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## WATCHING THE WATCHERS: THEORY AND RESEARCH IN POLICING STUDIES

The academic study of policing is just about fifty years old, venerable enough to seem an ancient edifice to most of the growing numbers studying it today, but still fairly young by comparison with most disciplines. Yet it has lately been threatened with fundamental paradigm change, perhaps even extinction, by arguments that the fields of security and governance have been transformed so completely that a change in conceptualization is necessary. These claims will be considered in this chapter, which offers a broad overview of the study of policing. It begins with a discussion of the concepts of police and policing, and the long-term evolution of these processes. Following that, we will review the development of police research, and assess critically the new transformation thesis. Finally, the vexed conceptual relationship between policing and politics will be probed.

### WHO ARE THE ‘POLICE’? WHAT IS ‘POLICING’?

Most research on the police has been concerned primarily with immediate policy matters. Researchers have assumed a taken-for-granted notion of the police and their proper functions (Cain 1979). A particular modern conception has tacitly been taken as inevitable. The police are identified primarily as a body of people patrolling public places in blue uniforms, with a broad mandate of crime control, order maintenance and some negotiable social service functions. Anyone living in a modern society has this intuitive notion of what the police are. However, to understand the nature and role of policing, especially over a broader span of space and time, requires some conceptual exploration of the taken-for-granted idea of police.

Modern societies are characterized by what can be termed ‘police fetishism’, the ideological assumption that the police are a functional prerequisite of social order so that without a police force chaos would ensue. In fact, many societies have existed

without a formal police force of any kind, and certainly without the present model. The police contribution to the control of crime and maintenance of order is debatable, as studies of police effectiveness indicate (see Chapter 5).

It is important to distinguish between the ideas of 'police' and 'policing'. 'Police' refers to a particular kind of social institution, while 'policing' implies a set of processes with specific social functions. 'Police' are not found in every society, and police organizations and personnel can have a variety of shifting forms. 'Policing', however, is arguably a necessity in any social order, which may be carried out by a number of different processes and institutional arrangements. A state-organized specialist 'police' organization of the modern kind is only one example of policing.

### SOCIAL CONTROL

The idea of policing is an aspect of the more general concept of social control. Social control is itself a complex and much-debated notion (S. Cohen and Scull 1983; S. Cohen 1985; Sumner 1997; Innes 2003c). In some sociological theories social control is seen broadly as everything that contributes to the reproduction of social order. This makes the concept all-encompassing, virtually coterminous with society. It would include all aspects of the formation of a culture and the socialization of the individuals who are its bearers.

The problem with this broad concept of social control is its amorphousness. It fails to distinguish the specificity of what are ordinarily understood to be control processes: that they are essentially reactive, intended to prevent or respond to threats to social order. As Stan Cohen acerbically expressed it, the broader usage is 'a Mickey Mouse concept', and the term should be restricted to refer to 'the organised ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable' (Cohen 1985: 1–2).

The idea of social control may be evaluated positively or negatively, according to different political interests and positions. In conservative versions of functionalist sociology, social control was seen as the necessary bulwark of the consensus that underpinned social order. Ensuring adequate control mechanisms in the face of deviance or disintegration was a functional prerequisite of any society, although it was especially hard to accomplish in rapidly changing modern societies.

The development of labelling theory and subsequent radical positions within criminology and the sociology of deviance changed the moral evaluation of social control institutions. From being seen as a necessary protection against deviance, social control came to be regarded as *producing* deviance through labelling and stigmatization (Becker 1963). Social control agents were seen as oppressors to be questioned and opposed (Becker 1967). More structuralist or Marxist versions of critical criminology saw these simple reversals of moral blame as merely making social control agents 'fall-guys' for the inexorable working of a wider structure of power and privilege (Gouldner 1968; McBarnet 1979). All radical analyses see social control at least in part as the oppressive maintenance of the privileged position of dominant groups. More complex critiques, however, see

social control as inextricably intertwining the maintenance of universally beneficial order *and* social dominance and oppression: ‘parking tickets’ *and* ‘class repression’, as Marenin (1983) expresses it.

### THE IDEA OF POLICING

Policing cannot usefully be analysed as coterminous with social control but must be seen as a specific aspect of it. Policing implies the set of activities aimed at preserving the security of a particular social order, or social order in general. That order may be regarded as based on a consensus of interests, or a (manifest and/or latent) conflict of interests between social groups differentially placed in a hierarchy of advantage, or a complex intertwining of the two.

Policing is *aimed* at securing social order, but its effectiveness is always debatable. Policing does not encompass all activities directed at achieving social order. What is specific to policing is the creation of systems of surveillance coupled with the threat of sanctions for discovered deviance—either immediately or by initiating penal processes. The most familiar such system is of course the one denoted by the modern sense of police as discussed above: regular uniform patrol of public space coupled with *post hoc* investigation of reported or discovered crime or disorder.

### THE IDEA OF POLICE

Policing thus defined may be carried out by a diverse array of people and techniques, of which the modern idea of police is only one. Indeed the term ‘police’ itself originally carried a broader connotation than ‘policing’, let alone the narrow institutional meaning it implies today (Rawlings 1995, 2002, 2008; Zedner 2006). This was exemplified by the ‘science of police’ which was a broad international movement in the eighteenth and early nineteenth centuries, aimed at maintaining and promoting the ‘happiness’ of populations (Radzinowicz 1948–69; Reiner 1988; Pasquino 1991; McMullan 1996, 1998; Garland 1997; Neocleous 1998, 2000a, 2000b, 2006; Dubber 2005: chap. 3; Dubber and Valverde 2006).

Policing may be done by a variety of agents: professionals employed by the state in an organization with an omnibus policing mandate—the archetypal modern idea of the police—or by state agencies with primarily other purposes (such as the Atomic Energy Authority Police, parks constabularies, the British Transport Police and other ‘hybrid’ policing bodies; see Johnston 1992: chap. 6). Police may be professionals employed by specialist private policing firms—contract security—or security employees of an organization whose main business is something else—in-house security (Shearing and Stenning 1987; South 1988; T. Jones and Newburn 1998, 2006; Button 2002, 2006, 2008; Wakefield 2003). Patrol may be carried out by bodies without the full status, powers, equipment or training of the core state police (Hofstra and Shapland 1997; Crawford *et al.* 2005; Johnston 2007b). Policing functions may be performed by citizens in a voluntary capacity within state police organizations (such as the Special

Constabulary; see Leon 1989; M. Gill and Mawby 1990), in association with the state police (such as neighbourhood watch schemes; see Bennett 1990; McConville and Shepherd 1992), or in completely independent bodies (such as the Guardian Angels, and the many vigilante bodies which have flourished at many times and places; see Johnston 1996; Abrahams 1998). Policing functions may be carried out by state bodies with other prime functions, such as the Army, or by employees (state or private) as an adjunct of their main job (such as concierges or bus conductors). Policing may be carried out by technology, such as CCTV cameras (Norris and Armstrong 1999; Sheptycki 2000b; Goold 2004, 2009). Policing may be designed into the architecture and furniture of streets and buildings (R. Jones 2007), as epitomized by Mike Davis's celebrated example of the bum-proof bench (Davis 1990). All these policing strategies are proliferating today, even though it is only the state agency with the omnibus mandate of order maintenance that is popularly understood by the label 'the police'.

### THE EVOLUTION OF POLICING

Until modern times, policing functions were carried out primarily as a by-product of other social relationships and by citizen 'volunteers' or private employees. Anthropological studies show that many pre-literate societies have existed without any formalized system of social control or policing. A cross-cultural study of the relationship between legal evolution and societal complexity in a sample of fifty-one pre-industrial societies found that 'elements of legal organisation emerge in a sequence, such that each constitutes a necessary condition for the next' (Schwartz and Miller 1964: 160). Police in the sense of a 'specialized armed force used partially or wholly for norm enforcement' were found in only twenty of the fifty-one societies in the sample (*ibid.*: 161). These were almost all societies that were sufficiently economically developed to have monetary systems, and with a high degree of specialization including full-time priests, teachers, and official functionaries of various kinds. Police, the study found, appear 'only in association with a substantial degree of division of labour' (*ibid.*: 166), and are usually preceded by other elements of a developed legal system like mediation and damages.

Specialized policing institutions emerge only in relatively complex societies, but they are not a straightforward reflex of a burgeoning division of labour. Specialist police forces develop hand in hand with social inequality and hierarchy. They are means for the emergence and protection of more centralized and dominant class and state systems.

A valuable review of the anthropological literature concluded that the development of specialized police 'is linked to economic specialization and differential access to resources that occur in the transition from a kinship- to a class-dominated society' (Robinson and Scaglione 1987: 109). During this transition communal policing forms are converted in incremental stages to state-dominated ones, which begin to function as agents of class control in addition to more general social control (Robinson, Scaglione, and Olivero 1994). The complex and contradictory function of contemporary police, as simultaneously embodying the quest for general and stratified order—'parking tickets' as well as 'class repression' (Marenin 1983)—is thus inscribed in their birth process.

British police ideology has always rested upon the myth of a fundamental distinction between their model of community-based policing and an alien, 'Continental', state-controlled system. Conventional histories of the British police attempt to trace a direct lineage between ancient tribal forms of collective self-policing and the contemporary Bobby. Such claims have been characterized aptly as 'ideology as history' (Robinson 1979). It is true that many European systems of police did develop more overtly as instruments of state control (B. Chapman 1970; R. I. Mawby 1991, 2008). Revisionist histories, however, have emphasized the relationship between modern police development and the shifting structures of class and state in Britain as well as the United States and other common law systems. The supposedly benign 'British' model was in any case for home consumption only. A more militaristic and coercive model was from the outset exported to colonial situations, including Ireland (M. Brogden 1987; S. H. Palmer 1988; D. Anderson and Killingray 1991, 1992; Brewer *et al.* 1996; Mulcahy 2008).

Although contemporary patterns of police vary considerably in detail, they have tended to converge increasingly around fundamentally similar organizational and cultural lines, without the qualitative distinctions of kind implied in traditional British police ideology (Bayley 1985; R. I. Mawby 1991, 1999, 2008). This has been facilitated by the emergence of a new international body of technocratic police experts who are responsible for the diffusion of fashions in police thinking around the globe, as witnessed by the recent spread of enthusiasm for 'community policing' strategies (Skolnick and Bayley 1988; Fielding 1995, 2002, 2009; Skogan 2003, 2006; Brogden 1999; Brogden and Nijhar 2005).

### POLICE: FUNCTION OR FORCE?

It is problematic to define contemporary police mainly in terms of their supposed function (Klockars 1985). As Bittner has emphasized, the police are called upon routinely to perform a bewildering miscellany of tasks, from controlling traffic to controlling terrorism (Bittner 1970, 1974; Brodeur 2007). This has been a commonplace finding of empirical police research from the outset (as shown in Chapter 5). The uniting feature of the tasks that come to be seen as police work is not that they are aspects of a particular social function, whether it be crime control, social service, order maintenance, or political repression. Rather it is that they all involve 'something that ought not to be happening and about which someone had better do something now!' (Bittner 1974: 30). In other words, policing tasks arise in emergencies, usually with an element of at least potential social conflict. The police may invoke their legal powers to handle the situation, but more commonly they resort to a variety of ways and means to keep the peace without initiating legal proceedings. Nonetheless, underlying all their tactics for peacekeeping is their bottom-line power to wield legal sanctions, ultimately the use of legitimate force. 'A benign bobby . . . still brings to the situation a uniform, a truncheon, and a battery of resource charges . . . which can be employed when appeasement fails and fists start flying' (Punch 1979b: 116).

The distinctiveness of the police lies not in their performance of a specific social function, but in being the specialist repositories for the state's monopolization of

legitimate force in its territory. This does not imply that all policing is about the use of force. On the contrary, 'good' policing has often been seen as the craft of handling trouble without resort to coercion, usually by skilful verbal tactics (Muir 1977; Bayley and Bittner 1984; Norris 1989; Kemp, Norris, and Fielding, 1992).

Nor are the police the only people who can use legitimate force. This remains the right (and in some circumstances the moral duty) of every citizen. There are many occupations in which the potential for the legitimate use of force may arise with a fair degree of frequency, most obviously in the case of private security officers, although their only legal police powers are those of the private citizen. Legitimate force may also regularly need to be wielded by people not exercising a primarily policing role, for example workers in the health or social services handling disturbed patients, or public transport staff dealing with disorder. However, they are not 'equipped, entitled and required to deal with every exigency in which force may have to be used' (Bittner 1974: 35). Indeed, other workers are likely to 'call the cops' at the earliest opportunity in troublesome situations, and use legitimate force themselves only as an immediate emergency measure in the interim.

To sum up, 'policing' is an aspect of social control processes which occurs universally in all social situations in which there is at least the potential for conflict, deviance, or disorder. The 'police', a specialized body of people given primary formal responsibility for legitimate force to safeguard security, is a feature only of relatively complex societies. The police have developed in particular with the rise of modern state forms. They have been 'domestic missionaries' in the historical endeavours of centralized states to propagate and protect a dominant conception of peace and propriety throughout their territories.

This is not to say, however, that they have been mere tools of the state, faithfully carrying out tasks determined from above. Whether this is regarded as legitimate or not, all police forces have been characterized by the discretion exercised by the lowest ranks in the organization, necessitated by the basic nature of police work as dispersed surveillance. The determination of police work in practice is achieved by the interplay of a variety of processes and pressures, and is problematically related to formal policies determined at the top.

Many of these features of modern police organizations are currently under great challenge, and policing is undergoing profound changes in what many commentators have interpreted as a fundamentally new stage of social development. Policing has been increasingly a focus of political controversy over the last half-century, and this has been a factor generating the development of a burgeoning body of research and theoretical analysis.

## THE DEVELOPMENT OF POLICING RESEARCH

Police research only began in Britain in the early 1960s. The impetus for research on the police in Britain came from the politics of criminal justice and theoretical developments in criminology, sociology, and law. This paralleled the pressures generating the

contemporaneous growth of police research in the USA (S. Walker 2004; Skogan and Frydl 2004: chap. 2; Sklansky 2005: Part II). The underlying context was the rising concern about crime and disorder, and a growing public questioning of authority. The police became increasingly visible, controversial, and politicized in response to these tensions and pressures. Many academics have been motivated primarily by the intellectual project of advancing the analysis of policing as a mode of control and governance. Nonetheless the politicization of law and order in the last thirty years has shaped the trajectory of police research (for a fuller account, see Reiner 1989b, 1992a; Reiner and Newburn 2007).

## SOURCES OF POLICE RESEARCH

Police research in Britain has emanated from a variety of sources. These include: academic institutions, official government-related bodies, think-tanks and pressure groups, and journalists.

### Academic research

From the 1960s to the 1980s most police research was carried out by academics, in a variety of disciplines including criminology, sociology, social policy, law, history, psychology, and economics. Policing research is a mainstay of the many centres for criminology and criminal justice that have burgeoned around the country since the late 1970s. Academic and professional research journals have proliferated. Textbooks and monographs on policing are being published at such a pace that is no longer possible for even specialists in the field to keep up.

### Official police research

The greatest volume of police research today no longer emanates from academe. There has been a rapid growth of research by policy-making bodies and by the police themselves. In the last twenty five years the research of the Home Office Research, Development and Statistics Directorate (formerly the Research and Planning Unit) has become increasingly concerned with policing matters. Before 1979 hardly any of its work touched on policing, but during the 1980s police research became a prominent focus of the Unit's research.

Official government police research is not confined to the Home Office. Local government bodies have sponsored police research. During the 1980s several radical Labour local authorities established police-monitoring groups which collected information on a regular basis about police practices and policy (Jefferson *et al.* 1988), and financed outside research projects by academics. Following the Crime and Disorder Act 1998, local authorities became involved in police research in a rather different way. Earlier local government police research was primarily critical. The new model of research, conducted in conjunction with the police, is policy oriented, directed at achieving the most effective and efficient crime reduction policies through audits of local circumstances.

A number of government-established quangos also became important producers of police research in the 1990s. By far the most influential has been the Audit Commission, which produced a stream of highly influential studies of aspects of police performance aimed at enhancing the value for money of police activities (Audit Commission 1990a, 1990b, 1993, 1996).

Perhaps the most significant growth point in official police research is by the police themselves (Brown and Waters 1993; J. Brown 1996). This takes a variety of forms. Since the 1980s a large number of graduates joined the service, and many serving officers are taking degrees on a seconded or part-time basis. Many officers acquired the skills for conducting research. Occasionally research projects begun by serving police officers as students have resulted in influential publications (Holdaway 1983; M. Young 1991, 1993 are early examples). A significant number of former police officers have become academic specialists in police research (e.g. P. Waddington 1991, 1994 1999a, 1999b; Wright 2002; Williamson 2006, 2008).

As recently as the mid-1980s in-house police research departments were mainly one-or two-person operations with little research expertise. Their function was primarily to collate the statistics and information required for such routine publications as the chief constable's annual report and the design of bureaucratic forms. At best their research projects were 'foregone conclusions', evaluations of pet schemes which were designed never to show failure (Weatheritt 1986). However, an increasing proportion of force research departments produce methodologically sophisticated research on many aspects of policy and practice, sometimes coming to critical conclusions.

### Think-tanks and independent research organizations

Independent research organizations, notably the Policy Studies Institute (PSI) and the Police Foundation, have made significant contributions to policing research. The PSI had a distinguished record of research on economic and social issues before its influential first venture into the policing field (1983), and subsequently conducted significant work on other policing topics.

The Police Foundation is a politically independent registered charity with no core government funding. Although it has firm establishment roots (Prince Charles is its president), it has succeeded in maintaining a quality of critical independence and objectivity in its work (Irving and McKenzie 1989; Weatheritt 1986, 1989; Wakefield 2006; Fielding 2009; Thiel 2009; Lloyd and Foster 2009). In addition to a variety of in-house research projects the Police Foundation has sponsored research by academics and by police officers (e.g. Blair 1985).

The Police Foundation and the PSI joined forces in 1994 to establish an independent inquiry entitled *The Role and Responsibilities of the Police*. This was explicitly intended to be an unofficial substitute for the Royal Commission on policing, which many commentators inside and outside the force felt was called for by the increasing controversies surrounding the police and their evident decline in public support. It resulted in a significant research-informed report, and several important publications (Police Foundation/Policy Studies Institute 1996; Saulsbury *et al.* 1996; Morgan and Newburn 1997).

In addition to these independent research organizations, and other more recent additions such as Policy Exchange (Loveday and Reid 2003; Loveday 2006), several pressure groups and politically aligned think-tanks have generated influential research-based work on the police. They include Liberty (formerly the National Council for Civil Liberties) which, as well as producing regular reviews of new legislation and policy developments, financed work by academics through its research arm, the Civil Liberties Trust (formerly the Cobden Trust). It also commissioned an independent inquiry chaired by Professor Peter Wallington into the policing of the miners' strike in 1984 (McCabe *et al.* 1988). Other examples of police research by politically oriented think-tanks include studies of police accountability by the New Labour-oriented Institute for Public Policy Research (Reiner and Spencer 1993), and work by Conservative-leaning bodies, such as the Institute of Economic Affairs (Dennis 1998; Dennis and Erdos 2005).

### Journalists

Since the beginnings of police research in this country in the early 1960s, studies by journalists have made significant contributions to analysis and debate. These include Whitaker 1964; Laurie 1970; Cox *et al.* 1977; Graef 1989; Rose 1992, 1996; Davies 1999b). The hallmark of much of the best journalistic studies has been the ability to probe aspects of police malpractice that academics have seldom dealt with.

## CHANGING AGENDAS OF POLICE RESEARCH

The focal concerns of policing research have varied over time, related closely to the changing politics of criminal justice. In earlier surveys of police research in Britain I have suggested that four stages could be distinguished: consensus, controversy, conflict, and contradiction (Reiner 1989b, 1992a). The contradictory stage now seems to have resolved into a period in which research is dominated by a clear (though not unchallenged) crime control agenda (Reiner and Newburn 2007).

The first empirical research on policing by a British academic was Michael Banton's *The Policeman in the Community* (Banton 1964; for recent analyses of this see McLaughlin 2007: chap. 2, Murji 2009). Like almost all writing on the police at that time it was framed within a celebratory mode, and assumed a harmonious view of British society. Its premise that 'it can be instructive to analyse institutions that are working well in order to see if anything can be learned from their success' (Banton 1964: vii) exemplified the *consensus* stage of police research.

During the 1970s and 1980s British police research was increasingly characterized by themes reflecting the growing conflicts around policing. During the *controversy* stage of police research in the late 1960s and early 1970s policing was beset by a flurry of problems, ultimately resulting from growing divisions and declining deference in society generally (see Chapter 3).

Reflecting these tensions, an increasing number of academic researchers began working on the police in the late 1960s and early 1970s. The key theoretical influences

were symbolic interactionism and the labelling perspective, which saw policing as an important process in shaping (rather than merely reacting to) the pattern of deviance through the exercise of discretion (Cain 1973; Chatterton 1976, 1979, 1983; Holdaway 1983; Manning 1979, 1997a; Punch 1979a, 1979b).

The introduction to Simon Holdaway's 1979 collection of essays on the British police, which includes examples of most of the research then being conducted, sums up accurately the focal concern: 'one of the basic themes running through this book . . . is that the lower ranks of the service control their own work situation and such control may well shield highly questionable practices' (Holdaway 1979: 12).

Research tended to be critical of police practice, whatever its institutional base. While academics, journalists, and pressure groups were concerned primarily with police deviance, official government research pointed out the limitations of policing as a means of controlling crime, reflecting a more general 'nothing works' mood (R. Clarke and Hough 1980, 1984; Morris and Heal 1981; Heal *et al.* 1985. See Chapter 5).

The issues examined in the controversy stage linked directly to the key focus of the *conflict* stage of police research: accountability—who controls policing? This indicated the increasing politicization of policing in the late 1970s and early 1980s, analysed in Chapter 3. It also reflected the growth of radical criminology. Many academic studies of the police in this period were explicitly Marxist (e.g. S. Hall *et al.* 1978; Brogden 1981, 1982, 1987; Jefferson and Grimshaw 1984; Scraton 1985; Grimshaw and Jefferson 1987), and almost all the others (including some Home Office research as well as the work sponsored by radical local authorities) were critical of the police on issues such as racial discrimination. Uniting all the various causes of concern and controversy was a critique of the inadequacy of existing mechanisms for holding the police to account, whether as individuals through the complaints process or the courts, or force policy and operations as a whole through the institutions of police governance (see Chapter 7).

By the late 1980s a new stage of debate and research on policing was emerging, in which a number of *contradictory* tendencies seemed to be in competition. The key theme was the growth of an avowed 'realism', across the political spectrum. Most marked in this country was the new 'left realism' advocated by Jock Young and others (Lea and Young 1984; Kinsey, Lea, and Young 1986). This contrasted itself with what it called the 'administrative criminology' of the Home Office and other parts of the criminal justice policy-making circle, and the 'new right' realism associated most clearly with James Q. Wilson in the USA (Wilson 1975). Although clearly these variants embodied vastly different political and theoretical assumptions, they shared a similar trope of 'realism'.

The espousal of 'realism' reflected wider developments in both criminological theory and criminal justice politics. In criminology it was part of a more general turn away from grand theory. The momentum was towards research of a policy-oriented and managerialist kind. The common premise was that crime was a serious problem above all for the poorer and weaker sections of society, and research should be directed primarily at developing concrete, immediately practicable tactics for crime control.

Police research came increasingly to focus on the search for what works in effective crime control practice, monitoring, and evaluating the policing initiatives that

proliferated in the search for greater effectiveness. These innovations have been credited with an important share in crime reduction during the 1990s, especially in the USA. At the harder end of crime control tactics, the much-touted 'zero tolerance' approach, rooted in the idea of 'broken windows' developed by James Q. Wilson and George Kelling (1982, has been popularly seen as the basis of the New York 'miracle' of rapidly declining violence and crime in the 1990s, although these claims are highly questionable (see Chapter 5).

This was paralleled by a new, 'second order', political consensus about law and order which emerged in the 1990s (Downes and Morgan 2007; Reiner 2007a: chap. 5). During the 1970s the political parties had become polarized over law and order. In the 1980s the police basked in a honeymoon period with the Thatcher government. They were a special case with regard to the drive for 'value for money' and cuts in public expenditure, a loyal police being seen as essential to defeat the 'enemy within' in the shape of militant trade unionism and other resistance to the economically polarizing consequences of free-market economics. Labour was successfully stigmatized as anti-law and order, because of its social democratic interpretations of crime and disorder as—at least in part—produced by economic inequality and social exclusion, and because of its civil libertarian concerns. In the later 1980s Labour struggled to regain public confidence in its criminal justice policies, and in particular to repair broken bridges with the police. This process only succeeded during Tony Blair's tenure as shadow Home Secretary in 1993, when he promulgated the famous soundbite 'tough on crime, tough on the causes of crime'.

During the 1990s there emerged a new cross-party consensus on law and order, based on a shared commitment to toughness in the war against crime. There was renewed faith in the efficacy of policing and punishment, epitomized by Michael Howard's 'prison works' mantra. The overriding priority for the police had to be crime control. This was spearheaded by Kenneth Clarke and Michael Howard, architects of the mid-1990s policy package embodied in the 1993 White Paper on Police Reform, the 1993 Sheehy Report on pay and career structures, and the 1994 Police and Magistrates' Courts Act, aimed at creating a 'business-like' police, constrained by market disciplines to achieve efficient and economic delivery of their primary objective, 'catching criminals' (as the White Paper put it). New Labour left this reform package intact, although it gave it a spin in a more sophisticated direction with the 1998 Crime and Disorder Act and its programme for crime reduction through partnership and evidence-led implementation and evaluation (discussed further in Chapters 3, 6, and 7). The promise of a research-based strategy was rapidly dashed by the relentless drive for short-term results (Maguire 2004; Hope 2004), and the proliferation of headline catching initiatives to deal with immediate crises (Newburn and Reiner 2007).

The driving paradigm for most police research now is clearly *crime control*. In the USA and Britain there is a resuscitated belief among policy-makers and some researchers that policing is a key element in crime control, not only through broader community strategies but through tougher, more directed patrol and detective work. There was explicit rejection of the earlier 'nothing works' pessimism (Sherman 1992, 1993, 2004; Bayley 1998; Nuttall *et al.* 1998; Bratton 1998; Weisburd and Eck 2004).

In this new intelligence-driven, crime control paradigm, policing research figures in an integral way. Policy-oriented research is no longer just a matter of *post hoc* evaluation of police initiatives, although the quantity and sophistication of evaluation has (debatably) grown (Bennett 1990; Pawson and Tilley 1994; Cohen 1997a; Brodeur 1998; Skogan and Frydl 2004; Skogan 2004). Detailed crime analysis and the tailoring of specific local policing responses in conjunction with other agencies were at the heart of the problem-oriented and intelligence-led approaches which the new Labour government promoted, albeit with mixed evidence of success (P. Jordan 1998; Maguire 2000, 2008; Tilley 2008; N. Cope 2008). These require an ongoing research capacity within police forces, as well as closer collaboration with policy-oriented researchers outside. The failure of public confidence in policing to rise as crime rates have fallen in the later 1990s has stimulated a particular policy concern with reducing fear as well as crime itself, focused on the 'reassurance policing' programme (Hough 2003; Millie and Herrington 2005; Innes 2006).

Critical and theoretical work certainly did not disappear, in Britain or elsewhere. As will be discussed in the next section, there has also been a growing body of theoretical work probing the impact of the major changes in political economy, culture, and society variously characterized as post or late modernity, risk society, globalization, and neo-liberalism. Nonetheless, critical and theoretical work has been eclipsed quantitatively by pragmatic policy-oriented police research on crime control.

## NEW POLICING THEORIES

This section will critically review some influential attempts in recent years to develop a fundamentally new perspective on policing. It will argue that they misrepresent older perspectives and are mistaken in their characterization of current crises. They arise in part out of a commendable thirst for can-do answers to the manifest problems of order and justice in recent times. But they involve putting faith in market solutions without recognizing their fundamental perils. A lesson of policing history, this book suggests, is that democratic policing can be approximated to only in a context of social, not just liberal—and certainly not neo-liberal—democracy.

### NEW POLICING THEORIES: A CRITICAL SYNTHESIS

The common theme of all the new perspectives is what a pioneering critique called the 'transformation thesis' (T. Jones and Newburn 2002). In the words of its most influential exponents: 'Modern democratic countries like the United States, Britain and Canada have reached a watershed in the evolution of their systems of crime control and law enforcement. Future generations will look back on our era as a time when one system of policing ended and another took its place' (Bayley and Shearing 1996: 585).

This has further developed into the claim that a new theoretical paradigm is needed to make sense of these developments, replacing the concepts of police and policing altogether by a framework based on 'the governance of security' (Johnston and Shearing 2003). The main exemplar of the new theoretical perspectives on policing is without doubt the celebrated work of Clifford Shearing and a number of associates, which has most explicitly argued for a complete paradigm shift, from 'policing' to 'security governance'. There is also a growing body of work advocating a 'new police science', spearheaded by Markus Dubber's acclaimed historical analysis of the 'police power' (Dubber 2005; Dubber and Valverde 2006. For an incisive, sympathetic critique, see Loader and Zedner 2007), which, although developed without reference to Shearing *et al.*, has a common inspiration in Foucault's ideas about governmentality. Richard Ericson and Kevin Haggerty's influential account of policing the 'risk society' is a third important strand of the new theoretical perspectives, largely incorporated into the wider transformation and paradigm shift theses (Ericson and Haggerty 1997; Johnston 2000). Other 'new policing' theses (McLaughlin 2007) include a variety of discussions about the impact of post or late modernity on policing (Reiner 1992; McLaughlin and Murji 1999; Waters 2007), and Pat O'Malley's claim that policing is now 'post-Keynesian' (O'Malley and Palmer 1996; O'Malley 1997).

In Bayley and Shearing's 1996 formulation the transformation thesis rests on two elements: that 'policing is no longer monopolised by the public police, that is, the police created by government', and that 'the public police are going through . . . an identity crisis' (Bayley and Shearing 1996, in Newburn 2005: 714). In recognition of the empirical changes indicated by the first of these transformations it has become normal to refer to 'policing' rather than 'the police' in the titles of books and papers. The 'new police science' explored by Dubber and others is an exception to this terminological trend, speaking of 'police' rather than policing in an explicit harking back to the eighteenth-century usage, before the advent of *the police* and a narrowing of the word's connotations.

Despite this terminological difference, the 'new police science' has elements in common with the security governance perspective. Above all, they share a rejection of what Johnston and Shearing call 'mainstream criminological discourse', said to be 'still preoccupied with issues relating to the administration of security and justice by states' (Johnston and Shearing 2003: 10). Similarly the 'new police science' castigates 'the trap of twentieth century criminology, which tries to think of policing in isolation from other practices of power' (Neocleous 2006: 19). In an otherwise sophisticated and scholarly analysis entitled 'Theoretical Foundations of the "New Police Science"', Neocleous starts from a caricature of research on policing, which is echoed in much of the new theoretical literature. He speaks of 'the backwater of a very narrowly conceived "police studies" . . . Reduced to the study of crime and law enforcement . . . most research on the police eschewed any attempt to make sense of the concept itself or to explore the possible diversity of police powers in terms of either their historical origins or political diversity' (*ibid.*: 17). The main thrust of his essay is to relocate the idea of police within a framework of political economy and broader issues of governance, harking back to the eighteenth-century 'police science' that preceded the coming of the modern police.

I am entirely in sympathy with this call for a political economy of policing—but I will suggest it is in line with the mainstream sociology of the police, *pace* Neocleous's dismissal of this as a 'backwater'. In their wholesale rejection of the importance of the empirical sociological research on policing, the new theories lose the baby with the backwater.

### THEORIES OF POLICING: THE ANALYTIC DIMENSIONS

A theory of policing has to tackle a number of related questions. In characteristically crisp fashion Lenin famously reduced all political issues to 'Who? Whom?', and these certainly are core questions for policing. But elaborating on this couplet, I would suggest that theorizations of policing must include analysis of the following eight dimensions:

- (1) What is policing?
- (2) Who is involved in policing?
- (3) What do they actually do?
- (4) What are the means and powers of policing?
- (5) What social functions do they achieve?
- (6) How does policing impact on different groups?
- (7) By whom are the police themselves policed, by what means, and to what ends?
- (8) How can the developing purposes and practices of policing be understood?

The new policing theorists' answers to these questions are of course diverse, complex, and evolving. Nonetheless they can be ideal—typically represented as discussed in the following sections.

#### What is policing?

As indicated earlier, the main plank of the transformation thesis is the supposed end of the state monopoly of policing, i.e. its principal concern is *who* does policing. The seminal texts are surprisingly coy or bland about the prior theoretical issue of defining policing, although they are clear—but wrong!—about what policing *was* pre-transformation and in the reviled traditional police studies. It is common ground that policing (an activity) must be distinguished from the police (a specific type of institution), as argued above.

Defining the specificity of policing is more problematic, as seen earlier. Two kinds of definition can be distinguished: functional and tactical. Most common attempts to define policing are functional—what policing achieves, or rather, is supposed to achieve. This is largely true of the new theories:

We are interested in all explicit efforts to create visible agents of crime control, whether by government or by non-governmental institutions. So we are dealing with *policing*, not just *police*. At the same time, we say *explicit* attempts to create policing institutions so as not to extend our discussion to all the informal agencies that societies rely on to maintain order . . . So the scope of our discussion is bigger than the breadbox of the police but smaller than

the elephant of social control. Our focus is on the self-conscious processes whereby societies designate and authorize people to create public safety. (Bayley and Shearing 1996, in Newburn 2005: 715–16)

Thus policing is defined by a variety of intended functions: crime control, order maintenance, public safety. The reconceptualization of policing as security governance does not change this much. 'In this book when we talk of the governance of security we will be referring, in particular, to programmes for promoting peace in the face of threats (either realized or anticipated) that arise from collective life rather than from non-human sources . . . that have their origin in human intentions and actions' (Johnston and Shearing 2003: 9).

Such functional definitions of policing are problematic because they have little fit with what police (public or private) actually do or can do. As the new theorists themselves have shown in their empirical work, police are called upon to deal with many tasks other than crime or disorder, and they can make little contribution to crime control or social peace—however effective they are (Shearing 1984; Bayley 1985: 120–7, 1994: 29–41; Johnston 2000: chap. 3; Chapter 5 in this book). It is the 'elephant' of social control rather than the 'breadbox' of policing agencies which accomplishes the functions attributed to policing (in so far as they are met at all). This is because the sources of order lie outside the ambit of the police, in the political economy and culture of a society. To the extent that these provide most people with meaningful and rewarding lives, conflict, crime, and disorder will be relatively infrequent. Subtle, informal social controls embedded in other institutions do the heavy work of policing. The 'breadbox' of overt policing agencies is important in its impact on many people's lives, but its contribution to overall social order and peace is symbolic rather than instrumental (Manning 1997a, 2003).

Functionalist definitions also sanitize a key aspect of policing—that it deals with conflict and hence has a perpetual Janus face, helping some by controlling others. Thus one party's functional policing may be another's repression. The order that the police are charged to protect always has a double aspect. *General* order, the requirements of any coordinated and complex civilization, is conceptually distinct from but inextricably intertwined with *particular* order—specific patterns of inequality and dominance. Policing deals simultaneously with 'parking tickets and class repression' (Marenin 1982), and it is this tension that bedevils attempts to regulate policing (N. Walker 2000). This is glossed over by talking, as the above definitions do, of 'societies', as opposed to dominant social powers (democratic or otherwise), authorizing policing.

A more satisfactory alternative analysis suggests that tactics or capacities rather than functions constitute the distinctive character of policing (Klockars 1985), as Egon Bittner argued some forty years ago, and was elaborated above (Bittner 1970, 1974; Brodeur 2007). The distinctiveness of the police lies not in their performance of a specific social function but in being the specialist repositories for the state's symbolic monopolization of legitimate force in its territory.

### What agencies and agents are involved in policing?

As indicated earlier, many other agents and agencies apart from the police can and do perform policing tasks. Despite the pluralization of policing, it is only the state agency with the omnibus mandate of order maintenance that is still popularly understood by the label 'the police'.

The question is whether the new theories are correct in asserting that the shift away from state policing towards private, citizen, and transnational forms amounts to a fundamental and qualitative transformation. This claim has been subject to some cogent critiques. Although the personnel employed by private security have indeed grown to be more numerous than public constabularies in many countries (Button 2008: 5–6), they were already coming close during the supposed heyday of state policing in the post-war decades (Jones and Newburn 2002). Moreover, part of the increase in private security employment statistics occurred because corporations have increasingly substituted contract for in-house employees with partial security functions. More broadly, Jones and Newburn show that the growth of private security represents an increasing formalization of social control as the number of employees with *secondary* but still substantial security functions (bus and rail conductors and inspectors, park-keepers, roundsmen, etc.) has declined sharply (2002: Table 41.1). This directly contradicts the new theorists' claim that such secondary security functions have proliferated (Johnston and Shearing 2003: 126). Some forms of citizen auxiliary police such as the Special Constabulary have declined, not increased, in numbers, although the recent introduction and rapid proliferation of Police Community Support Officers (PCSOs) indicates the diversification of the 'extended policing family'. The mushrooming of private security performing an increasing array of functions, and the internal diversification of state policing, certainly are significant developments, but what is debatable is whether they amount to a qualitatively new model of policing requiring an entirely new analytic paradigm.

The state has never had a monopoly of security arrangements (Zedner 2006), even though in stable liberal democracies it has claimed control over *legitimate* force. There is no evidence, however, that this domination of *legitimacy* is under challenge. The new theorists claim that the status and image of private security has been transformed, not just their quantitative presence (Bayley and Shearing 1996, in Newburn 2005: 716–17). While they are certainly more in demand it is far from clear that they are viewed more positively by the mass of the public. It is noteworthy that until the Second World War in popular fiction and entertainment the public police hardly figured as heroic characters, and the protagonists of crime stories were private sleuths of various kinds (from the cerebral confreres of Sherlock Holmes and Poirot to the hard-boiled gumshoes depicted by Hammett and Chandler), as Chapter 6 shows. Since the Second World War, and especially since the 1960s, when the new theorists claim the public police monopoly has come under increasing challenge, public police heroes have dominated popular culture. Private police have become marginalized, scarcely appearing except as residual and unheroic characters, like the brutal security guards of *Pulp Fiction* and the comic *Paul Blart: Mall Cop*. Although for primarily economic reasons it has been government

policy to develop civilianization and auxiliaries like the PCSOs, these do not threaten the hold over the mainstream 'sworn' constables in the public imagination. Indeed the popular media have regularly reviled PCSOs ('Blunkett's Bobbies') and similar initiatives. While there has undoubtedly been a pluralization of policing in recent decades, in neither substance nor symbolism does it amount to qualitative transformation.

### What do police actually do?

One of the earliest findings of sociological research on policing, replicated time and time again over the last fifty years, is that—contrary to popular images—most police work does not involve crime or at any rate law enforcement (see Chapter 5). Police routinely under-enforce the law, using their discretion to deal with incidents in a variety of other 'peacekeeping' ways even if an offence may have been committed. Discretion may be operated in a variety of discriminatory or other controversial ways, although it may often be the consensually wise way to deal with troubles. But although the way discretion is exercised may often be problematic, it is inevitable and necessary, if only for pragmatic reasons of the limited capacity of the criminal justice system. Calls to the police for help only involve clear references to crime in a minority of cases, although the exact proportion varies between places, over time, and above all according to different definitions of the categories and research methodologies. Nonetheless, what is beyond dispute is that most policing does not involve any use of their law enforcement powers. The police may be the normal gateway to the criminal justice process but it is one they open relatively seldom.

Altogether the police are marginal to the control of crime and the maintenance of order, and always have been. Only a tiny fraction of crimes ever come to their attention or are recorded by them, and the overwhelming majority of these are not cleared up (apart from serious violent offences such as homicide). This does not mean that the police do not play a useful role in managing the crimes they deal with, nor that they could not boost their performance by exploring new tactics—as they have done in recent years. But seeing the police as major players in crime control is an 'impossible mandate', and their primary contribution is and remains symbolic not instrumental. The basic reason for this is the huge array of potential offences and offenders relative to any conceivable resources for policing, as shown in Chapter 5. The toughest zero-tolerance or the smartest intelligence-led approaches cannot do more than chip away at the edges of this mass of potential targets.

The marginality of crime to policing and policing to crime was a staple conclusion of the sociology of the police until the 1990s, and several new theorists themselves contributed seminal research studies confirming it (Ericson 1982; Shearing 1984; Bayley 1985, 1994). So it is somewhat disconcerting to find statements like 'The risk-communication view of policing we are advancing here obviously decenters the criminal law and criminal justice aspects of police work' (Ericson and Haggerty 2002, in Newburn 2005: 553)—as if it had formerly been central. Or 'Police are no longer the primary crime-deterrent presence in society' (Bayley and Shearing 1996, in Newburn 2005: 717)—as if they ever had been, outside media mythology and police hucksterism.

The transformation thesis juxtaposes contemporary policing forms with a depiction of the past not in terms of its reality but its mythical representation, which the theorists' earlier empirical work had done much to deconstruct. This misrepresentation of past policing as primarily concerned with crime fighting is linked to a particular account of the supposedly contrasting means and powers of policing before and after the postulated transformation.

### **What are the means and powers of policing?**

A pivotal theme of the new policing theorists is that the alleged change in responsibility for crime, order, and security from the public police alone to the pluralized marketplace of contemporary policing is linked to a fundamental and welcome shift in style, programmes, and practices. 'It seems reasonable to conclude . . . that pluralising has made communities safer' (Bayley and Shearing 1996, in Newburn 2005: 720).

One argument adduced for this is quantitative: pluralization has been associated not only with a huge expansion of private security personnel, public police auxiliaries, and a 'responsibilised' citizenry, but a considerable (albeit proportionately slower) growth of public police officers (*ibid.*; Johnston 2007: 28–9; Newburn 2007: 232). This is assumed to enhance public safety in itself, despite the huge volume of research questioning the impact of increasing police numbers on crime (Bayley 1994, 1998; Chapter 5 in this book). But their main line of argument concerns alleged qualitative changes in policing resulting from pluralization. This thesis rests primarily on differences in technique and style between private and public police.

The core of the new policing perspective is that pluralization represents a qualitative and desirable shift because state policing embodies a 'punishment mentality and coercive technologies', while corporate security rests on 'the risk paradigm' (Johnston and Shearing 2003: chaps. 3, 6). They say that 'private police emphasise the logic of security, while public police emphasise the logic of justice. The major purpose of private security is to reduce the risk of crime by taking preventive actions; the major purpose of the public police is to deter crime by catching and punishing criminals' (Bayley and Shearing 1996, in Newburn 2005: 721). The supposedly more effective, efficient, and benign private corporate style is also seen as a model that is positively transforming public police, through reforms of internal governance under the influence of the 'New Public Management' (NPM) and innovative operating strategies such as community, risk, and problem-oriented policing (O'Malley 1997; Johnston 2000: chaps. 4, 5, 10; McLaughlin 2007: chap. 4). The paradox, they claim, is that Anglo-American public policing was originally established after 1829 on a Peelian model with an explicit preventive, forward-looking philosophy. Over time this is said to have degenerated into a reactive, coercive, punitive justice mentality (Johnston and Shearing 2003: 15) that would now benefit from further moves restoring the private model that Peelian policing displaced.

This analysis involves mischaracterization of the techniques, programmes, and resources of both old and new policing. As argued above, the portrayal of policing in the past as primarily concerned with crime is questioned by a host of research evidence.

Although the defining feature of state policing is the symbolic monopolization of legitimate force, the tendency of police was to minimize actual use of force, for principled and pragmatic reasons, although the *abuse* of force—particularly against those marginal and powerless groups that have aptly been called ‘police property’ (J. A. Lee 1981)—has been a perennial problem. Nonetheless the predominant style of policing observed in ethnographies of policing was peacekeeping and ‘secret’ social service (Punch 1979b). The prevailing analysis emphasized that the police were *not* themselves responsible for the effective containment of crime and disorder, indeed that this would be an ‘impossible mandate’ (Manning 1997a). Security, crime control, and order maintenance depended on a complex network of informal social, economic, and cultural controls of which the police were only one part, primarily important symbolically rather than instrumentally (Banton 1964; Walker 1996; Loader 1997; Loader and Mulcahy 2003). This is uncannily prescient of the image of ‘nodal governance’—‘that governance takes place through nodes and nodal arrangements . . . the police constitute one node amongst many nodes engaged in governance of security’ (Shearing 2007: 252), postulated as a rebuttal of the old idea that ‘policing belongs to the police’ (ibid.). The new theorists promote this as the image of the *future* (although their notion of nodal governance is seen as a network of explicit security providers, not general processes conducive to social peace such as the maintenance of full employment or stable families and communities with cultural capital, cf. Johnston 2007a: 32–3). But the idea of the police as one aspect or ‘node’ of security among many was a well-trodden theme of the sociology of policing from its beginnings.

If the new theorists exaggerate the element of crime control by the public police pre-transformation, they also minimize the coercion implicit in their own accounts of the practices of private security. It is true that private police (and indeed police auxiliaries such as the PCSOs) generally lack the special police powers and the arms available to public police (Stenning 2000; Button 2007), although this is gradually changing (Crawford 2006: 114–17). But this does not mean that their capacity to control the areas they are responsible for is based on a superior mentality of risk analysis and intelligent problem solving. Certainly the individual calibre of security officers in terms of selection and training is far below the public police (Michael 2002; Button 2007, 2008: chap. 4). Against this, however, corporate security has enormous advantages stemming from the powers of private property ownership, as well as a much narrower remit. The new theorists have illuminated the recent trajectory of social control enormously by their account of the expansion of ‘mass private property’ (Shearing and Stenning 1983, 1987; Kempa *et al.* 2004), areas which are legally private but function as public spaces accessible to many people, such as shopping malls, ‘gated’ residential estates, entertainment complexes, theme parks, industrial estates. They are right to emphasize that the extent of crime and disorder in such places is generally low (although in part this may be because it is not reported to or recorded by police). But their accounts themselves indicate the extent to which such internal peace results in large measure from exclusionary tactics depending ultimately on coercion. The key point is that the owners of mass private property, and the security officers who are their agents, enjoy the power to exclude without the legal hurdle of reasonable suspicion (Crawford 2006: 124–34; T. Jones 2007: 848–9).

As a condition of entry they can and frequently do require searches and checks that are more intrusive and often discriminatory than their controversial counterparts exercised by the public police on the streets, without even the minimal accountability to law that the latter are circumscribed by. Potential sources of trouble and conflict can be swept out—possibly onto the public streets (a burgle-my-neighbour tactic that means that enhanced private security may directly reduce public safety). The nodal theorists themselves speak of such areas as ‘security bubbles’. But as they depend largely on the exclusivity provided by the power of property and the purse, the bubbles vary in scope and desirability. They are positional goods, stretching from champagne bubbles through beer bubbles to toxic-waste bubbles.

Shearing and Stenning’s fascinating and rightly celebrated analysis of Disney World as the exemplar of future security itself shows clearly the importance of exclusion in safeguarding the tranquillity of that hedonistic idyll. Exclusion derives from the cost of entry, its physical seclusion, a myriad of devices inscribed into its architecture and routines, and when these fail, the power of the guards in the Mickey Mouse costumes to expel the deviant (as in the anecdote about the threat to send away the researcher’s young daughter unless she complied with the rule prohibiting going barefoot). The similar ‘Club Med’ example given by Johnston and Shearing (2003: 9) makes explicit that the security of such enclaves is a ‘club good’ depending on the barring of all but a privileged few (Hope 2000; Crawford 2006). The familiar cliché of the iron fist in the velvet glove applies to private security at least as much as to public policing, belying the purported sharp contrast between mentalities and practices. The apparently superior success of corporate security derives from its power to coerce compliance as a condition of being in the bubble, as well as its much narrower remit: to maximize the bottom line of profitability, not any notions of public good. The excluded are of no concern to them, unlike the way they are, at least in principle and potentially in practice, for public police.

#### **What social functions do they achieve?**

To the new theorists the bottom line is plain: ‘Both quantitatively and qualitatively, then, the pluralising of policing should increase public safety’ (Bayley and Shearing 1996, in Newburn 2005: 721). This takes over the popular image of policing which I have called ‘police fetishism’, that they are the vital functional prerequisite of social order, so that without a police force chaos would ensue. This myth has been constructed over the last two centuries by a complex of cultural processes, not least campaigning by the police themselves and the endless reproduction in the media of storylines depicting heroic police as ‘the thin blue line’ battling (usually successfully) to protect or restore order and justice (explored further in Chapter 6). But for reasons indicated earlier, the police are marginal to the control of crime and disorder. Public peace and security are primarily a function of deeper processes in political economy and culture.

This does not mean, however, that strategic changes in police tactics cannot have a crime-reducing effect, and there are many such claims. Most notably, the police have, of course, popularly been credited with the huge drop in crime in New York City in the

1990s, not least because they have not been shy to claim the credit. There has, however, been much debate about the precise contribution made by policing to the crime drop of the 1990s (see Chapter 5). Many analysts point out that the timing of the drop did not tally with the policing changes, that substantial (although smaller) crime reductions were achieved in many parts of the USA and the rest of the world without similar policing tactics, and that other economic, social, and criminal justice changes played a large part.

The crucial problem with traditional policing tactics ('random' uniform patrol and after-the-event investigation) is that they are spread too thinly over the multitude of potential victims and offenders to be able to achieve much preventive cover or detection. The innovative tactics that have produced some improvements in police performance are directed at remedying aspect(s) of this (see Chapter 5). 'Smart', intelligence-led analysis helps to identify and target crime hotspots and prolific offenders. 'Problem solving' may identify and remove risks. 'Community policing' may improve the flow of information and public cooperation that is crucial for investigation. 'Zero-tolerance' order maintenance blitzes can create false impressions of police omnipresence and omnipotence that may deter potential offenders and reassure others. All these are examples of the kind of risk-oriented strategies that the new policing theorists attribute to the influence of the commercial private security industry. 'Through community policing and order-maintenance policing, the public police are developing strategies for reducing disorder and the opportunities for crime that are similar to the practices readily accepted by commercial and informal communities from private police' (Bayley and Shearing 1996, in Newburn 2005: 721). But they are more plausibly interpreted as formalizations of tactics that were deeply engrained in traditional public policing. Cultivating public cooperation was central to the Peelian model from the outset, especially because of the deep and wide hostility to the creation of the new police in 1829, and many measures were adopted to secure consent, as Chapters 2 and 3 show. Community policing, spreading out from John Alderson's pioneering vision in Devon and Cornwall in the 1970s to become a worldwide vogue, was a bid to recapture the popular support that had been built up between the mid-nineteenth and twentieth centuries but was threatened by social and economic change (Brogden 1999; Brogden and Nijhar 2005; Savage 2007: 75–8, 131–5). The only sense in which it was inspired by private sector examples is that it has parallels with the heritage industry developing in the same period as a response to similar stresses. Its consumerist phase, at its height in the early 1990s as 'businesslike' management began to be the new gospel and even prisoners were rebranded as 'customers', was modelled on the private sector but has had scant positive results. The careful cultivation and use of information was a staple tool, exemplified in studies of criminal investigation before and after the creation of the new police (e.g. Styles 1982, 1983; Rock 1973; Maguire and John 1996a, 1996b; Norris and Dunnighan 2000). Appraising situations and people to assess risk and danger was a repeatedly noted trope of traditional police culture (see Chapter 4). These are not aspects of a new risk-oriented, actuarial mentality, although they are of course greatly enhanced by recent technological developments (Tilley 2008; Cope 2008; Maguire 2008).

What has undoubtedly been imported from private sector models, largely but not only at the behest of neo-liberal governments, is the NPM with its focus on central government 'ruling at a distance' by devolving responsibility to local levels of service delivery, 'steering' the local 'rowers' by target setting, performance measurement, league tables, competition, 'best value', financial, and other instrumental sanctions. The new-police theorists take over an enthusiasm for these tactics from the neo-liberal belief that private enterprise and market models work best (O'Malley 1997, in Newburn 2005: 701–10; Johnston and Shearing 2003: chap. 5; McLaughlin 2007: 96–7, 182–7). But such faith is largely a priori, with little evidence that the new managerial models have the intended benign effects on practice, except in cases where there were particular pathologies in unequivocally underperforming units (which may include the NYPD before the reforms of the 1990s). Indeed, even right-of-centre, market-oriented think-tanks have questioned the way NPM has been implemented, with the likelihood of perverse incentives that may direct police activity away from the important but hard to the trivial but achievable (Loveday *et al.* 2007: 16–19).

The claim that pluralization improves the achievement of policing functions is fundamentally questionable, however, not only empirically but as a category error. It presupposes that policing is best thought of in terms of the achievement of macro-functions such as crime control, law enforcement, maintaining public order, and security. The problems are not only the thorny practical ones of measuring the achievement of such functions and identifying the policing contribution towards this. As suggested earlier, functionalism misidentifies the bulk of policing activity which is an emergency response to a myriad of problems for which policing can at best provide only an interim solution. Tank Waddington expressed this most succinctly: 'The police are the social equivalent of the AA or RAC patrolmen, who intervene when things go unpredictably wrong and secure a provisional solution' (Waddington 1983: 34). To switch to a medical metaphor, they are analogous to paramedics or A & E doctors, delivering first-aid relief but generally unable to cure the basic problems. Their contribution may well be enhanced by the kind of partnerships with other local agencies that are mandated by the Crime and Disorder Act 1998, which the new theorists celebrate rightly at least in principle as an illustration of the nodal-governance mentality (Johnston and Shearing 2003: chap. 7; McLaughlin 2007: 126–30). But even this is often unlikely to be able to tackle the root causes of problems, which lie outside the locality and require central government or even transnational support (such as unemployment, crunched credit to aid local enterprise, or public finance to develop infrastructure). This is a major lacuna of the nodal vision, indicating a necessary role for the state (Loader and Walker 2001, 2006, 2007; Goldsmith 2003; Marks and Goldsmith 2006; T. Jones 2007: 859–61; Zedner 2009: 161–7).

Policing cannot be seen primarily as satisfying grand social functions but rather as a Sisyphean labour of continuous partial emergency alleviation of recurring problems. They should be judged by the quality of interaction in their case-work interventions, rather than by the results, by the process not the product, presenting thorny problems of assessment and accountability (Reiner 1998). The statistical measures of performance

that are the stock-in-trade of NPM and 'businesslike' models may be useful diagnostic tools, prompting questions about comparative results and reflexive analysis of why one sector's results are less favourable than a comparator's. But used as sanctions they are likely to lead to dissimulation of practices, distortion of statistics, and counter-productive diversion of activity to the measurable and easily achievable (Hough 2007). To think of policing as capable of achieving the grand functions of order and security is a dangerous category error, but police can bring balm to desperate suffering.

### How does policing impact on different groups?

Policing is regularly blighted by inequality, injustice, and discrimination in its operation. Groups that are low in power and status, such as the poor and unemployed, ethnic minorities, young men (and underclass young women), gays, and lesbians, become 'police property' (Lee 1983), disproportionately likely to be treated as suspects at each stage of the criminal justice process: stop-search, arrest, detention, charge, prosecution (as Chapter 5 elaborates). This arises for a variety of reasons. The kinds of crime that the police in practice focus on: volume property offences, violence and disorder in public space, are more likely to be perpetrated by young, poor men (and certain ethnic minorities are disproportionately poor). These groups spend more time in public spaces, lacking the wherewithal to enter mass private property citadels of consumption. So they are more 'available' to become targets of suspicion (Waddington *et al.* 2004). They are likely to fit stereotypes of suspiciousness, and have less power to challenge successfully (and hence deter) coercive police actions. These same groups are also disproportionately likely to be victimized by crime, and tend to receive less satisfactory police treatment (Heidensohn and Gelsthorpe 2007; Phillips and Bowling 2007; Hoyle and Zedner 2007). They are also less often recruited into the police, and have often suffered discrimination internally in career terms.

Discrimination and disparity in the treatment of different groups is a perennial problem of policing. They violate the public service mandate of the police, and contradict the principle of equality before the law. The revelation of discrimination usually creates a major scandal, setting in train efforts to reform the police (Foster *et al.* 2005; Savage 2007: chap. 1; McLaughlin 2007: chaps. 6, 8).

This is in sharp contrast to private policing. Inequality of treatment is a barnacle on the boat of so-called public service policing. But it is the hull of the corporate policing vessel. Private security firms have duties to their shareholders and to those they contract to provide services to. The consequences of their activities to other parties—those they police, and the public at large—are not even a formal concern. As Zedner argues cogently:

Although the practice of state policing never fulfilled its collectivist pretensions, it did profess, at least, to provide a public service available to all. To the extent that it failed to fulfil this idea, as fail it did, its failing could be measured, criticised and sanctioned. Private providers make no such claim but avowedly seek to protect the partisan interests (whether individual, communal or commercial) of those who pay. No surprise here: it is central to the logic of market societies that goods be distributed not according to need, but to the ability of the consumer to buy. (Zedner 2006: 92)

The new policing theorists themselves have demonstrated how the growth of mass private property creates security fortresses separated sharply from the surrounding society, and dubbed this a 'new feudalism' (Shearing and Stenning 1983). This analysis of growing social division originally had sinister and critical tones, but as the transformation thesis has developed it has come to be represented positively as 'nodal governance', with the private sector and its actuarial mentality of risk prevention supposedly setting an example to the public police. But, as argued above, the peace of security bubbles is achieved through exclusionary and coercive tactics derived from the powers of property ownership, rather than any superior strategy. The new theorists recognize the problem of equity, and explore the possibilities of levelling up security provision. They recognize difficulties in increasing the provision of police to poorer areas, or communal self-help alone (Bayley and Shearing 1996, in Newburn 2005: 722–3). So their main hope is finding means 'to enable poor people to participate in markets for security' by vouchers or block grants (ibid.: 730–1). 'In effect, communities would be given security budgets that they could spend on various mixtures of public and private policing' (ibid.). This presupposes that the problems can be met by policing and that pluralization improves its efficacy—propositions that were questioned earlier. It also raises the issue of how the redistributive security budget is to gain political acceptance, as the theorists recognize. 'Distributional problems between rich and poor might still arise, of course, particularly if the rich refused to pay. All policies that have any prospect of mitigating the growing class differences in public safety depend on the affluent segments of our societies recognising that security is indivisible. The well-to-do are paying for crime now; but they have not learned that they will save more by levelling up security than by ghettoising it' (ibid.: 730). Achieving this consensus in support of redistribution presents a formidable challenge. But as safety depends on much wider social and economic justice than can be provided by security measures alone, tackling the 'root causes' of threat, the task is the even more daunting but necessary one of constructing a consensus for a broader alleviation of inequality. The new theorists offer impressive and inspirational examples of successful efforts to organize security in poor communities such as the South African township Zwelethemba (Johnston and Shearing 2003: 151–60). But these are dependent on outside financial and other support (Marks and Goldsmith 2006; T. Jones 2007: 858–60). The state remains the necessary 'anchor' for security (Loader and Walker 2006, 2007) to avert stark polarization between safe and dreadful enclosures.

### **By whom and how are the police themselves policed?**

Who guards the guardians is of course one of the most ancient conundrums of governance. The issues of accountability remain vexed in debates about policing, as Chapter 7 shows. One of the reasons for this is the Janus face of policing discussed earlier: policing usually involves conflict control, and is simultaneously a general and a partisan good. Thus the problem of accountability has a double aspect: achieving effective and efficient service delivery, but also minimizing any abuse or injustice in the use of coercive powers.

In the last two decades, with the dominance of the politics of law and order, the issue of accountability has shifted strongly towards emphasizing effective delivery of security

with much lower priority given to the control of malpractice. Crime control has been declared as the overriding objective of policing, and a 'calculative and contractual' structure of monitoring and incentives is intended to achieve this. Police powers have been expanded at an accelerating rate while the safeguards attached by the Police and Criminal Evidence Act 1984 have been diluted. The Human Rights Act 1998 and the introduction of the Independent Police Complaints Commission by the Police Reform Act 2002 are two significant countermeasures, but the dominant trend is clearly towards a relatively unregulated growth of police powers (see Chapter 7).

The transformation thesis claims that pluralization is making policing more accountable and responsive. Private security, they claim, is inherently so because of the contractual relationships between client and security firm, and between the latter and its employees, which provide sanctions for performance failures. As far as the public sector is concerned, they welcome a more businesslike structure of accountability based on NPM principles (Johnston and Shearing 2003: 26). In the endlessly cited nautical analogy of the NPM gurus Osborne and Gaebler, government should 'steer' but not 'row' public services (Osborne and Gaebler 1992). 'Rowing' must be devolved to local levels of delivery such as police Basic Command Units, whose performance is steered by target setting, performance measurement, and corresponding sanctions. This brave new world of 'rule at a distance' is contrasted with a supposed sclerotic old regime of centralized command and control of state services. The latter is necessarily inefficient because of the Hayekian problem: 'top-down government does not permit entrepreneurship because those "at the top of the pyramid" do not have "enough information to make informed decisions" [Osborne and Gaebler 1992: 15] about how to govern locally' (Shearing 2006: 23). Such problems do not apply to the corporate sector, which is supposedly kept vibrant, responsive, and efficient by market incentives.

This formulation misrepresents the past and current pattern of police governance. In Anglo-American policing it was never the case that the state 'rowed'. The British legal doctrine of constabulary independence explicitly sought to shield police officers from direct instruction by government, central or local, although the operation of this in practice has always been more problematic (see Chapter 7). In the USA until relatively recently with the politicization of law and order, the federal government role in local and state law policing was minimal. Sociological studies of policing in action have shown that decision-making is shaped largely by the rank-and-file officers on the street, who enjoy a considerable measure of discretion (Skolnick 1966; Wilson 1968; Muir 1977; Smith 1983; Mastrofski 2004).

So Anglo-American policing has traditionally been governed 'at a distance' by the state (unless it is tautologically equated with it). This has been transformed in the last twenty years by the application of new 'calculative and contractual' modes of regulating policing supplying central government with unprecedented formal and effective levers for penetrating 'constabulary independence', which is now an empty rhetorical formula (Savage 2007: chaps. 3, 5; T. Jones 2008). This creeping centralization of control over policing has been increasingly controversial, and in recent years both parties have pledged to bolster local input in a complicated and confusing variety of ways, but it is

doubtful that this new localism will succeed in reversing the current central dominance (McLaughlin 2007: chap. 7; Newburn 2007).

Legal and state regulation of private security is notoriously weak and patchy, and there have long been calls for its enhancement (Button 2008: chap. 5). However, the new policing theorists see private policing as more accountable and responsive because of commercial pressures. Inadequate performance by companies is sanctioned by the threat of contract termination, and individual officers are kept on their toes by fear for their jobs. 'Private police are more responsive than public police to the "bottom line" of safety. If safety is not increased, private police can be fired' (Bayley and Shearing 1996, in Newburn 2005: 721). How effective private security is in satisfying its customers is no doubt variable, but in principle it may be acceptable to say *caveat emptor*. But they have no responsibilities for *public* security apart from the limited sections allowed into their 'nodes'. It is hard to see how pluralization has enhanced accountability, either in the sense of responsiveness to public concerns about safety or malpractice.

### **How can the developing purposes and practices of policing be understood?**

The transformation thesis is primarily presented as a description of trends and an analysis of their 'progressive' potential. The main explanatory theme is what can be called 'truth will out': the new trends have emerged because they solve manifest problems with the old, supposedly state-dominated policing arrangements. This is summed up in the following passage:

Peel's aspiration to ensure prevention through the certainty of detection and punishment has remained unrealised during the two centuries since the inception of the new police. There are a number of reasons for this, some of which relate to shortcomings within policing, others to problems within the wider criminal justice system. For example, during most of the post-war period, steadily rising rates of crime have exposed the limits of the Peelian project. Added to that . . . the public's willingness to report offences cannot be taken for granted; the police's capacity to detect offences is limited; and the court's [sic] ability to secure convictions is restricted. (Johnston and Shearing 2003: 67)

These claims distort the history of policing in a number of ways. Crime rates fell steadily after the 1850s as the Peelian police were rolled out across the country (following the County and Borough Police Act 1856), remaining low until the First World War, as Chapter 3 discusses. Indeed the criminological question for conferences in the late nineteenth century to mull over was how to explain *falling* crime trends (Radzinowicz and Hood 1986), a puzzle that was not to recur until the 1990s. It is doubtful that the falling crime rates were primarily due to the policing changes, for reasons elaborated in Chapters 3 and 5. A much greater role was played by the long-term process of converting the 'dangerous classes' into the solid working class by incorporating them into the civil, political, and economic rights of citizenship. But even if the falling crime rates were a political conjuring trick to promote the Bobbies, it worked, and the myth of Scotland Yard's prowess ('always getting their man') became an international symbol of successful policing.

Although crime rates rose in the 1920s and 1930s, they declined again in the first post-war decade, and the myth of the Bobby as an important aspect of British national pride reached its zenith in the 1940s and 1950s. Recorded crime rates did begin to increase almost continuously after the mid-1950s, only falling briefly in the early 1990s and mid-2000s. The increase up to 1980 was largely a statistical illusion, as more property crime was reported to the police by victims due to the spread of household insurance. The real explosion in crime came in the 1980s and early 1990s, when the new British Crime Surveys confirmed the police-recorded trend (Reiner 2007a: chap. 3). The police certainly got some of the blame for this—but as unfairly as the credit they had received for the earlier fall. The main factor in the crime explosion was the advent of neo-liberal economic policy with its consequent effects of precipitously increasing inequality, long-term unemployment, and social exclusion, and a culture of ever expanding consumer aspirations and egoism (Reiner 2007a: chap. 4; Hall *et al.* 2008). Faced with these huge crime increases, swamping their resources, the police were able to detect only a diminishing proportion of offences, further undermining public confidence in them.

But neither the crime trends nor the changing public standing of the police were primarily due to failures of the Peelian model. The real driver of the problematic crime and criminal justice trends of recent years was the neo-liberal dominance that the new theorists see as bearing the seeds of a solution. In the new policing theories neo-liberalism is discussed almost entirely as a rational set of programmes and ideas, curiously abstracted from its material effects and origins (Harvey 2005 provides a succinct account of the economic and political sources and consequences of neo-liberalism). The rhetoric of neo-liberal advocates is presented as if they corresponded to practice (e.g. O'Malley 1997, in Newburn 2005: 701–12), ignoring the now clear disastrously deleterious effects. There is an acceptance of neo-liberal claims about the possible pathologies of state institutions but no recognition of the pathologies of the market that were understood even by neo-classical economists of earlier generations such as Alfred Marshall and Pigou.

The new theorists' critique of the state is presented as developing out of the radical criminologies that flourished in the 1960s and early 1970s.

Three decades ago cutting-edge criminological theory grappled with 'the problem of the state' . . . While the state—through the law—presented itself as an independent adjudicator between competing interests and claimed to ensure that all individuals had equal access to justice, formal legal equality was, in reality, a sham . . . Thirty years ago the state was considered to *be* 'the problem', its capitalist character rendering it structurally incapable of representing general 'public interests' over particular private ones. (Johnston and Shearing 2003: 33–4)

They then reflect on the 'strange paradox' that 'many of today's theorists' bemoan 'how neo-liberalism has disaggregated the state apparatus' (*ibid.*). There is no paradox here. The nub of the critique of the state was that it was captured by the interests of capital, and the problem was how to make it deliver on its promise to represent the public good. As Tawney put it some seventy years ago, 'The question is not merely whether the State

owns and controls the means of production. It is also who owns and controls the State' (Tawney 1935: 165). 'The reality behind the decorous drapery of political democracy', he argued is 'the economic power wielded by a few thousand—or . . . a few hundred thousand—bankers, industrialists, and landowners' (ibid.: 60).

To espouse neo-liberalism, 'capitalism unleashed' (Glyn 2006) from behind the ideological veil of the state, is jumping from the frying pan into the fire. The claim that there are 'possibilities for disaggregating neo-liberal strategies and practices, and rendering their often highly innovative developments available for appropriation and development by a "progressive" postwelfare politics' overlooks the inherent dysfunctional consequences of markets (O'Malley 1997, in Newburn 2005: 712). Markets have many unwelcome economic consequences unless states take countervailing measures: growing inequalities of power and wealth; allocation of resources tilted towards the desires of the rich (the democracy of the market is not one person one vote, but one pound one vote); insecurities caused by vicissitudes of health, age, natural disasters; and, as we have relearned, painfully, wild macroeconomic fluctuations. (These points are elaborated in Reiner 2007a: 1–11.) Market-dominated societies are associated with further social, ethical, political, and cultural problems: the financialization of all values, anomie produced by the stimulation of desires and aspirations beyond the possibility of achievement, egoism, corruption of democracy by the best politicians money can buy (Palast 2004; Jacobs and Skocpol 2005), authoritarianism as the 'strong state' seeks to suppress resistance to the pathologies of the 'free market' (Polanyi 1944; Gamble 1994).

Specifically relevant to policing, there is now a host of research evidence showing that neo-liberalism—as contrasted with social democracy—is associated with higher risks of serious violent crime, *and* more punitive cultures and penal practices (Hall and Winlow 2003; Dorling 2004; Cavadino and Dignan 2006; Reiner 2007; Lacey 2008; Hall and McLean 2009; Wilkinson and Pickett 2009), as a consequence of its economic, social, and cultural pathologies. The main explanatory deficit of the new policing theories is a bracketing-out of the significance of political economy in shaping the context and problems that police organizations, cultures, and officers face. Explanations of changing programmes and practices, and their impacts—intended and unintended—require a multi-layered political economy of the macro-, intermediate, and immediate social processes and contexts that shape policing (Reiner 2007b: 343–4), a perspective reminiscent of the eighteenth-century 'science of police' which preceded the Peelian institution (ibid.: 345–7).

Analysing the historical roots of the recent policing transformations through the lens of political economy suggests a very different diagnosis to the new policing theorists'. The pluralization of policing and the application of NPM to the public police are symptoms of, not solutions to, the current predicament. As elaborated in Chapters 2 and 3, the Peelian police were established in Britain (and the USA) in the early nineteenth century against wide and deep hostility, especially from the then politically, socially, and economically excluded masses. The police were established not because of technical failures of the previous forms of citizen policing, but because these were all controlled

by the gentry, making manifest the class nature of governance and law (Silver 1967). The big job facing the early police leaders was to gain public consent, and somewhat different strategies were followed in Britain and the USA (W. Miller 1999). The British route was a set of organizational policies seeking to represent the police as disciplined, apolitical, minimally armed, 'citizens in uniform' without special powers separating them from the public, enforcing an impartial law that benefited all classes as well as providing emergency social services to those in need. These ultimately succeeded in dispelling hostility and winning a fragile legitimation of the police, but only because the policies were developed in a benign context of the general march of social, political, and economic citizenship (as classically spelled out by Marshall 1950). This reduced the extent of crime and disorder confronting the police allowing them to consolidate the image of operating with minimum force and allowing room for the service role to be emphasized.

Police legitimacy was gradually undermined after the late 1960s but not because of defects in the policing model. The ultimate source was economic neo-liberalism, initially heralded in the 'Selsdon Man' manifesto on which the Heath government was elected in 1970 but defeated by trade union opposition, reimposed on a reluctant Labour government by the International Monetary Fund (IMF) in 1976, enthusiastically espoused by the Thatcher Tories in 1979, and deeply embedded by New Labour's embrace of it in the 1990s. This set in train massive economic and social dislocation (especially large-scale long-term unemployment, inequality, and social exclusion) and an increasingly anomic and egoistic culture, which in the 1980s generated a crime explosion and public disorder on a scale not seen for a century. Mediated by the unintended reversal of the policing policies that had achieved legitimation, the result was a decline in public confidence in the police.

How to deal with this was politically controversial in the 1970s and 1980s, and there appeared sharp politicization of the issue of law and order (Downes and Morgan 2007; Reiner 2007a: chap. 5). The Tories espoused a tough new law-and-order rhetoric, while Labour clung to a social democratic analysis of the social roots of crime and disorder similar to the one suggested here. This fundamentally changed in 1992 when the then Shadow Home Secretary Tony Blair's celebrated slogan 'tough on crime, tough on the causes of crime' heralded New Labour's conversion to the law-and-order approach, the first of several 'Clause 4' moments signifying its embrace of neo-liberalism.

For the police this meant calling a bluff that had been successful for 150 years. The police had been symbolically acclaimed as the guardians of the public against threats of crime and disorder, but the real work achieving this was an array of economic, social, and cultural processes that incorporated most sections of society into a common status of citizenship and held tensions and conflicts at bay. When neo-liberalism unravelled this complex of subtle, hidden controls, the thin blue line turned out to be a Maginot line. The 'sovereign state' myth (Garland 1996) was unmasked, naked as Anderson's Emperor in his new clothes. As researchers had suggested all along, the police alone could not have much impact on crime and disorder. But the newly ascendant and unquestioned politics of law and order demanded that they do just that. The 1993

White Paper on Police Reform declared bluntly that the police task was simply ‘catching criminals’, vindicating a folkloric view that official statements from Peel to Scarman had been at pains to deny. This kick-started the NPM-inspired reforms of the 1990s and 2000s, from the quixotic hunt to extirpate extraneous tasks and free them for their core criminal-catching role, to the calculative and contractual businesslike management regime to keep them on their toes doing it (Savage 2007: chaps. 3, 5). Meanwhile the ‘new feudalism’ also gathered pace, as those with the power to do so built their exclusive bubbles of security.

The transformation of policing stems not from the inherent deficiencies of old, state policing or the technical superiority of a new corporate mentality of pluralism combining private security and an NPM-invigorated public sector. It results from the destabilizing and criminogenic effects of neo-liberalism, which is the problem not the solution.

There have been many valuable analyses of the legal, constitutional, procedural, and organizational requirements for democratic and legitimate policing (see Chapter 7). British policing history suggests that a further ingredient is needed: social democracy. The organizational elements of the legitimation of the police only succeeded because of the wider transformation of British society that culminated in the post-war Keynesian and welfare state settlement, incorporating all sections of society into a common status of citizenship. The political triumph of neo-liberalism since the 1970s and the ensuing ‘death of the social’ (Rose 1996) eroded these conditions of peace and security. The necessity of reversing this, of a future social democratic policing, is discussed in Chapter 8.

## POLITICS AND POLICING

‘The group of words, police, policy, polity, politics, politic, political, politician is a good example of delicate distinctions’ (Maitland 1885: 105).

Most police officers stoutly maintain that policing and politics don’t mix. Chief constables regularly declaim on the political neutrality of the police service. Sir Robert Mark, commissioner of the Metropolitan Police (the Met) in the early 1970s, wrote (1977: 12): ‘We [the police] discharge the communal will, not that of any government minister, mayor or public official, or that of any political party.’ As shown in Chapter 3, an important ingredient of the legitimation of the British police was non-partisanship.

This notion of the political neutrality or independence of the police cannot withstand serious consideration. It rests on an untenably narrow conception of ‘the political’, restricting it to partisan conflict (Armatrudo 2009: chap. 4). In a broader sense, all relationships which have a power dimension are political, so policing is inherently and inescapably political.

As argued above, their specific role in the maintenance of order is as specialists in coercion. The craft of successful policing is to be able to minimize the use of force, but it remains the specialist resource of the police, their distinctive role in the political order.

In this sense, the police are at the heart of the state's functioning, and political analysis in general tends to underplay the significance of policing as both source and symbol of the quality of a political civilization.

The control of overtly political behaviour is the task of the specifically political police, or 'high policing' (Bunyan 1977; Turk 1982; Brodeur 1983; P. Gill 1994; Mazower 1997; Huggins 1998; Sheptycki 2000a, 2007). A characteristic of the British police tradition is the attempted unification in the same organization of the 'high policing' function of regulating explicit political dissidence with the 'low policing' task of routine law enforcement and street-level order maintenance. In most other countries there is a greater degree of organizational separation, although the Special Branch developed in the late nineteenth century as a separate, specifically political, unit within the police in Britain (Porter, 1987).

What chief constables are most concerned to claim is that the police are not involved in partisan politics, but impartially enforce the law. This narrower claim is also sustainable only in small part, if at all. A distinction must be made between partisanship in intent and in impact. In a society that is divided on class, ethnic, gender, and other dimensions of inequality, the impact of laws, even if they are formulated and enforced impartially and universalistically, will reproduce those social divisions. This is the point encapsulated in Anatole France's celebrated aphorism about 'The majestic equality of the law, which forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread' (*Le Lys Rouge*, Paris, 1894). In practice, of course, the inequalities of social power are likely to have an impact on the processes of legislation and administration of justice, so that the law itself may deviate from formal impartiality. For both these reasons the impact of law and its enforcement in an unequal society will be objectively political even in the narrower sense of partisanship, favouring some groups at the expense of others. 'The rich get rich, and the poor get prison' (Reiman 2004)—and they also get more criminal victimization and the hard end of police power. Policing bears down most heavily on the most marginal and least powerful groups in our society, who are in effect denied the full status of citizenship (P. Waddington, 1999a) and are 'police property' (J. Lee, 1981), especially at times of economic or political conflict or crisis (S. Hall *et al.* 1978; Crowther 2000a, 2000b).

As I shall argue, the British police tradition has to a large measure eschewed overt partisanship. The constitutional structure within which it operates, autonomous of direct control by elected authorities, is intended to preserve this. Moreover, it must be emphasized that, while policing is inherently political and indeed partisan in reproducing social inequalities, at the same time it preserves the minimal conditions of civilized and stable social existence from which all groups benefit, albeit differentially.

However, if policing is an inherently political activity, it does not follow that it usually appears as such. Policing may be inescapably political, but it need not be politicized, that is, the centre of overt political controversy over its manner, tactics, or mode of operation and organization. Like riding a bike, policing is the sort of activity that is thought about mainly when the wheel comes off. When things are running smoothly it tends to be a socially invisible, undiscussed routine.

This book explores the de facto politics of policing in terms of its uneven social impact (Chapter 5), the political ideology of police officers and the political role of the police in popular ideology (Chapters 4 and 6), and the politicization of the police, their involvement in overt political conflict (Parts II and IV). As Chapters 2 and 3 show, the British police were established in the face of acute political opposition. To gain acceptance, the architects of the British policing tradition constructed an image, organization, and strategy which were intended to win over the various strands of political opposition. Over the first century and a quarter of its existence the police in England and Wales were largely successful in accomplishing their depoliticization, and came to be seen as legitimate by the mass of the population.

It should be stressed, however, that there are inherent limits to police legitimation in any society. Since policing is centrally concerned with the resolution of conflicts, ultimately dependent on the capacity to use force, there is in most police actions someone who is being policed against. In this sense the police are inherently dealers in and dispensers of evil and can never command universal love. For policing to be accepted as legitimate, it is not necessary that all groups or individuals in a society agree with the substantive content or direction of specific police operations. It means at minimum only that the broad mass of the population, and possibly even some of those who are policed against, accept the authority, the lawful right, of the police to act as they do, even if disagreeing with or regretting some specific actions. Of course, in conditions of relative social harmony, acceptance of judicious policing may be a lot more wholehearted. But as policing is inherently an activity concerned with the ordering of conflict, 'policing by consent' cannot imply complete and universal approval. To suggest otherwise is dangerous in that it raises expectations which can never be realized. This is the inherent limit to all the fashionable notions of 'community policing', despite this becoming the 'rhetorical giant' (Manning 1997a: 11) of police reform talk around the world. As P. Waddington (1999a: 223) sums it up trenchantly, "community policing" is an oxymoron, for if the police could serve the *whole* community there would be little point in having a police at all.

The politics of policing at the end of the first decade of the twentieth century, exhibits a number of paradoxes. Despite many years of criticism and loss of legitimacy the police remain pivotal—at least symbolically—to a crucial policy concern of the public: crime. There is now bipartisan consensus around a fundamentally 'law and order' definition of the issue, and of the police role. However, there is fierce partisan conflict over specific strategies and over who can deliver the best results. Policing and crime control are scarcely debated in principled ways, but are fiercely contested at a pragmatic level.

The competing arguments and strategies will be evaluated in the light of the substantial body of evidence about police culture, operations, and images that is reviewed in Part III. The nub of my conclusion is that all the reform initiatives of recent years have been vitiated by a failure to reject the 'law and order' framework, and to recognize the inherent limitations of policing. They have been fatally damaged by government policies which aggravated unemployment and exclusion, especially among the young and ethnic minorities, creating problems of policing a new and growing underclass

(Crowther 2000a, 2000b). The problems reflect broader structural changes in political economy and culture, often referred to in a broad-brush way as 'globalization', which limit the scope of action of governments. However, the divisive and unsettling consequences of neo-liberal globalization have become manifest since credit crunched in 2007 and brought economic collapse. The social, economic, and cultural transformations of the last quarter of the twentieth century multiplied the problems facing the police.

In the first half of the 1980s, the police were pigs in the middle of sharply polarized political debate. They were the darlings of the Tories and in conflict with Labour-controlled police authorities, to which the national Labour Party threatened to make them more accountable. Gone were the halcyon days of consensus, when the police stood above the party fray as beloved totems of the nation. By the early 1990s the police stood at a lower ebb in public trust and esteem than at any time since they were established in the nineteenth century. They had been rocked by scandals revealing gross miscarriages of justice. At the same time the police appeared less able to protect people from criminal victimization, which was rising at record speed, although it fell again in total after the mid-1990s—but without reassuring an ever more fearful public.

By the mid-1990s the configuration had changed again. Seeking to be 'tough on crime and tough on the causes of crime', New Labour courted the police assiduously, while the Tories sought to apply tough 'businesslike' market-based rigours to their management and accountability. There was good news and bad news for the police. The good news was the return of a degree of consensus about policing, and about their symbolic importance to a vital objective for any government. This was reflected in a stabilization of public confidence in the police, following its precipitous decline up to the early 1990s. The bad news was the new consensus view that the police were failing badly on almost every front, and in need of drastic reform. It was increasingly apparent that the police felt trapped in a time warp. They were intent on reform. However, the impact of reforms on public perceptions of the police was continuously being undercut by scandalous revelations, as well as unrealistic expectations of performance and probity built up in the bygone era when the lid was shut tight on scandals.

In response to all these problems, police and government have pursued a number of reform strategies at a bewilderingly accelerating pace, and competing ones have been on offer. Police thinking at policy-making levels is a bricolage of different themes originating at different times in response to the crisis of the moment. There remain echoes of the 1981 Scarman philosophy emphasizing peacekeeping and consensus, which were reinforced by the 1999 MacPherson report on the Stephen Lawrence case, and point towards 'community' and 'problem-solving' policing. Such Scarmanesque echoes are intertwined with facets of management theory, the 'quality of service' language of consumerism, and bytes of business speak. However, these softer tones have been threatened increasingly by a renewed enthusiasm for tough policing, embodied above all in the much-debated notion of 'zero tolerance', and vastly exacerbated by the terror attacks of the 2000s around the world, and in London in 2005.

This book analyses how the police got to their present situation, and what research on their working suggests about the prospects of success for the reforms being pursued. The

verdict is far from encouraging, largely because the effects of neo-liberal, free-market economic policies have been to increase social divisions, poverty, injustice, relative deprivation—and the anger they give rise to—the bitter fruits of which the police must cope with. To seek to return to the ‘golden age’ of consensus about policing symbolized by the Dixon of Dock Green myth is chimerical at best. The more pragmatic but attainable target is to achieve public recognition for doing a ‘dirty work’ occupation as professionally, efficiently, and impartially as it can be done in an ever more fragmented and divided society. Whether even that can be achieved must be doubtful in a period of massive social transformation, generating profound dislocation and insecurity. As at the birth of modern policing in the early nineteenth century the success of their efforts depends largely on much wider questions of political economy and culture, in particular whether the malign consequences of neo-liberal hegemony can be reversed and the long march of inclusive social democratic citizenship restored.