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2009

**Ban on private security governance:
Exceptionalism, spatial sorting and risk
assessments**

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Available at: <https://works.bepress.com/allengnanam/5/>

INTRODUCTION:

Ban optic methods of governing and Ban optic methods of thinking are neoliberal arsenals of control and future oriented risk assessment, that are utilized by the private security industry in order to engage in preemptive insecurity management. Insecurity management simply refers to the control and regulation of behaviours, objects, or people that pose a threat/ that are a risk to security in terms of loss and harm prevention (E.g. Loss of life or profit). The governmentality of the private security industry meaning their methods of governing and thinking are Ban optic in nature due to their use of neoliberal arsenals such as legislative exceptionalism, spatial sorting governance, and future oriented risk assessment. This thesis is theoretically grounded on the Ban opticon framework that is characterized by the use of exceptionalism, the normalization of imperative movement, and profiling for insecurity management purposes (Bigo, 2005). This framework will be utilized in order to expose and analyze the Ban optic governmentality of the private security industry. Secondly, the overall discussion and analysis of the private security industry- Ban opticon nexus will be discussed with specific reference to the private security operations of The New Commons. The New Commons is a Hotel Complex that can be classified as a mass private property (Hutchinson & O' Connor, 2005), which means that it is a privately owned space/ piece of property that is open to the public population (Kempa, Stenning & Wood, 2004). The New Commons is framed as a private security industry as it is a private entity that is embarking on its very own (private) form of Ban optic security protocols, rather than relying on public police force for insecurity management (Hutchinson & O' Connor, 2005). Thirdly, the three private security intelligence networks identified by Lippert & O'Connor (2006) namely Disciplinary Networks, Private Justice

Networks, and Multilateral Networks, will be discussed and analyzed to further the evidence that the private security industry exhibits Ban optic governmentality for preemptive insecurity management purposes. The assertion that preemptive insecurity management is practiced by the private security industry is evident as risk management mentalities that anticipate risks and identify risks (E.g. Profiling), are used to prevent or reduce the likelihood of harm or loss (Hutchinson & O' Connor, 2005) and this can be associated with the idea of preemptive (before the fact) insecurity management (Seddon & Heberton, 2009). It is highly important to recognize that this research paper is strictly differentiating between the use of precautionary logic and future oriented risk assessment, as Ban optic risk management mentalities (E.g. Profiling) are based on future oriented risk assessments rather rather precautionary logic (Bigo, 2005). Both future oriented risk assessment and precautionary logic are risk technologies that anticipate risk, threats, and enable preemptive insecurity management (Seddon & Heberton, 2009; McCulloch & Pickering, 2009), however, the rationale for anticipations and preemptive behaviours differ significantly among the two risk technologies. In essence, future oriented risk assessment is based on actuarial/ statistical methods that collect and connect aggregate data for insecurity management operations (Harcourt, 2003; Seddon & Heberton, 2009). In contrast, precautionary logic is based on perceptions that are grounded on internal suspicion and rules of thumb rather than aggregate data (McCulloch & Pickering, 2009), which is arguably less scientific than future oriented risk assessment. Despite this clear distinction it is important to give credit to the use of precautionary logic by intelligence personnel who have gained experiences through field work assignments, as experiences are assets that validate and hold precautionary logic in check by suppressing emotional influences.

CONCEPTUALIZATIONS:

The Ban opticon concept was originally formulated as a mechanism to frame the neoliberal shift towards a global insecurity management initiative/ agenda (Bigo, 2005). For the purposes of this research paper the Ban opticon concept will be utilized to expose, comprehend, and analyze the current insecurity management agenda taking place at an industrial level through the private security sector. Under the context of this paper the private security industry will be framed as the insecurity management agency. Leander (2005) also identifies the private security industry as an insecurity management agency, as they are framed as institutions that are capable of fostering public peace and national security to weak nations such (E.g. South Africa). With that, it is important to recognize that there are a variety of insecurity management professionals and agencies such as custom officials, urban police, criminal profilers, surveillance experts, and crime psychologists (Bigo, 2005).

For the purposes of this research paper Ban optic governmentality will refer to the ways in which the private security industry thinks about insecurity management (E.g. Risk management mentalities), and the ways in which the private security industry engages in security operations as a mechanism to govern/ control/ manage insecurity (E.g. Social sorting governance & legislative exceptionalism governace). This conceptualization of governmentality is a reflection of Foucault's governmentality literature discussed by Garland (1997), as governmentality is concerned with identifying the mentalities/ ways of thinking about how to exert power, and ways of governing select populations (1997). This conceptualization reflects the risk management mentalities (ways of thinking) of the private security industry, and the governance they exert over select populations through the use of legislative exceptionalism and

social sorting (ways of governing/ control). It is important to point out that Foucault also discussed governmentality at an individual/ micro level, as the identification of self/ individual specific governing methods and mentalities are also important (Garland, 1997). However, this paper will focus on the macro- level form of governmentality discussed by Foucault, in order to shed light on the Ban optic governmentality of the private security industry.

Ban optic governmentality is framed as a neoliberal technology as unlike Garland's experiences with crime concept that linked a shift in crime control with first hand experiences with crime (2000), a shift to Ban optic crime control was a result of future oriented thinking linked to expert constructed securitization rather than physical experience (Bigo, 2002). Therefore the shift to a preemptive form of insecurity management (Ban opticism) was a result of neoliberalism. This dominant western culture favored Ban optic insecurity management as it prized preemptive crime control linked future oriented risk assessment (Profiling component), population management/ biopower (Normalization of imperative movement/ spatial sorting element), deregulation/ governing at a distance (O' Reily & Ellison, 2006), crime control rather than disciplinary control, and exceptionalism under unprecedented conditions (Hutchinson & O' Connor, 2005; Kempa et al., 2004; Jones, 2003). Secondly, neoliberalism favored a managerialist style of crime prevention that was not focused on deterring crime through target hardening techniques (E.g. Routine activities theory) (Hutchinson & O' Connor, 2005; Kemp et al., 2004). Instead, the managerialist style of crime prevention embarked on population management/ biopower through actuarial methods of thinking (Hutchinson & O' Connor, 2005; Kemp et al., 2004), and this reflects the profiling component of the Ban opticon which relies on computerized data to obtain statically rooted risk information (Bigo, 2005). Thirdly, the fact that Bigo framed

the Ban opticon framework as an insecurity management form of governance rather than a insecurity deterrence form of governance (2005), reiterates the neoliberal nature of Ban optic governmentality. In sum, neoliberal mentalities such as profiling and neoliberal forms of governance such as the normalization of imperative movement and exceptionalism, are essential components of the Ban opticon. This in turn reflects the Ban optic governmentality within the private security industry due to the utilization of future oriented risk assessment (profiling), spatial sorting governance (normalization of imperative movement), and legislative exceptionalism (exceptionalism)

The identification of private security intelligence networks by Lippert and O' Connor (2006), reinforce the Ban optic methods of governance, and Ban optic methods of thinking practiced by the private security industry. For instance, disciplinary networks were framed as surveillant technologies that shaped the behaviours of security officers through a form of panoptic discipline (Lippert & O' Connor, 2006). With that, security companies use the information gathered from surveillant disciplinary technologies to differentiate problematic employees from unproblematic employees, and they share this information with other security industries which leads to industrial level regulation/ exclusion (Lipper & O'Connor, 2006). This relates to Foucault's power knowledge concept that states, the knowledge of being watched (panoptic gaze) is a powerful invisible force that influences an individuals lifestyle (disciplinary role) (O' Connor, 2002). This can be associated with the concept of social sorting/ the normalization of imperative movement, as it restricts the movement of select officers from one security firm to another based on data surveillance. Private justice networks can be associated with the utilization of future oriented risk assessment, since spaces are policed through the

intelligence/ profiles gathered for the purposes of threat anticipation and diffusion (Lippert & O' Connor, 2006). Therefore, private justice networks can be linked to the profiling element of the Ban opticon, and the preemptive behaviour of the private security industry which is based on future oriented risk assessment. Lastly, multilateral networks (private and public/ state sector integration) can be linked to legislative exceptionalism, as Lippert & O' Connor (2006) state that both sectors instrumentalize the other sector in certain instances. Further more, certain legal policies enacted by the State are instruments that provide the private security industry, with the authority to carry out population management/ biopwer through legislative exceptionalism (Hutchinson & O' Connor, 2005). For example, the Trespass Laws and Innkeepers Acts basically grant owners or those operating on private property (E.g. Private security), with the authority to define what is legal/ threatening conduct and what is not (Hutchinson & O' Connor, 2005). With that, these laws can be seen as counter laws (laws against law) as they legally override preexisting law (Ericson, 2007; Hutchinson & O' Connor, 2005; Signh, 2005). This in turn can be linked to the Ban opticon element know as exceptionalism. In addition, State law such as the Canadian Charter of Rights and Freedoms and the U.S Constitution do not restrict many of the practices of the private security industry (E.g. Unwarranted searches), instead they enable private security exceptionalism.

LEGISLATIVE EXCEPTIONALISM & BAN OPTIC NEXUS:

The Ban Opticon framework by Bigo is made up of three essential characteristics known as exceptionalism, the normalization of imperative mobility, and profiling (2005). Exceptionalism refers to the legal suspension of preexisting laws as a result of the implementation of special laws, meaning laws that legalize certain pre emption based proactive

policing practices geared toward insecurity management (Bigo, 2005). More specifically, these special laws (E.g. Innkeepers Act (Hutchinson & O' Connor, 2005)) that enable exceptionalism can be framed as counter laws, meaning laws that override the principles and standards within the current legislation that prohibits certain aspects of preemptive policing (E.g. Unwarranted search and seizure (Ericson, 2007)). In relation to the Ban optic governmentality of the private security industry, the concept of legislative exceptionalism meaning the legal right to be above macro law such as a nation's constitution, is linked to the exceptionalism component of the Ban opticon. This linkage is valid as private security personnel are exempt from certain legal standards and principles found under the Canadian Charter of Rights and Freedoms (Current law), as the Charter only applies to/ governs the security practices of the State police force (Ericson, 2007). In this case the Charter can be seen as both the current law as well as a counter law since the legal expressions found in the Charter, exempt the private security industry from legal principles such as due process ideals that the Charter itself has endorsed/ legalized (E.g. Unwarranted search and seizure) (Ericson, 2007). In addition, civil and criminal law grant private security personnel with the legal power to practice forced random searches on the mass private property they are securing (Hutchinson & O' Connor, 2005). The Innkeepers Act and Trespass Laws can also be categorized as special laws that counter the law implemented by the State (E.g. Criminal law), as these special laws basically give owners or those operating on private property (E.g. Private security) the authority to define what is legal and illegal, and what is ethical and unethical (Hutchinson & O' Connor, 2005). Furthermore, State law has prohibited privately owned property from being proactively infiltrated by the public police force (Kempa et al., 2004). This basically means that the public police force is legally authorized to infiltrate private property

only as a reactionary process, which is technically when a crime has already been committed (Kempa et al., 2004). The research on *The New Commons* by Hutchinson & O' Connor (2005) has provided evidence that private security operations do utilize legislative exceptionalism, as they have defined intoxication, tone of voice, youth presence, and vagrancy as illegal/ risk behaviours that will not be tolerated for insecurity management purposes that will benefit their business (E.g. Image & profit). Therefore, biopower/ population management targeting risk populations (youth) and risk behaviours (tone of voice) is exercised through legislative exceptionalism (Trespass Laws). For instance, Hutchinson and O'Connor (2005) identify a specific instance in which an argument between a prostitute and a prominent client who was intoxicated, resulted in the security personnel of *The New Commons* arriving and basically excluding and marginalizing the prostitute by kicking the prostitute out of the private property (pg. 137- 138) (E.g. Waste management through legislative exceptionalism). This form of pre crime, meaning diffusing a problem through exclusion in order to prevent a potential crime or legal suit from occurring, was legally acceptable due to special laws that empowered private security personnel through legislative exceptionalism (E.g. Innkeepers Act). It is important to point out that client status also influences a clients threat/ risk level, as the prominent client who was intoxicated was not excluded in the above scenario (Hutchinson & O' Connor, 2005). It is evident that State laws enable the expectational behaviours of the private security industry and their personnel, and this can be viewed as form of multilateral networking. For instance, State laws of governance can be seen as a tool that legalizes preemptive/ pre crime insecurity management operations practiced by the private security industry (Lippert & O'Connor, 2006).

In South Africa there is a State Act known as the National Key Point Act that grants private security industries within South Africa, with legislative exceptionalism under specific circumstances (Singh, 2005). In an attempt to safe guard a key point/ a highly valued space, this Act legalizes the destruction of threatening objects, forced information extraction, and exceptional search and seizure practices (Singh, 2005). This means that the legal powers of the private security industries within South Africa, will override the existing law in South African known as the Criminal Procedure Act.

Foucault's phenomenon of the normalization of society can be attributed to the emergence and reinforcement of legislative exceptionalism. The normalization of society refers to the idea that expert knowledge becomes the norm through law, as a result of a working relationship between the law and the knowledge of experts (Amoore, 2006), Leander (2005) would state that Foucault's phenomenon is evident within the private security industry, as a result of the private security supply, demand, and externality nexus. For example, Leander (2005) states that the private security industry is increasing in number, and this in turn is contributing to the increase in the supply/ availability of the private security force. Increases in supply are also increasing the demand for the private security industry, as security personnel from surplus private security industries are turning into security experts and problematizing more issues as threats (expert knowledge based securitization) (Leander, 2005). This in turn is leading to a powerful market of force (externality component), which refers to an increased rise in perceptions of insecurity and perceptions mandating insecurity management through the private security sector (Leander, 2005). As a result of increased insecurity perceptions linked to the supply, demand, and externality nexus within weak nations such as South Africa, it is plausible to

assert that expert knowledge based securitization will cause exceptional laws to be implemented for insecurity management purposes. This plausible assertion is grounded on Bigo's concept of a general unease, and the securitization concept discussed by the Copenhagen School. In essence, Bigo states that the managers of unease such as public forces, private forces, military personnel (2002), crime psychologists, and profilers (2003) have all constructed security threats differently due to an internal competition to gain access to funding and recognition (2002; 2005). For example the Anti- Terrorism & Effective Death Penalty Act (AEDPA) of 1996, was formulated against immigrants as a result of the 1995 Oklahoma City bombings that targeted a federal building (Jonas & Tactaquin, 2004). The AEDPA was implemented out of insecurity construction/ secularization and it was a form of legislative exceptionalism. The exceptional nature of the AEDPA is evident as it legalized the imprisonment of any legal or illegal immigrant who had committed any type of crime that resulted in a 1 year jail sentence, and it countered the U.S Constitution as it legalized the potential deportation of any immigrant without a trial (Jones & Tactaquin, 2004). Secondly, the AEDPA securitized and targeted immigrants even though the Oklahoma bomber was a native born Anglo- American (Jones & Tactaquin, 2004), which in turn provides evidence of perception based immigrant securitization. Therefore, it is evident that the perceptions of insecurity linked to immigrants was produced by security experts in light of the Oklahoma bombing, and this in turn influenced the securitization of immigrants and the emergence of legislative exceptionalism through the AEDPA. It is evident that Garland's concept of the experiences with crime could also be used to comprehend the emergence of the AEDPA, as Garland stated that crime control strategies (E.g. Laws) are shaped by experts who are exposed to negative first hand experiences with crime (E.g. Bombing) (2000). However, in light

of the Oklahoma bombing the emergence of the AEDPA was a result of insecurity perceptions/constructions associated with immigrants, rather than negative first hand experiences with immigrants as mentioned above.

The securitization phenomenon discussed by the Copenhagen School can also be used to shed light on the fact that increased insecurity perceptions (securitization), is a result of the market for force (externality) which can lead to the normalization of society. The Copenhagen School conceptualizes the concept of securitization as a construction of security threats, that result from an interaction between the speech act, the securitizing actor, and the audience (Stritzel, 2007). With that, experts within the private security industry can be framed as the securitizing actors who have the expert knowledge to produce increased insecurity perceptions through speech acts (Leander, 2005), such as security reports that influence vulnerable audiences (E.g. South African government) toward the implementation of legislative exceptionalism. This was evident in South Africa as the government legalized the use of semi- automatic and automatic guns by private forces for crime control purposes (Singh, 2005), and they implemented a shoot to kill mandate for their public police forces (CNN, 2009) (legislative exceptionalism). With that, Foucault's phenomenon of the normalization of society can be credited to the emergence of legislative exceptionalism, which was a product of the speech act (risk reports), the securitizing actor (the private security industry), and the vulnerable audience (South African government). It is evident that legislative exceptionalism is an arsenal for the private security industry, and this arsenal provides evidence that the private security industry exercises Ban optic governance with respects to exceptionalism.

SOCIAL SORTING & BAN OPTIC NEXUS:

The second characteristic of the Ban opticon is known as the normalization of imperative mobility that works through biopower, in order to deny unsafe individuals access to a select space (Amoore, 2006; Bigo, 2005). Biopower refers to technological innovations such as computerized profiles/ risk assessments, that enable population management/ the normalization of imperative movement (Amoore, 2006). The individual refers to the reality that people as individuals have been reconfigured/ reclassified as the individual person. This means that a person's social identity (threat or non threat) is constructed through pockets of information, such as data gathered through biopower technology namely data surveillance and computerized risk assessments/ profiles (Aas, 2004; Deleuze, 1992; Jones; 2003). With that, Deleuze's individual term depicts that society has moved away from a disciplinary society, in which biopower/ population management was regulated through confined spaces/ institutions such as the workplace, the jail, or the school place (Walters, 2006). The current control society no longer engages in population management/ biopower through confined institutions, rather it engages in biopower through technological innovations such as data acquisition software that generate individuals (Walters, 2006). With that, people are managed not by confined institutions but by their constantly changing individual identities, as software programs are constantly being inputted with more data and updating individual identities. This reality that society has shifted from a disciplinary society to a control society can also be linked to the concept of distanciation identified by Anthony Giddens. The distanciation concept states that rule/ control/ governance has expanded across time and space (Chalfin, 2007; Walters, 2006), and the emergence of the individual concept validates the idea that control/ biopower has expanded across space and time. For example, since people/ individuals are governed and spatially sorted through surveillance technology rather than confined physical

space, depicts that rule has expand over space. The fact that individuals/ people are governed through computer technology that classifies that as a risk or non risk, provides an understanding that in certain instance individuals may not even realize they are being governed through technologically. This understanding can also be linked to the distanciation concept of rule being expanded across time, meaning from a known time of governance within institutions to an unpredictable and unknown time of governance within national security states.

In light of this paper spatial sorting refers to the explicit exclusionary practices of the private security industry through biopower, as they engage in preemptive insecurity management operations geared toward differentiating the non- threatening individual (access granted) from the threatening individual (access denied) (Amoore, 2006; Hutchinson & O' Connor, 2005; Kempa et al., 2004; Wilson & Sutton, 2004). In relation to the Ban optic governmentality of the private security industry, the concept of spatial sorting governance will be linked to the normalization of imperative mobility component of the Ban opticon. This linkage is valid as the private security industry engages in both internal and external forms of exclusionary practices for preemptive insecurity management purposes. The private security industry engages in spatial sorting practices which are a strong form of either social inclusion or exclusion, depending on whether or not a individual is granted or denied access based on their risk assessment (Hutchinson & O' Connor, 2005). With that, it is important to highlight that the practice of spatial sorting on mass private property such as on The New Commons, is based on risk assessments that are a result of actuarial/ statistical intelligence (data) (de Lint, O' Connor & Cotter, 2007; Hutchinson & O' Connor, 2005). The insecurity management operations of The New Commons depicts the spatial sorting arsenal of the private security industry, as the security personnel of The New Commons

control and regulate the movement of select individuals into their Hotel complex. For example, they exclude the youth, the homeless, and the drunken in order to manage insecurity and in turn to prevent loss (E.g. Profit) and prevent harm (E.g. Corporate image) (Hutchinson & O' Connor, 2005). Basically, The New Commons classifies all individuals who do not fit their image of a respectable/ endorsable client as a threat, and as a result all who do not fit this non-threatening future oriented risk assessment will be denied entrance into their Hotel Complex through spatial sorting (Hutchinson & O' Connor, 2005). Once again it is important to point out that spatial sorting/ the normalization of imperative movement is preemptive in nature, as individuals are being excluded before the fact/ crime rather than after the fact/ crime. Therefore, it is evident that this type of external spatial sorting method of governance practiced by the private security industry, can be linked to the Ban optic aspect of the normalization of imperative movement.

Secondly, the private security industry engages in internal mechanisms of spatial sorting for insecurity management purposes, as the exclusion of non reliable employees and the inclusion of reliable employees are more likely to increase the likelihood of insecurity management. For example Lippert & O' Connor (2006) state that surveillance technologies such as communication intelligence technology (E.g. Swipe cards), provide aggregate data regarding an employee behaviours. With that, private security companies identify unreliable employees and share this information with other private security industries (Lippert & O' Connor, 2006), in an attempt to propel industrial level spatial sorting practices that exclude unreliable employees from the private security industry. This aspect of internal/ industrial level spatial sorting can also be linked to the Ban optic element known as the normalization of

imperative movement, as well as the private security disciplinary networks. In terms of disciplinary networks, surveillance technology will discipline private security employees as it will shape their behaviour through routinization (Lipper & O' Connor, 2006). Internal spatial sorting can be linked to the normalization of imperative movement, since it also engages in preemptive exclusionary and inclusionary practices. This association can be made because spatial sorting does have a preemptive element despite the fact that employees are excluded after the fact of disobedience/ unruly behaviour. The preemptive element reflects the action of exclusion based on a future oriented risk assessment that links disobedience to unreliableness, which in turn is a threat to enabling insecurity management. Therefore, preemption is the act of taking an employee out of the industry before they botch a security operation geared toward insecurity management. With that, both the internal and external spatial sorting arsenals utilized by the private security industry for insecurity management purposes, can be linked to the Ban opticon concept of the normalization of imperative movement.

Lastly, the mobius ribbon concept used by Bigo can be modified and applied to the two levels of social sorting practices evident within the private security industry. For instance, Bigo's original use of the mobius ribbon concept states that there is a blurring between what is national security (external) and what is public security (internal) in the public sphere, as result of crime control agendas associating public security issues (E.g. Immigration) with national security issues (E.g. Terrorism) (2005). In terms of the private security industry data surveillance technologies such as CCTV cameras that are used for external spatial sorting practices (Hutchinson & O' Connor), can also be used for disciplinary practices (Wilson & Sutton, 2004, pg. 224- 225). Therefore, as a result of insecurity management agendas utilizing the same

technology (E.g. CCTV) for internal and external spatial sorting purposes, a blurring between the practices of internal and external spatial sorting governance among the general public is possible. For example, the fact that the general public is unaware that CCTV's are also used for internal forms of governance, points out that it is hard for the public to differentiate when CCTV technologies will be used for internal or external means of governance. Therefore, it seems as though both forms of spatial sorting governance have been amalgamated to fall under a external means of governance framework within the public sphere, making it difficult for the public to differentiate when internal and external forms of governance are administered. In terms of the private security intelligence disciplinary networks, Lippert and O' Connor (2006) state that these networks engage in constant panoptic (watching all guards) surveillance. Therefore, the guards themselves may find it difficult to differentiate when the CCTV cameras that are always watching them or their area, are doing so for external or internal spatial sorting purposes.

FUTURE ORIENTED RISK ASSESSMENT & BAN OPTIC NEXUS:

The third characteristic of the Ban opticon is known as profiling, which is an instrument designed to categorize populations of individuals (safe and unsafe) for insecurity management purposes (E.g. Loss prevention of harm or profit) (Amoore, 2006; Bigo, 2005). In relation to the Ban optic governmentality of the private security industry, the concept of future oriented risk assessment will be linked to the profiling component of the Ban opticon. This linkage is valid as future oriented risk assessment is designed to anticipate risks and categorize risk populations (profile), in order to prevent harm and also profit or corporate image loss through spatial sorting (Hutchinson & O' Connor, 2006; Kempa et al., 2004). With that, future oriented risk assessment mentalities are an essential instrument within the private industry (Johnston & Shearing, 2003),

that enables a managerial form of governance (E.g. Spatial sorting) through statistical data (Hutchinson & O' Connor, 2006; Kempa et al., 2004; Shearing & Stenning, 1985). The fact that statistically (science) based future oriented risk assessments are integral/ key technology utilized by the private industry, and the fact that statistics is continuously demanded even when science fails (Amoore, 2006) can be linked to Weber's concept of the Iron cage. Weber states that the strong reliance on rational methods of thinking/ rational mentalities coupled with red tape, have reinforced rational mentalities and rationality based governance to an hegemonic extent (Dimaggio & Powell, 2003). Therefore, the hegemonic force of rationality has unconsciously boxed people into a rational rule based world that Weber terms as the Iron Cage (Dimaggio & Powell, 2003). Therefore, Webers concept of the Iron Cage can be connected to the hegemonic reliance on future oriented risk assessment evident in the private industry, as the industry has caged themselves around rational mentalities (the Iron Cage).

Research on The New Commons reiterates the fact that risk assessment mentalities are a high priority among the private security industry, as 70% of insecurity management security operations consist of acquiring as much information/ data as possible (Hutchinson & O' Connor, 2005, pg. 139). Further more, The New Commons have a risk assessment technology known as the Patron Classification System which basically categories clients into different levels of importance, through profiles linked to money spent, title, status, and number of visits (Hutchinson & O' Connor, 2005, pg. 137- 138). This can also be seen as a form of risk categorization where the most important clients can be seen as the least likely to harm The New Commons financial, and as a result they are least likely to be excluded when social sorting governance through is administered (see Hutchinson & O' Connor, 2005, pg. 137- 138 incident

between important client and prostitute). The high priority associated with future oriented risk assessments for preemptive insecurity management practices such as spatial sorting, reinforces the neoliberal Ban optic governmentality of the private security industry in terms of the profiling element of the Ban opticon. In addition, Private Justice Network identified by Lippert & O' Connor (2006) state that the private security industry ensures risk and harm prevention through risk anticipate (risk assessment) and exclusionary practices (social sorting). With that, future oriented risk assessment is an arsenal of the private security industry that enables governance through spatial sorting and exceptionalism (E.g. secularization/ market of force), for insecurity management purposes.

CONCLUSION:

The Ban optic governmentality of the private security industry is inevitable under the current neoliberal culture that reinforces, and perpetuates the importance of deregulation, governing at a distance, and actuarial data/ data surveillance collection (Hutchinson & O' Connor, 2005; Singh, 2005; Zedner, 2006). Deregulation points to the proliferation of legislative exceptionalism through the implementation of counter laws (E.g. Innkeepers Act) that override and diminish principles, values, and standards within the rule of law (E.g. Character of Rights and Freedoms). Secondly, governing at a distance through multilateral networking brings to light the legalization of spacial sorting through governmental laws, that provide private security personnel with the legal ability/ instrument to exercise spatial sorting/ the regulation of access into select spaces (Lippert & O' Connor, 2004). Thirdly, risk technologies/ risk based ways of thinking such as profiling based on data surveillance and actuarial data, points to the prioritization of future oriented risk assessment as a means to ensure loss and harm prevention

(Harcourt, 2003; Hutchinson & O' Connor, 2005; Lippert & O' Connor, 2004). With that, the private security- Ban opticon nexus is also evident as the essential characteristics of the Ban opticon namely exceptionalism, the normalization of imperative movement, and profiling have been connected to the neoliberal arsenals of the private security industry namely legislative exceptionalism, spatial sorting, and future oriented risk assessment. Therefore, Ban optic methods of governing and Ban optic methods of thinking are neoliberal arsenals of control and future oriented risk assessment, that are utilized by the private security industry in order to engage in preemptive insecurity management.

Under neoliberal national security state optics, the right time for action is preemption and the right time to act is before the fact. This is not to say that local level conflict resolution strategies such as the Zwelethemba Model (Brodeur & Shearing, 2005) should be kicked out the door due to a lack of legislative exceptionalism, spatial sorting, and future oriented risk assessment. Instead the point is that, Ban- optic private security is highly valuable under select environments such as within the counter- insurgency agenda in Afghanistan, and under select circumstances such as covert high policing operations that require secrete state information to be protected at all costs (O' Reily & Ellison, 2006). Further more, under the current security issues linked to North Korea's nuclear potential, Iran's secret agenda to build nuclear weapons, China's cyber spying projects, non state and state sponsored terrorist groups such Al Quaeda and the Taliban, and the uncertainty surrounding other rogue governments and nations such as Hamas, Hezbollah, Syria, and Russia, it is in the best interest for Western neoliberal states to embrace and perpetuate arsenals of the Ban opticon.

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REFERENCES

- Aas (2004) From Narrative to Database Technological Change and Penal Culture
- Amoore (2006) Biometric Borders: Governing Mobilities in the War on Terror.
- Bigo, D. (2002) Security & immigration: Toward a critique of the governmentality of unease. *Alternatives: Global, Local, Political*, 27, 63-92
- Bigo (2005) Globalized-in-security, the Field and the Ban-opticon
- Brodeur and Shearing (2005) Configuring Security and Justice
- Chalfin (2007) Customs Regimes and the Materiality of Global Mobility: Governing the Port of Rotterdam
- CNN.com (2009) Shoot- to- kill controversy. Retrieved Dec. 13, 2009, from <http://www.cnn.com/video/#/video/world/2009/11/17/mabuse.safrica.shoot.to.kill.cnn?iref=videosearch>
- Deleuze, Gilles (1992) "Postscript on the Societies of Control," October 59, Winter: 3-7
- de Lint, O'Connor, Cotter (2007) Controlling the Flow: Security, Exclusivity, and Criminal Intelligence in Ontario
- DiMaggio, P., & Powell, W. (1983) The iron cage revisited: Institutional isomorphism and collective rationality in organizational field. *American Sociological Review*, 48 (2), 147-160
- Ericson, R. (2007) *Crimes in an insecure world*. Cambridge, UK: Polity.
- Ericson (2007) Rules in policing
- Garland, D. (1997) 'Governmentality' and the problem of crime: Foucault, criminology, and sociology. *Theoretical Criminology*, 1 (2), 173- 214
- Garland (2000) The Culture of High Crime Societies
- Harcourt, B. (2003) The shaping of chance: Actuarial models and criminal profiling at the turn of the twenty- first century. *University of Chicago Law Review*, 70 (1), 105- 128
- Hutchinson and O'Connor (2005) Policing the New Commons

- Johnston, L., & Shearing, C. (2003) *Governing Security: Explorations in Policing and Justice*, Routledge, New York.
- Jonas, S., & Tactaquin, C. (2004) Latino immigrant rights in the shadow of national security state: Responses to domestic preemptive strikes. *Social Justice*, 31, 67- 91
- Jones (2003) *Digital Rule: Punishment, Control and Technology*
- Kempa, Stenning, & Wood (2004) *Policing Communal Spaces*
- Krasmann (2007) *The Enemy on the Border*
- Leander (2005) *Market for Force and Public Security*
- Lippert & O'Connor (2006) *Security Intelligence Networks and the Transformation of Contract Private Security*
- McCulluch, J., & Pickering, S. (2009) Pre crime and counter- terrorism: Imaging future crime in the war on terror. *British Journal of Criminology*, 49, 626- 645
- O'Connor D. (2002) "Three Social Apparatuses – and a Fourth?" *Mediated Associations*. McGill-Queen's University Press. pp. 33-72
- O' Reily, C., & Ellison, G. (2006) Eye spy private high: Re- conceptualizing high policing theory. *British Journal of Criminology*, 46, 641- 660
- Seddon, B., & Heberton, T. (2009) From dangerous to precaution: Managing sexual and violent offenders in an insecure and uncertain age. *British Journal of Criminology*, 49 (3), 343- 362
- Shearing, C. & Stenning, P. (1985), *From Panopticon to Disneyland: The development of discipline*, in: Doob, A. & Greenspan, E. (eds) *Perspectives in Criminal Law*, Canada Law Book Co., Toronto.
- Signh (2005) *Private Security and Crime Control*
- Stritzel (2007) *Towards a Theory of Securitization*
- Walters (2006) *Border/Control*
- Wilson and Sutton (2004) *Watched over or over watched: Open Street CCTV in Australia*
- Zedner, L. (2003) Too much security. *International Journal of the Sociology of Law*, 31, 155- 184