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High and Low Policing in Post-9/11 Times

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Abstract

The distinction between high and low policing is increasingly relevant in the wake of the terrorist attacks of 11 September 2001. The paper reviews the content of the high policing paradigm and addresses recent criticism. Its first part provides an update of the defining features of high policing: absorbent policing, power conflation, protection of the state and use of covert informants. It is, thereafter, argued that the high and low distinction is considered to run deeper than anticipated by the various bodies reporting on the policing and intelligence failure to prevent 9/11. In part three, the place of private security agencies in high policing is assessed. Private high policing must be taken into account, but it only shares in some of the defining features of high policing and is lacking in others. Finally, the contrast between high and low policing is examined in relation to symbolic significance.

Introduction

Since I took up the traditional French distinction between high and low policing (Brodeur, 1983), it has sparked both interest (Marenin, 1996: 8; L'Heuillet, 2001: 39; Manning, 2003: 41 and 201; Manning, 2005: 24) and criticism (Anderson et al., 1995: 169; O'Reilly and Ellison, 2006: 643-45). After reintroducing this classic distinction, I applied it to the analysis of various forms of political policing (Brodeur, 2003; Brodeur and Dupeyron, 2003). I also updated the notion of high policing taking into account new developments in the field. I argued that high policing agencies were increasingly involved in low policing and vice versa (Brodeur, 2000/2005a). Brodeur and Leman-Langlois (2006) also showed how much the US government was outsourcing to private contractors the protection of the country's national security under the administration of President George W. Bush. This article is divided into four parts. First, I synthesize previous work on the nature of high policing, focusing on aspects that I introduced after 1983. Second, I revisit the issue of the integration of high and low policing. Third, I discuss the extent of the privatization of high policing. Lastly, I contrast high and low policing in respect to what they symbolize.

High and low policing: definition and method

The distinction between high and low policing is asymmetrical. When I proposed it (Brodeur, 1983), I was aiming to bring into focus a type of policing that was in marked contrast with everyday policing largely performed by agents in uniform. Agencies engaged in this type of policing belong to the 'intelligence community'. I called it 'high policing', borrowing from the French '*haute police*'. High policing was then neglected by research and still is, despite its growing importance. The distinction I drew was thus tipped in favor of high policing, which I wanted to bring into focus, and I never provided any characterization of 'low policing' in its own right. I will now try to remedy, at least in part, this oversight.

Dr. Johnson acknowledged in his *Dictionary of the English Language* that the word 'police' was borrowed from the French and meant 'the regulation and government of a city or country, so far as regards the inhabitants'. (Johnson, 1806: ii, 'police') This definition accords with that proposed to the Austrian Empress Maria Theresa, by J.C.P. Lenoir, one of the noted French General Lieutenant of Police: police is 'the science of governing men and to do them good' (Lenoir, 1779: 34). Originally, the word 'police' was synonymous with the word 'governance'.¹ Napoleon's Minister of Police, Joseph Fouché, who articulated the concept of high policing, made an explicit distinction between establishing a political order ('*faire la police*') and doing piecemeal policing ('*faire de la police*'; Madelin, 1930: i. 490). Instead of the modern distinction between policing and the police (Reiner, 1994: 715), we had, then, a three-tiered construction: (a) 'the police'—the dominant political regime and prevailing order of things; (b) 'policing', conceived as sundry police actions directly devoted to bolstering the political regime or indirectly pursuing this end through the prevention and repression of various kinds of crimes and disorder—in short, the production of security; (c) 'police', this last word referring to the individual members of hybrid policing organizations using both public state police and private entrepreneurs (mainly informants) of all kinds. Agents engaged in governance—protecting 'THE police' (the political order) of the realm, were performing 'high policing' tasks, as they were the executive arm of the monarch; police dispatching the myriad of duties related to community security—Fouché referred to it as the policing of lampposts (close to which often stood prostitutes)—were doing 'low policing' and were accountable to the judiciary. So, high and low policing originally referred to a scale of prestige according to how close to the seat of power the police was. In our time, agencies such as the British MI5 and MI6, the FBI domestic political policing units and the CIA², and the French DST (*Direction de la surveillance du territoire*) are involved in high policing.

High policing is characterized by four features (Brodeur, 1983: 513-14; Brodeur, 2006: 181-190; also see O'Reilly and Ellison, 2006: 643-645; Marenin, [1982](#)).

Absorbent policing

High policing agencies collate data, process them into intelligence (analyzed information) and threat assessments, disseminate their intelligence products on a need-to-know basis, store them in various formats for a time and finally dispose of them when they have lost their relevance. There are two fundamental differences between high policing (or security) intelligence and low policing (or criminal) intelligence. The first one is a difference in scope. Police forces collect intelligence pertinent for building criminal cases. In contrast, there seems to be no limit to the appetite for information of the security services: the CIA's *World Factbook* posted on the Internet gives basic information on nearly every country of the world, focussing on their crime and security problems.³ The second contrast between security and criminal intelligence concerns *one kind* of 'actionable intelligence' (intelligence that will spur an agency to undertake public proceedings going beyond overt or covert surveillance, e.g. performing an arrest and charging a suspect).⁴ For the police, intelligence is just a means to the end of making a case. Security intelligence agencies have a much greater tendency to absorb intelligence, translating it into action only when there are no more justifiable alternatives.

Conflation of separate powers

We traditionally distinguish between legislative, judicial and executive power. In democracies, these powers are exercised independently one of the other. In Westminster-style democracies where all Cabinet ministers also sit in Parliament, there is less of a distinction between the executive and the legislative branches of government than in the US 'checks and balance' model. Notwithstanding these differences of emphasis, all democracies condemn government interference in judicial proceedings. Things are noticeably different for high policing. Under the continental monarchies of Europe, the police magistrate enjoyed all three fundamental powers: he could establish penal statutes that even carried the death penalty; he would also preside at trials; finally, he exercised, by definition, all forms of executive powers. The concept of the political 'coup' had an original meaning from the 17th to the 19th century that directly contradicted its present sense: a political coup was a decisive action *of* the State against its enemies and not an action perpetrated *against* the State by its opponents in order to change the regime, as the concept is presently understood (L'Heuillet, 2001: 47, quoting Gabriel Naudé, 1639/1988). The high police magistrate had the prime responsibility for such governance through executive coups. I will argue in a further section of this paper that we may be experiencing a resurgence of this mode of governance in the post-9/11 era.

Protection of national security

This is the *raison d'être* of high policing. The mandate of many security intelligence agencies explicitly mentions that their prime objective is to protect the security of the nation. There are two quite different variants of this feature. In its democratic variant, high policing agencies are tasked to protect the nation's political institutions and constitutional framework. In its nondemocratic variant, high policing is devoted to the preservation of a particular political regime that may consist in the hegemony of a political party or the rule of a dictator. Distinguishing these variants of national security is necessary to avoid falling into the leftist fallacy that intelligence services are by nature unpalatable to a democracy. It must, however, be understood that the immediate object of high policing is the protection of the state apparatus (e.g. protecting the head of the state against assassination), although protecting the state may also result in protecting its citizens (e.g. against terrorism).

The use of informants

In police parlance, an informant is called a human source. When the high policing paradigm was developed, human sources were the main instrument of covert surveillance (Marx, 1974). We now have created a massive arsenal of technological tools for the purposes of surveillance (Marx, 1988: chapter 10). All of our natural senses—eyesight, hearing, smell, touch (lie detectors) and even tasting (poison detecting devices)—now have multiple technological surrogates. Despite the fact that we use a comprehensive array of stealthy technical sources, I still single out human sources and undercover operatives as the hallmark of high policing. As shown by the public release of the East German Stasi⁰⁵ archives, the extensive infiltration of human sources is the culmination of high policing. Not only is it the most intrusive instrument of surveillance, but it is also the most destructive of the social fabric as it thrives on betrayal and fosters mutual suspicion and demoralization (Funder, 2003).

I initially developed the preceding ideas from first-hand documentary research into the files of Canadian intelligence services. I was granted access to these classified files by being director of research of a Quebec government commission of inquiry that possessed judicial powers. I kept on working, until today, for various commissions of inquiry that investigated directly or tangentially high policing. One does not need such powers of access to do research into high policing. However, this research should be measured against exacting standards of accuracy and should

not rest wholly on extrapolations from the published literature. Including various forms of policing, activity in the category of high policing depends on whether it displays *several* of the features presented above. Fitting all police 'knowledge work' into high policing results in inflating it to the point that it loses its heuristic value.

The problematic integration of high and low policing

It cannot be denied that for a period of time spanning roughly between the 1989 fall of the Berlin Wall and the 11 September 2001 (9/11) terrorist attacks on the United States, there were strong initiatives—particularly on the part of the intelligence community seeking a new mandate—to blend high and low policing. Since the end of the Cold war, security intelligence agencies were entering domains that were traditional law enforcement territory, such as organized crime (Brodeur, 2000/2005a; also see Anderson et al., 1995: 173). On the other hand, police forces tried to establish centralized *criminal* intelligence units and were increasingly implied in the struggle against transnational crime (Anderson et al., 1995: 168-70). The situation changed drastically at the turn of the 21st century with the advent of global mass terrorism, which afflicted not only the United States (9/11), but Indonesia (October 2002, with many Australian victims), Spain (March 2003), Morocco (May 2003), Saudi Arabia (May 2004) and the UK (July 2005). It is premature to assess the impact of the July 2005 bombings in London, but they have already spurred the *Terrorism Act 2006*, increasing the period of preventive detention without charge from 14 to 28 days.[06](#)

In the United States, the many commissions that investigated why the US policing agencies of every stripe failed to prevent 9/11 came up with findings that stressed the gap between high and low policing. In Canada, two government commissions of inquiry emphasized the same point.

The wall against contamination

Of all US government inquiries into the intelligence and law enforcement failures that led to 9/11, none is more provocative than the *'Additional Views'* of Senator Richard C. Shelby to a report by the US Senate Select Committee on Intelligence (SSCI: United States, 2002). One of the FBI agents involved in the investigation of the 2001 bombing of the USS Cole testified before the SSCI on the existence of a 'wall' separating criminal police investigations from security intelligence to preserve 'against contaminating criminal investigators with intelligence information' (quoted in United States, 2002: 51). Senator Shelby also quoted one former director of the National Security Agency to the effect that 'cops' cannot do the work of 'spies' (United States, 2002: 74). Senator Shelby concluded that *'Intelligence analysts would doubtless make poor policemen, and it has become very clear that policemen make poor intelligence analysts'* (United States, 2002, 62). His diagnosis of the FBI's grievous shortcoming in the field of counterterrorist intelligence was confirmed by the recommendations of the 9/11 Commission (United States, 2004: 400). In Canada, the existence of a 'wall' between criminal investigation and security intelligence was tellingly confirmed by the remarks of the former Commissioner of the Royal Canadian Mounted Police (RCMP) on intelligence-led policing (ILP), which was developed mainly in the UK (see National Centre for Police Excellence, 2005). In a public talk given in 2005, ex-RCMP Commissioner Zaccardelli remarked that ILP 'reeks of secret service, spy agency work—the capital 'I' in 'Intelligence' (Zaccardelli, 2005).

Intelligence versus evidence

The overwhelming issue of contention between law enforcement agencies and security intelligence services stems from what Senator Shelby called the police 'tyranny of the Casefile' (United States, 2002: 62). All law enforcement agencies are geared to convicting perpetrators in

criminal proceedings. Due to the public nature of these proceedings, intelligence agencies are extremely reluctant to share information with police organizations because they fear that their sources and methods will be disclosed in criminal proceedings. In Canada, this friction between high and low policing has a persistent character. From 1969 until the present day, there is not one government body that examined the relations between the Canadian intelligence community and the RCMP that did not explicitly refer to the divorce between secret intelligence and public court evidence. This divorce was starkly illustrated in the wake of the two 1985 terrorist bombings of Air India and CP Air flights that took off from Canadian airports. These bomb attempts attributed to Sikh terrorists killed 331 people, making them, by very far, the most costly acts of terrorism in human lives in the history of Canada. In the first stage of the police investigation, members of the Canadian Security Intelligence Service (CSIS) destroyed audiotapes that may have provided crucial evidence to the police in order to protect the identity of their informants. This enduring conflict between CSIS and the RCMP was alleged to have been the source of the failure of the Canadian policing agencies to solve these cases. A commission of inquiry into the bungled investigation was established in 2006 (the *Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182*). The terms of reference of the Commission directs it to inquire into 'the manner in which the Canadian government should address the challenge (...) of establishing a reliable and workable relationship between security intelligence and evidence that can be used in a criminal trial'. I was asked by the Commission to submit a report dealing with this issue (among others).

Interruption and circumvention

The conflicting requirements of intelligence production and evidence disclosure are components of a more wide-ranging contrast between the police and intelligence services sub-cultures. The professional culture of a security service, whether police or civilian, was described by the Quebec Keable and Duchaine Commissions, of which I was in both cases Director of Research (Québec, 1981a,b; also see Brodeur, 1981). Between November 1970 and 1973, the counterterrorist unit of the police of Montreal transformed the *Front de Libération du Québec* (FLQ; Quebec Liberation Front) into a police colony by riddling it with police informants. It limited its action to monitoring lesser crimes (e.g. fire-bombing) while steering the group through its informants into a direction where it progressively stopped being a real threat. More than 20 years later, the Security Intelligence Review Committee (SIRC) that oversees the Canadian CSIS rediscovered this security service culture of *circumvention*: 'We are also cognizant of the danger that in destroying one group, as opposed to watching it, another one which is worse may be created' (SIRC, 1994: Section 13.11). In contrast, the police piecemeal build unrelated individual cases to *interrupt* criminal activities. Such interruptions are sometimes durable and even final. In many cases, they are only temporary. The intelligence service culture of circumvention fosters conspiracy theory and mythology. Nevertheless, it is grounded in fact.[07](#)

The hybridization of high policing

Since the pioneering work of Shearing and Stenning ([1981](#)) on the growth of the private security industry and the groundbreaking introduction of the concept of hybrid policing organizations (Johnston, 1992), the issue of private high policing needs to be addressed. The historical role of private security agencies such as Pinkerton, in the high policing of labor relations in the United States during the 19th century is fully recognized, private agencies having played a key part in crushing the violent Mollie Maguire movement (Weiss, 1986). In a 2006 reformulation of the high policing paradigm, the trend towards contracting out to private corporations surveillance operations in the United States and abroad was acknowledged, and so were the high police ideological underpinnings of preserving the dominant political regime rather than protecting individual citizens (Brodeur and Leman-Langlois, 2006: 179).[08](#) High policing is skewed policing:

it tilts towards the state. O'Reilly and Ellison (2006: 647) have argued that this discriminatory orientation of high policing did not exclusively play in favor of the state: 'while public high policing protects against the subversion of the *state*, private high policing protects against the subversion of the *client*' (my emphasis). This statement is ambiguous because it fails to mention that there is only *one* state to protect, whereas there are *many* clients that may have conflicting interests. Although agreeing with the need to acknowledge the public-private hybridization of high policing, I raise three further issues in this respect.

Data and symbols

O'Reilly and Ellison's reconceptualization of high policing is part of a current trend stressing the growth of private security, with its attendant hypothetical consequences of multilateralization (Bayley and Shearing, 2001), nodal governance (Shearing and Wood, 2003), nodal security (Shearing, 2005) and security networks (Dupont, 2006). This programmatic theorizing is long on concepts and short on facts. The empirical evidence is generally selective, spotty and anecdotal, with notable exceptions such as Dupont (2006). The empirical basis for asserting the 'prolific expansion of private security in recent years' (O'Reilly and Ellison, 2006: 643) is provided by the oft-quoted piece by De Waard (1999). De Waard is actually much less sweeping in his conclusions than he is offered to be. For De Waard (1999: 169) the bottom line is that 'the private security industry in Europe is the secondary source of protection, while it is the primary in North America and elsewhere (Australia and South Africa—the latter being the "absolute champion")' (De Waard, 1999: 169). In point of fact, there is not one European Union country where the number of private security agents is greater than the number of public police, the ratio of private security/police personnel per 100,000 inhabitants being tipped in favor of the latter, particularly in Mediterranean countries: Greece (0.05), Italy (0.16), Spain (0.28), France (0.31), Portugal (0.35), not to mention Austria (0.21), a non-Mediterranean country (De Waard, 1999: 156, Table VII). The surge in private security personnel is for now largely limited to Anglo-Saxon and African countries, particularly South Africa. In the UK, the number of private security guards is shortly to overcome the number of professional police (Crawford, 2003: 149). This kind of statistic is misleading because it compares two categories of security personnel that have very different attributes and powers (Nalla and Newman, 1991). Furthermore, the countries where the number of private guards tends to overcome the number of professional police are *not* the countries where the high policing model originated from.

In Anglo-Saxon countries, the majority of private security personnel are involved in low policing, as I will try to suggest all-too-briefly through two case studies. (a) Brodeur (2005b) presents the findings of an empirical inquiry into homicide investigation. I was given access to all the homicide files of one of the largest urban police forces in Canada, and have built a data bank of 153 resolved investigations between 1990 and 2001. There is *not one* of them where private investigators played *any* role, this finding being confirming by an extensive review of the research literature on homicide investigation. (b) The screening of airport passengers and their luggage was for a long time performed by private security agencies. After 9/11, the Canadian government created the public Canadian Air Transport Security Administration, for which I am a Consultant. Its mandate was to take over the responsibilities for air transport security from the private security agencies, which did not enjoy a high level of public confidence. With respect to these case studies, I would propose the following hypothesis: the higher the stakes in security the more will the responsibilities of public government be (re)asserted. This hypothesis rests on two considerations that are generally neglected by the private security theorists. The first one is the need for *legitimacy* in the provision of security; the second one is the issue of *symbolic power*: it is very largely ignored within the nodal governance framework, which mistakenly places every security provider ('node') on the same symbolic power footing.

The high policing continuum

As previously said, the conflation of legal, judicial and executive power is one of the defining aspects of high policing. Joseph Fouché, the main craftsman of high policing and Napoleon's police Minister, also had under his purview the French prison system. In 1808, he reported to the Emperor on the various categories of persons incarcerated in France following a 'high policing order' (*une mesure de haute police*). Among these were 'inmates not tried nor brought before a court of law for fear of seeing them acquitted for lack of legal evidence'.⁰⁹ Coming back to the future, the European Parliament recently pronounced on a Report on 'the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners' (European Parliament, 2006). The report states that the US programme of extraordinary rendition: "... is an extra-judicial practice whereby an individual suspected of involvement in terrorism is illegally abducted, arrested and/or transferred into the custody of US officials and/or transported to another country for interrogation which, in the majority of cases, involves *incommunicado* detention and torture. (European Parliament, 2006: paragraph 27)"

It is further said that at least 1,245 flights operated by the CIA have flown into European airspace or stopped over at European airports (European Parliament, 2006: paragraph 32). A Canadian citizen, Mr. Maher Arar, was arrested in New York on 26 September 2002 by the FBI, as he was coming back from holidays in Tunisia, on the faith of inaccurate intelligence supplied by the RCMP. He was transferred by US authorities to a Syrian prison where he was questioned *incommunicado* and tortured from 9 to 22 October 2002. Due to the heroic efforts of his wife, he was freed on 5 October 2003. A Canadian government commission of inquiry was appointed to investigate into this affair (Canada, 2006a,b). It concluded that Mr. Arar was innocent of all allegations made against him and he was awarded in January 2007 some ten million dollars (\$Can.) in compensation for his rendition. The government has decided to investigate the rendition to Egypt and Syria of two other Canadian citizens: Mm. El Maati and Almaki.

The upshot of these remarks is twofold. First, it shows that reducing high policing to covert *knowledge work*—expert consultancy and secret investigations—is much too narrow. Under the US umbrella of a delusional state of war proclaimed by the George W. Bush administration, high policing combines all powers: it makes covert executive orders that supersede the law, keeps suspects in unlimited preventive custody, wants them tried by Star Chamber commissions and applies the sentence under the most punitive of conditions. Second, there is a wishful quality to the withering-of-the-State resurgent neo-Marxian utopianism, where nodal governance takes the former place of the dictatorship of the proletariat. In fact, the State has never been as arrogantly unilateral as it is now behaving in the United States, the United Kingdom and in Canada.

The sharing of information: I will briefly mention that hybrid private/public security networks face even greater impediments to the sharing of information than public ones, which follow the same rules. According to Lippert and O'Connor (2006: 64), private security firms share intelligence on a highly selective basis among each other and with the public police: 'They share intelligence with the public police when their clients are private citizens, but largely exclude the public police from the network when their clients are corporate'. Ocqueteau (1997) made the same point in France, stressing that in-house security agencies considered all information relating to their respective clients to be confidential and not to be shared.

Symbolic resonance

The high policing agency of Canada was formerly part of a police force—the RCMP—just as the US domestic high policing agency is now part of a police organization—the FBI. In the second half of the last century, the Canadian government created several commissions to examine whether its security service should remain within the RCMP or operate as a separate civilian high policing agency. The government finally chose the latter course in 1984 on the basis of an argument that was formulated earlier by the Mackenzie Commission: since a security service will

inevitably be involved in clandestine actions at odds with the law, and at times infringing on a person's civil rights, its mission is incompatible with the duties of a police organization (Canada, 1969: 21).

The police are the most conspicuous symbol of the law (indeed, they are referred to in familiar language as 'the law'). This is particularly true in respect to its lower policing arm, the patrol persons in uniform, who use their visibility to produce a great deal of their deterrent/reassuring effects. High policing agencies symbolize the power of the state, at times in its most arbitrary aspects. In contrast with the police, the intelligence services base their symbolic power on their low visibility, thriving on rumors, innuendo and fear. Nevertheless, the research literature on the police stress that policing is a 'tainted' occupation (Bittner, 1990: 100) and that the police are involved in 'dirty work' (Waddington, 2005: 376). This apparent contradiction between policing and police research is in great part dissolved when we distinguish between reality and symbol. Despite the fact that the police may, in reality, often break the law, it is not admissible to grant symbolic *legitimacy* to these violations because it would clash with the culture of trust binding police and citizens (Manning, 2003: 3 and 11–12). The symbolic resonance of high policing agencies is the opposite: their lawlessness is the foundation of their mythology. The rogue culture fostered by fiction and by the media is that an intelligence agency is efficient in proportion to its disrespect of all rules; agents are even being blamed for being too fastidious in their respect for the law (United States, 2002: 53). However, this culture of institutionalized wrongdoing does not undermine the legitimacy of high policing for two reasons. First, it is covered either implicitly or explicitly by the authority of the state (e.g. the assassination of opponents of Israel by its security service). Second, it is justified on the (battle) ground that in order to defeat the enemy you may have to use the same tactics.¹⁰

Where would private high policing fit in the symbolic structure? It seems to me that private policing whether high or low is weak on symbolic power. Furthermore, if private high policing attempted to move towards the coercive end of the high policing continuum, it would lose all legitimacy and its operatives would potentially be publicly prosecuted. These hypotheses need to be confirmed. What is clear, however, is that the symbolic dimensions—or lack of them—of private policing should be the focus of more study.

Conclusion

My discussion of the defining features of high policing focussed on aspects that had received so far little attention in the academic literature. Absorbent policing implies that the use of intelligence as evidence in public court proceedings is a thorny undertaking that is often strongly resisted. The high policing conflation of powers meant to be separate in a democracy generates a high policing continuum that ranges from knowledge work to coercive practices and violent covert operations. Distinguishing between protecting the constitutional and institutional framework of a nation from perpetuating a particular regime that might be otherwise rejected, makes it possible to consider that high policing is not contradictory with democracy. Finally, despite the growing reliance on technical sources, the infiltration of human informants remains the primary tool of high policing.

Far from having faded out, the distinction between high and low policing was reasserted with intractable clarity by the various bodies that examined the policing context in which 9/11 occurred. Taking into account the growing development of a private high policing complex is now an essential requirement of high policing theory. However, it may be that the conceptualization of high policing is only partially affected by integrating its private component, since defining characters of public high policing such as the intelligence-coercion continuum may not readily apply to private high policing. Furthermore, an analysis of the symbolic structure of private policing, which is presently in great part lacking, must be articulated.

Finally, there is for me no doubt that the high policing-low policing distinction is instrumental in understanding certain practices developed in the context of the so-called war on terrorism. Extraordinary rendition, extreme interrogation, indefinite preventive custody such as is happening in Guantanamo and the rump transnational Gulag that is being imposed by the CIA are all developments that can be examined through the lenses of high policing theory. In a broader context, Jonathan Simon's work on how the war on crime is used in the United States as a comprehensive legitimating strategy for all government action or lack thereof, and as a filter through which the other issues of governance are addressed, finds its most literal application with the war on terrorism declared by the George W. Bush administration (Simon, 2007: 4). This administration has been governing through terrorism using high policing means since 11 September 2001.

Footnotes

- ¹ The French word 'police' comes from the Greek 'polis', which means 'city' (the polity). The word kept its Greek meaning of polity in French. For the French, as for Dr. Johnson, 'the police' was an abstract notion and did not refer to an agency or a group of men.
- ² There are officially sixteen agencies of this type in the United States, 80% of the intelligence budget being under the responsibility of the Pentagon. For the list of US high policing agencies, (see United States, 2004: 406–07; this is the 9/11 Commission report).
- ³ Go to <https://www.cia.gov/cia/publications/factbook/index.html>
- ⁴ It must be added, that for some high policing agencies, e.g. the CIA, Israel's Shin Bet and Mossad, or the French foreign intelligence service, the Direction Générale de la Sécurité Extérieure, (DGSE), actionable intelligence also triggers special operations aimed at neutralizing an opponent.
- ⁵ From the German *Staatsicherheit*—State Security.
- ⁶ In respect to the flow of information, it does not seem that the UK policing forces fared much better than their US counterparts. It is now recognized that Sir Ian Blair, the head of the Metropolitan Police, was kept in the dark for least 24 h on the true circumstances of the shooting of Jean Charles De Menezes.
- ⁷ In a special report, US Judge Charles Breitel documented the extent of the infiltration by the FBI of two Trotskyite leftist political parties (Breitel, 1980). The leadership of these parties was in part comprised of FBI informants. See also Gary Marx's seminal article (1974). In 2006, the RCMP and CSIS arrested seventeen persons in Toronto—among them were four teens—suspected of being involved in a bomb plot. It was revealed by the media that it was an RCMP informant who procured explosives for the terrorists. Neither the RCMP nor CSIS offered a denial of this media report. None of the suspects have yet been sent to trial.
- ⁸ The following private corporations were explicitly mentioned: Raytheon, Syntek Technologies, Booz Allen, Hamilton Inc., Hicks and Associates, Microsoft, Intel and Veridian Corporation (Brodeur and Leman-Langlois, 2006: 179).
- ⁹ Quoted in Madelin (1930: 502); original Fouché manuscripts AFiv, 1314 and AFiv, 1320, no. 20).
- ¹⁰ Because of its extreme nature, torture reveals the unbridgeable gap between high and

low policing. Not only was it never advocated to torture organized crime bosses, but it is rather unthinkable that promoters of torture such as Dershowitz (2002) and Yoo (2006) could have made their case in any other respect than counterterrorism and still be part of the faculty of prestigious law schools (Harvard for Alan Dershowitz, and Berkeley for John Yoo).

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References

1.
 1. Anderson M.,
 2. den Boer M.,
 3. Cullen P.,
 4. Gilmore W.,
 5. Raab C.,
 6. Walker N.

Policing the European Union. Oxford: Clarendon Press; 1995.
2.
 1. Bayley D. H.,
 2. Shearing C.

The New Structure of Policing: Description, Conceptualization and Research Agenda. Washington, DC: US Department of Justice, National Institute of Justice; 2001.
3.
 1. Bittner E.
 1. Bittner E.

Aspects of Police Work. Bittner E. , editor. Boston, MA: Northeastern University Press; 1990. p. 89-232. The Functions of the Police in Modern Society: A Review of Background Factors, Current Practices, and Possible Role Models.
4.
 1. Breitler C. D.

Final Report of Special Master. New York: Political Rights Defence Fund; 1980.
5.
 1. Shearing C.
 1. Brodeur J.-P.

Organizational Police Deviance. Shearing C. , editor. Toronto: Butterworths; 1981. p. 127-160. Legitimizing Police Deviance.
6.
 1. Brodeur J.-P.

High and Low Policing: Remarks about The Policing of Political Activities. Social Problems 1983/1996;30/5:507-521. (reprinted in Reiner, R. (ed.) (1996). Police Discretion and Accountability, Policing Vol. II. Aldershot (UK): Dartmouth Pub, pp. 261-274).
7.
 1. Brodeur J.-P.,
 2. Gill P.,
 3. Töllborg D.
 1. Brodeur J.-P.

Democracy, Law and Security. Internal Security Services in Contemporary Europe. Brodeur J.-P., Gill P., Töllborg D. , editors. Aldershot: Ashgate; 2003. p. 210-61. The Globalisation of Security and Intelligence Agencies: A Report on the Canadian Intelligence Community.
8.
 1. Brodeur J.-P.

Cops and Spooks: The Uneasy Partnership. Police Practice and Research 2000/2005a;1

/3:299-321. (reprinted in Newburn, T. (ed.) (2005). *Policing: Key Readings*. Cullompton Devon (UK): Willan Publishing, pp. 797-812).

9. [↵](#)
 1. Brodeur J.-P.
Criminologie. Montréal: Les Presses de l'Université de Montréal; 2005b. *L'enquête Policière*.
10.
 1. Brodeur J.-P.,
 2. Gill P.,
 3. Töllborg D.
 1. Brodeur J.-P.,
 2. Dupeyron N.

Democracy, Law and Security. Internal Security Services in Contemporary Europe. Brodeur J.-P., Gill P., Töllborg D. , editors. Aldershot: Ashgate; 2003. p. 9-29. *Democracy and Security: The French Intelligence Community*.
11. [↵](#)
 1. Happerty K. D.,
 2. Ericson R. V.
 1. Brodeur J.-P.,
 2. Leman-Langlois S.

The New Politics of Surveillance and Visibility. Happerty K. D., Ericson R. V. , editors. Toronto: University of Toronto Press; 2006. p. 171-98. *Surveillance Fiction or Higher Policing*.
12.

Canada. *Abridged Report of the Royal Commission on Security. 1969. (The Mackenzie Report)*, Ottawa: Queen's Printer.
13.

Canada. *Report on the Events Relating to Maher Arar: First. Vol. 3. 2006a. Report*, Ottawa, Minister for Supplies and Services Canada.
14.

Canada. *A New Mechanism for the RCMP's National Security Activities: Second Report. 2006b. Ottawa: Minister of Supply and Services*.
15.
 1. Newburn T.
 1. Crawford A.

Handbook of Policing. In: Newburn T. , editor. Cullompton, Devon: Willan; 2003. p. 136-168. *The Pattern of Policing in the UK: Policing Beyond the Police*.
16. [↵](#)
 1. Dershowitz A. M.
Why Terrorism Works. Understanding the Threat, Responding to the Challenge. London: Yale University Press; 2002.
17. [↵](#)
 1. De Waard J.
The Private Security Industry in International Perspective. *European Journal on Criminal Policy and Research* 1999;7:143-174.
18. [↵](#)
 1. Dupont B.
Delivering Security Through Networks: Surveying the Relational Landscape of Security Managers in an Urban Setting. *Crime Law and Social Change* 2006;45:165-184.
19.

European Parliament. *Draft Report on the Alleged Use of European Countries by the CIA for the Transportation and Illegal Detention of Prisoners*. Brussels: Temporary Committee on the alleged use of European countries by the CIA for the transportation and illegal detention of prisoners; 2006. (Rapporteur, G.C. Fava).

20.
 1. Funder A.
Stasiland. True Stories from Behind the Berlin Wall. London: Granta Books; 2003.
21.
 1. Johnson S.
A Dictionary of the English Language. II. London; 1806.
22.
 1. Johnston L.
The Rebirth of Private Policing. London: Routledge; 1992.
23.
 1. Lenoir J. C. P.
Mémoire sur la Police en France, et Particulièrement sur la Police de Paris, Présenté à la Reine de Naples (seconde version) et Présenté dans sa première version à l'IMPÉRATRICE d'Autriche. Paris: University Library of Cambridge, Rare Books Department; 1779.
Document manuscrit (manuscript) Classmark~: Add. 4651.
24.
 1. L'Heuillet H.
Basse Politique, Haute Police. Paris: Fayard; 2001.
25. [↵](#)
 1. Lippert R.,
2. O'Connor D.
Security Intelligence Networks and the Transformation of Contract Private Security. Policing and Society 2006;16/1:50-66.
26. [↵](#)
 1. Madelin L.
Fouché, 1759-1820. Vol. 2. Paris: Librairie Plon; 1930.
27.
 1. Manning P. K.
Policing Contingencies. Chicago: The University of Chicago Press; 2003.
28.
 1. Manning P. K.
The Study of Policing. Police Quarterly 2005;8/1:23-43.
29. [↵](#)
 1. Marenin O.
Parking Tickets and Class Repression: The Concept of Policing in Critical Theories of Criminal Justice. Contemporary Crises 1982;6:241-266.
30.
 1. Marenin O.
1. Marenin O.
Policing Change, Changing Police. International Perspectives. Marenin O. , editor. New York: Garland Publishing; 1996. p. 3-18. Policing Change, Changing Police: Some Thematic Questions.
31. [↵](#)
 1. Marx G. T.
Thoughts on a Neglected Category of Social Movement Participants: Agents Provocateurs and Informants. American Journal of Sociology 1974;80/2:402-42.
32.
 1. Marx G. T.
Undercover. Police Surveillance in America. London: University of California; 1988.
33.
 1. Nalla M.,
2. Newman G.
Public Versus Private Control: A Reassessment. Journal of Criminal Justice 1991;19:537-547.

34.
 1. Naudé G.
Considérations Politiques sur les coups d'État. Paris: Éditions de Paris; 1639/1988.
35. National Centre for Police Excellence. *Guidance on the National Intelligence Model 2005. Bedford: Centrex (produced for the association of Chiefs of police); 2005.*
36. [↵](#)
 1. Ocqueteau F.
Les Defies de la Sécurité Privée. Paris: l'Harmattan; 1997.
37. Québec. *Rapport de la Commission sur des Opérations Policières en Territoire Québécois. Québec: Ministère des Communications; 1981a. (the Keable Report).*
38. Québec. *Rapport sur les événements d'octobre 1970. Québec: Gouvernement du Québec, Ministère de la Justice; 1981b. (the Report by J.-F. Duchaine).*
39.
 1. O'Reilly C.,
 2. Ellison G.*Eye Spy Private High. Reconceptualizing High Policing Theory. British Journal of Criminology 2006;46/1:641-660.*
40.
 1. Maguire M.,
 2. Morgan R.
 1. Reiner R.
 1. Reiner R.*The Oxford Handbook of Criminology. Maguire M., Morgan R. , editors; Reiner R. , editor. Oxford: Clarendon Press; 1994. p. 705-772. Policing and the Police.*
41. Security Intelligence Review Committee (SIRC). *The Heritage Front Affair. Report to the Solicitor General of Canada. Ottawa: Security Intelligence Review Committee; 1994.*
42.
 1. Shearing C.*Nodal Security. Police Quarterly 2005;8/1:57-63.*
43. [↵](#)
 1. Shearing C.,
 2. Stenning P.*Modern Private Security: Its Growth and Implications. Crime and Justice, An Annual Review of Research 1981;3:193-245.*
44.
 1. Shearing C.,
 2. Wood J.*Nodal Governance, Democracy, and the New "Denizens". Journal of Law and Society 2003;30:400-19.*
45.
 1. Simon J.*Governing Through Crime. How the War on Crime Transformed American Democracy and Created a Culture of Fear. Oxford: Oxford University Press; 2007.*
46. United States. *Additional Views of Senator Richard C. Shelby, Vice Chairman, Senate Select Committee on Intelligence: September 11 and the Imperative of Reform in the U.S. Intelligence Community. Washington, DC: Congress; 2002. Congress, Senate, Select Committee on Intelligence.*
- 47.

United States. The 9/11 Commission Report: ~Final Report of the National Commission on Terrorist Attacks upon the United States. New York: Norton; 2004. National Commission on Terrorist Attacks upon the United States.

48.

1. Newburn T.

1. Waddington P. A. J.

Policing: Key Readings. Newburn T. , editor. Cullompton Devon: Willan Publishing; 2005. p. 364-385. Police (canteen) Sub-Culture: An Appreciation initially published in 1999.

49.

1. Weiss R. P.

Private Detectives Agencies and Labour Discipline in the United States. Historical Journal 1986;29/4:565-586.

50. [↵](#)

1. Yoo J.

War by Other Means an Insider's Account of the War on Terror. New York: Atlantic Monthly Press; 2006.

51.

1. Zaccardelli G.

Speaking Notes for a Presentation on Intelligence-Led policing at the Canadian Association of Chiefs of Police Conference. 2005. Ottawa, Ontario, August 23, 2005, RCMP, (available on the Web. www.rcmp-grc.gc.ca/speeches/sp_cacp_3_e.htm).

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