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Original article

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Abstract: With rare exceptions (see Carrapico and Trauner, 2013 op cit) the substantive topics of crime and policing are secondary considerations in the social science of European Union institutions and agencies. In this paper we investigate the argument outlined in Andrew Barry's Political Machines (2001), that Europe should be understood in terms of "technological zone[s]" founded on devices, practices and regulations governing measurement, connectivity and qualification. Furthermore we look to better understand whether Barry's thesis stands up to critical scrutiny when applied to the field of organised crime, or whether organised crime exposes specific challenges to the social scientific analysis of European governance.

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Introduction

In recent decades, actors and forces for which the territorial state is not the cardinal organizing principle have begun to outflank the state externally and to gnaw away at its governance monopoly from the inside. They may be driven by universal values or factional greed, by profit and efficiency considerations or the search for salvation. They include global financial markets and production chains, civil society organizations and such uncivil entities as transnational terrorist and criminal networks (Ruggie, 2003: 13, cited in Kingah, Schmidt, & Yong, 2015: 231).

In recent scholarship on the European Union (EU) there has emerged a tendency to construe European institutions as dynamic, collective entities that develop and learn in response to social, political and economic challenges. In this regard, the emergence of cross-European programmes are often explored through the lens of institutional learning and adaptation—focusing on indicators and procedures of co-ordination and their contribution to wider structures of European governance. With notable and exceedingly rare exceptions (see Carrapico and Trauner, 2013) the substantive topics of crime and/or policing are secondary considerations in this recent social scientific scholarship on European institutions and agencies. The problem of crime and the associated issues around its policing are read off as the obverse of the problems of the legal economy or are seen as instances of failures, breakdowns or imperfect operational qualities of Europe's economic and institutional structures—which seems to imply that crime and policing were somehow external or peripheral to the development of the European project. One has to go back a very long way (perhaps to Block and Chambliss, 1981) to read accounts of the centrality of crime to the emergence of Europe. The issue to be decided is whether these new approaches to European politics— invoking contingency, metrication, frameworking—stand up to critical scrutiny when put to the test of crime and policing—in particular, the policing of organised crime. The salience of this issue lies in the fact that, all too often, problems of crime, corruption and illicit activity in general are read as failures or consequences of inadequate political or social regulation. This implies that opportunities for illegal activity arise simply because of gaps and fissures in otherwise well-constructed frameworks of law, policing and regulation. This perspective on crime and illegality requires analytical testing: is it not equally the case that the very gaps and fissures in law, policing and regulation exist precisely because of the dynamic character of crime itself?

To respond to this question, we explore Andrew Barry's thesis in *Political Machines* (2001): that Europe should be understood in terms of a "technological zone" founded on devices, practices and regulations governing measurement, connectivity and qualification. At the heart of Barry's interdisciplinary research has been a concern with the importance of materials and technologies in political and economic life. His seminal (2001) book focused on the crucial role of technical devices in the constitution of a transnational political space, the EU. His understanding of the EU focuses on its constitution through political and technological practices—the creation and management of "zones"—but it is not "political science", in the conventional sense of the term, rather than the more traditional examination of variables or institutional structures, it is an innovative interdisciplinary perspective that focuses on processes. Whilst the (prize-winning) analysis in *Political Machines* has been influential in a number of fields, we are interested in its applicability to those parts of the EU that concern illegal, rather than legal, practices.

In order to achieve this central aim, we first provide some commentary on the context in which recent scholarship on the EU has developed—namely, the issues of transnationalisation or globalisation. We then outline Barry's general thesis on a "zonal" Europe whilst considering what it means to construe the policing of organised crime through these devices, practices and regulations, before addressing the question of whether organised crime exposes specific challenges to new social scientific constructions of European governance.

On Globalisation

Contemporary social life is characterised by numerous forms of mobility, and flow; movement appears not only as the defining quality of so many individual lives but also as a key problem facing contemporary political, economic and social institutions. One has to witness only the crisis engendered by mass migration from unstable and wartorn territories to understand the impact that movement has on political and social life.   The impact, however, has a much greater reach than just those who are on the move. Goods, images, ideas, fashions, technologies, wealth, all of these zip and scurry from one place to another, sometimes instantaneously (as in electronic transfers of wealth), sometimes merely rapidly (as in goods and technologies), they can be tangible (as with goods) or virtual (as with images, ideas and fashions). Within mainstream social science it is commonly accepted that a radical acceleration in flows of capital, people, goods, images and ideologies travelling across national borders has been provoked by globalisation. A consequence of this development has been a simultaneous compression and expansion of legal and political controls over mobility and a simultaneous compression and expansion of means of bypassing these controls. The unfolding conflict between licit and illicit movement has prompted national governments to develop strategies and tactics to exercise "regulatory power over spaces beyond their jurisdiction" (Peters, 2014: 414) whilst organised crime groups have developed new and innovative ways of escaping regulation by de- and re-territorialising their enterprises (see van Duyne et al., 2009; Allum, 2014).

The irony that should not be lost here is that the EU was founded on the principle of movement and flow. Its primary economic aim being the creation of a single market to enable goods, services, money and people to move freely within its boundaries. At the same time, this economic aim co-exists and is said to be embedded in the promotion of human rights so that a union of political and social agendas might harmonise the consequences of the economic agenda. Of course, a political project on this scale cannot be understood simply as an internal enterprise. The EU exists in, and is part of, a wider series of transnational economic and political arenas (see, for example, Hameiri and Jayasuria, 2013). These arenas comprise what is generally understood as "globalisation": they consist in spaces detached from solely national rules, spaces that are "deterritorialised" in the sense that they become subject to (transnational) private economic interests and international rubrics. They have to be actively produced through the establishment and institutionalisation of new regulations, new lines of accountability, new directives—a "new legality", as Sassen (2000), puts it—which alter the relationships between states and between public and private interests. The EU is simply one set of instances among many other transnational "zones" whose technical, legal and jurisdictional powers and practices extend beyond the boundaries of its member states into other territories. This complex geo-political reality makes it difficult for the EU to develop policy areas in any substantial way: how a police service is structured and how its powers are operationalised in one territory will differ from another territory; how a community health service is structured and operationalised in one territory will differ from another territory, and so on. Consequently, policy

areas and their regulation are constructed and implemented through an "open mode of coordination" (de la Porte et al., 2001) based upon benchmarks, standards, and regulations rather than binding legislation. Managing the movement of anything at all within and beyond Europe has proven to be both very complicated and, to outside observers at least, very mysterious.

The problem of mobility and flow has encouraged scholars to rethink the ways that transnational political structures intervene into and establish agencies and institutions for the regulation of a very wide range of legal and illegal activities. This restructuring of scholarship unsurprisingly, has itself moved in a plethora of directions—from reconsiderations of neo-institutionalist theory (Jensen and Méranda, 2010) to a "sociological institutionalist" approach (Healeya, 2006), to ones that focus on "compositional" and "network" analyses (Amin, 2004), or the regulatory aspect (LeviFaur, 2011). A further analytical trend has emerged that emphasises an "experimentalist governance" approach to understanding the transnational character of EU institutions (Sabel and Zeitlin, 2010) and their policing functions (Carrapico and Trauner, 2013). It is not the place, here, to go into these approaches and the debates between them in any detail. We simply want to note that contemporary analyses of European governance increasingly emphasise the multi-layered character of political decision-making, the relative autonomy of decision-makers from one another and the increasing significance of performance indicators, metrics, frameworks and procedures to the co-ordination of cross-European policies and practices.

At the same time, it has been keenly observed that with globalisation has come an expansion of transnational markets for illicit goods and services and an abundance of organisational forms dedicated to managing and profiting from these markets. In a global age criminal organizations and networks operate across all national and territorial borders, illicitly trafficking people, drugs, information, cigarettes, marine resources, nuclear materials or stolen goods, and much else. Police forces, customs and excise, immigration services, state security agencies, organised crime groups, terrorists, and others interact in these markets. The markets are said to have a substantial impact on the global economy and state security, and consequently have many implications for policing, involving pursuing investigations across different sovereign territories. This marks a shift towards "the global policing of crime" (Bowling and Sheptycki 2011) involving many routine movements of police officers and policing technologies across borders. Long-standing international police institutions such as Interpol—who have traditionally been involved in cross-border policing—have been joined, and arguably superseded in importance, by the internationalization of US policing (c.f., Anderson, 1989; Andreas and Nadelman, 2006) and by the development of new forms of police networking and cross-border cooperation within the EU—notably, as we will see later in the paper, in the shape of Europol. The changing operational dimensions of policing agencies in their attempts to control organised crime, what infrastructures are built to facilitate police mobility, and how police officers navigate the tensions of the challenging environments in which they operate, have seen the policing of organised crime become an expanding, diverse and complex field of activity that poses a set of challenges to traditional methods of policing (Gilmour and France, 2011). Policies that respond to the problem of organised crime comprise numerous transnational institutions and agencies, and, as Harfield (2011) details, result in layer upon layer of complexity. The complexity is

exacerbated by the problems associated with any "crime management model that is underpinned by the geographical reach of the investigating agencies" (Gilmour and France, 2011:17) and based on the principle of subsidiarity.   How then, do these layers European governance intersect with the configuration and reconfiguration of criminal organisation and its policing, and can the qualities of the former be magnified through the lens of the latter? In response to this question we turn next to a consideration of Andrew Barry's analysis of the institutional structures of a "zonal" Europe before raising issues of organised crime as central questions that need to be put to the scholarship on European governance.

Scapes and Zones

Andrew Barry (2001) opens his exploration of *Political Machines* by referring to Arnan Appadurai's famous (1990) essay "Disjuncture and Difference in the Global Economy". Here, Appadurai outlines his "scalar dynamics" approach to understanding the complexity of the global economy. Briefly, Appadurai proposes to explore the "fundamental disjunctures between economy, culture and politics" through "five dimensions of cultural flow". These, he terms: 1) ethnoscapes, the landscape of persons who constitute the shifting world in which people live, 2) technoscapes, the global configuration of technologies moving at high speeds across previously impermeable borders, 3) financescapes, the global grid of currency speculation and capital transfer, 4) mediascapes, the distribution of the capabilities to produce and disseminate information and the large complex repertoire of images and narratives generated by these capabilities, and 5) ideoscapes, ideologies of states and counter-ideologies of movements, around which nation-states have organized their political cultures (Appadurai, 1990: 296). They refer to the locally, regionally and globally shaped flows of people, information, technology, capital, and ideologies. They are not solid social structures or unyielding cultural architectures nor are they insubstantial, temporary social forms or un-problematically malleable cultural decorations. Instead, they are more or less stable configurations of people, technologies, money, messages and ideas circulating in and across specific local, national and transnational boundaries. Appadurai uses these keywords to explore "the conditions under which current global flows occur": "in and through the growing disjunctures between ethnoscsapes, technoscapes, financescapes, mediascapes and ideoscapes" (1990: 301). Appadurai's argument is that the global flows of people, technologies, money, messages and ideas are increasingly disconnected. Industrial technologies may be exported to one region of the world and the wealth from their deployment exported somewhere else. People may migrate from one social and cultural situation to another whilst clinging to ideas and ideologies of their homeland that have no bearing on the latter's reality. Diasporic populations engender deterritorialised film and entertainment production facilities catering for the tastes of dispersed ethnic and cultural communities whilst globalised media corporations act out wars of ideological position between competing national media interests (such as CNN versus Russia Today). Appadurai's work demonstrates that global flows are not unidirectional: people, things and ideas move along multiple paths in complex patterns. In consequence, social scientists need to "think

beyond the nation," (1996), imagining a form of sovereignty which replaces territoriality with translocalities, seeing globalization as a historical, uneven, and complex process.

Appadurai's essay outlines what a majority of researchers experience when trying to make sense of the seemingly ubiquitous mobility of the contemporary world: it is intrinsically complicated, difficult to pin down with conceptual rigour and even more difficult to grasp empirically. Responding to this image of disjuncture and difference, Barry takes up a challenge that Appadurai's theoretical propositions lay down; namely: how to "describe the *topology* of such spaces as they are formed through the movement of materials, practices and persons" (Barry, 2001: 38). That is, of what, precisely, do these "scapes" consist and are there not only differences but also connections between them? Is it possible to fill them in with both conceptual rigour and empirical detail; and do they stand up to critical assessment when applied to concrete situations?

In taking up the challenge, Barry largely discards the concept of "scape" and substitutes the notion of "zone" instead because he wants to retain not only a sense of scalar quantities but of vector qualities, too. That is, he wants to investigate both the emergence and consolidation of ideas, procedures and practices and also their direction of travel. Thus, he writes:

Zones are not fixed structures within which action takes place. Zones are always in process. They demand regeneration, adjustment and reconfiguration:

frequent maintenance work (Barry, 2001: 40).

Moreover, he suggests, the notion of "zone" avoids direct metaphorical association with land, territory or region "with all their connotations of physical presence" (ibid). Instead, the image is one of the circulation and regulation of materials, persons and practices that may be dispersed in space and time—think of air quality monitoring in London and Edinburgh, consumer rights in Calais and Norwich, no-smoking regulations in Dusseldorf and Preston. Barry's point is not that materials, practices or persons are precisely mirror-regulated in every situation but that a political analysis of regulatory interconnections reveals *which* places and practices are connected together and *which* are excluded—and how the connections and exclusions are managed. In the modern world, this connection/exclusion couplet is a technological matter insofar as it involves the co-ordination of technical devices and "the forms of knowledge, skill, diagrams, charts, calculations and energy which make [their] use possible" (ibid: 5). Thus, Barry overlays Appadurai's five scapes with a single concept of "technological zone".

The ensuing long theoretical exposition contained in Barry's (2001) book is summarily reduced to its outlines in his (2006) paper on *Technological Zones*. Here, Barry writes (2006: 239) that:

A technological zone can be understood, in broad terms, as a space within which differences between technical practices, procedures or forms have been reduced, or common standards have been established.

Clearly, as hinted at earlier, a technological zone is a *standardised* space—even if the standardisation is never fully realised—and it is on procedures and practices of standardisation that the topology of Appadurai's scapes and flows are intricately described. Indeed, in the (2001) book, Barry devotes an entire chapter (Harmonised States) to the topic because:

… standardisation is critical to what I have called technological zones, and the generation of new spaces of political rule (2001: 63)

Although Barry expends most energy on technologies of measurement and technologies of interconnection[1], using these to explore, amongst other things, procedures and forms of technical standardisation across Europe and citizen interactivity within Europe, it becomes evident that there is a third, subterranean, theme running through the discussion concerning standardised evaluations of qualities and practices. In 2006, he clarifies this theme by referring to a zone of qualification— where "the qualities of objects or practices are assessed in order that they meet more or less common standards or criteria" (2006: 240).

In summary, we can say that Appadurai fans out his five conceptual cards to investigate the disjunctures and differences between them, whereas Barry shuffles them together to examine how their face values add up to a technological pack. While for Appadurai, technoscapes are only one set of spaces through which to interrogate global flows, for Barry "localised sites of calculation" and "technological zones of circulation" (see Barry, 2001: 202-203) fuse together to construct a new "anatomy" and "chemistry" of European governance involving "networking, feedback and interactivity" (2001: 214). The question, of course, is whether this conceptual reformulation is able to carry the analytical weight of Barry's empirical thesis; namely, that the European project (and its global footprint) amounts to the articulation of three technological zones (or three dimensions of one technological zone), comprising a *metrological zone* (or a zone of measurement), an i*nfrastructural zone* (or a zone of interconnection) and a *zone of qualification* (or a zone of evaluation) (see Barry, 2006: 240). To put this question to the test we consider, first, what it means to depict Europe as a coagulation of technological zones and, second, whether such a depiction enhances understanding of or suggests responses to current issues of organised crime and, in particular, if and how the analytical portrait of European governance alters when examined through the lens of policing organised crime.

Metrological Zones: Measurement

It has to be acknowledged at the outset that Barry is definitely onto something. To create and regulate a single market in people, goods and services across territorial borders, cultural distinctions and social and institutional differences; to develop a common (if not shared) currency across vastly different economies; to establish common regulations governing everything from workplace safety to water quality and professional qualifications, requires a huge effort in

standardisation. Encircling Europe's myriad of cultures and norms, legal and political systems, institutional structures and histories, communal loyalties and divisions, languages and ethnicities (and the rest) with standard rights, duties and expectations in everything from trade tariffs through welfare entitlements to arrest warrants is an impressive (and, some might say, inherently foolish) political enterprise. Moreover, the sheer scale of such an enterprise demands the participation of thousands upon thousands of politicians, scientists, technologists, bureaucrats, professionals and third sector organisations from every imaginable field of expertise; and it requires their participation daily, weekly, monthly, unceasingly as more and more technical and administrative procedures and practices are sucked into the orbit of "harmonisation". In this case, it might be suggested that standardisation is not *a* political project of the EU (see Barry, 2001: 26) but *the* political project of the EU. This is why an "open mode of coordination" is based upon the creation and administration of standardised institutional procedures for measurement, connectivity and evaluation. What counts is not standardising the mode of delivery of a service or function, nor its legal basis in national policy but standardising the means and techniques for its monitoring, surveillance and accountability.

An essential ingredient of such a standardisation process, according to Barry, is the translation of Europe into a "calculable space" (after Miller, 1992) in which national differences in employment, health, industrial productivity and much, much more turn into measurable, quantifiable entities in their own right and become:

… the object of an increasing quantity of European statistics and an increasing variety of objects and measurements. Instant comparisons and calculations are possible (Barry, 2001: 69).

It is not only demographic distributions of health, wealth and welfare that are rendered visible to the calculating gaze; but so too are product ingredients, bathing water quality, abattoir hygiene standards, mobile 'phone charges, loads carried by lorries traversing Europe's roads. A veritable will to measure assails committees, departments, forums and networks as the standardisation project flows in waves across Europe's institutional structures. This is what Barry means when he proposes that Europe is constituted through a "metrological zone" that co-ordinates and regulates both the practices and tools of measurement and the objects that are rendered visibly measurable.

Very similar initiatives are visible, at least at the level of policy rhetoric, in the field of organised crime. The European Commission itself states categorically that:

The [Migration and Home Affairs] Commission's objective is to apply harmonised data collection methodologies to produce EU-level statistics, which will enable comparisons between EU States on the structures and trends of crime.[2]

This is because, as the United Nations Office on Drugs and Crime state:

Critical to the implementation and monitoring of the [Transnational Organised Crime] Convention

will be the ability to access reliable information on international organized crime trends. (United Nations Office on Drugs and Crime [UNODC], 2002:1)

As we have seen, a metrological zone is constituted through the development of common forms of measurement in a "calculable space" so that measurements across different locations adhere to the same metrics and produce results that are verifiable in different contexts. However, standardisation of this order is perhaps the greatest problem in the field of organised crime. In order to develop a common metric for measurement purposes it is necessary to have a shared understanding of the dimensions of the measured object: to arrive at a common system of measurement requires arriving at a commonly accepted definition of the thing being measured. Yet, in the field of organised crime, it is unclear what this is to be. Is it to be the *people* who are involved, the *type* of criminal activity, the *spectrum* of activity, the way in which those people are *organised* or the nature of the crime *act* itself? On top of these dilemmas sits a further issue—which is whether the appropriate measure is the prevalence of criminal activity or the extent of the harm, risks or threats that it poses. As the UNODC (2002: 4) observed, it is the diversity of criminal actors and forms of organisation—hierarchy, network, clan, and so on—that has made consensus about the definition of organised crime difficult. Thus, Standing (2003: 24) commented that:

Unfortunately, organised crime…is a topic that seems frustratingly beyond objective measure, and so beyond easy classification… deciding what or who the underlying unit of measurement is has been the real stumbling block.

More recently, Sheptycki, et al. (2011) examined the criteria used in the Europol Organised Crime Threat Assessment (OCTA), and argued that the result is a homogenisation of the diversified groups involved in criminal activities and an oversimplification of "the roots and 'routes' of organised crime". Critical of the methodology used, they argue for abandoning the term "organised" in favour of "serious", claiming that much "serious crime" is disorganised in the sense that it fails to match the criteria used to establish a sufficient degree of criminal organisation. Standardisation of data and measurement in this field proves far more difficult than standardising requirements for electrical plugs, or even for air quality measurements, for example. As we have noted above, definitional differences themselves give rise to the measurement of different objects—indeed, UNODC (2002) identified five typologies of organised criminal groups that only more or less mapped onto the forty organised criminal groups in their pilot study. On top of these definitional matters are problems of data gathering. It was with this in mind that the UNODC's pilot survey of those forty selected organised criminal groups in sixteen countries took the form of a twenty-seven page questionnaire covering fifty variables with all of the comparative and contextual problems that this raises (see UNODC, 2002: 12-13). The last SOCTA (Serious and Organised Crime Threat Assessment) conducted by Europol in 2013 also used questionnaires, although whether they were similar questionnaires to the UNODC's research is not made clear, and combined these with "law enforcement data" and "data from third organisations and countries" (Europol, 2013: 43). Meanwhile, Europol (2015) used the "analysis of financial transfers between individuals" as a means of identifying "core members and associates of OCG [Organised Crime

Groups]" (Europol, 2015: 4-5) and Eurostat (2014) used yet another questionnaire to measure victimisation from organised trafficking in human beings. When it comes to researching individuals allegedly involved in organised crime, the measurement problems get no easier. Research carried out in the UK (Francis et al., 2013) tried to examine the criminal careers of offenders convicted of organised criminality, using statistical methods and data from the national police computer system. But since there are no offences designated specifically as organised crime offences the research team had to rely on offences *assumed* to be linked to OC, thus shedding little light on actual patterns of activity.

In social science it is an article of faith that social activities are context-related. At the simplest level this can be illustrated by the observation that police officers tend not to search for petty housebreakers in London's aristocratic clubs and do not apply for warrants to search primary schools with a view to gathering evidence on corporate fraudsters. What is generally true is most often specifically true as well. In the case under discussion here, the spatial and cultural location of organised crime is important in understanding the forms it takes, and crucially, how to intervene. This issue is well covered in Fijnaut and Paoli's (2014) survey of organised crime in Europe and given a nuanced inflection by Smith et al.'s (2013) schema for differentiating criminal organisations. What organised criminality involves for street gangs, up to half of whose members may be juveniles (Smith et al., 2013: 3) and what it involves for Northern Irish paramilitaries (see House of Commons, 2006) or the various (and variously structured) Italian mafiosi and camorristi (see Paoli, 2014) may be measurable but hardly in any standardised way. To construct a standardised unit of measurement across American street "gang-banging", Northern Irish paramilitary involvement in excise fraud and the "cement cycle" and "waste cycle" of Italian organised criminal activity, is to extract that activity from its geo-social and cultural location as if it were somehow extrinsic to the normal operations of the social environments where it occurs (see Thoumi, 2003).

Nevertheless, there is clearly some overlap here with Barry's notion of Europe as a "calculable space" that transforms variations in criminal offending into quantifiable entities. Standardised measurements for air pollution or internet signal strength or vehicle emissions may, theoretically, be possible but since organised crime is not a single object with a single set of scientifically quantifiable material characteristics the real likelihood of standardised measurement devices and protocols is remote at best. Indeed, it might be argued that standardisation creates more problems than it solves in this arena since the very flexibility and malleability of organised criminal groups demands flexible and malleable, rather than standardised, responses to gathering data on their activities. Moreover, the pace at which political priorities change is so rapid that any set of standardised procedures may be cutting edge in the morning and antediluvian by the afternoon. Witness, as example, the speed with which terrorism, cybercrime, sex trafficking and people smuggling have displaced drug trafficking as key priorities of European policy formation across the last several years (or the last few months, in the case of people smuggling). The Commission on Migration and Home Affairs may dream of presiding over "harmonised data collection methodologies to produce EUlevel statistics, which will enable comparisons between EU States on

the structures and trends of crime" but there are very good organisational and practical reasons why disharmony in data gathering and analysis is likely to remain the dominant reality for the foreseeable future. Organised criminal activity is context-dependent: what it means in Japan is not what it means in Wales; the intersection of legal and illegal activities is different in France and Columbia; the flows of people, money and goods are different in the EU and the Russian Federation. We are not arguing that there is no possibility of comparable data-generation or that common methodologies cannot be (more or less) adopted in different places. Rather, we are suggesting that variation and innovation in measurement techniques appears, in practice, to be as essential to grasping organised criminal activity as standardisation and convention. At least in this sense, examining the operation of the "metrological zone" in relation to organised crime raises practical problems with Barry's account of Europe's political project. It alerts scholars and researchers to the distinct possibility that standardisation, at least in terms of measurement, may be more honoured in the breach than in the observance—and, in terms of understanding and addressing organised crime, this may be not only a good thing but a necessary thing as well. The political demand for harmonised data collection strategies, and the standardised information these strategies tantalisingly promise, is a top-down vision of European cooperation that is challenged in the murky realities of getting to know the ins-and-outs of organised criminal activities.

Infrastructural Zones: Connectivity

The *act* of measurement cannot be separated from the *purpose* of measurement. Showing (and knowing) that there are quantifiable differences throughout Europe—in demographic, environmental, industrial, social and cultural standards, techniques and practices—makes sense only if Europe is connected across its various geo-political, social and economic spaces. Yet such connections cannot be taken for granted. Like the visible "striations" of member states' national economic systems, connectivity is something that has to be demonstrated and worked on, not something that automatically follows the signing of a Treaty. "The ambition of harmonisation", writes Barry (2001: 78), "is to make it possible for technical devices and regulations to *work across an extended area"* (our emphasis). So a second essential ingredient of a standardisation process is that devices, techniques, procedures and practices are assimilated into common modes of operation. Electrical cables need to service hi-fi equipment in Spain and Germany; beach bacterial water quality indicators need to be comprehensible to Italian and Irish scientists alike; emissions measurements, and resulting data, of NOx and SOx from Volkswagen cars need to be comparable, replicable and communicable between engineers in Scotland and France; citizens in Holland need to be able to use their mobile 'phones to call citizens in England. This is what Barry means when he proposes that Europe is constituted through an "infrastructural zone" that co-ordinates and administers the devices and techniques of connectivity and ignites and regulates a plethora of networks dedicated to sustaining, solidifying and expanding that connectivity.

However, the connectivity agenda is not merely a medium—or, to put it in Barry's terms of

"technology", of EU harmonisation. In relation to organised crime it is also a strategic and tactical necessity because the connections across organised criminal groups are themselves complex and multilinear. Organised criminals are connected to each other through a myriad of different networks, some orchestrated through digital technologies and social media, some through clan-based or kin connections, some territorially aligned and much more besides. To respond in any way demands connectivity around enforcement as well as intelligence gathering. To be sure, the end result is a catalogue, far too extensive to list in full, established to connect law enforcement operations across Europe. The list is never complete anyway, as new initiatives and forums are always arising.

Consider, for example, just the European dimension of the problem of the biggest irregular migration movement since World War II, fuelled by crises in the Middle East (European Commission, 2015). This is an issue that has reached the political and security agenda with incredible rapidity and force. It can be argued that the problem should have been entirely predictable—given events in the Middle East, in particular—but, then, hindsight is always the best teacher and the fact is that Europe's agencies are dealing with this "crisis" now, in response to unfolding events, not in response to standardised measurement practices, connectivity devices and regulations or evaluation procedures. Europol (2014) noted that 2013-14 saw an increase of 332% in the number of irregular migrants attempting to reach Europe by boat, train, on foot, in cars, in the backs of lorries, by any viable, and some unviable means. Immediately, there arises the problem of definition: are these migrants to be treated as refugees? Asylum seekers? Economic migrants? Which ones have been trafficked and are therefore victims? Which ones have been smuggled (thereby collaborating in an illegal act)? Which ones are smuggled refugees (thereby falling between a human rights approach and a criminal sanctions approach)? Which ones arrived independently and which arrivals were facilitated by organised crime? The complexity, contingency and uncertainty that is inherent in the phenomenon of irregular migration represents a microcosm of the more general problem of policing organised crime: along which dimensions does irregularity—of migration or anything else—become a policing issue and along which dimensions is it more properly a social or political issue? How can the scale of the policing problem be adequately measured, how can relevant agencies be effectively connected, how can any kind of intervention be appropriately evaluated?

Most recently, the European Commission has requested that Europol set up the European Migrant Smuggling Centre (EMSC), as a response to the refugee crisis currently engulfing the EU, and, according to the Europol website, in September 2015 more than 300 high-level delegates representing more than 50 countries as well as a dozen international and European organisations "attended the European Police Chiefs Convention (EPCC) at Europol headquarters in The Hague to discuss illegal immigration and counter-terrorism"[3]. There was a simultaneous meeting of the Salzburg Forum European Union Member States and Central and Southeast European partner countries to address the serious challenges that the increased migratory pressure is placing on those partner countries.

In the area of trafficking in human beings alone the tip of the connectivity iceberg includes the European Asylum Support Office (EASO), the European Union Agency for Fundamental Rights (FRA), the Judicial Co-operation Unit (Eurojust), the European Union Law Enforcement Agency (Europol), the Standing Committee on Operational Cooperation on Internal Security (COSI), and the European Union Border Management Agency (Frontex), as well as more forums, committees, and so on, connecting EU agencies with international partners (such as Interpol), the United Nations Commission on Human Rights (UNCHR), the International Organisation for Migration (IOM), and national level Anti-Trafficking Units (ATUs), National Rapporteurs, and Non-Governmental Organisations (NGOs). Perhaps the most useful bit of kit for a modern police officer tackling organised crime in the European Union would be a glossary of acronyms. Yet, even this catalogue of co-operation is deemed inadequate to the task of combating crime in Europe. As well as linking together this long list of agencies and committees, the European Commission, in seeking to "identify, serve and protect victims" (of human trafficking) recommends the involvement of "…the widest possible range of actors, including all relevant public authorities and civil society organisations" (European Commission, 2014: 6).

Moreover, it is not simply the physical existence of interagency forums and groups that signals the infrastructural zone of connectivity across European policing operations. Threading through and around these physical entities are protocols, mechanisms and platforms for moving information across agency boundaries and national borders. These include, but are not limited to, the Secure Information Exchange Network Application (SIENA), the Europol Information System (EIS), the Europol Platform for Experts (EPE) and the Europol Analysis System (EAS) all of which may be accessed in conjunction with the Combined DNA Index System (CODIS) and, when relevant, the Secure Platform for Accredited Cybercrime Experts (EC3 SPACE).

To take a concrete example, it is instructive to read Europol's own Work Programmes through the infrastructural lens since the overwhelming majority of the text of these reports refers not to law enforcement but to co-ordination,. It is equally instructive to acknowledge that even law enforcement agencies need to employ people to write the language of management systems in order to carry out their duties and provide their services. The EU is awash with managementality and the depth of the latter's penetration into every nook and cranny of law enforcement is a noteworthy achievement in its own right. Europol's (2015) Work programme promises to "Enhance the Europol Analysis System [EAS] with new functionalities" (2015: 22); "Improve interoperability, stability and performance between the data processing systems of Europol and MS [Member States]" (2015: 23); "Align the management of Europol's human and financial resources with regulatory changes and the budgetary context" (2015: 34); and, our favourite: "'Industrialise'" the processing of the majority of data passing through Europol, including cybercrime data, so that higher volumes can be managed with greater efficiency" (2015:15). Of course, these co-ordinating, connecting and information management injunctions apply not only to law enforcement (and related agencies) but reach out beyond the spheres of policing and jurisprudence to attach these latter functions to civil society at large. Thus, Europol proposes to "Involve non-law enforcement actors in operational cooperation and the drafting of Operational Action Plans in

relevant areas" (2015: 21); "… produce more joint reports with partners" (2015:24); and "Increase Europol's presence on social networks" (2015: 38).

Here, we can point to the intersection between technological devices and connectivity practices – an intersection that is apparent in Europol's Work Programmes but even more clearly visible in its procurement and recruitment strategies. Amongst the calls for tenders to supply hospitality and conference services, security services and office furniture is a list of technological services needed to keep the devices and people connected to each other and to enable the processing of digital information. So, Europol issues tenders for "ICT racks, cabling and other passive and active infrastructure elements"; "Website Hosting and Web related services"; "Provision of subscriptions for access rights to an online database for company information"; "Automated Fingerprint Identification System"; and "Image and video analysis solution".

Its current recruitment drive lists up to thirty vacancies including at least sixteen Operational Analysts with ICT capabilities as well as temporary vacancies for Network Engineers and ICT Infrastructure Architects. We are not suggesting that, in a modern organisation, there should be any surprise in the focus on technology, communications and information exchange. Rather, we are simply illustrating Barry's point that contemporary connectivity is achieved, and visibly so, by the intersection between technical devices and networking practices: in the technological zone that is Europe each is required to facilitate the successful application of the other.

It needs to be pointed out, however, that in practice the policy architecture for law enforcement and the activity of law enforcement do not necessarily march in step. In fact, the overwhelming bulk of organised crime and law enforcement practice relating to it, as Stelfox (2003) put it, does not occur:

… in some virtual transnational domain which remains unpoliced in the absence of the sort of international treaties, legal instruments, data sharing protocols and cross border policing which feature large in the literature. It is occurring and being policed locally (Stelfox, 2003: 119)

This issue was unpacked by Kirby and Penna (2011) in their research into policing mobile criminality. Among other examples, they illustrate the local quality of investigations by referring to the Morecambe Bay (UK) tragedy of 2004 – when 23 trafficked Chinese nationals drowned during a cockle-picking expedition. The investigation began locally as an inquiry into the 23 deaths, moved to a regional level when the identity of one of the gangmasters became known, and moved to the transnational level when the investigation turned to the issue of trafficking itself. At each step, the inter-agency connections developed out of the needs of the investigation rather than out of protocols and procedures for European (or global) law enforcement practice. Indeed, important steps in the investigation and enforcement process can be described as ad hoc or, at least, situationally determined since, as we noted above, organised criminal groups are themselves spatially and culturally located—even if they have transnational reach. Consequently, who needs to be connected and how derive from the specific characteristics of the criminal group and the criminal activities under investigation at any point in time. Moreover, Penna and Kirby (2013) noted

that infrastructures of connectivity are not only the domain of law enforcement agencies: they are crucial conduits for the commission of organised crime. In this instance, it has to be acknowledged that in the policy and practice of connectivity, there is an inevitable difference between what is pushed from the top of Europe's political structures and what actually moves at the bottom. This may seem a strange circumstance, given the vast quantity of working groups, networks and forums dedicated to aligning strategy, tactics and intelligence gathering on organised crime in Europe, yet it illuminates a quality of the harmonisation agenda in terms of crime and crime control that is too often absent from literature on the politics of Europe; namely, that cooperation and collaboration arise as much on a case-by-case basis as they do in the rooms of European Committees and Commissions.

Zones of Qualification: Evaluation

The final essential ingredient of the standardisation process is the establishment of criteria of evaluation, of standards against which measurements and connections can be judged as successful, useful, informative or otherwise. As we noted, this dimension of the technological zones argument is a subterranean theme in *Political Machines* and is addressed in not much more conceptual detail in *Technological Zones*. In this essay, Barry illustrates "some [of] the issues involved" in a zone of qualification by reference to the oil industry rather than European harmonisation. Nonetheless, he points to a number of defining dimensions that distinguish a zone of qualification from a metrological or infrastructural zone (Barry, 2006: 246-48). Briefly, these are, first, that a zone of qualification exists in the intersections between multiple sources of evaluative authority, involving:

… a multitude of national and international bodies and everything from more or less informal international guidelines, voluntary codes of corporate responsibility, and national, European and international law (Barry, 2006: 247)

Second, it exists in an interplay between scientific or "objective" evaluation of materials or services and subjective "feedback" from those affected and, as a corollary, this can and does give rise to conflicting evaluations. Barry (2001) uses the example of air pollution monitoring to argue that the validity and reliability of measurement is an essentially contested issue: the criteria of evaluation and the results of evaluation used by Friends of the Earth, the World health Organisation, a government Transport Research Laboratory or a local authority whose air quality is being monitored may overlap at points but are marked significantly by evaluative disjunctions. Finally, a zone of qualification is marked at least by an idea, if not an ideal, of transparency: the procedure of evaluation is publicly visible and this characteristic is taken to define its good governance.

As we have noted earlier in this paper, policing organised crime certainly draws on multiple sources of evaluative authority at local, regional, national and international levels. But while this is a valid

observation in terms of the context in which policing strategies and operations are evaluated it does not depict accurately how that evaluative framework is coordinated and applied. In fact, to take an illustrative example, it is possible to read in Europol's organisational structure an almost mirror image of the zonal portrait that is said to embed Europe's harmonisation. Instead of a metrological zone, an infrastructure zone and a zone of qualification, that structure exemplifies zones of operation (where, for sure, at least some things must be measured before being acted upon), zones of capability (where technologies and bureaucracies of connectivity are managed and maintained) and zones of governance (where accountability for decisions rests and evaluations of operations logged).[4] While uncountable points of view gathered from innumerable individuals and organisations may be assimilated, more or less, in evaluations of organised criminal threats and the success or otherwise of operations against them, the fact is that the zone of qualification for policing organised crime is very circumscribed indeed—an important point we will address shortly.

There is no doubt that evaluating organised crime threats or responses to them are essentially contested activities but this is not because of disjunctions between objective scientific measurements and subjective assessments or because of intractable problems of deciding whether (or which part of) a scientific measurement is more contextually relevant than community feedback, for example. It is because the nature of the object being investigated (and its consequences) is itself fluid and unanchored in the world of experimental science. Contingency and indecision may arise in part from the convoluted evaluative procedures of multiple institutions and agencies pursuing incompatible agendas but they arise also because organised crime refuses to stand up and be counted. It is dynamic, its practitioners have intentions to make some things socially visible and others invisible, it draws on some of the same technologies and techniques as those charged with curtailing it and then adds a few more violent and nefarious twists of its very own. Unlike oil, air quality or museums (to take three of Barry's key examples), organised crime moves, changes, appears and disappears in its multiple forms under the volition of its own practitioners and this is precisely the key problem in policing it. Moreover, organised criminal activity is not an object or state of affairs distinct from the normal social and economic life of Europe: it is integrated into its fundamental building blocks. If profit could not be made from near- or actual-slave labour in Europe's normal economy there would be, simultaneously, no profit in trafficked labour (Andrees, 2008). In 2014, the International Labour Office estimated that forced labour generated in excess of 49B Euros in profits across the world's developed economies and the EU. If there were no profit to be made in Europe's shadow economy of sexual services there would be no profit in trafficking for prostitution—given that some 70% of the forced labour profit arises out of sexual services it can be said that while it may not be "normalised", trafficked sexual slavery is certainly an embedded feature of European culture and society (see ILO, 2014).

Similarly, Europol, like any other agency of the EU, is required to adhere to the five public service principles of the EU Civil Service, namely: commitment to the European Union and its citizens; integrity; objectivity; respect for others; and transparency.   In line with EU philosophy, the last of these means that Europol is "willing to explain their activities and to give reasons for their actions" and committed to keeping "proper records and welcom[ing] public scrutiny of their conduct,

including their compliance with these public service principles."[5] Moreover, its own organisational chart indicates not only the operations, capabilities and governance sections, on which we commented above, but also that Europol is scrutinised by or reports via a cabinet, a management board, an internal audit section and third party and member states' liaison bureaux. Its own website makes available for public viewing the various OCTAs, SOCTAs, IOCTAs, work programmes, strategy documents, threat assessments and so on. Additionally, a public register providing access to a "large number of documents produced and held by Europol" has been established "with the view to enhancing transparency on its activities and facilitating access to Europol documents by individuals."[6] As Barry has suggested about "zones of qualification" more generally, transparency, or at least the appearance of transparency, is taken as a crucial quality of Europol's public service mission and values. However, there are some notable differences between the transparency of Europol's activities and the (theoretical) transparency of the oil industry or the motor vehicle industry. Of prime importance here is the impossibility of checking the methods used and data gathered to inform operational decisions. To take an obvious example from the oil industry, two geological surveys can be conducted at the same place, using the same publicly available, shared methods to make an assessment of oil reserves. Researchers can examine each other's protocols and procedures, check where the data came from, compare readings, inform all and sundry when and where the surveys are to be conducted and how, conduct their work under public scrutiny, and so on. In this sense, a geological survey— like a beach water quality assessment or any other such scientific measurement—is, at least theoretically, methodologically transparent. But the very idea that the public be kept in the loop about how, where and when data are being gathered on organised crime (or terrorist) groups, who is gathering it or who is supplying inside intelligence about gang members, is the antithesis of successful intelligence work on said organised criminal groups. Some crucial intelligence gathering practices on organised criminal activities are covert, or at least not in the public eye, for both operational and public safety reasons. In this regard, there is certainly a public debate to be had about surveillance powers and who watches the watchers but for our purposes we simply want to note that while Europol may be organisationally transparent it is very difficult to see how its operations could be methodologically transparent. Finally, on this topic of transparency, it is true that the public is given access to information about successful operations against organised crime (like Operation Blue Amber, for example)[7] but, at the same time, it is extremely difficult to gain access to information about operational failure. Some things are transparent whilst others are opaque, some out of necessity and some out of contingency.

Conclusion: Indeterminacy, Disconnection, Disqualification

Barry (2001: 41) comments that "although [zones] may be characterised by uniformity, they may also be marked by significant levels of differentiation and variation" and that they are "interrupted by shifting restrictions and blockages and points of conflict." In fact, throughout both *Political Machines* and "Technological Zones" he periodically points out that lack of standardisation,

discontinuous conflict or difference around practices of measurement, connection and evaluation have the same potentiality as their opposites. Making "technical devices and regulations [...] work *across an extended area*" results in disparities between measurements, connections and evaluations—the "formation, translation and contestation of new blockages and impediments" (ibid: 202). In short, it is the logic of cross-territorialisation, transnationalism, trans-spatiality— the logic of harmonisation itself—that disrupts the foundations of seamless connectivity across European political, social and institutional boundaries. The question that is raised here, is why any agency in Europe would want to connect with any other in the first place. It can be postulated, as Barry does, that the very project of Europeanisation is inundated with fault lines, fissures, "blockages and impediments" that undermine technical and political synchronization. Alternatively, it can be postulated that key objects or targets of action faced (more or less) commonly across Europe are themselves complex, contingent and uncertain, and consequently give rise to ad hoc, experimental, indeterminate responses.

Complexity, contingency and uncertainty may be, to a greater or lesser extent, characteristics of policing organised crime; there may be blockages and impediments to harmonised intelligence and operational activity but that is not because of some overarching political logic behind the formation and configuration of a zonal Europe— a logic that is mysterious to Eurocrats and non-Eurocrats alike but not to political sociologists. It is because organised crime is complex, contingent, and finally undecidable. Europe is not only an amalgamation of standardised measurements, connections and evaluations; it is not just a zone of beach bathing water, museums, air quality, and polite civil protest. It has other, crueller sides of sexual exploitation, virtual and actual slavery, trafficking, fraud, child abuse and pornography, amongst much else that generate very significant incomes for organised criminal groups. Their metrological, infrastructural and evaluative devices and practices persist precisely in opposition to the harmonious dreams of European policy makers, and between the two marches a cavalcade of agencies and institutions frenetically responding to the emergence and solidification of harmful economic, social and political agendas. When viewed through the lens of policing organised crime, Europe is indeed characterised by "differentiation and variation" and "interrupted by shifting restrictions and blockages and points of conflict" because interruption, variation, restriction, blockage and conflict is organised crime's signal contribution to the European project.

Acknowledgements

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[1] "Technologies of *measurement* such as the ruler, the scales or the thermometer are calibrated against a global (metric) system. *Interconnecting technologies* such as plug sockets, phone cables and railways work because interconnections are standardised" (Barry, 2001: 63).

[2] http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human trafficking/statistics/index_en.htm

[3] https://www.europol.europa.eu/content/police-chiefs-meet-discuss-topical-terrorism-and-illegalimmigration-issues

[4] See the organisational chart provided in Europol's 2015 work programme, available at:

https://www.europol.europa.eu/content/page/europol%E2%80%99s-priorities-145 Last accessed

22/10/2015

[5] See http://www.ombudsman.europa.eu/en/resources/publicserviceprinciples.faces Last accessed 14/10/2015

[6] See https://www.europol.europa.eu/content/public-access-europol-documents Last accessed 14/10/2015

[7] Available at https://www.europol.europa.eu/content/operation-blue-amber-infographic Last accessed 20/10/2015