

Competitive Advantage and OCG's

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(Note: The views expressed below are the author's and should not be taken as those of the SCDEA)

Of the many insights into why Organised Crime exists perhaps one of the most compelling is given by one of the colourful interviewees in Nicola Collins' alluring documentary film, *'The End' (1)* who declares: 'All it's ever been about is a pound note.' In the realm of Organised Crime, crime is about money. There may be other motivators such as power and influence which are relevant, but it is hard to escape the conclusion that it really is all about money, with the prevailing manifesto being: *'get it fast, any way you can, the more legal the better.'*(2) A criminal enterprise is as much about the maximisation of profit and the minimisation of risk as any legitimate enterprise.

If this is the case, questions start to pose themselves about the nature of criminal profit and how it is derived. It is natural from a business strategy perspective to start thinking in terms of competitive advantage. Professional evaluation of a legitimate business is about seeking to understand the nature of its profitability; so it can be better understood how sustainable its profits are, how resilient it is, how potentially dynamic it is. Understanding the strengths and weaknesses of an Organised Crime Group (OCG) and the opportunities and threats that confront it can therefore provide a means of analysis that can guide and influence Law Enforcement options.

If organised crime is like a business and if, as Gilligan argues, the anonymous nature of modern market forces assist Organised Crime's infiltration into modern capitalism (3), then Law Enforcement has to meet a challenge that is new, different, international, globalised, dynamic, and sophisticated. A relevant question is whether in terms of attitude, approach and abilities the forces of Law Enforcement are ready to do so.

The similarities between the criminal and entrepreneurial mind have encouraged Smith to conclude that criminals embrace the entrepreneurial ethos, but the police do

not, thereby creating a disparity between the capabilities of Organised Crime and Law Enforcement: *'Entrepreneurial behaviour is ... often overlooked by academics and prosecutors alike in their quest to disrupt organised criminal activity.'* (4)

The Scottish Government strategy for tackling Serious Organised Crime entitled 'Letting our Communities Flourish' (5), published in June 2009, makes plain its commitment to ensuring the Law Enforcement response to Organised Crime in Scotland is sufficiently diverse in terms of abilities and sufficiently sophisticated in terms of methodologies to ensure delivery of its stated objectives known as the four 'D's: Divert, Disrupt, Deter and Detect.

The establishment within this strategy of an Organised Crime Mapping Team builds on an initial mapping project which provided of a comprehensive basis of assessment of Scotland's OCG's. This paper considers how the business activities of Organised Crime Groups can be assessed and appraised through the techniques of business strategy analysis, both within the context of that mapping process and the execution of individual operations, in such a way that benefits the objectives of the four 'D's.

It might be considered that applying business strategy analysis to Organised Crime Groups is an obvious but misguided attempt to marry the two different worlds of formal business appraisal with the unstructured seemingly chaotic organisational structures that prevail within organised crime in Scotland. Is it little more than a gesture in other words, an academic exercise unlikely to win much purchase in the real World?

It is crucial for the validity of such analysis that it is determined by a clear view of what is expected to be achieved. That in turn depends on how the challenge is conceived. What appears clear from the real world is that the challenge is changing all the time, becoming more varied, more dynamic, more international, more sophisticated. There are myriad OCG types. But do they have characteristics that can serve as a starting point for meaningful analysis? They all clearly have certain things in common to be classified as OCG's in the first place, but the most malleable means

of accommodating the many obvious differences between them at the same time is perhaps by adapting Hagan's (4 – *F. Hagan 'The Organised Crime Continuum' Criminal Justice Review 8(2):52-57*) conception of Organised Crime as a continuum.

On the basis of a continuum or spectrum of modes of organisational structure and types of activity the OCG challenge can be posed in terms of a range which stretches from the hierarchical Mafia type OCG familiar from popular culture to more amorphous cell-like structures such as are used by terrorist movements and aped by OCG's. The Mafia type organisation is identifiable by its rituals of initiation, its hierarchical structure, its ruthless discipline, the thrust of its economic aspiration, the emphasis on all kinds of activities including torture and murder being a matter of 'business', the use of threat to establish monopoly. At the other end of the continuum nomadic cell like structures emphasise independence, autonomy, informality, shape shifting reactive decentralised structures, coalitions formed on secrecy and obligation structures involving amalgams of threat and friendship, a general ethos of secrecy assisted by the use of inter-cell debt as bonding glue.

The use of the concept of a continuum implies a range of types of criminal organisation, but it can also be useful in defining a criminal career pathway within Organised Crime. The career journey of a 'hood' can take in all of the following stations identified by O'Connor (5): Assault; Bribery; Extortion; Illegitimate Business; Legitimate Business; Big Business. Completing the journey can take a whole career, but sometimes circumstances can facilitate a meteoric rise, as with the class of Oligarchs who emerged from organised crime in Russia in the nineties after the fall of communism. The wealth and status obtained has enabled some of those to evolve to a position where they are now more likely to subjugate their enemies by suing them rather than killing them, where they are in control strategic industries and influence the governments of nation states.

Mackay alleges (2) that in Glasgow both the police and the criminals used to downplay the notion of 'organised crime'; that what was experienced in that city was better described as 'disorganised crime', being a deliberate stance designed to deglamourise crime on the part of the police and one to avoid attention on the part of the criminals. There is clearly no attempt these days in official circles in Scotland to

pretend that Organised Crime does not exist. In one sense, however, the ‘disorganised’ claim on the part of the gangsters themselves indicates an attitude to the concept of organisation - which can be described as adaptive or versatile (or even schizoid) – which is valid and relevant.

On the one hand there are aspirational criminals who are sufficiently powerful and talented to achieve a lifestyle and business persona that identifies them as being at the top of the criminal tree. Success in this context requires being able to justify wealth through the operation of apparently legitimate business enterprises with the money and assets accumulated from their activities. These activities are set up to offer protection from the reach of the Proceeds of Crime Act 2002 through the use of earnings structures and cash handling arrangements which are sufficiently robust and complex to render them apparently safe from claw-back from the state. At this place in the continuum the alleged mismatch between the entrepreneurialism of the criminal and the law enforcement appears to have substance.

On the other hand the criminal activity which underpins such wealth, but from which the crime entrepreneur has distanced himself, deploys more the amorphous means of organisation characteristic of the other nomadic end of the continuum. At this level the activity is clearly more likely to be illegitimate in character, involves hands on drug use with a back drop of violence, threatened or actual. The operatives at this present as more obvious targets for law enforcement simply because their relationship with criminality is more overt. Achieving results in terms of arrests and prosecutions at this level is the type of challenge that Law Enforcement is used to meeting, and where it discharges its duty to reduce harm to the local communities most directly affected by Organised Crime activities.

But the loose structures deployed at this level make it difficult to sustain any ambition to do damage further up the tree. There is a thread of dependence and command which links together the various levels of organisation along the continuum, but exposing the necessary links and exploiting them with a view to obtaining convictions is a challenge that requires an evolution in the Law Enforcement methods commensurate with the development of the entrepreneurial mind set within the higher echelons of organised crime. Is it appropriate to conceive of the task as being akin to a

process of business competition, with success a function of the superior strategy as well as effectiveness of execution; to talk, in other words, in terms of competitive advantage?

There are risks in over-conceptualising such things. Law Enforcement is a practical activity. The purpose of adopting a framework of business analysis based on competitive advantage is to explore whether there are insights that can be won and put to practical effect. The existence of the Scottish Organised Crime Task Force is an expression of political will to think what needs to be thought about Organised Crime in order that whatever needs to be done is done. The Organised Crime Mapping Project is enabling Law Enforcement in Scotland to build a more complete picture of Organised Crime all the way up and down the continuum in a way that has not been attempted before. Assessment of competitive advantage is a natural extension of practical things that are already being done in other words. What does it entail? What can it achieve? Is this approach likely to achieve practical results in the context of the four 'D's'? These are the three main questions now turned to.

The concept of competitive advantage can be readily understood at an intuitive level. It is something that makes one party more able to succeed in a given activity than a competitor. The value of the concept for this purpose is more apparent when it is analysed in terms of how it is derived.

John Kay's seminal tome in this field 'Foundations of Corporate Success' (7. *Oxford 1993*) derives competitive advantage as a distinctive capability in a relevant market or the exploitation of what he refers to as a Strategic Asset. According to Kay the three primary sources of distinctive capability are Architecture, Reputation and Innovation.

Architecture is the network of relational contracts within or around a firm, which in terms of a normal commercial organisation would comprise internally its relationships with its employees, and externally its supplier and customer contacts. The effectiveness of these relationships determines the effectiveness of the organisation. The relevance of this concept to the mapping of Organised Crime Groups is not difficult to discern and dovetails into existing modes of analysis using network charts of association.

The value of such work is clearly dependent upon the accuracy and detail that can be established with regard to the nature, significance and the status of the relevant contacts: a matter of building up sufficient detail and asking the right questions. These questions would include: What is the history of the relationship and how was it established - family or ethnically oriented and resilient to outside pressure or threat? What does the relationship give to the OCG and does it provide the counter-party with in return? What nick is the relationship in – do the main parties get on? Is it based on a bond of genuine trust or just convenience? Are relations tempestuous or friendly? Is the mood of the relationship changeable over time?

Developing accurate knowledge of these contact points is important in establishing susceptibility in the context of the Four 'D's of the Scottish Organised Crime Strategy. So as far as the first source of distinctive capability is concerned there is a direct resonance between the principles of business strategy analysis and Organised Crime Mapping.

The second of Kay's sources of distinctive capability is reputation. There is clearly a resonance with Organised Crime here too. What sustains the gangster more obviously in his world than his reputation? In the legitimate commercial world reputation is the most important mechanism for conveying information to consumers. In Organised Crime reputation most obviously means the willingness and ability to deploy violence, or, as noted, further up the continuum, the ability to financially oppress through the courts or otherwise. In the commercial world product quality, reliability of service, continuity of supply all contribute to the establishment of a reputation that can be commercially exploited and captured through brand.

Between OCG's these issues can also be important where there are in-built dependencies that cannot be avoided in the commissioning of major crimes. In some cases the bond of trust, established on reputations over time, is sufficient to underpin the joint criminal enterprise. In other relationships - perhaps newer, perhaps involving associates from other countries and cultures - there may need to be other means of securing the ballast of reputation, such as mutual debt obligations set up as part of the fabric of the financial deal, or physical stewardship of execution at the sensitive points

of the criminal enterprise. If these relationships break down, the OCG attitude to reputation enters a phase which is generally alien to legitimate commercial enterprises: in order to maintain its reputation, or to secure against the threat to reputation that the breakdown entails, it enacts and achieves a form of retribution - the type of event that is the source of most of the violence that emerges from Organised Crime that is visible to the public eye. Violence generally being bad for business the execution of it is an activity confined to the lower echelons of the continuum.

The strength of an OCG's reputation is clearly a determinant of what it is able to do, legitimate or otherwise. If the mechanics of the reputation can be established and undermined by law enforcement then that is clearly likely to be a powerful disruptive tool. In Kay's terms it undermines a principal source of distinctive capability, and takes away a source of its competitive advantage.

The third primary source of distinctive capability is innovation. Organised Crime Groups will turn their hand to any activity which obtains for them a source of income. The variety of means is limited only by the bounds of criminal imagination and their ability to secure the talent or technology that enables them to exploit it. The development of the internet as an international trading network has spawned a plethora of criminal means of extracting cash from innocent victims. Most of these means require some kind of technological expertise. Often innovation comes in the form of establishing associations with a source with the technical ability to deliver the innovation. This could take the form of an impoverished but extremely able immigrant computer programmer from Eastern Europe, or a skilled financial professional who has inveigled himself with a legitimate Hedge Fund, or a contact with access to specialised trading networks and banking facilities to launder the proceeds of VAT carousel frauds.

As with the commercial world innovation does not guarantee commercial success. Often it is the copier or the financially astute agent that is able to harvest the financial rewards from innovation rather than the innovator himself. As far as the OCG is concerned of course the natural role he fits into is as exploiter rather than innovator. It is not the harm to the spirit of innovation that is of most concern to Law Enforcement, however, it is the extent to which any innovation can become a distinctive capability

conferring a competitive advantage for an OCG, thereby becoming a means for it to strengthen itself at the expense of legitimate others.

The other way to consider competitive advantage from this source is the extent to which an innovation has the potential to take the activities of an OCG beyond the ability of Law Enforcement to do anything about it. If, as is alleged, large scale money laundering takes place through London's derivative markets there is little hope for Law Enforcement being able to take effective action where the banks and regulators themselves have not been able to. To paraphrase Donald Rumsfeld, known threats are one thing, unknown threats are another. The first step to assessing the relevant risks, however, is to improve the body of knowledge. This implies ignoring the boundaries on information gathering that may have been relevant to Law Enforcement in the past; for it to become informed in fields where previously in the past it was judged expedient to remain ignorant, perhaps because the relevant resources were not available to make meaningful use of the relevant knowledge. The ethos of the Serious Organised Crime Strategy is very much to accept such challenges and meet them.

The fourth source of Competitive Advantage identified by Kay is the deployment of a strategic asset that enables commercial exploitation of an advantage directly derived from ownership or control of that asset. Kay identifies three types. Natural monopolies (such as the distribution of public utilities) are those markets which by their nature will not accommodate more than one firm. They arise where there are economies of scale and the market is too small to support one producer of efficient size. The second type occurs where incumbent firms have already incurred many of the costs of supply, but potential new entrants to that market have not, and the incumbents accordingly have an in-built competitive advantage in terms of relative cost structures. The third type is derived from market restrictions that are the subject of licensing and regulation, for example the operation of the National Lottery by Camelot.

In many respects a typical business plan for a Glasgow OCG might revolve around the securing of an income stream from the exploitation of Strategic Asset. The favoured form of competition for such organisations is monopoly. There are certain

attributes of an OCG that confer a unique ability to establish the conditions of a monopoly and certain types of industry that are suited to the practice. Thus the distinctive capability of an OCG is apparent when it is able to secure a monopoly over the provision of a private hire cab service over a defined area of Glasgow or Paisley, to the extent that lucrative public contracts are awarded to it, or when security firms with alleged links to organised crime are deployed to protect prestigious public buildings. The establishment of such a monopoly may even involve attempting to subvert through bribes the licensing processes that were set up to protect against Organised Crime.

In these markets, which are often characterised by low barriers to entry, what is the factor that secures the monopoly? At the outset it is clear that it is the threat of violence. It is that threat that secures entry in the first place, perhaps by acting as protector to a legitimate business with legitimate assets and talents. This pattern is repeated across the city with territories carved up among OCG's leaving little or no prospect of legitimate competitors gaining sustainable access to these markets without either being bought up, forced out, or otherwise being so thoroughly oppressed that there is no means of developing a business. Some legitimate businesses do soldier on in these markets, barely surviving on a week by week basis, inadvertently providing false evidence to the authorities that there is genuine competition in the market place.

The structure of the private hire market in Scotland was custom built for this kind of infiltration comprising squads of licensed drivers providing an income stream to unlicensed booking offices through hire charges for the relevant radio sets. The nominal ownership of the booking offices would be in the name of the operator. The OCG would remain the unseen power behind the throne, protecting the captive market from any meaningful competition extracting an income through a management charge or usurious rates for cars leased out to drivers. Having established this artificial monopoly, the next step for the successful exploiter is to turn into a monopoly based on competitive advantage. Abnormal profits used to fund capital expenditure on radio technology confer an advantage over competitors in any major tendering process. The relevant public authority is left in a quandary. It is required to seek the most cost effective provider for the service. Who else is there to give it to but the tender with the relevant local knowledge who has the most technically proficient bid and has offered

the lowest price? By this stage in the game any obvious links to the OCG have been suitably buried or camouflaged and so when a licensing regime is established after a public outcry and the application goes in, it can be very difficult to provide the requisite quality of evidence to enable the new licensing authority to legitimately refuse the relevant licence. The award of such contracts and the provision of such licenses effectively represent the completion of the business plan objective for the OCG. Now it has a strategic asset in the form of a monopoly obtained by it under official licence.

The assessment of OCG activity using this type of framework encourages an approach which is tailored to the realities of the challenge, which can probably also be best described in terms of a continuum, where democracy flourishes unaffected by OCG activity at one end and is irredeemably corrupted by it at the other (a visit to Naples, per Saviano, might provide a sense of the latter (9)). Scotland's place on that continuum in terms of exposure to OCG's has the ability to get worse or get better. A third possibility is that things might just stay the same, which some might argue would not be a bad result as judged from time to time. Even to achieve the status quo result however requires a process of continuous evolution on the part of Law Enforcement. The area of OCG finance and business is a key theatre of conflict simply because all OCG activity depends on it, feeds on it, and is motivated by it. The concept of competitive advantage can be therefore be extended to analyse and prioritise those areas where Law Enforcement needs to establish distinctive capabilities that match and neutralise those deployed by OCG's and confer advantages that can be exploited to score on all four D's of the Scottish Organised Crime Strategy. A live example of this is the targeting of Organised Crime by means of the way it handles its money.

The Proceeds of Crime Act was enacted in 2002 with a view to depriving criminals of the rewards of their crimes. It established money laundering offences designed to enable the prosecution of criminals for concealing or consuming or arranging with others the transfer of the proceeds of crime. Prior to this act the offence of money laundering was contingent upon the establishment of a drug related predicate offence. POCA 2002 broke that link. It opened the door to prosecuting Money Laundering as a stand alone offence. The difficulty was there was still an obligation to show the

money was criminal, and this was generally interpreted to mean actual or circumstantial evidence of a predicate offence from which the money transferred in breach of the relevant POCA provision was derived. Needless to say among the most informed experts of POCA 2002 were members of the criminal fraternity and their advisers. A common item listed in inventories of items uplifted during drug raids was a well thumbed copy of the legislation. The defence strategy emerging from early trials was to wait for the Crown to complete its presentation of evidence and then invite the judge to rule that there was no case to answer because whereas has the Crown had led plenty of evidence about the circumstances of the transfer it had not led any evidence establishing the criminality of the funds.

The result was that the intended effect of the legislation was stymied. What was conceived as a means of using money to corral the leaders of OCG's as opposed to the more exposed (because further down the continuum) lieutenants and foot soldiers became a means of providing 'add-on' charges to those caught with the sniff of drugs on their hands or the cash that they had been seized with. There were few attempts to bring cases where there was technical evidence showing money laundering activity of any complexity.

The professional financial adviser to the OCG had therefore a number of options at his disposal when it came to assisting in the laundering of his client's funds. The key theme of many of these was complexity. A money laundering scheme sufficiently complex to require detailed forensic analysis to unravel it was in all likelihood going to be immune to detection, even allowing for the reporting of suspicious transactions through the SARS (Suspicious Activity Reporting) regime. Whereas the mechanisms had been set up to make hostile the financial plain over which criminal laundering was taking place, the competitive advantage still lay with the OCG, because it had the expertise to translate the relevant financial transfers to a language that Law Enforcement was not readily able to interpret. And even if it was the application of the relevant legislation was being conducted in a manner that made prosecution extremely unlikely.

The slow progress of the relevant case law was a function in Scotland of the low number of money laundering cases being adopted. That in turn was a function of the

low number of money laundering cases being reported. There were at the same time many transactions reported which had the appearance of money laundering. Unless, however, the point of entry into a money laundering scheme was identified and evidenced with the criminality that went along with it, the apparent consensus was that the chances of a successful money laundering charges did not warrant the risk of failure.

That, in a competitive environment, was a message of impotence. The direct consequence of allowing such a message in this context to be transmitted is that the national exposure to Organised Crime is moved up the continuum in the wrong direction and an insidious process takes hold whereby democracy is damaged, if for the time being imperceptibly.

Relief, however, came in the form of an English judgment in the case of *R v Anwoir (10)* in the English Court of Appeal in 2008. This established, in terms, the principle that there were two means of establishing criminality of the relevant funds: by reference to a predicate offence or by means of an 'irresistible inference' that the money was criminal from the way it was handled. This judgement was ratified in the Scottish Appeal Court in 2009 in the Ahmad case *(11)* (often referred to as the 'Makkah Travel' case).

The opportunity now exists therefore to take on the money launderers in a manner that was effectively denied it. This requires the deployment of specialist officers working hand in hand with specialist Forensic Accountancy help. With those in place the testing ground in competitive terms is altered. The message is sent that Scotland is hostile for money launderers. The risk of operating has increased. The competitive advantage formerly enjoyed by OCG's has been eroded.

Use of the concept of competitive advantage implies relativity in how the activity is evaluated. A suitable scale of achievement in qualitative terms, i.e. in terms of perception, is provided by the idea of the continuum which charts the path between the two states of democracy, flourishing and irredeemably corrupted. It is in the context of that continuum that practical benefit can be most readily appreciated, and

also where the efforts and achievements of Law Enforcement can be most properly evaluated.

The concept of the continuum can also be extended the necessary evolution in Law Enforcement methodologies required to deal with the inevitable evolution in Organised Crime methodologies. This continuum ranges from exclusive reliance on traditional forms of policing to a fully resourced modern agency that brings together all relevant professionals working in their fields at a level that enables effective competition with those experts available to Organised Crime. The challenge is to be able to tackle the ever changing forms of Organised Crime in ways which are adaptive to the ever changing and deliberately elusive nature of the relevant targets.

A sense of the nature of this challenge is provided by Dr Daniel Tschofen's paper 'Flow – The Organisation of Upper Level Drug Dealing' delivered to the sixth International Critical Management Conference in July 2009 (11). On the basis of personal direct interaction with an Austrian group of drug traffickers he postulates the characteristics of the modern drug business as being essentially nomadic where the organisational characteristics are generally amorphous comprising independence, autonomy, decentralisation, informal, coalitional, reactive and an ability to shape-shift. The ethos of these groups is heavily reliant on a code of secrecy adherence to which is worn like a badge, acting as the solder to an apparent allegiance to friendship and non-violence, although this is perhaps less obvious to those familiar with other drug cultures to be found in places such as Paisley and Springburn.

The point Tschofen makes, however, is that the deployment of this nomadic culture over a competitive drug dealing territory renders it 'smooth' – an 'open space that is indefinite and non-communicating'. In this space, under these terms, the nomads of Tschofen's crime group move unconfined by walls and enclosures, conceiving themselves not as an organised crime group but as a group of like minded people under siege from the outside world. Within this space the nomads operate along relays that comprise the information networks and relationships that enable maintenance of the criminal activity. They operate elemental modes of organisation such as the creation of a network of outstanding debts that generate a necessary incentive to co-

operate and bond in pursuit of the mutual advantage which is the financial pay-off from the criminal activity.

This set of characteristics, as Tschofen describes it, implies a competitive advantage over Law Enforcement that would seem difficult to eradicate so long as the nomadic disciplines are sustained. Law Enforcement does not have the same facility to ‘smooth the space’, being confined to the ‘striating’ effect of procedures and processes and hierarchies which render competition at this level impossible.

Tschofen’s paper depends heavily for its conceptual ideas on those published by the French philosopher Gilles Deleuze and his psychoanalyst collaborator Felix Guattari in ‘A Thousand Plateaus’ (13). A key concept used in this book is that of the ‘Rhizome’, a term used to differentiate from conventional modes of knowledge (termed ‘arborist’) which utilised dualist categories and binary choices. The rhizome as a mode of knowledge allows for multiple, non-hierarchical entry and exit points in data representation and interpretation. The title ‘A Thousand Plateaus’ refers to the essence of the rhizome as a decentralised network. If it is difficult to conceive at first blush how such a concept could be adapted by law enforcement, yet a vivid example of how such conceptual thinking can be turned into practical effect exists, provided by the Israeli Defence forces.

Weizman (14) explains how ‘A Thousand Plateaus’ became required reading for military officers in the Israeli Defence, inspiring them to think in terms of out-foxing the enemy by establishing competitive advantage through adoption of the practice of ‘smoothing out space’ inspired by the ideas of Deleuze and Guattari.

What it meant in practice is described by one Palestinian witness as follows:

‘Imagine it –you’re sitting in your living-room, which you know so well: this is the room where the family watches television together after the evening meal, and suddenly that wall disappears with a deafening roar, the room fills with dust and debris, and through the wall pours one soldier after the other, screaming orders’

The commander of the Paratroop Brigade who undertook this mission in Nablus in April 2002 - which was designed to kill members of the Palestinian resistance -

described it to Weizman in terms that were straight from Deleuze and Guattari: *'the space you look at, the room that you loom at, is nothing but your interpretation of it. The question is, how do you interpret the alley? We interpreted the alley as a place forbidden to walk through and the door as a place forbidden to look through, because a weapon awaits us in the alley, and a booby trap awaits us behind the doors. This is because the enemy interprets the space in a traditional classical manner, and I do not want to obey this interpretation and fall into his traps. I want to surprise him I want to win. This is the essence of war. That is why we adopted the methodology of moving through walls.'*

As Weizman says, although you do not need Deleuze to attack Nablus, the Deleuze and Guattari inspired critical theory helped the military reorganise by providing a new language in which to speak to itself and others. War, and by extension tackling the challenge of Organised Crime, can be conceived of as a discourse between enemies. To the Israelis this meant that every military action was designed to convey something to the enemy. What was conveyed in Nablus was the capacity and willingness to effect greater destruction.

The challenge to Law Enforcement in tackling Organised Crime is also to ensure its actions communicate the appropriate message. A matching of capabilities in the financial theatre, for example, promotes the message that Scotland is a hostile place to launder criminal money. If that is a challenge that can be shown to have been met, others will no doubt appear. That is the reality of the continuum. Law Enforcement has to continue to evolve in terms of its distinctive capabilities so that in terms of competitive advantage there is no deterioration of its position. That is perhaps not the most that can be hoped for, but it should be the least.

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