

# **Control As Enterprise**

## **Some Recent Trends in Privatization and Criminal Justice**

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### **Privatization, the corporate sector, and criminal justice**

The involvement of private sectors in criminal justice in the western world has a long history (Adamson 1983; Beattie 1986; Feeley 1991; Moyle 1993; Rusche and Kirchheimer 1994; Ryan and Ward 1989; South 1987; Spitzer and Scull 1977). But, it is also true that in many countries in recent decades some distinctive and new developments have taken place. These developments include a substantial growth in private forms of policing and an increase in the use of technological forms of surveillance. They also include less common but nonetheless significant phenomena, such as the advent of private prisons in the United States, Britain, and Australia.

Researchers have examined the growth of privatization and its significance in relation to criminal justice and social control. Interesting questions have arisen about the value of analytical distinctions between formal and informal, state and non-state,

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public and private, and profit and non-profit. But it is now clear that such distinctions can obscure as much as they reveal. Researchers have also raised the question whether privatized forms of control—especially with respect to policing—should be viewed as adjuncts, alternatives, or hybrids in relation to state criminal justice systems. Authors have further raised issues about the importance of examining not only institutions of control (e.g., police) but also the more general processes (e.g., policing) of which they are a part (Boon 1993, 1995; Brodeur 1995; Carriere and Ericson 1989; Cunningham et al. 1990; Ericson et al. 1987; Fairchild 1994; Hoogenboom 1991; Johnston 1992; Lilly and Knepper 1992; Moyle 1993; Ocqueteau 1993, 1995; Robert 1988; South 1988; Shearing and Stenning 1983, 1987; van Outrive 1988).

This chapter will focus on *entrepreneurial* aspects of corporate and commercial involvement in privatization—especially in Canada and North America—and how the corporate private sector plays a part in helping to create a demand for its own services. My sensitivity to this issue has been raised by reading Christie (1994). My observations draw not only upon research but also upon my experiences in the early 1990s at senior levels of criminal justice ministries in Ontario, Canada. By recounting some of these experiences—specifically, situations where the private sector sought to sell various products to the government—the dynamics of privatization and the policy, political, and economic factors that are facilitating its expansion can be illuminated.

My analysis is anchored in the observation that privatization of control systems implies profit from control systems. In turn, the question arises: who profits, and at whose expense? While no definitive answer to this question can be provided here, it does seem that recent trends in privatization primarily benefit those who are already powerful and, specifically, those corporations that are gaining financially from the advance of privatization. Meanwhile, the traditionally less powerful—the poor and members of some racial minorities (who are the major focus of criminal justice and other control strategies)—may suffer most from the negative consequences of privatization. An examination of some corporate and commercial forms of privatization—including attention to ideological as well as material issues—elucidates these points.

## **Corporate involvement in criminal justice and control**

### *The sale of products to the criminal justice system*

Corporate and commercial involvement in criminal justice includes a range of activities and marketing strategies. The customers include other businesses, state and non-state organizations, and individuals. Perhaps the most thoroughly documented aspect of this corporate involvement is that of private policing. Many authors have documented the expansion and transformation of private policing in recent decades, and have examined the numerous sociological, legal, political, and human-rights issues associated with this phenomenon (e.g., Boon 1993; Fairchild 1994; Hood 1988; Hoogenboom 1993; Shearing and Stenning 1983, 1987; van Outrive 1988).

Another important, albeit less-documented, facet of corporate involvement in crime control is that of the sale of products to the police, corrections, and other sectors of the justice system. For example, corporations sell guns and chemical and other weapons to be used on suspects and inmates. They sell bullet-proof vests and other protective clothing for criminal justice employees. They sell fire- and destruction-proof furniture for use in police stations and prisons. And they sell a wide range of technological products including phone and computer systems, identification and monitoring devices, and drug-testing kits.<sup>1</sup>

The prison sector provides a good example of how remunerative the criminal justice field is for the private sector. As Lilly and Knepper (1992) report:

[in one study] it was reported that by 1990 more than 160 different international, national and regional private firms advertised goods and services in the American Corrections Association's *Annual Security Issue and Buyers Guide (Corrections Today*, Vol. 52, No. 4, July 1990; Lilly 1991). Prison food service alone is a \$1-billion-a-year enterprise that is growing between 10 percent and 15 percent a year. (177)

In addition to providing goods and services to prisons—ranging from security equipment to laundry services—during the past decade, the private sector has also become involved in aggressively marketing their abilities in constructing prisons. Consider, for example, the following advertisement by Bell Construction company in *Corrections Today* (quoted in Christie 1994: 95-96):

### THE PROS ON CONS

For more than 20 years we've been building. Building a reputation. Building a client list, and building correctional facilities. That's all we do, we build. And we do it well. Twenty-five correctional facilities worth \$300 millions have given us the experience, and now our clients call us the "pros."

Are you building or renovating a correctional facility? Are you interested in a design-built facility at a guaranteed price? If you're interested in finding out more about our experience, call . . .

By the early 1990s in the United States, the prison construction industry already amounted to US\$6 billion annually (Lilly and Knepper 1992: 177). Taken together with the demand by prisons for various goods and services, it is clear that "[p]ublic punishment is already big business for private companies" (177).

When it is considered that prisons in the United States have recently contained an average of over 1 million prisoners at any given time, and that many jurisdictions internationally are experiencing problems with overcrowding, it can be seen that the private sector's potential for profiting from the prison market alone is enormous.<sup>2</sup> In this context it is important to note that the private sector is becoming increasingly involved not only in construction and the provision of goods and services, but also in the actual operation of custodial facilities. This phenomenon is most apparent with respect to the running of facilities for immigration-related detainees. It is now the norm in many countries for those incarcerated under immigration laws to have private rather than public personnel as guards. Meanwhile, private companies are working hard to expand their role in managing and running prisons.<sup>3</sup>

### *Profiting from crime control—a cause for concern?*

No doubt some people feel that this involvement of the corporate sector in criminal justice should give little cause for concern. After all, it can be argued, crime really is a problem, and some resources must be devoted to dealing with it. Whether the state or the private sector provides policing, prisons, and necessary equipment and services, may not be seen as an issue, particularly given the private sector's claims that they can do what is needed more economically, effectively, and efficiently than the

state can. (For arguments supportive of the private sector's involvement in corrections, see Cikins 1994; Hatry et al. 1994; McCullough and Maguigan 1994; Taylor and Pease 1989; Thomas and Logan 1994).

While I agree that crime is a problem, and that resources are needed to respond to it, and to help people feel—and be—safe, it is highly questionable whether the provision of more security devices, and increased use of police and prisons, are desirable responses. My purpose here, however, is not to elaborate other, more preferable responses (but see Christie 1977; Hulsman and Bernat de Celis 1982; Mathiesen 1990; McMahon 1992; Miller 1996; Sparks 1994). My purpose is rather to raise concerns about the private and commercial responses that are increasingly occurring in practice. In particular, one of the questions that needs to be raised is whether the private sector, given its primary motivation of profit-making as opposed, for example, to any humanitarian concern with public safety or with social justice, tends to seek to supply resources that go beyond any demonstrated need or demand.

In short, the profit-making impetus of the private sector is such that it may be in its own interest to *create* demands in the absence of any real need. This applies not just in the case of corrections but in all spheres of criminal justice and control in which the private sector has an interest. One way to illustrate the private sector's interest in identifying needs is to provide a few examples from my own observations while working in criminal justice and witnessing approaches made by private corporations.

### *The marketing of electronic monitoring to corrections*

Between November 1990 and April 1992, I took leave from the University to work as a policy advisor and executive assistant (i.e., political chief-of-staff) with two successive solicitors general and ministers of Correctional Services in Ontario.<sup>4</sup> It was part of my job to contribute to the policy-makers' debates about, and decisions on, proposals coming from various sources for the reform of correctional services.

When the New Democratic Party (NDP)<sup>5</sup> came into power in Ontario in the autumn of 1990, one of the first proposals for reform in corrections came from a private company attempting to sell electronic monitoring devices. Electronic monitoring typically involves offenders having to wear a wristband or bracelet

through which their movements can be electronically monitored, and thereby circumscribed. As advocated by various companies, electronic monitoring can provide an inexpensive, effective, and humanitarian alternative to imprisonment: rather than keeping offenders in costly prisons, they can be released into a form of house arrest with the electronic monitoring device enabling the authorities to monitor that offenders are actually at home when they are supposed to be.

The logic of this argument is difficult to resist. The offender can still be confined, but in an inexpensive way that enables him or her to maintain family, and sometimes work,<sup>6</sup> relationships and responsibilities. Electronic monitoring, it is argued, carries the promise of being an effective alternative to imprisonment. However, when one looks at the criminological literature on electronic monitoring, it becomes highly questionable as to whether or not electronic monitoring actually provides an alternative to imprisonment at all (e.g., Landreville 1995; Mainprize 1992; Nellis 1991). Specifically, the clientele appears not to be offenders who would have been imprisoned, but rather "low risk" offenders who would most likely have been released into the community anyway through, for example, the more long-standing community programs of probation and parole (a similar criticism can be made of other, more recently developed community correctional programs in western jurisdictions such as community service orders and victim-offender reconciliation programs). Because of this, electronic monitoring is not cheaper as authorities gain the expense of supplying electronic monitoring devices to offenders who would have been released anyway. Nor is it more humanitarian as, rather than removing people from prison, electronic monitoring subjects offenders released to the community to an additional control mechanism.

Whether electronic monitoring is more effective than other approaches in reducing recidivism is also open to dispute. There is little evidence that those released to the community under intensive forms of surveillance are less likely than those released with minimal surveillance to re-offend. Indeed, put crudely, it appears that the more intense the conditions and surveillance under which offenders are placed in the community, the more likely they are to end up in prison again.

One of the reasons for this is that community programs such as probation and parole often carry conditions for the offender, the

breaching of which is not a criminal offence, but which still may result in the offender being sent (or returned) to prison. For example, offenders on probation or parole may be instructed not to communicate with their friends, not to drink alcohol, not to take drugs, and to maintain a curfew, to make financial restitution, or to undertake community work. The larger the number of such conditions, the greater the possibility of their violation. In light of this, some offenders (in Canada) have expressed their preference to serve their complete sentences in prison rather than being released earlier with such a wide range of conditions to be fulfilled.<sup>7</sup>

In short, while electronic monitoring is beneficial for the companies who profit from its sale to correctional systems, this appears to be at the cost of offenders (who are considered to be low-risk with respect to their probability of re-offending) being subject to additional control measures. There is no evidence of any contribution being made to overall public safety. Companies promoting electronic monitoring appear to be trying to create, rather than respond to, a need.

Meanwhile, none of the above addresses fundamental issues about the ethics of physically attaching electronic monitoring devices to the bodies of offenders. Many researchers on privatization (myself included) feel distinctly uncomfortable about advocating such a personally intrusive form of technological surveillance. Nor is it reassuring to learn that, “[i]n some eyes, a true ‘electronic incarceration’ would involve active restraints, such as a remotely applied zap of electricity, for better control of an offenders [sic] behavior” (Hoshen et al. 1995: 2).

As it happened, the minister with whom I was working was opposed in principle to electronic monitoring and the company attempting to market the product was unsuccessful. With another person in the position of minister—especially one unfamiliar with debates concerning the effectiveness of alternatives to imprisonment more generally—it would have been rather difficult to argue against the persuasive marketing techniques of the company as they praised the virtues of their electronic monitoring product in terms of its purported economies, effectiveness, and humanitarianism.

Indeed, when a new government was elected in Ontario in 1995, one of their first announcements with respect to corrections was that they would be introducing the use of electronic monitoring. It appears that companies marketing the product

are poised to market their devices when politically opportune moments present themselves. Moreover, when the vendors put their emphasis on the economies and efficiencies (as opposed to the humanitarian aspect) of electronic monitoring, one can see that its appeal to governments that are both fiscally cautious and tough on crime must be difficult to resist.

In Ontario, the government's decision to implement electronic monitoring was intertwined with their decision to close halfway houses. A fiscal and punitive—rather than humanitarian—orientation underlies their strategy. This is evident in the new minister's repeated statements that halfway houses are a form of "subsidized housing" for people released from prison, something that he feels the government should not provide.

The closure of halfway houses in Ontario and the implementation of electronic monitoring mark some important transitions in privatization in corrections. First, the closure of halfway houses signals the government's move away from "doing business" with non-profit community-based groups, which ran many of the houses, and toward the corporate, commercial, and for-profit private sector. Second, the decision signals a reduced role for people in supervising offenders, in favour of a reliance on technologically based control.

### ***The sale of Capsicum to police***

Another difficult scenario arose in the early 1990s when the ministry of the Solicitor General was approached by private-sector sources who were aggressively trying to market *Capsicum* for use by police officers. *Capsicum* is a form of pepper that, when packaged in a can and sprayed, has the effect of totally immobilizing its human target. Given that *Capsicum* is based on a natural (rather than a chemical) source, and that its use leaves no trace on the victim's clothing or body, it might somewhat facetiously be described as an environmentally friendly form of *Mace*!<sup>8</sup>

In Ontario, corporate efforts at marketing *Capsicum* to police forces and the government were made during a politically volatile moment in police-community relations. During the late 1980s and early 1990s, a series of shootings by police had occurred. These shootings resulted in a number of serious injuries and deaths of civilians. While in some of these situations one could see the police rationale for drawing their guns (e.g., where an assailant was holding hostages and/or threatening to kill someone),

there were also too many situations where no such rationale or provocation was obvious. Most disturbing in such cases was that a pattern seemed to be emerging whereby the victims of police shootings were black males without firearms and, in some cases, apparently without any knives or other weapons at all. Minority and civil-libertarian groups were vociferously complaining to the police and government and calling for educational, administrative, and other strategies to curb police use of their guns.

It was during this heated political climate that the vendors of *Capsicum* made their arguments about its benefits. Specifically, the claim was made that if *Capsicum* were made available to police officers, their tendency to rely on their guns would be reduced: given *Capsicum*'s ability to immobilize its victim totally, the police would have ample opportunity following its use to adequately restrain allegedly dangerous suspects. *Capsicum*, it was claimed, was a new and environmentally friendly weapon whose use could only have benefits for everybody concerned.

Not surprisingly, outsider police reformers along with police officers and administrators were almost universally in favour of this new weapon. Media reports on the issue were favourable to the use of *Capsicum*. Both newspapers and television carried images of, and accounts from, individual officers who had voluntarily allowed *Capsicum* to be used on them to demonstrate its incapacitative effects. Meanwhile, cost, one of the usual barriers to reform, was at least partially removed as those selling *Capsicum* offered to supply it free of charge for use on a trial basis.

While the arguments in favour of police use of *Capsicum* are compelling, we should be cautious in accepting its almost universal acclaim. In the first place, there is a long history of police claiming that problems of crime-fighting, and of control over police officers themselves will be solved with the adoption of one or another new technological method.<sup>9</sup> As each method fails, calls for, and claims about, some new method follow. It is also problematic that the marketing of *Capsicum* to police forces was ultimately founded on the claim that its introduction would result in a reduced use of firearms by the police. Although *Capsicum* had been available to some police forces in the United States for years, no concrete evidence was provided to substantiate this claim. In the absence of such data, belief in the advantages of *Capsicum* was based more on optimism and faith than on information and knowledge.

Some might argue that the advantages of *Capsicum* are so obvious that no scientific inquiry is necessary. Indeed, it is true that, as with many other products marketed by the private sector, it seems far easier to make the case *in support* of them than one *against* them. Nevertheless, in addition to the cautions above, I would also draw attention to police use of *Capsicum* on Rodney King during his apprehension and beating in Los Angeles. As the Rodney King case may symbolize, providing *Capsicum* to police officers may simply enable them more easily to abuse their powers over suspects in certain situations, rather than constraining them in their use of firearms.

One might draw a parallel between the problems with electronic monitoring and those with *Capsicum*: the private sector claims that electronic monitoring will be used instead of imprisonment but, in practice, it appears to be used as an addition to pre-existing community correctional control mechanisms; the private sector claims that *Capsicum* will be used instead of firearms but, in practice, it may be used as an addition to police officers' pre-existing arsenal of batons, guns, and other weapons.

Raising cautionary observations in the course of discussion of *Capsicum* in Ontario was taken as reform heresy! Any suggestion that the provision of *Capsicum* to police officers might be accompanied by withdrawing some of their firearms was also treated with derision. As with other areas of police reform, the fundamental issue, namely, the willingness of police to draw and use their guns in certain situations, was not confronted head on, but was averted by making changes in matters of management, administration,<sup>10</sup> and the provision of this new "environmentally friendly" weapon. The police authorities were facilitated in this by the private sector's skilful translation and articulation of a real need (for the police to reduce reliance on their firearms) into a demand for the product of *Capsicum* that they could deliver.

In short, where the sale of *Capsicum* to police forces is concerned, private corporations again have the ability to make a substantial profit, and at the cost of civilians becoming potential victims of a new police weapon. Moreover, this weapon may be one whose use victims will find particularly difficult to challenge, given that *Capsicum*, unlike *Mace*, leaves no trace and thereby no lasting evidence that an assault by police actually took place.

In Ontario, the outcome was that, in face of overwhelming support for the introduction of *Capsicum*, the second minister

with whom I worked gave his support for its use by police forces on a pilot basis. Subsequent to this, it is now common for police officers in Ontario to carry *Capsicum* along with their other weapons. Moreover, far from the availability of firearms to police being reduced, the years during which the provision of *Capsicum* was being initiated—that is, the early to mid-1990s—were a period when Ontario police successfully campaigned for more powerful firearms and bullets. Despite reformist rhetoric about reducing civilian injuries and fatalities as a result of police action, the 1990s thus far have seen an increase in both lethal, and supposedly non-lethal, weaponry provided to police.<sup>11</sup>

Overall, it appears likely that many jurisdictions will encounter the situation that has already been experienced in Ontario. The successful marketing of *Capsicum* by corporations has a lure that is difficult to resist, especially in its promise to reduce the use of force by police. Ironically, the use of *Capsicum* in practice may extend, and facilitate, the very phenomenon it claims to constrain.

#### ***Corporate sales to individuals—from alarms to cellular phones***

In addition to selling their products and services to criminal justice systems, the private sector has also worked hard to create and respond to demands on the part of individuals. Perhaps the most familiar example of this is the marketing of burglar alarms and security devices to individual property owners. This has now reached the point where the installation of devices such as alarms and window locks has become a standard feature of middle-class and upper-class homes. This growing use of alarms and security devices has been given added impetus by some private insurance companies requiring their installation and use as a condition of getting insurance and making a claim.

In many European cities (e.g., Paris), entering the courtyards of many apartment buildings now requires knowledge of security access codes in order to pass through the main entrance. It is no longer possible as a stranger to simply wander in and admire the architecture of the buildings. Visiting someone at home requires not only ascertaining the precise location in advance but also a sometimes bewildering array of numbers in order to enter the courtyard, and then the door of the building being visited.

Meanwhile, in some places in North America, where private security companies provide aggregate packages to whole communities who have joined forces in order to pay, it is no longer only individual homes or buildings but large geographical areas that have become private and inaccessible enclaves. In such areas, observes Davis (1990: 250) the “carefully manicured lawns . . . sprout forests of ominous little signs warning ‘Armed Response!’” And, as he further bemoans: “Anyone who has tried to take a stroll at dusk through a strange neighbourhood patrolled by armed security guards and sign-posted with death threats quickly realizes how merely notional, if not utterly obsolete, is the old idea of the freedom of the city.”

As burglar alarms and security devices have become features taken for granted in many western homes, the private sector has recently sought to identify new possibilities for creating and responding to the security needs of various individuals. In the process, the range of products being marketed under the rationale of security has become more diverse. Here, the private sector’s targeting of women as another market for *Capsicum* is a good example. Advertisements in women’s magazines urge women to buy a *CapStun* gun with which to ward off, and incapacitate, potential assailants and attackers. Of course, the availability of the *CapStun* also has implications for the vulnerability of women (which are not mentioned by the private sector) in that assailants also have a new weapon which they can use in attacking women.<sup>12</sup> Far from ameliorating crime and the fear of crime, the availability of *Capsicum* may exacerbate both.

Recently, the private sector has even managed to use fear of crime as a major theme in their marketing of cellular phones to women. Thus women are told to “buy a cellular phone and you need never be alone”; the implication is that if they can phone someone in time they may be able to prevent an attack. This marketing of goods to women deserves more analysis, as it illustrates very well the expertise of the private sector in identifying, capitalizing upon, and profiting from, a specific group’s fear of crime. More analysis is also needed of the extent to which this kind of advertising and marketing reflects the vested interest of private companies not just in responding to the fears of women, but also in the creation and escalation of such fears, leading to an expansion of the potential clientele and profitability of the control industry.

### **Conclusion: the context and consequences of privatization**

As the examples in this chapter illustrate, the corporate and commercial sector is greatly expanding its involvement in criminal justice and control. Economically and ideologically this sector is able to capitalize upon, and profit from, public fears of crime and the desire for security. In the enterprise culture of justice, the phenomenon of crime appears to be a never-ending resource from which governments and corporations profit in material and ideological ways. As Nils Christie (1994: 11) has observed: "Compared to most other industries, the crime control industry is in a most privileged position. There is no lack of raw-material, crime seems to be in endless supply. Endless also are the demands for the service, as well as the willingness to pay for what is seen as security."

While the corporate and commercial sector is profiting from privatization, its benefits for the public are far less clear. Many people's fears of crime can be disproportionately increased by the relentless emphasis upon the risks and dangers they face. Meanwhile, marginalized individuals and groups—the poor, the homeless, and those subject to the criminal justice system—experience more insidious and extensive forms of control. Both those who are supposedly threatened, and those who supposedly constitute a threat, are captive to the ideologies and practices of privatization.

Overall, privatization can be seen as a core component of what researchers have described as the "risk society" (Simon 1987; Beck 1992; O'Malley 1992). As explained by Ericson (1994):

Risk society is constituted by three logics ... First, there is a negative logic. Threats and dangers, and fears about them, are dealt with by the construction of "suitable enemies" (Christie 1986) and attendant negative labelling, denial, avoidance, and exclusion. Solidarity is based in a communality of fear ...

Second, there is a logic of controlling the irrational by rational means. Fear becomes a basis for rational action. People turn to experts to rationalize fears and make probability choices ...

Third, there is a logic of insurance. The concept of risk is a neologism of insurance. In modernity the institution of insurance is central to the rationalization of risk ...

Within the criminal justice sphere, the advancement of the risk society and of privatization go hand-in-hand. Moreover, as Brodeur (1995) has pointed out, it is the marketing and use of technological forms of risk-management that has recently predominated. The vending of electronic monitoring and *Capsicum* in Ontario testifies to this. Meanwhile, the more generalized use of technological forms of surveillance (ranging from electronically tagging bank cards, library cards, clothing, food, and other merchandise to the installation of cameras in bank machines) provides a situation where not only risks themselves—but also the means used to manage them—have become simultaneously omnipresent yet intangible.

The secret of the successful growth of the private sector lies in the iatrogenic nature of the risk society: when more emphasis is placed on risk, a greater sense of insecurity, and a growing demand for protective products, are the results. As Davis has observed “the market provision of ‘security’ generates its own paranoid demand” (1990: 224). Nor, given the entrepreneurial drive of the private sector, does there seem to be any discernible limit to this. For, as Christie notes: “Only rarely will those working in or for any industry say that now, just now, the size is about right. Now we are big enough, we are well established, we do not want any further growth. An urge for expansion is built into industrial thinking . . . The crime control industry is no exception” (1994: 13).

The entrepreneurial character of the control industry requires more attention than it has received to date. Moreover, it is important that attention be given to its international and transnational aspects. For example, companies such as Corrections Corporation of America now operate not only in the United States, but also in Britain and Australia (Lilly and Knepper 1992; McDonald 1994; Moyle 1995). There are also reports that private companies are expanding their activities not only in Western jurisdictions, but also in Latin America and elsewhere. Companies concerned with policing and security have already made substantial inroads in eastern Europe (e.g., Group 4’s provision of security in a major shopping centre in Prague, Czech Republic). Major security “fairs” are also being held in eastern European jurisdictions (e.g., in the Baltics) where companies are marketing their wares to governments, businesses, and individuals.<sup>13</sup> Given central and eastern European countries’ preoccupation with problems of crime following the collapse of

communism, along with their economic adoption of privatization strategies, the region is providing the crime-control industry with vast new markets for its activities.

As well as examining the international aspects of the crime-control industry, more attention is needed to the changing activities of companies that used to provide security supplies to the military. As Lilly and Knepper observe, following the end of the Cold War, and “[w]ith defence contractors reporting declines in sales and the search for new markets pushing corporate decision-making, it should be no surprise to see increased corporate activity in criminal justice” (1992: 186–7). Where such companies previously profited from the risks and dangers associated with foreign enemies, they are increasingly turning their energy towards charting, and responding to, potential risks from within.

In sum, examination of the entrepreneurial core of the control industry helps to explain the rapid growth of privatization, as well as the advance of the “risk society.” It also raises questions that are not only sociological, but also political and ethical. In face of the ideology and practices of privatization, basic questions about values, human rights, and justice often get left behind. Privatization deflects attention from, and distorts perceptions of, real social problems. Perhaps the greatest challenge facing researchers in this field is to maintain a humanitarian focus on the consequences of privatization—despite its own rational, utilitarian, and managerial discourses.

## Acknowledgments

I thank Nils Christie and Hedda Giertsen (University of Oslo), Lode van Outrive (Katholieke Universiteit Leuven), and Philippe Robert (CESDIP/CNRS, Paris) for their critical and helpful comments on an earlier draft of this article. The 1993 Annual Conference of the European Group for the Study of Deviance and Social Control, “Control as Enterprise,” held in Prague, Czech Republic, provided the stimulus for this article. I thank members of the European group for discussing and debating related issues with me. This article first appeared in French in *Déviance et Société* 20, 2 (1996): 103–18.

## Notes

- 1 A good overview of the range of products being sold and of the marketing techniques used can be had from reviewing advertisements in the American professional magazine *Corrections Today*. Consider, for example, the following extract from an advertisement for protective clothing (quoted in Christie 1994: 97): “Some inmates would love to stab, slash, pound, punch and burn you. But they won’t get past your S.T.A.R. Special Tactical Anti-Riot Vest.”
- 2 The size of prison population in the United States is astounding. Approximately 50 percent of the prison population consists of black people. Translated into rates proportionate to population, the imprisonment rate in the United States in the early 1990s was over 500 per 100,000 population. By comparison, the rate in Canada in the early 1990s stood at approximately 115 per 100,000 population, and that in the countries of member states of the Council of Europe varied from around 100 per 100,000 population (e.g., in Britain) to as low as between 40 and 50 per 100,000 population (e.g., in Iceland and the Netherlands) (Miller 1996; Mauer 1995).
- 3 At present, less than 5 percent of North American prisons are actually run by the private sector. Ironically, although most media discussions of privatization and prisons focus on the phenomenon of the “private prison,” such institutions are rare. Rather, the provision of goods and services to prisons and prison construction are more common and lucrative. Nonetheless, privately run prisons are a crucial topic, as this sector of the market currently holds the most potential for the private sector to expand their activities. For discussions of the issues raised by private prisons in the United States, Britain, and Australia, see Shichor 1995, James *et al.* 1997, and Harding 1997.
- 4 The province of Ontario has a population of over 10 million people.
- 5 The New Democratic Party (Canada’s social democratic party)—formed a “new” government not only because it had just won an election but also because this was the first time that the NDP had achieved a majority government in the province of Ontario. In the summer of 1995, the NDP were defeated by the Progressive Conservative party, a party that is far more explicitly committed to privatization strategies in all spheres of government.
- 6 In some cases, offenders are required to be at home at set times and to be at work at others (where probation and parole officers periodically check on them). At the moment, while electronic monitoring devices allow the offender’s presence in a residence to be confirmed, the devices are not able to “track” the offender’s movements once he leaves the site. Companies are working on developing technology that will allow such “tracking” to be undertaken (see Hoshen *et al.* 1995).

- 7 For some debates about the use of imprisonment and community programs, see Cohen 1985; Landreville 1995; McMahon 1992; Rattner 1987.
- 8 *Mace* is a chemical product that, when sprayed, can also immobilize the victim. Unlike *Capsicum*, *Mace* leaves stains on the victim's body and clothing. It appears that *Mace* is routinely used to quell inmates in prisons in Canada and elsewhere (although this is an issue that has not been extensively documented or researched).
- 9 For an excellent historical account of how it was claimed that the introduction of items such as the telephone, police radios, and police patrol cars would help solve the problem of crime and assist supervisors in maintaining control over police officers, and of how such methods have not accomplished their stated goals, see Rubinstein 1973.
- 10 Among the reforms initiated as a response to the legitimacy crisis arising from police shootings was the requirement that police officers fill out a new form on occasions when they draw their guns.
- 11 Meanwhile, research on the purported benefits of *Capsicum* in reducing harms experienced by civilians as a result of police actions continues to be needed. For example, in Ottawa in early 1995, a man drowned when he ran into a river after he had allegedly been sprayed with *Capsicum* by the police.
- 12 By the same token, the availability of *Capsicum* to the population at large also has implications for its effectiveness in the context of policing as discussed above. While the police may also feel empowered by their possession of *Capsicum*, its wider availability also makes them vulnerable to another form of attack.
- 13 For general accounts of crime and criminal justice in eastern Europe, see Joutsen (1992, 1993) and McMahon (1995).

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