the rhetoric of justification. The official categories of suitable enemies inevitably become amplified as folkdevils in a spiraling rhetoric of legitimation. The paradox is that the promise of security-control turns out to be a chimera,

because the more the global institutional order is secured by policing and enforcement means the less secure people feel. The policy failure of the war on drugs is thus experienced across a range of policing functions. Experienced international travellers who have been flying since the 1970s will know that, as the security screening at airports has increased over the decades, so the experience of travel has come to feel less secure. This is a practical, everyday and even banal effect of the security-control paradox which is manifest in many of the other ways that transnational policing is performed.

The security-control paradox provides several senses by which to judge that the emergent edifice of global policing is a failure on its own terms. The notable increase in travellers' experience of 'security theatre' comes at great financial expense. Building walls to enforce security divisions retards total economic development because security costs are a drain on the economy. The total cost of global policing, including not only that provided under state auspices, but also private security contractors and also including the cost of state security services (ie. high policing) is uncounted. And there are massive shifts happening across sectors of the policing field in terms of financial allocations, making such calculations even more difficult. The security-control paradox yields one final sense in which global policing has been unsuccessful at fostering the conditions of democratic freedom, because the promise was always that people had to surrender some liberty in order to gain in security. As the conditions of insecurity have been amplified through the iatrogenic effects of policing, there are yet further calls for curtailment of civil and private liberties. Without some conscious effort, this amplification spiral can go on out of control thereby continuously undermining the possibility of fostering a global system more firmly based on democratic legitimacy and societal well-being.

THE CONSTABULARY ETHIC

The structural arrangements of the global system do not facilitate transparent, accountable, and democratic governance (Sklair, 2002). The structures of global governance and, by extension, global policing simply do not have these attributes. As the previous brief discussion of the conceptual field of policing indicated, the police sector is broad, deep and global. Keeping
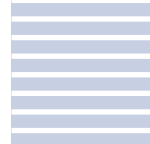
in mind that the original sense of police science brought with it the intention of fostering the social welfare of the individual in society so as to increase the general health of the commonwealth, raises issues as to how to normatively orient global policing towards correspondingly similar ends? One answer has been represented in the idea of a Constabulary Ethic (Sheptycki, 2007; 2010; O'Rourke and Sheptycki, 2011). The term presents difficulties. The word 'constable' is ill-defined. In some jurisdictions it carries an excess of negative connotative meanings, in other jurisdictions it is incomprehensible because there has no traditional equivalent concept. In some places it is linked to a paramilitary tradition in policing, in others to a civilian office. The term entered the scholarly lexicon from the sociology of the military. The first usage of the word Constabulary Ethic came out of studies looking at UN peace-keeping troops sent to Cyprus in the early 1960s. Recognising that military troop trained from the 'killing job' were being asked to perform a policing function in maintaining the buffer zone between Greek and Turkish Cypriots, military sociologists began to think about ways of fostering a Constabulary Ethic amongst military troops. Arguably trying to advance the acceptance of such an ill-defined category is ill-conceived. However, the preceding discussion has shown how global policing has tended to become trapped in a negative feed-back loop through processes that are paradoxical leading to unintended iatrogenic consequences and further amplification of (in)security. We would argue that this implies that decisions could be taken to change the policing practices leading to different outcomes and so, despite the terminological difficulties, the idea of a Constabulary Ethic is at least worth thinking about.

The notion of the Constabulary Ethic is aimed directly at those persons who inhabit the occupational world of global policing, at whatever level and in whatever capacity. The idea is an intellectual short-hand to indicate something about the need to proceed as the result of conscious effort and thoughtful deliberation. The discretion involved in policing 'work' (Bronitt and Stenning, 2011) can involve the threat or use of force up to and including lethal force. As we have stressed, policing is a tainted occupation. By inserting the notion of the Constabulary Ethic into the subcultural language of policing we are providing a linguistic handle on a complex set of normative problems. Can there be a compendium of police 'ethics'; recipe knowledge that can be

listed? That there are efforts in the occupational world of policing to develop such recipe knowledge is a hopeful sign. For example, in some places the JAPAN model was promoted as a recipe for decision-making in the context of long-term undercover operations against serious and organised criminals. JAPAN was an acronym which stood for the following questions. Is the action Justifiable? Is it Accountable? Is it Proportionate? Is it Auditable? And, is it Necessary? The answer to these questions, and the questions themselves, are moot. There may be other more appropriate ways to ask ethical questions about police work. It is very difficult, if not impossible, to provide a *corpus compendium* of constabulary ethics. Even John Kleinig, whose massive attempt to do just that, admits that he is

'… very conscious that every issue canvassed in this long book cries out for further elaboration both philosophically and practically. The problems of authority, role morality, affirmative action, loyalty, privacy, coercion and deception, to mention some of them, have generated large and sophisticated literatures whose complexities have been barely touched upon … the concrete decisions that first line police officers and police managers must make on a day-to-day basis are more diverse and finely nuanced than the various situational circumstances to which I have alluded in the text' (Kleinig, 1996, p. 2)

The Constabulary Ethic is not the same as trying to list constabulary ethics; it is a normative position. How do we understand or describe this position? Accepting that 'the police job' is, in the final instance, one which involves the ability to muster coercive force in the maintenance of social order, in taking on board the notion of a Constabulary Ethic the person who takes up the policing role remains a human being first and as a human being governed by the categorical imperative can only act in a way that he or she would expect of any other human being. This is longwinded Kantianism — act by the maxim whereby you can, at the same time, will that it become a universal law. It is also a reaffirmation of the Peelian notion of the constable as a 'citizen in uniform', perhaps updated for global times. The police are the public and the public are the police. The constable is a mere pivot of social order. All that is policing does not lie with the police, and the constable is but one part of a vast social system of order. The normative position that the Constabulary Ethic recommends is that of philosopher, guide and friend, accustomed

to holistic thinking whose first question when coming upon a scene requiring policework is: 'how can I help?'. It is also a position of individual responsibility. The would-be Constable is always individually responsible for his or her actions in terms of human rights norms. For example, if a police action results a person's detention, then police assume responsibility for the health and well-being of that person for the duration. Individual responsibility to human rights norms sets a high normative bar for the Constabulary Ethic. But the capacity for reflexive thought that the concept of the Constabulary Ethic points toward goes even further by virtue of the fact that we are conceiving of an ethic for global policing. It has been some while since 'green criminology' has shown the possibility that Mother Earth could be a victim of crime (Beirne and South, 2012) and so positioning oneself with regard to a Constabulary Ethic concerned with the general welfare, would also involve the revolutionary act of incorporating environmental thinking about the global policing mission.

CONCLUSION

The science of policing as it was articulated at the beginning of the Enlightenment period was part of what the sociologist Norbert Elias termed the 'civilising process' (Elias, 1982). Civilisation can be defined as a process whereby one gradually increases the number of people included in the term 'we' or 'us' and at the same time decreases those labelled 'you' or 'them' until that latter has no one left in it. Policing was central to the art of governance, which was about consolidating the *patria* — the national 'social body'. The policing idea lives on in enormously changed circumstances in the 21st century. It is no longer quite right to think of the state system as a container of social order, indeed we argue

that the existing transnational-state-system seems more often to equate with social disorder (Bowling and Sheptycki, 2012). Policing under transnational conditions presents enormous challenges. This essay draws attention to the complexity of the system of global governance, especially with regard to the conceptual field of policing. It argues that, globally speaking, police legitimacy has been largely sought through a functionalist rhetoric, a system of meaning figuratively spinning between the subcultural world of policing and the broader culture of which it is a part, predicated on the existence of certain folkdevils and suitable enemies, to which strong police measures are said to be the only answer. We further argue that, globally, policing practice tends to exhibit features of a security-control paradox in which, ironically, the pursuit of social order through law enforcement means has resulted in increased insecurity. A central focus of this essay has been to draw an historical line from the early manifestations of the modern science of police up to today. The original science of police was deeply imbued with normative thinking, since it was concerned with notions of the general welfare of society and state. In present times, police science is being reduced to experimental criminology and crime science and notions about what is good policing have been reduced to the measurable inputs and outputs of efficiency and effectiveness. This paper aims to affect thinking within the occupational world of policing by pointing to the idea of a Constabulary Ethic as an appropriate short-hand term for a broader normative standpoint for global policing. Empirical research is a necessary part of doing good police work, but it is not sufficient. Good science, like good governance, is possible only in an open society that fosters a dialogue that includes all its members. This essay has sought to show the imperative of developing an ethical standpoint for the system of subcultural meanings that inscribe the lifeworld of global policing and called in the Constabulary Ethic.

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