

Towards a Human Security-Oriented Conception of Public Security in the Context of Globalization

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La seguridad pública desde el enfoque de la seguridad humana en el contexto de la globalización

Resumen. Se persigue, por un lado, dar cuenta de las condiciones que en el ámbito internacional han hecho posible el surgimiento de conceptos como el de Seguridad Humana y Desarrollo Humano, donde se sostiene que tienen que ver con la implementación, por parte de la comunidad internacional, de ciertos programas y medidas de política pública orientadas a mitigar los efectos negativos de la globalización. Por otro lado, se intenta mostrar cómo dichos conceptos, los cuales se basan en una visión renovada del bienestar de la gente, modifican positivamente la forma tradicional de concebir una de las funciones más importantes que al Estado le corresponde desempeñar: la seguridad pública.

Palabras clave: seguridad humana, desarrollo humano, seguridad pública, globalización

Abstract. This essay has two main objectives: On the one hand we provide the reader with an account of the conditions that have made the emergence of concepts such as "Human Security" and "Human Development" possible. These conditions amount to the implementation by the international community of certain measures and policies aimed at mitigating the negative effects of the globalization process. On the other, we attempt to show how these concepts have positively changed the traditional way in which Public Security is understood.

Key words: human security, human development, public security, globalization

1. Understanding globalization; or how to overcome a cognitive dissonance

Strictly speaking, no human experience is identical to another. Each one is unique and irreproducible. The prior assertion seems to lead us straight into a chaotic state of affairs characterized by uncertainty and constant novelty all over the place. Nonetheless we live our lives under the protective wings of a cozy feeling of relative stability, anesthetized by an illusion of control

to which we hold on tightly. Even if it is only within the limited scope of our ordinary activities, the world normally unfolds before our eyes confirming our expectations and predictions. Of course, this is not to say that we never need to adjust our background and fundamental beliefs; but we tend to see this as exceptional, as something that rarely happens.

But are these beliefs' adjustments and refinements really that rare? According to the philosopher Zygmunt Bauman, the answer is negative as we

live in the times of a "liquid modernity" (Bauman, 2006). Thus, there are occasions –that take place more frequently than what we want to acknowledge– when the situations that we find ourselves in or the phenomena we are witnessing are so distant from what we know and from what we are used to, that just like the teenagers with their parents, they launch a rebellion against us thereby refusing to fit in the conceptual models with which we try to bring order to our worldview and minimize variations.

These scenarios pose a real epistemological conundrum, a challenge to our reason that impairs our ability to comprehend them. In other words, these cases generate in us what cognitive psychologists call a “*cognitive dissonance*” (Cooper, 2007). If we used an analogy to explain this concept, a cognitive dissonance is like that feeling of frustration that we would have if we tried to force a hammer or a screwdriver to fit into a suitcase specifically designed to store tiny surgical instruments. The frustration attached to a cognitive dissonance episode slowly decreases as we adapt our cognitive structures and resources in order to make sense of the new experience hence restoring cognitive consonance.

Cognitive dissonances may be shared by two or more people, or even massively shared by whole communities. This has not been uncommon throughout human history. In the times of “The Spaniard Conquest” for instance, the inhabitants of Mesoamerica plausibly experienced one such massively shared cognitive dissonance when looking for the first time at the Spanish vessels arriving to their shores and at Spanish soldiers riding their horses. “Floating mountains”, and “gods that were half humans and half animals resembling to Quetzalcoatl” are among the things it is said they thought to themselves.

An intellectual earthquake of similar proportions shook the first stages of our attempts to grasp the phenomenon of globalization. This is so because the emergence of the globalized society constitutes indeed a problematic, complex, contradictory and dynamic totality for which our mental schema may end up being insufficient and obsolete. An audacious, fresh and imaginative thinking was called for, and globalization theorists did just that by merging diverse theoretical frameworks and new metaphors –such as complex systems

theory, economic theory, culture theory, social theory, and so on– to meet the explanatory challenge (Ianni, 2009).

Due to scope and space limitations we cannot go deeply into the seas of the hundreds of definitions of globalization that have been proposed in the specialized literature. By exercising our right to stipulate and using some of the methodological tools employed by analytic philosophy, we will say the following:

The term “globalization” suffers from a special kind of ambiguity that is called “process-product ambiguity”. Let’s start by the latter. In this sense “globalization” designates a state of permanent and progressive interconnectivity and interdependency between people and collectivities of all kinds. This state of affairs is based upon the conformation of normally reticular and complex structures –technological or otherwise– that enable people, products, services, capital, information, and knowledge to flow freely across the world. As a process, “globalization” designates the interaction of multiple variables and factors (such as economic, social, political, scientific, technological, and legal factors) that have given way to the state of permanent and progressive interconnectivity and interdependency previously referred to.

2. The other face of globalization

When providing the reader with the above stipulations, we have remained neutral in that we have not incorporated a positive or negative evaluation of the causes and effects of globalization. It is time now to leave the neutrality behind and to see the phenomenon from another angle.

One of the main problems of the globalization process is that it did not have a uniform starting point pertaining to the economic and political development of different countries. Some of them had

just begun to do away with their “colonial” character, while others, specially (but not exclusively) in Latin America, were experiencing deep transformations that were the result of abandoning military or hegemonic political party regimes. The common feature of these countries was a heritage of weak political institutions, a pervasive legitimacy deficit (linked to endemic corruption), and deeply rooted internal and civil conflicts, which are part of the reasons why they are called “emergent”, “surface”, or “pseudo” democracies (Dammert, 2005: 13-36 and Elizondo, 2011).

These unequally developed countries posed an unprecedented opportunity for strong transnational corporations to expand their commercial interests abroad, to reduce their operational costs, and to maximize their utilities. In exchange for the precious private investment, incipient democracies are to some extent forced to give a privileged treatment to these companies in terms of favorable tax regimes and cheap workhand. In line with this, some have raised their voices to denounce that the third or developing world has become a sort of *global factory*, that is, a suitable ground for transnational corporations to perform their off-shoring and outsourcing endeavors thereby accentuating inequalities. It has been said that this *New World Order* feeds precisely from poverty and from the destruction of the environment, that it creates social apartheid, encourages racism and ethnic divisions, and that it keeps vulnerable minorities against the wall (Chossudovsky, 2003).

In sum, as Mosaddeq Ahmed (2004) has put it:

“[...] the global economic regime has produced increased current-account and trade deficits and debts; disappointing levels of economic growth, efficiency, and competitiveness; the misallocation

of financial and other productive resources; the disarticulation of national economies; the destruction of national productive capacity; and extensive environmental damage. Rather than poverty and inequality been reduced under the tutelage of Western-inspired economic medicine, they are now far more intense and pervasive than they were 20 years ago, wealth is more highly concentrated, and opportunities are far fewer for the many who have been left behind by adjustment”.

3. Mitigating the negative impact of globalization: A renewed approach to people’s well-being

The UN (United Nations) Trust Fund for Human Security¹ and the UN Development Programme² are among the measures that the international community has implemented in order to mitigate the perverse effects of the globalization process. These efforts are based on a change of scope regarding people’s *well-being*. For its part, this renewed approach on people’s well-being is the result of progress made within the field of political philosophy, and particularly, within the so-called *theory of justice*.

The main representative of such progress is the philosopher and economist Amartya Sen whose main concern (in opposition to that of Rawls) is not to theorize on how would a perfectly just society look like in terms of a basic institutional arraignment aimed at the distribution of precious *resources* such as liberties, rights, wealth, opportunities, privileges, and so on; but to think on how we might contribute to the eradication of actual instances of clear injustices, here and now (Sen, 2011).

According to Sen, we need first to take a comparative stance. But what will be the object of comparison? The answer amounts to the real degree in

which the capacity to materialize life-plans pursuant to valued goals, ends and ideals is manifested in different persons. Thus, social justice is not—or not only—a matter of how income is distributed throughout the members of society, but a question of how efficiently is the State promoting and encouraging—through adequate *public policies*—people’s gradual capacity to use or exploit their available resources in order for them to fulfill their potential as free and *autonomous* human beings living peacefully.

4. Well-being, Human Security and Human Development

Within this general framework of a renewed conception of human well-being, the international community has coined the related term of “*Human Security*”. A preliminary consensus has been reached regarding the different spheres of security that this term encompasses. These spheres or areas are: Personal security, food security, health security, community security, economic security, environmental security, and political security.

Nonetheless, consensus has not emerged as to which of the above spheres of human security should be prioritized. As a sign of this lack of consensus two positions have dominated the debate: The so-called “*broad conception*”, and the “*narrow conception*”. The former emphasizes the need for the implementation of an efficient infrastructure of institutions aimed at creating the suitable conditions for people to enjoy certain social rights, such as the right to education, to a job, to a home, and so on. This broad conception of human security may be roughly identified with the objectives of “*Human Development*”. The latter emphasizes the importance of personal and community security with an eye to mitigate pervasive manifestations of violence within the territory of the State.

It is worth mentioning that the State itself may be contributing to that violence through the perpetration of genocide, crimes against humanity or war crimes.

Recently, Owen has proposed a so-called “*threshold definition of human security*” in order to relieve the tension between the broad and narrow conceptions (Owen, 2004). From this perspective, human security is seen as the protection of the *vital core* of all human lives from situations that critically and pervasively pose a threat to the domains or spheres of security that we have previously referred to. The tension is relieved in that this model does not give any *a priori* preference to one or more of those spheres. The question of which spheres should have priority is a matter of assessing the severity and pervasiveness of particular threats using a system of minimum thresholds that we could design. So, each State will have a particular agenda for human security depending on which threats satisfied these minimum thresholds. Of course, the content of the agenda may differ from country to country, but it may also be similar in various respects (all the more when threats such as *transnational organized crime* are faced not just by a single State but by a constantly growing number of them).

5. A Human Security-oriented conception of Public Security

Public Security has been traditionally understood as the function of the State that consists of protecting its citizens from illegal attacks to (or crimes against) their property, physical integrity, sexual liberty, and so on. The immediate implication of assuming a Human Security perspective regarding this issue is that Public Security is just

1. See, <http://www.unocha.org/humansecurity/>

2. See, <http://hdr.undp.org/en/>

one of the aspects of the overall notion of people's well-being. In this line, what has been called Public Security would correspond to the spheres of *personal and community* security.

Another equally important implication is that a Human Security approach leads to a broadening of the State's crime *prevention* and crime *detering* strategies. By implementing adequate public policies in other areas of Human Security, such as food security, health security, or economic security, the State is indirectly preventing crime and dissuading people from pursuing criminal enterprises. This is another way to say that providing citizens with an institutional environment that ensures their exercise of basic social rights (to education, food, a job, a home, and the like) has a powerful crime deterrence effect, a huge potential to generate solidarity links, and a feeling of community.

But perhaps the most crucial aspect of the Human Security approach is that it leads to what has been called the "*democratization*" of the police forces (Manning, 2011). This process involves the implementation of renewed management models in order to enhance transparency, constant supervision, and police accountability (Cordner, 2010). Another aspect of this process is that it tries to make police corporations more proximate to their communities (Peak, 2011). And finally, this democratization process means that States should invest a great deal of resources to ensure that their police corporations will respect *human rights* as naturally in their activities as if it were an inherent biological tendency.

In this line, we are frequently told that there is an insurmountable incompatibility between the objective of crime management and the respect of human rights while preventing and reacting to criminal activities. This is precisely one of the twisted visions against which the

Human Security movement is reacting to. If the State allows for human rights to be violated –and particularly those rights that constitute the doctrine of *Due Process*– on the premise that doing so is necessary to control criminality, to catch offenders and make them pay, the State is damaging its own *credibility* when it goes about investigating a crime and seeing that justice is served; it is also damaging the victims because by taking the easy road of violating people's due process rights it may end up –for instance, by *fabricating evidence* against them (which is not uncommon in our country)– creating *scapegoats* that are made to unjustly carry the burden of public revenge, hence leaving victims with a sense of a lack of closure to what occurred to them; and ultimately this way to proceed damages society as a whole due to the fact that the actual perpetrators may have escaped justice, which for its part sends a message of impunity, and creates a greater risk for the ordinary citizen to be victimized.

6. A discussion from a prospective approach

The main question driving this section is this: What are the more important consequences or desirable scenarios that would have to follow from the previous analysis, particularly regarding to the Mexican context? In other words: What would be the more representative steps that Mexican public policy-makers would have to take if they were to draw guidelines from the Human Security perspective?

First. Following the directives of Owen's "*threshold definition of Human Security*" discussed in Section 4, Mexico would have to base the design of fundamental public policies on the identification of the particular, severe, and pervasive threats that are systematically damaging people's *vital core*.

As we now know, this vital core is constituted by the seven spheres encompassed by the term "Human Security" (food security, economic security, health security, and so on).

Second. Once these threats are identified and associated to concrete Human Security Spheres, policy-makers should proceed to prioritize them due to the fact that while all these threats must have passed the bar or threshold to be considered part of the agenda, some of them will still be more serious than others.

Third. Once these priorities have been set out, policy-makers should not forget about the endemic and systemic nature of those threats and problems, which is another way to say that they should attack their roots with an eye to the long term effects of the policies they design.

Fourth. One of the areas that should be viewed as a main priority has to do with the *democratization* of police forces mentioned in the previous Section. In this line, and within the context of the war on drugs launched in Mexico (and in other countries as well), the democratization process faces a formidable obstacle in the form of a tendency to *militarize* criminal investigations and other police functions as well (at least, that was the main tendency in Felipe Calderon's administration). We will not pursue this point deeply. In this respect it is enough to say that armies around the world are not built on the idea of respecting human rights, which is precisely what makes it an inherently dangerous business to send an army against the State's own civil population (even when it is argued that this is done for their own sake and safety). But what makes this risk even greater is that some armies and military forces have been historically used as the main and ultimate counter-insurgency tool; that is, as a political instrument to crush social protest. Latin America's political regimes are familiar with these techniques; and Mexico, sadly,

has not been an exception. As the latest report of Human Rights Watch has shown (Human Rights Watch, 2011), the militarization strategy in Mexico has created a serious problem of generalized distrust based on the rampant impunity of military crimes such as *enforced disappearances, torture, and extra-judicial killings*. In short, soldiers should be taken back to their quarters progressively, and should be excluded from the exercise of paradigmatically police functions such as investigating and fighting crime.

Fifth: Another aspect of the democratization of Mexican police forces that should be taken seriously into account is that of recognizing and dealing with the severe problem of what has been called the “*Tunnel Vision bias*” (Findley, 2006) and the “*Confirmation bias*” (Ask, 2005). The former makes people think that there is only one interpretation of the facts before them; in short, it makes them blind to other explanatory alternatives. The latter makes people to deploy various intellectual strategies in order simply to confirm the already reached conclusion (that may well be the result of a generalized prejudice against someone or some group).

These features –tunnel vision and confirmation bias– are natural tendencies of the human cognitive system, and thus they are tolerable to a certain extent, depending on the importance of the tasks and functions that people are carrying out. When these functions and tasks are the ones associated with the performance of the criminal justice system, the space for tolerance to these cognitive tendencies should be restricted to the minimum; otherwise, police officers, investigators, prosecutors, and even judges, by thinking that there is only one possible explanation of the fact that a person has been accused –that explanation being that he or she is guilty– and by engaging in a biased investigation aimed exclusively at

confirming that already reached conclusion, will continue to contribute to the mutation of the criminal justice system into a wrong-conviction-producing machinery, or in other words, into an adversarial on the surface kind of criminal procedure but an inquisitorial one deep down inside, all the way to its roots (Aguilera, 2011).

But what can we do to reduce the effects that these cognitive biases have on the conclusions reached at different stages of criminal proceedings? A whole body of multidisciplinary research that combines findings in the fields of experimental and cognitive psychology has emerged in order to come up with answers to the previous question. Those answers are based on the assumptions that the criminal justice process is operationalized mostly through people (witnesses, detectives, suspects, lawyers, judges); that those people carry out complex cognitive tasks (such as retrieving memories, making assessments, inferences, and decisions); that those tasks (identifying a stranger, remembering a specific detail from an event, or ascertaining the accuracy of such testimonies) are not as straightforward as they seem; and that the accuracy of such tasks is contingent on multitudes of factors many of which are unknown, underappreciated, and overwhelmed by the harsh reality of the criminal proceedings. These assumptions have led researchers like Dan Simon to the claims that the evidence produced at the investigative phase –in particular, human testimony– comprises an unknown mix of accurate and erroneous testimony (evidence that is not a clear indication of guilt); and that the adjudicatory phase is not well-suited to ascertain the accuracy of the collected evidence (Simon, 2012, pp. 1-8).

Among the suggestions to shield criminal procedures against cognitive biases, Simon recommends the following:

a) Forcing investigators –through particular instructions– to consider alternative hypothesis and to elaborate on the reasons for rejecting them (Simon, 2012, pp. 46-49);

b) Introducing procedures to provide a critical appraisal of the focal hypothesis, such as *dialectical reasoning*. This procedure implies designating some of the team members to offer a counter-theory to the prevailing focal hypothesis in order to instigate a *structured debate* about the merits and weaknesses of the vying hypothesis (*Idem*);

c) Creating an electronic record of investigations along with the implementation of best-practices protocols (*Idem*);

d) Regarding identification lineups: This type of procedure should be conducted as soon as possible after the witnessed event; prior to the lineup procedure, witnesses should not be exposed to any identifying information about the suspect from any source; lineups should include only one suspect and 5 or more fillers whose innocence is beyond doubt; fillers should match the witness’ description of the perpetrator and not be noticeably dissimilar from the suspect; the witness should be instructed that the perpetrator “may or may not be” in the lineup, and that it is appropriate to respond “perpetrator is not present”, and “don’t know”; all identification procedures should be “double blind” meaning that the administrator of the procedure must be kept unaware of the identity of the suspect; the administrator of the procedure should refrain from any communication or behavior that could be interpreted as suggestive or revealing of the suspect’s identity; the time it took the witness to announce recognition should be measured and recorded (Simon, 2012, pp. 80-89);

e) Regarding witnesses’ interviews: They should be conducted as soon as possible after the event; witnesses should

be interviewed separately, warned not to talk to one another; witnesses should be encouraged to try to distinguish between what they perceived themselves and what they learned from other sources; interviewers should refrain from conveying any information about the investigation to the witness; interviewers should not ask leading questions or suggest the desired response in any way; investigators should refrain from urging or exhorting witnesses to try harder or to engage in memory work, including imagination, speculation, and guesswork; interviewers should not express disappointment over memory lapses; all interviews should be electronically recorded in their entirety (Simon, 2012, pp. 117-119);

f) Regarding the interrogation of suspects: Investigators ought to cease relying on physical cues in attempting to detect deceit; in detecting deceit, investigators ought to rely more heavily on the information provided by the suspect; in conducting interrogations investigators should reduce their reliance on accusatorial and coercive methods and move

toward less confrontational procedures that focus on information gathering; interrogations should also be recorded entirely (Simon, 2012, pp. 142-143);

g) Regarding the admission of evidence: Judges should adopt a stringent attitude toward admitting testimony obtained through flawed investigative procedures; eyewitness identifications arising from flawed lineup procedures should be ruled inadmissible; confessions should be admissible only if they are both voluntary and reliable; the admission of confessions should be based on a high threshold of proof unlike the preponderance of the evidence standard (Simon, 2012, pp. 177-179).

Concluding remarks

In this essay we have outlined the contours of the Human Security perspective regarding people's wellbeing. This approach has emerged historically as an effort to mitigate the perverse effects of the globalization process. The Human Security framework conceives

of individuals as having a vital core of interests and rights that must be protected—through adequate public policy—against severe and pervasive risks and dangers that threaten them in a systematic fashion. These risks and dangers are not always the same in each country. In other words, those dangers are determined contextually according to each country's particular history and circumstances.

For its part, the traditional State function of providing Public Security to its citizens could (and we argue that it should) be seen as embedded in a much wider and more complex context constituted by the various spheres encompassing Human Security. In particular, Public Security should be approached as Personal and Community Security. But besides the prior one, Public Security should suffer another conceptual transformation, which has to do with democratizing police forces and the whole criminal justice system by denying militarization as an option along with respecting thoroughly the Due Process doctrine.



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