

## CHAPTER 5

### THE POLICE AND POLITICAL DEVELOPMENT IN EUROPE

DAVID H. BAYLEY

~~~~~

THE PURPOSE OF this chapter is to explore the relationship between the police and political development during the growth of modern European nation-states. Great Britain, France, Germany, and Italy have been chosen for comparison. Four questions will be answered in the course of the analysis: (1) What is the character of the police system in each country? (2) When did these contemporary police systems emerge? (3) What factors account for the emergence and rate of development of these systems? and (4) What factors account for the characteristic solutions each country found for its modern police problems?

Specification of the nature of police is not as easy as it might seem. Organizations called police perform different functions in different countries; different organizations in the same country carry out police duties; police units handle nonpolice duties just as police duties are handled by nonpolice personnel. In order to cut through this tangle of divergent and imprecise usage, it is necessary to delineate the central preoccupation of this paper, that is, what I shall consider the core of "police" activity. The focus of this chapter will be upon the mandate to regulate interpersonal relations within a community through the applications of coercive sanctions authorized in the name of the community. A police force is an organization authorized by a collectivity to regulate social relations within itself by utilizing, if need be, physical force. Therefore, when the word police is used it should be understood in terms of a particular function and not in terms of a given body of men. The definition is most important for what it excludes. Social regulation, after all, is accomplished by a host of community agencies, from health departments to taxing authorities. By and large only the police have an explicit mandate to use physical force in order to resolve disputes or to enforce community directives. Similarly, individuals are commonly accorded the right to defend themselves by physical means, but they would hardly be considered as policemen when they do so. An army is publicly

constituted to use force, just as police are, but its jurisdiction is external to the collectivity. An army uses force to defend a community from threats outside itself; a police force protects against threats from within.

When one studies the performance of a task comparatively among different countries, what should one study? The key analytic problem in this chapter is to pose questions which are both important and meaningful comparatively. For example, one might begin by trying to determine when a police system was created in each nation. This is not, it turns out, a very helpful start. Policing is ubiquitous in human society. One would be hard-pressed to find a society where interpersonal relations were regulated either wholly privately or without recourse to physical force. In modern Europe police agencies antedate most other institutions. What is more, it is difficult, as we shall see later, to characterize informatively police arrangements that were replaced by contemporary police systems; public vs. private or state vs. nonstate does not get at a meaningful difference. Another way of providing a meaningful comparative perspective would be to stipulate a particular kind of police system and determine whether developments in various nations have converged toward the model. Is there perhaps such a thing as a modern police system? When did each nation develop such a system? Can it be compared with a traditional or a premodern one? This too is not a very helpful formulation. National police systems are constituted in importantly different ways; each one exhibits unique features requiring explanation. By fitting diverse situations into a Procrustean mold, loss of empirical richness is assured.

In order to meet this problem of describing change meaningfully among disparate systems performing a similar function, I propose to use as a baseline for comparison in each country the nature of each police system as it exists today. This procedure avoids having to determine whether, and then when, each of these systems underwent a generic shift in character from a traditional to a modern system, an underdeveloped to a developed system, a preindustrial to an industrial system, or an unstructured to a bureaucratic system. It may be true that major characterological changes have occurred. This approach does not preclude finding them. If there are common patterns of development, they will become apparent. If there are not, change can still be described, but in this case with reference to explaining what exists contemporaneously rather than what exists

only theoretically. In this way empirical diversity is preserved while a meaningful comparative question is answered, namely, when and how did each nation's police system get to be as it is.

It might be argued against this approach that if the entities to be compared are significantly different today, then analysis is almost bound to find few similarities and only unique national differences. This criticism is overdone. Though it is true that this approach assumes a priori that these national systems have nothing in common except their contemporary existence, it does not preclude determining whether their respective development is on a converging course. Indeed, the converse of this formulation is to assume that they are all similar in some respect, for example, modernity, and then to constrain analysis to find similarity in patterns of development. The question of convergence is logically distinct from the question of how several systems developed. Moreover, analysis can be more responsive to unique patterns of national development by disengaging the question of convergence from that of the nature of historical development.

This procedure would not be useful if any of these countries recently experienced a revolutionary shift in police modality, for the baseline of comparison would be unstable. Longevity is the only warrant for concluding that particular features are characteristic. In fact, none of these systems has undergone a major change in the way policing has been performed in the past generation and indeed—with the exception of Germany—in the past half century. The permanence of institutional police patterns in each of these countries is one of the most important findings of this study.

### *The Character of Contemporary Police Systems*

In the following descriptions of the police systems of Great Britain, France, Germany, and Italy, five points of differentiation will be covered: (1) tasks and responsibilities, (2) structure of the national system, (3) nature of accountability, (4) internal organization, and (5) role behavior and professional image.<sup>1</sup> Since the range of descriptive dimensions is very great, any set is incomplete and its adequacy arguable. One dimension particularly is noteworthy by its absence: there is no measure of the efficiency with which policing is accomplished. Surely the most important characterization to be

<sup>1</sup>To facilitate comparison Figure 5-1 (p. 341) summarizes the characteristics of each nation's system.

made deals with the extent to which a police system performs its central function well. While this is true, adequate measurement of efficiency is difficult methodologically; moreover, the effort would be misleading. The perceived need for police varies over time. Police in Cromwell's time were required to be preoccupied with prevention of blasphemy and the keeping of the sabbath; police in Edward Heath's time are required to be stern with drug-takers and violators of motor-vehicle regulations. Prussian police in the eighteenth century enforced residence requirements on peasants and artisans, while police in the Bonn Republic must defend the right of employees to organize and strike. An efficient police in one age is an irrelevant police in another. Crime is a function of social values, hence so is police efficiency. Even if one could determine an unchangeable human need in successive generations which always fell within the domain of the police function, such as the defense of life against unprovoked attack, data simply do not exist which would allow a test for efficiency. Crime statistics, for example, are notoriously unstable and they are of fairly recent invention. Furthermore, the relation between crime statistics and police efficiency is complex: more efficient police forces may have higher crime rates precisely because they know of and record more crimes; a crime prevented may be attributable to police activity or to social circumstances over which they had no control. Finally, due to differences in legal codes even in the present day, international comparisons are highly questionable.

The police function in Great Britain is carried out by forty-nine separate police forces (Critchley 1967: 311-312).<sup>2</sup> Though the personnel of each force is bound in their professional actions by statutory regulations and the Common Law, there is no single authority in the country that can command them in their day-to-day activities. They are led, deployed, and disciplined by local officers. The commanding officers, known as Chief Constables everywhere except London, are accountable to local political bodies: in towns to the Watch Committees and in counties to the Standing Joint Committees.<sup>3</sup> Membership on each committee is composed of two-thirds of elected members of

<sup>2</sup> These figures include England and Wales, but not Scotland, as of 1966. The forces ranged in size from 700 to 7,000 policemen. In 1960 there were 125 forces in England and Wales (Royal Commission 1962: Cmnd. 1728, p. 6). The amalgamations were a direct result of the recommendations of the Royal Commission.

<sup>3</sup> The designation "Standing Joint Committee" is no longer generally used. These bodies are now called "Police Committees." This change in nomenclature occurred in the last few years.

the Town Council and County Council, respectively, and one-third of appointed magistrates.<sup>4</sup> The central government has police authority only in London, where responsibility is in the hands of the Home Secretary who appoints the Commissioner of the London Metropolitan Police. Within any jurisdiction police agency is singular. There is only one police force in each locality and specialization occurs within that organization.

The British system is decentralized in command but unified in its practices. This has been accomplished by statutory direction and through the power of the Home Secretary to inspect local forces and withhold financial support if the force is not judged up to par. Since the central government's grant amounts to half the cost of the force, its bargaining power is considerable.

The extent of police responsibilities is narrow in Great Britain. They are similar to American conceptions of police work, dealing largely with maintenance of law and order, the protection of persons and property, and the prevention of crime. British police officials do not have the power to issue ordinances having the force of law;<sup>5</sup> nor do they undertake regulatory work unrelated to offenses under the criminal law.<sup>6</sup> Their most demanding noncriminal responsibility is the regulation of motor-vehicle traffic.

Day-to-day regulation of political activities by English policemen has been very slight. By and large they respond reactively; initiative is not, and has not been, theirs. Political intelligence is collected by

<sup>4</sup> Until the Police Act, 1964, all members of Watch Committees were elected members of the Town Council. Membership of Standing Joint Committees had been composed half of elected members of the County Council and half of appointed magistrates.

<sup>5</sup> This power does belong to the Commissioner of the London Metropolitan Police by virtue of his having the powers of a magistrate as well.

<sup>6</sup> Royal Commission 1962: 22, summarizes the responsibilities of the police in eight points: "First, the police have a duty to maintain law and order and to protect persons and property. Secondly, they have a duty to prevent crime. Thirdly, they are responsible for the detection of criminals and, in the course of interrogating suspected persons, they have a part to play in the early stages of the judicial process, acting under judicial restraint. Fourthly, the police in England and Wales (but not in Scotland) have the responsibility of deciding whether or not to prosecute persons suspect of criminal offences. Fifthly, in England and Wales (but not in Scotland) the police themselves conduct many prosecutions for the less serious offences. Sixthly, the police have the duty of controlling road traffic and advising local authorities on traffic questions. Seventhly, the police carry out certain duties on behalf of Government Departments—for example, they conduct enquiries into applications made by persons who wish to be granted British nationality. Eighthly, they have by long tradition a duty to befriend anyone who needs their help, and they may at any time be called upon to cope with minor or major emergencies."

the police, and fairly systematically. This work is performed by the Special Branch of the Criminal Investigation Division (C.I.D.).

The uniformed personnel of the British police are selected according to a single set of recruitment procedures. Except in London, top command officers are uniformed police personnel. Chief Constables, as they are known, have almost all attained their positions by promotion from Constable. The only exceptions are in some rural counties, though the practice of promoting nonpolice officers as Chief Constable even here is declining. In London the highest uniformed rank is that of Superintendent. Superintendents are in charge of major regions within London. Until recently the Commissioner was chosen from outside the police establishment, as by and large were his Deputies and Assistants.

Recruit training, apart from simple military drill, was not established in Britain until 1907 (Stead 1957: 139). It now amounts to an initial course of thirteen weeks plus two two-week refresher courses later on (Critchley 1967: 245-246). Special training for higher ranks was begun in 1948. It is an object of considerable suspicion among British policemen who fear the development of an elite corps within the force (Critchley 1967: 249). The primary functional division within the police is between crime prevention and crime investigation.<sup>7</sup> Detectives are recruited from the ranks of the regular police.

The most difficult dimension of any police system to characterize is the role behavior of its personnel and its professional image. Yet no other attribute is more important to the man-in-the-street. I shall try to present a general characterization for each country. It is important to recognize, however, that the material has often been gleaned from reading between lines, from asides and innuendo. In very few countries have the reputations of police forces been carefully studied employing modern surveying techniques. Britain is one of the few exceptions. The Royal Commission, 1962, not only undertook a large public opinion survey, it devoted considerable space in its final report to police-public relations. Presenting a stereotype of the policeman for any country immediately suggests that opinion about the police is homogeneous. This is rarely the case. Though I believe it is fair to make comparisons among the police of different nations, there are also crucial differences of opinion within nations,

<sup>7</sup> The famed Scotland Yard is the headquarters for the London Metropolitan Police. It is not a national criminal investigation unit, though it often lends assistance to other forces when it is asked.

among classes, ethnic groups, and regions. Often these are as great as differences between nations.

The British police are generally perceived as being honest, approachable, trustworthy, and helpful. They are viewed with respect and an admixture of affection. Generally they work as individuals, not in groups. They carry no firearms, and are commonly nonauthoritative and nonpunitive.

The French police system provides a sharp contrast to the British in almost all respects. The French system is completely centralized. Not only on regulations and procedures identical throughout the country, but the Ministry of the Interior has authority to direct police operations in every corner of the land. Policing is conceived as a responsibility of national government.

For practical reasons operational control of the police cannot be exercised from the Paris offices of the Ministry of the Interior. It is delegated to the Prefects of France's ninety (Ridley and Blondel 1965: 88) Departments and from them to Mayors or *Commissaires* in Communes.<sup>8</sup> The *Commissaire* is the chief of police of the Commune; he is responsible both to the Prefect and to the Mayor, though the Mayor himself can be held accountable by the Prefect for police work. There are three distinct police forces in France, not just one as in England. First, there is the *Police Nationale*, which is the civil police force of the central government. Policing in all Communes with a population of over 10,000 is carried out by the *Police Nationale*. Second, in Communes with less than 10,000 inhabitants the Mayor and the Communal Council may create their own police force.<sup>9</sup> Finally, there is the *Gendarmerie*, which is responsible for policing in rural areas where mobility may be important and where the Communes are unwilling to provide adequate forces of their own. Personnel of the *Gendarmerie* are recruited and paid by the Ministry of War, though they are directed in their police work by the Prefects and the Ministry of the Interior. Units of the *Gendarmerie* are posted to all Departments as a reserve police force. The *Garde Mobile*, which is an armed force for riot operations, and the *Garde Républicaine*, which is wholly ceremonial and stationed in Paris, are both units of the *Gendarmerie*.

Police in France are directed by a larger civilian bureaucracy

<sup>8</sup> There are 38,000 Communes in France. A Commune is roughly equivalent to a township in the United States (Ridley and Blondel 1965).

<sup>9</sup> These are the *Gardes champêtres* of rural areas.

than is the case in Great Britain, but they are much farther removed from supervision by elected legislative bodies. Representative supervision exists only through the national Parliament which can call to account the Minister of the Interior. The actions of individual French policemen must be conformable to law. Determination of illegality, however, is made by administrative courts. The French legal system is bifurcated, as is the case in Germany and Italy; one set of courts determines matters of right and privilege between individuals, the other determines the propriety and legality of matters involving the state and the citizen.

Just as the police of London bear a special relation to the central government, so the policing of Paris is constituted somewhat differently than in the rest of the country. In the Department of the Seine, in which Paris is located, the Prefect has been stripped of his police powers; they have been entrusted to the Prefect of Police, as it were a specialized Prefect for police affairs.<sup>10</sup> The Prefect of Police is directly responsible to the Ministry of the Interior; there is no elected Mayor of Paris, and the Municipal Council can withhold funds from the Prefect, but it cannot direct him to perform specific actions. Because of its size and importance, the police of Paris have often tried to become self-regulating, to minimize their links with the Ministry of the Interior, and to aggrandize their influence outside of Paris. Conflict between the police of Paris and the Sûreté has been common.

Police power in France, as well as elsewhere on the continent, is constitutionally indistinguishable from the authority to govern. *Police Générale* refers to the power of government to make binding regulations in the interests of public order and security. It may involve criminal matters, as they would be defined in the United States or Great Britain, or it may encompass more general directions, such as supervision of newspapers and films, control of epidemics, licensing of building construction, control of foreigners, and inspection of asylums and certain children's institutions (Chapman 1953: 506-507). Authority to govern in France is all inclusive and centralized. Since the Prefect is responsible for law and order, as the agent of the central government, many commentators have come to the conclusion that the work of uniformed police personnel is broader than in Eng-

<sup>10</sup> This post was first created in 1800. Until recently the Prefect of Police was responsible for police in all Communes of the Seine Department. Under the terms of a recent reorganization, the Prefect of Police has authority only within Paris.



land and the United States. In the past they were assigned to more distinct formal tasks than were the police in Great Britain. At the same time, they have never been encouraged to undertake the informal work of mediation, assistance, and advising that has been a stock-in-trade of the British or American policeman. Generally the police today are used in France in much the same formal ways as they are in Anglo-Saxon countries; specialization of function has resulted in giving off tasks not immediately related to criminal work. However, there are some administrative tasks performed by police agents which are uncommon in England, such as granting passports, surveying dangerous buildings, scrutinizing prices and the quality of produce, and inspecting factory premises (Stead 1957: 168). The Prefect and the Mayor do have a larger charter of action than any Commissioner or Chief Constable; they are central administrative officials and may issue regulations (*arrêtés*) on a wide variety of subjects.

The police of France have been heavily engaged in politics since their creation. Though this activity has probably declined in the twentieth century—certainly it is less obvious and more restrained—the police continue to be objects of great suspicion by political parties of both left and right. The police are known to keep a very close watch on political opinion and activity. French policemen admit to being able to penetrate most political organizations, regardless of how clandestine these may be. Political intelligence is handled by the *Renseignements Généraux* and counterespionage by the *Surveillance du Territoire*. The police have been sorely tested in France in recent years with respect to maintaining public order. Mundane police dispositions reflect the challenges they face. Paris police lorries are equipped with steel side-panels so that they may be used in barricading broad avenues. London police have nothing comparable.

Until recently officers of the *Police Nationale*, as well as the *Gendarmerie*, were not promoted from the ranks; rather, they were recruited and trained separately as officers. Officers had to have university degrees. This was also the case in Germany and Italy. Now, however, it is possible for lower ranks to take the officer candidate examination, though they must do so before they are thirty-five years of age. Though historically French officers have had higher academic qualifications than their British counterparts, command responsibilities of French officers have been more limited in scope.

The highest rank for a French officer is that of *Commissaire*. Such individuals have jurisdiction in Communes, which are fairly small areas. They are subordinate to mayors and prefects. French officers are also more closely supervised by a civilian bureaucracy, while the British officers are more closely involved with representative political bodies.

The primary functional division within the police is between the *Police Administrative* and the *Police Judiciaire*: the former handles crime prevention, i.e., patrolling and routine police work, the latter crime investigation. The Ministry of the Interior since 1945 has had its own paramilitary reserves in the *Compagnies Républicaines de Sécurité* (CRS).

Formal training for police officers and men was established in France in 1883 (Stead 1957: 139).

The French police have a reputation for being efficient, indefatigable, and omniscient. They are considered individually to be brusque and rather unapproachable. They are armed, feared, and disliked, though they are not considered especially corrupt.

In West Germany policing is the responsibility of the state of the Federal Republic.<sup>11</sup> This represents a return to the practice of the Weimar period and the Second Reich and a renunciation of the experiment with national responsibility which was tried during the Hitler era. The Bonn government can legislate in any field except education and cultural affairs; thus it can establish principles for the regulation of police agencies. For field administration, however, it has few cadres of its own and must rely upon the bureaucracies of the ten states (Jacob 1963: 162-163). Thus, German police are overwhelmingly state police, accountable to legislatures in each state. The central government maintains only a border police force and a reserve riot force for use in emergencies; it also operates certain forensic establishments and has a small criminal investigation staff for exclusively federal offenses.<sup>12</sup> Operational control is exercised through the mayor in towns or the *Landrat* in rural areas. The *Landrat* presides over county-size units, much like an Indian district officer or a French Prefect, though the *Landrat's* powers are not so

<sup>11</sup> The police of East Germany are centralized, as they have been since 1946. I have made no attempt to study police organization and practices in East Germany. Attention will be given in this paper only to Prussia, the Second Reich, Weimar, and the Bonn Republic.

<sup>12</sup> This is the Federal Criminal Police Bureau (Jacob 1963). See also Finer 1962: 531-532.

extensive as the Prefect's. The *Landrat* exercises his police authority as an agent of the Ministry of the Interior of his particular state.

The *Landrat* will have at his disposal a state police force and a *Gendarmerie* for use primarily in rural areas. Most states also maintain a heavily armed reserve that receives military training and lives in barracks. The German police make a sharp distinction between officers and men. Recruitment is by competitive examination at different levels of the rank hierarchy. Uniformed command personnel are closely supervised by a civilian bureaucracy, much like their French counterparts.

German policemen are accountable not only to state legislatures, democratically elected after 1949, but to the law. Adjudication of cases against policemen for actions taken in the line-of-duty is handled by administrative courts.

German police authorities have possessed vast rule-making power in the past. Though it is less great than before World War II, it is still substantial. I am unable to provide a precise measure of its extent in comparison with police of other nations. Though the *Landrat*, like the Prefect, presides over all the executive functions of government, the police are given a more specialized set of tasks. They are undoubtedly more extensive than the British and probably more than the French. The state police are divided functionally between criminal police and ordinary police—the one not uniformed, the other uniformed. Within the criminal police division separate offices specialize in particular kinds of crime, such as homicide, burglary, auto theft, and so forth. This pattern is general now among European police forces.

German police were heavily involved in politics in the nineteenth century. This is much less true today. They seem to have adopted the stance of neutral referee, a tradition begun though interrupted during the Weimar period. They undoubtedly collect political intelligence and have a substantial capacity with respect to counter-espionage.

German policemen are trusted and honest. They are also formal, rather rigid, and authoritarian in manner. They are not known for approachability. They are armed and do not have a reputation for effective informal mediation.

The police system of Italy is highly centralized; it is also plural, in the sense that there are several forces. The two primary police forces are the *Guardia de Pubblica Sicurezza* (P.S.) and the *Corps de*

*Carabinieri*. Towns are permitted to raise their own police, known as *Vigili Urbani*, which enforce municipal laws and regulate traffic. Police operations are directed by the Ministry of the Interior through the Prefects of Italy's eighty-eight provinces (Fried 1963: 275). The Prefect is assisted by the *Questore*, who is in effect the provincial chief of police. The *Questore*, like the Prefect, is appointed by the Ministry of the Interior. There is no local political accountability; popular control is exercised only through the national Parliament.

Though the P.S. and the *Carabinieri* are both under the direction of the Ministry of the Interior, they are quite distinct and can properly be considered rivals in the field of police operations.<sup>13</sup> The *Carabinieri* are part of the army; they are recruited, trained, and paid by the Ministry of War. When assigned to police duties, they come under the control of the Ministry of the Interior. In theory the P.S. are given responsibility for normal police duties, both criminal investigation and prevention, while the *Carabinieri* are held in reserve for dealing with problems of public order and security. In fact, the *Carabinieri* also do criminal investigation work as well as political surveillance. Both forces are jealous of their prerogatives and like to demonstrate superior ability over the other. The *Carabinieri* is heavily armed, military in bearing and training, and stratified between officers and men. The P.S., too, is very martial in training; its officers are taken from the army, though they are required to have law degrees and to undergo special training (Cramer 1964: 327-331).

Italian police officers are subject to the law, though adjudication is performed by administrative courts.

The Prefect and the *Questore* have ordinance-making authority. The P.S. especially carries out a greater range of tasks than English police. I am unable to differentiate Italian from French or German police in this regard. Italian police in the nineteenth century played a shamelessly political role. Though they are somewhat more subtle today, they find it difficult to remain above politics for long. This is especially true in the industrial areas of the north and in the "Red Belt" north of Rome. Violence and agitation are commonplace; involvement by police officials is mandatory (Fried 1963: 250-252).

Italian police are considered corrupt, punitive, and unscrupulous.

<sup>13</sup> Luigi Barzini (Barzini 1964: 215-216), for example, says that they have been carrying on "a running feud for more than a century." Many Italians, he says, consider their antagonism the best safeguard of the citizen's liberties.

They are feared and disliked. One would not consider going to them for assistance except in time of great stress. They are armed.

It should be obvious now that the diversity among the police forces of Great Britain, France, Germany, and Italy is substantial. The structure of national systems ranges from marked decentralization and local control to extreme centralization and total absence of local control. In one system political control by elected representatives over uniformed personnel is close and direct; in other systems it is screened through layers of civilian bureaucrats. Three countries stratify police between officers and men; two build the police on military lines; all of them specialize according to function within the police. Uniformed police handle very much the same kind of work in all countries, though on the continent their immediate civilian superiors have considerable ordinance-making authority and may direct police into activities that would be considered exceptional in Britain. Some police forces are heavy-handed and set apart from the people; others are trusted and approachable; others are incorruptible and respected; and some are called upon for informal mediation while others are studiously avoided. Quite clearly vigorous national police systems have developed in importantly different ways; these differences will require explanation (see Figure 5-1).

### *Emergence of National Police Systems*

When did the characteristics of these contemporary police systems emerge in recognizable form and what factors account for the timing as well as the rate of subsequent development? The concern in this section will be exclusively with explaining the timing of development. Analysis of the factors which gave each country its unique police features is a separable matter to be taken up in the following section. The first task now is to pinpoint historically the point at which today's characteristics emerged in each country. The second task is to compare political and social processes in each country at these times in order to determine whether similar factors led to the development of national police systems.

Unfortunately for the facilitation of analysis, each police system did not emerge full-blown at a single moment in time. Some features developed earlier than others. Moreover, single features matured over time, surfacing and submerging, so that it is often difficult to say when exactly a particular feature became confirmed in national life. In France, for example, the structure of today's system may be

DAVID BAYLEY

|                                    | <i>Great Britain</i>                       | <i>France</i>                                 | <i>Germany</i>                                | <i>Italy</i>                                 |
|------------------------------------|--------------------------------------------|-----------------------------------------------|-----------------------------------------------|----------------------------------------------|
| 1. Tasks                           |                                            |                                               |                                               |                                              |
| a. Formal                          | Narrow                                     | Extensive                                     | Extensive                                     | Extensive                                    |
| b. Informal                        | Extensive                                  | Some                                          | Few                                           | None                                         |
| c. Political                       | Very Modest                                | Modest,<br>Extensive<br>Intelligence          | Modest                                        | Extensive                                    |
| 2. National Structure              |                                            |                                               |                                               |                                              |
| a. Nature of Authority Aggregation | Decentralized                              | Centralized                                   | Decentralized                                 | Centralized                                  |
| b. Number of Distinct Forces       | Singular                                   | Plural                                        | Singular                                      | Plural                                       |
| 3. Nature of Control               |                                            |                                               |                                               |                                              |
| a. Political                       | Local,<br>Representative                   | Central,<br>Bureaucratic                      | Local,<br>Bureaucratic                        | Central,<br>Bureaucratic                     |
| b. Legal                           | Subject to<br>Unified Legal<br>Code        | Subject to<br>Administrative<br>Court System  | Subject to<br>Administrative<br>Court System  | Subject to<br>Administrative<br>Court System |
| 4. Internal Organization           |                                            |                                               |                                               |                                              |
| a. Rank Organization               | Singular                                   | Bifurcated                                    | Bifurcated                                    | Bifurcated                                   |
| b. Training                        | Civilian                                   | Civilian                                      | Military                                      | Military                                     |
| c. Functional Specialization       | Considerable                               | Considerable                                  | Considerable                                  | Considerable                                 |
| 5. Role Behavior and Image         |                                            |                                               |                                               |                                              |
| a. Perceived Character             | Trustworthy,<br>Approachable,<br>Respected | Distrusted,<br>Unapproach-<br>able, Efficient | Authoritarian,<br>Unapproach-<br>able, Honest | Feared,<br>Corrupt,<br>Quixotic              |
| b. Mode of Intervention            | Individual,<br>Informal                    | Formal                                        | Formal,<br>in Groups                          | Punitive,<br>in Groups                       |
| c. Armament                        | None                                       | Armed                                         | Armed                                         | Armed                                        |

Figure 5-1. Structure of National Police Systems

discerned in the late seventeenth century. Even its essential bureaucratic organization can be found at that time. Yet the civil constabulary was not uniformed until 1829 and its period of greatest expansion was probably the middle of the nineteenth century. The development of the characteristics of today's systems emerged over a period of about two centuries. As a result, though one can discern first appearances, the timing of the development of police systems cannot be considered an exact science.

The problem can be made somewhat more manageable by focusing upon only a few of the features of today's systems. The features

which are most central to the concerns of political scientists are (1) the structure of the national system, (2) the nature of primary operational units, and (3) the methods of political control. These are the features I shall focus upon. With respect to some of the features which I will neglect, one or two points might be made briefly. Attributes of contemporary internal organization and specialization tend to emerge later than the more political features. Characteristics dealing with role behavior and professional image are very difficult to chronicle at all. The tasks performed by police forces have undergone a similar pattern of development regardless of country; they have gradually been restricted. During the past century many responsibilities have been assigned to separate agencies, until today the work of policemen in each country is very similar.

When did the structure of the national system, its force units, and institutions of political control emerge in Great Britain, France, Germany, and Italy in recognizable contemporary form?

In Great Britain, establishment of a recognizable contemporary system began with the "New Police" in London in 1829 and became implanted throughout the country in the next half-century. In 1829 the central government placed the weight of its authority against the centuries-old and thoroughly discredited parish-constable system. Parliament, acting through the Home Secretary, assumed the responsibility for policing in London and transferred executive responsibility for the police out of the hands of judicial personnel. Sir Robert Peel's police—the "Bobby"—represented the coalescing of bits and pieces of experimentation from the preceding one hundred years. The London Metropolitan Police constable was a full-time, uniformed officer paid from the public rates. The police were organized into a substantial force with jurisdiction coterminous with an entire municipal area. And the force was provided with full-time executive leadership made responsible to an elected political body.

The London police, against enormous public hostility, soon proved its utility over the moribund parish-constable system. In 1839 all former police agencies—except the police of the City of London—were abolished or merged with the metropolitan force; magistrates were stripped of all police authority; and the boundaries of the force were fixed at a radius of fifteen miles from Charing Cross (Critchley 1967: 56-57; Reith 1948: 92). London, however, was not England, and policing in the rest of the country assumed slowly and begrudgingly the form of the London experiment. In 1835 the Municipal Corpora-

tions Act allowed towns with charters to establish municipal councils by popular election, which in turn could set up police forces under the direction of a Watch Committee. The precedent of community police forces greater than parish units was expanded to the counties by the County Police Act, 1839. In this case, control was vested in the magistrates corporately and not in an elected body.

Some towns and counties responded to the enabling legislation of 1835 and 1839; many, however, did not. In order to establish some uniformity in policing standards, the County and Borough Police Act of 1856 required creation of full-time professional police organizations in all towns and counties. The central government was empowered to inspect each force and, if found up to the mark, to support them with a grant amounting to one-fourth their total cost. The structure of today's system was now legally in place throughout the kingdom, though with considerable variation in practical detail and performance.

Local political control exercised through representative bodies was not made universal until 1888. The Local Government Act, the last great landmark in the Age of Reform, established Standing Joint Committees in the Counties to supervise the workings of the police. Even so, popular control was not as complete as in the towns. The Standing Joint Committees were composed half of elected representatives and half of magistrates. As we have already seen, the Police Act of 1964, rather than finally abolishing the participation of magistrates, has turned the clock back, appointing magistrates to town Watch Committees as well, though the proportions are now two-thirds elected membership and one-third magistrates in both towns and counties.

Not only did the structure of the British system and its method of control emerge during the sixty-year period after 1829, so also did the distinctive role behavior of its personnel. The "Bobby" was a new kind of police officer. He was unarmed, depending for his success, indeed for his very life, upon his ability to work cooperatively with the populace. He was given little power and told to build respect (Critchley 1967: xiv). He succeeded mightily, and as a result the implacable hostility shown the police in the eighteenth and early nineteenth centuries was transformed into respect and affection.

In France the essential characteristics of today's police system emerged much earlier, becoming recognizable during the years 1660-1700. The first step was the organization of a unique police com-



mand in Paris. In 1667 Louis XIV appointed the first Lieutenant-General of Police, superseding the Provost of Paris as chief police officer. The Lieutenant-General was a royal officer, responsible to the king and not to the *Parlement* of Paris (Stead 1957: chap. 1; Arnold 1969: 14–23). Specialization and centralization of police authority succeeded so well that by late 1699 Lieutenants-General of Police had been established in all major cities. During the same period the post of *Commissaire* was created to assist the Lieutenants-General. In the countryside police authority was drawn into the hands of the provincial *Intendants*.<sup>14</sup> The *Intendants* were the predecessors of today's Prefects.<sup>15</sup> Though the office of *Intendant* went into temporary eclipse during the *Fronde*, it was reinvigorated by the reforming Colbert as the primary instrument of central administrative direction.<sup>16</sup> The last region to receive an *Intendant* in regular attendance was Brittany in 1689 (Gruder 1968: 5–10). By 1700 police authority throughout France was held by the Crown acting through *Intendants* in the provinces and Lieutenants-General of Police in cities.

At the disposal of these central police officers were various forces. In the rural areas there was the *Maréchaussée*, a mounted military constabulary. It was abolished during the Revolution, which put in its place in 1791 the national *Gendarmerie*. Though the name was changed, the function and personnel of the two forces were very similar. Both were military units providing police services in rural areas. The cities had a variety of forces during the seventeenth and eighteenth centuries devoted exclusively to policing. In Paris, for example, there were detectives in each quarter and a force of *exempts* whose duty it was to maintain order in all public places. In support of the *exempts* were special bodies of soldiers drawn from the foot guards and dispersed as sentinels throughout the city. Another body of men known as "archers," numbering about one hundred, patrolled the city during the night and for part of the afternoon. Finally, there was a watch-guard, both foot and horse, that

<sup>14</sup> The *Intendants*' full title was "intendants de justice, police, et finances, et commissaires départies dans les généralités du Royaume pour l'exécution des ordres du Roi" (Chapman 1955: 11).

<sup>15</sup> Their jurisdiction was the *généralité*. Thirty-two of them were appointed originally by Richelieu in the reign of Louis XIII.

<sup>16</sup> Robert Fried (Fried 1963: 19) says that police powers had not originally been given to the *Intendants* but continued to be held by Royal Governors. The Governors used their police powers against the Crown during the *Fronde*. As a result, Louis XIV transferred police powers to the *Intendants*, whom he could better control.

patrolled the city night and day. This force was drawn from disbanded infantry and dragoons. Each of its parties was heavily armed. If a situation exceeded the capacity of these considerable police forces, the military garrison of the city could be called in (Radzinowicz 1957: vol. 3, 540–541). This happened most commonly when rioting broke out. In 1829 a uniformed civil constabulary was introduced for the first time; these were the *Sergents de Ville*, later renamed *Gardiens de la Paix*. The force initially numbered only one hundred men (Stead 1957: 98–99). By 1848 the municipal force had expanded to six hundred men, including *Inspecteurs*, *Sergents de Ville*, and office staff (Stead 1957: 107–108).

It is clear that by the late seventeenth century there were full-time police functionaries in France under the direction of the central government. Policing was a specialized function and personnel were recruited separately for it, though the police force drew heavily from men with military training and relied for support on formal military units. Civilian detectives were well established, having been appointed as early as 1645 by Mazarin (Stead 1957: 24). Permanent police posts, the beginning of the modern police station, were set up in Paris by the Marquis d'Argenson, the second Lieutenant-General of Police (1679–1718). The practice was then expanded to the rest of France (Stead 1957: chap. 2). The French police system of the late seventeenth century was to grow in authority, and to be challenged many times, but its essential lines were to persist unchanged to the present day. The Revolution affected the nature of political authority at the center, but it did not change the balance of power between center and localities. While developments after the Revolution finally confirmed the manner in which central control was to be exercised, whether through a specialized Ministry of Police or the Ministry of the Interior, they did not undermine the principle of central sovereignty in police affairs—if anything, control became more efficient.

The development of the police in Germany was more attenuated than in France and Great Britain. It began in the eighteenth century but did not become fixed until just after unification in 1871. In seeking for antecedents to contemporary police forms, attention will be given to Prussia, for Prussia not only dominated the German empire in geographical size and population, its administrative and political forms, symbolized in the Hohenzollern crown, were carried over into the Second Reich. The key police development in the eighteenth

century was the emergence of the *Landrat* and *Steuerrat* as the authoritative instruments of central police power. The *Landrat*, presiding over territories the size of a township or small county, was a royal officer, responsible to Berlin, though he was chosen from the ranks of the local aristocracy. He was not, at least during most of the eighteenth century, a professional bureaucrat but an aristocratic amateur (Muncy 1944: chap. 5; Rosenberg 1958: 166-167; Jacob 1963: 11-12). The *Steuerrat* was responsible for a town. As the positions developed, these officials became the police superintendent with operational control over the *Gendarmerie*, police magistrates, and mayors. They also issued all prohibitory orders, which took the form of police decrees (Jacob 1963: 55). The police authority of the central government was stoutly disputed by the landed aristocracy until 1872 (Holborn 1969: 401). Titled landed proprietors claimed as a traditional right the power to act as sheriffs within their own properties; this right was not repudiated in Prussia until 1872 (Dawson 1914: chap. 1).<sup>17</sup>

Cities were never a source of competing police authority in Prussia, at least not after the decline of city vitality in the fifteenth and sixteenth centuries (Dawson 1914: chap. 4). Frederick II appointed a royal police officer for Berlin in 1742; the post was renamed Police President in 1809.<sup>18</sup> Though the reforms of Baron vom Stein were designed to reinvigorate municipal life in Prussia after the Peace of Tilsit, 1807, towns were expressly denied the right to regulate their own police. It was stipulated, however, that the state could devolve police powers on local authorities if they wished (Dawson 1914: chap. 1).<sup>19</sup> During the nineteenth century preceding unification several royal police presidents were appointed to large Prussian cities, which indicated the growing need for police in the reviving towns (Holborn 1969: 107).

By the time the German Empire was created, police power was aggregated at two levels, the state and the diffused squirearchy,

<sup>17</sup> In 1812, the "Reform Era," a *Gendarmerie-Edict* was promulgated which vested power in the hands of the *Landrat*, on the model of the French sub-Prefect. The Junkers, fearing for their traditional powers, successfully resisted the edict and it was eventually revoked (Rosenberg 1958: 226).

<sup>18</sup> Frederick II sent his officer-designate to Paris to study with Sartine, a famous Lieutenant-General of Police. It is a mark of the prestige of the French system that Maria Theresa of Austria asked Sartine in 1748 to answer sixteen questions about police work, preparatory to her establishment of a Police Commissioner for Vienna in 1751.

<sup>19</sup> One of Stein's most influential young assistants was a Police Director of Königsberg, J. G. Frey, and a bureaucrat of the central government (Holborn 1966: 401).

though the latter was rapidly losing ground. The federal configuration of the Second Reich assured supremacy in police affairs to each member state.

Little information is available about the nature of the police forces created in Prussia during the eighteenth and nineteenth centuries. It is fairly clear that royal officers in the larger cities had full-time, though nonuniformed, police personnel available to them in the eighteenth century. The police of Berlin were not put in uniform until 1848, and it is doubtful that other states showed greater initiative (Fosdick 1915: 109ff.). Military forces were available if needed in the countryside. They were replaced by a *Gendarmerie* on the French model after the defeat of Napoleon (Jacob 1963: 11-12). Thus by the early nineteenth century full-time police existed in the major cities and a *Gendarmerie* in the rural areas.

The police system of modern Italy became recognizable between 1815 and 1870. The political act of unification was a much more important factor in the development of the Italian police than the German. Piedmont did not dominate the Italian peninsula by size or example nearly as much as Prussia did Germany. Moreover, the strict centralization of government in Italy represented a sharp break with the past, while German unification left internal government of the states very much as it had been before. Between 1860 and 1870 a federal system was considered and rejected by the statesmen of the *Risorgimento* (Mack Smith 1968; Fried 1963: chap. 1). A centralized police system in Italy dates from 1870, when Rome and Venice were wrested from foreign domination.

The structure of internal organization and political control of the police built upon practices already tried in Piedmont. Responsibility for law and order had been contested between the Ministries of War and Interior during the first half of the nineteenth century. Pre-eminence of the Ministry of Interior was fixed by law in 1852 and the instrumentality of the Prefect for police affairs was confirmed in 1858 (Fried 1963: chap. 2). The post of *Questore* was created in 1852 as assistant to the *Intendant-General* of a Division, who became in 1858 the Prefect (Fried 1963: chap. 2).

Italy's two police forces, the *Carabinieri* and the *Guardia de Pubblica Sicurezza*, were created in 1816 and 1852 respectively. Both were Piedmontese innovations. The *Carabinieri* was modeled after the French *Gendarmerie* as a force of armed police maintained by the Ministry of War. The Public Security Guards were created to re-

place the *Carabinieri*, as well as the National Guard, in Piedmont's largest cities. The *Carabinieri* were considered too rigid to handle the manifold duties of city policing (Cramer 1964: 327-329).

Summarizing this brief essay in comparative history, one finds that the police systems of Great Britain, France, Germany, and Italy developed recognizable modern features with respect to structure, control, and organizational units during a period bounded by 1660 and 1888. The emergence of these features in each country followed a different plan. In Britain the system developed between 1829 and 1888, spreading out from a dramatic experiment in the nation's capital. The French system was established much earlier. It was not primarily an urban innovation, though the needs were perceived more clearly there, but involved rural and urban areas equally. The police system of Germany could be discerned in important respects during the middle of the eighteenth century. The sovereignty of Germany's several states in police matters survived the formation of the German Empire, as it did the disaster of the Hitler era. The most persistent threat to this sovereignty came not from a central government or even vigorous organs of local government, but from a diffused class of landowning oligarchs. Italy's police system built upon Piedmontese precedents, and in turn upon French, evolving during the period 1816-1858. These were straws in the wind, however, and were not given national life until the drama of the *Risorgimento*, 1859-1870, determined that the Italian peninsula would have a rigidly centralized system of government and administration.

The arrangements for maintaining internal order that were replaced by these new regimes tended to be decentralized in operation, based upon local communities or traditional ascriptive relationships such as were found on feudal estates. The Parish-Constable had been a feature of English life since the fourteenth century, though the Parish itself did not fully emerge as a unit of government until Tudor times (Critchley 1967: chap. 1). The Justice of the Peace, who had the power to direct the constable and to apply the Common Law, bore prime responsibility since the fourteenth century for maintaining the King's peace (Critchley 1967: 7-9). To some extent this responsibility was shared with the Sheriff and Lord Lieutenant of the county. In France, military officers such as the *Prévôt* had acted in a civil defense capacity for two or three hundred years before the seventeenth century. The *Compagnies d'Ordonnance*, for example, France's first standing army, dating from 1455, were di-

rected to clear the roads of highwaymen. At the same time, local authority exercised through *Parlements* for urban and rural areas, dominated by nobles and clergy, assumed responsibility for the maintenance of order, prevention of crime, and application of sanctions against criminal activities. The tradition of local self-help was also to be seen in the *Garde Bourgeoise* of the seventeenth century.<sup>20</sup> Similar to the English yeomanry of a later period, it was a volunteer body composed largely of men of property who banded together to assist in maintaining order. In Prussia, feudal arrangements persisted longer than in either France or England, continuing indeed through the seventeenth and eighteenth centuries, despite the fact that this was the great period of growth in the administrative capacity of Hohenzollern government. From the late fourteenth century through the mid-sixteenth century towns bore autonomous responsibility for policing; in rural areas landed nobles exercised police functions as a prerogative of ownership. The Prussian political settlement, confirmed in the seventeenth century by the Great Elector, ensured both the loss of urban autonomy and the continuation of landed-proprietary privilege.

The point should be underscored that today's police systems, diverse in character, replaced systems of marked longevity that were equally diverse. It would be convenient to be able to say that contemporary police systems reflect a shift from private to public agency, from decentralized to centralized organization, or from feudal to state authority. Beyond noting that the transition to contemporary systems did mark a decline in decentralization, none of these generalizations aptly describe what happened in each country. The Parish-Constable was a public functionary; he was answerable to the Common Law. The French police system had been a composite of central authority, local accountability, and remnants of seigneurial privilege. The transition in Prussia is most clearly from feudal obligations to state responsibility, though even in this case there had been a tradition of vigorous self-government in major trading towns. The problem is that the way in which police functions were carried out can be described in all periods with fair precision, but it is difficult to categorize the operation of police authority in informative developmental terminology. It is quite clear that though the exercise of police functions evolved steadily over the past millennium in Europe, the transition to contemporary systems from pre-existing ones

<sup>20</sup> I am indebted to M. Gabriel Ardant for bringing this point to my attention.

does not coincide with a shift in forms that transcends the straightforward description of the new organizational patterns.

In pinpointing the emergence of modern police systems, it does not seem adequate to confine attention solely to structural characteristics. A police system may exist in embryo, as it were, for many years before becoming an effective force. Surely one needs to consider the growth in capacities of these systems in order to determine a meaningful date for the emergence of a modern system? The simplest and most precise measure of capacity is numbers of police personnel. This is also an indicator of the resources government is willing to expend on policing. Recognizing the importance of data on police recruitment, I scoured sources in the United States for information on the size of foreign police establishments. The conclusion I have reached is that such data do not exist in the United States. Moreover, I doubt very much whether such data exist in English for any country other than Great Britain. Holdings on European policing affairs are extremely meager in the United States regardless of language. Compilation of tables on the strengths of European police forces for the eighteenth, nineteenth, and twentieth centuries will require bibliographic research on the Continent. It will probably involve archival research. I consider the lack of statistical data on police strength a critical shortcoming of this chapter and a point at which research urgently needs to be directed in the future.

Study of impressionistic evidence, as well as the data at hand, convinces me that there is no serious discrepancy between the dating of the development of existing police systems, as I have done it, and police capabilities. Paris was widely recognized during the *Ancien Régime* as being much better policed than London. The coming of the "new police" in Great Britain is considered to have caused a revolution for the better in the security of life and property. Discipline and order were characteristics of German towns and rural districts in the late eighteenth century; certainly the profligacy and criminality of London were unknown. Size of the police establishment in Italy appears to have grown considerably after 1848 and again after 1860. A strong, effective police force centrally directed was continually justified by reference to the brigandage, unrest, and outright rebellion especially in the south after the *Risorgimento*.

Having found approximately when recognizable contemporary police systems emerged in each country, what factors account for their development at these times? The range of factors that might

influence development are very great. I shall examine seven general hypotheses, each hypothesis dealing with a distinctive set of variables. The sets are: (1) growth of population and its distribution between cities and rural areas; (2) extent of criminality and insecurity; (3) occurrence of a social or economic transformation; (4) occurrence of a political transformation; (5) marked change in general governmental capabilities; (6) an external threat, and (7) an ideological *démarche*.

Can the timing as well as the rate of development of these police systems be explained by reference to the growth of population or the growth of cities? I do not believe so. There is certainly no threshold of population size which seems to compel development of a police system. The population of Paris was approximately 540,000 when that post of Lieutenant-General was established (Mulhall 1903: 446); that of London was about 1,500,000 in 1829 (Mulhall 1903: 446); and that of Berlin somewhere between 50,000 and 100,000 in the middle of the eighteenth century (Emerson 1968: 4; Mulhall 1903: 446). Rates of population growth also do not appear to be significant. France inaugurated its police system before the period of most rapid population expansion: the population grew by about 23 percent in the seventeenth century and by 42 percent in the eighteenth century (Mulhall 1903: 445). The population of Paris, however, appears to have remained almost the same between 1675 and 1800 (Mulhall 1903: 445). Berlin's population tripled during the eighteenth century, from about 55,000 to above 150,000 (Mulhall 1903: 446). London's population grew exponentially before a new police system was created: it grew by one-third during the eighteenth century and almost doubled during the first thirty years of the nineteenth century. The rate of increase declined somewhat in the next thirty years, to about 87 percent; it continued to decline in the subsequent thirty, falling to a rate of about 50 percent (Mulhall 1903: 445). Furthermore, within England there was a wide disparity in population-per-police ratios between London and the rest of England. During the period 1836-1856 municipal forces outside London generally had twice as many people per policeman as did London (Critchley 1967: 67, quoting J. M. Hart).

In short, considering that the rate of population growth rose in all of Western Europe during the period under review, it is no more than a truism to remark that population growth and the foundation of police systems coincide. The more informative point is that there



is no clear pattern of impingement of population size or change in the rate of increase upon the timing of development of police systems.

There has always been a considerable variation among cities of Western Europe with respect to the number of people per policeman.<sup>21</sup> In 1913 the first year for which comparative statistics on police strength for many European cities have been collected, the number of people per policeman ranged from a low of 207 in Rome and 212 in Lisbon to a high of 660 in Berne and 648 in Stuttgart (Fosdick 1915: 401-402). London had 352, Paris 336, and Berlin 324. Edinburgh and Manchester had ratios respectively of 513 and 528, representing 80 percent more people per policeman than in London. The impact of population growth and aggregation on the size of police establishments is indeterminable, except that the more people there are the more policemen there will be. Police establishments are created by human agency, presumably reacting to certain perceived cues. While population growth may enhance those cues, the reading of them is not straightforward; it varies with individual, country, and time.

Can the emergence of police forces be explained in terms of the incidence of criminality or personal insecurity? Because accurate statistics on crime are unavailable for these historical periods, it is exceedingly difficult to be sure. A comparison of events in London and Paris strongly suggests that insecurity is not sufficient to create a police force. London during the eighteenth century was well known for its criminality, violence, and licentiousness. The writings of Henry Fielding and Patrick Colquhoun bear eloquent testimony to the extent of public insecurity. Serious students of British history, such as Sidney and Beatrice Webb, Max Beloff, Charles Reith, T. A. Critchley, Leon Radzinowicz, and members of the Royal Commission on the Police, 1962, seem amazed at the spectacle of that time.<sup>22</sup> European visitors could not understand why an otherwise civilized people did not follow the example of the French or the Germans whose capital cities were models of order. During the eighteenth century Cabinet Ministers went armed in the streets of London at

<sup>21</sup> It would be interesting to determine whether there is a convergence in ratios among European cities. Is the difference among cities with respect to people per policeman getting smaller, remaining the same, or increasing? As I have already indicated, this fascinating question cannot be answered at the present time.

<sup>22</sup> See, respectively, Webb 1913; Beloff 1938: 22-23; Reith 1948: chap. 14; Critchley 1967: 18-24; Radzinowicz 1957: vol. III; Royal Commission 1962: 13-15.

high noon protected by gangs of retainers; men of property went to bed with firearms at their sides; on the coasts whole towns turned out to plunder shipwrecks, killing sailors or constables who tried to stop the despoilation; brutality to servants and animals was commonplace; gin-mills flourished; prostitution was rampant; and a vast proportion of the population lived utterly outside the law. According to the Royal Commission, 1962, seventeen Parliamentary Committees investigated the problem of law and order in London during the late eighteenth and early nineteenth centuries.<sup>23</sup> Despite this appalling situation, almost nothing was done: "During this long period of more than three-quarters of a century, from 1750 to 1828, there was no section of public opinion, no group in Parliament or outside, no leading newspaper or periodical which would advocate a reform in the traditional machinery for keeping the peace" (Radzinowicz 1957: vol. 3, 374).

England's attempts at curbing crime in these years relied wholly upon deterrence. In 1819 there were 223 capital offenses in the English criminal law; in France there were 6. Never perhaps has the worth of an ounce of prevention been more apparent. England's criminal law was draconian, prevention of crime through policing nonexistent, and crime flourished. In France the criminal law was comparatively more humane, there was a professional police force that patrolled streets regularly, and its cities were relatively law-abiding.<sup>24</sup>

In short, development of police cannot be understood in terms of crime. The reasons for creation are more complex than that. As two careful students of criminology have argued in the case of criminal punishments, for which we may substitute "police":

Punishment is neither a simple consequence of crime, nor the reverse side of crime, nor a mere means which is determined by the end achieved. Punishment must be understood as a social

<sup>23</sup> Jenifer Hart (Hart 1951: 27) gives a different figure. She says there were six Parliamentary Committees between 1770 and 1828.

<sup>24</sup> The picture of indiscriminate hangings in England is seriously overdrawn in much of the writing on the period. No doubt hangings were more frequent per capita in the late eighteenth century than in the late nineteenth century. J. L. Parker (Parker 1937: 959ff.) says that there were twice as many in the former period as in the latter, though the population was only one-third as great. At the same time, precisely because the law was so severe, juries and judges hesitated to convict. Furthermore, though the severity of the law increased in terms of capital offenses, the practice diminished. Transportation was increasingly substituted for hanging as punishment for serious crimes and habitual criminals.

phenomenon freed from both its juristic concept and its social ends. We do not deny that punishment has specific ends, but we do deny that it can be understood from its ends alone. By way of analogy, it might be noted that no one would dream of developing the history of military institutions or a specific army out of the immutable purpose of such institutions (Rusche and Kirchheimer 1968: 5).

Can the emergence of police systems be explained in terms of a major social or economic transformation through which these countries were passing? During the period under review the so-called Industrial Revolution, encompassing the decline of feudalism and the rise of capitalism, shattered and rebuilt European social systems. Though containing the thrust of industrialization in a neat chronology is exceedingly difficult, the periods of most vigorous industrial change, when the economic transformation became confirmed in practice, do not coincide with the rise of today's police systems.

Great Britain is generally considered to have preceded most European nations in this enormous social travail, yet it lagged behind France and Germany in the establishment of its modern national police system. The take-off into industrial growth in France occurred in the early nineteenth century, but its police system had been in place for at least a century. Italy's industrial development was an uneven affair, stronger in the North than in the South. Unification, which established the police system, preceded the most vigorous period of industrial development.

It is also true, however, that economic and social development does impinge on police functions in several pervasive ways. First, it creates new law and order tasks. The forms that crime takes are a reflection of the needs and opportunities confronting individuals. Second, socioeconomic change effects the social basis of community, thus influencing the way in which norms are enforced, rules sanctioned. A feudal society has different control mechanisms than does an urban community composed of autonomous individuals. In modern Germany there are no manors and ascriptive obligations, apart from those of family; policing must be handled, if at all, impersonally. Third, to the extent that economic change thrusts new social strata into politics, government will become increasingly sensitized to a range of enforcement tasks that it may hitherto have neglected. In the United States today, for example, minority groups are con-

tinually asking that police meet *their* problems and not be so pre-occupied with those of the affluent suburbs.

Economic and social change constitute a vector during this entire period: in all these countries social and economic forms in the late nineteenth century are vastly different than in the seventeenth century, and it is possible to characterize this change as being singular. But the striking point, as with population growth, is not that police development and social change coincide, but that they exhibit unique patterns of interrelationship in each country. As Barrington Moore has argued for the relation between economic change and political evolution more generally, industrialization impinges differently upon institutions in different countries depending upon the timing of change, the social interests mediating it, and the distribution of political power (Moore 1966). Just as the results for the political system are diverse, so too are they for police systems.<sup>25</sup>

Can the rise of recognizably contemporary police systems be explained in terms of a political transformation? Let us examine various kinds of political changes that have occurred in Europe and see whether they are associated with the establishment of police systems. It would be reasonable to expect that the consolidation of government in an expanded geographical area—state-building—would be associated with the creation of a police system. Formation of national governments would be a particularly critical time from the point of view of social control. This is unambiguously the case in France and Italy. The *Risorgimento* created a national government where none had existed before, and with a rigidly centralized police system. Monarchical absolutism began in France in the seventeenth century. Coincidentally with the consolidation of national power at the royal court came the rise of a new police system in Paris and throughout the country. In Germany it is more difficult to make a case for this linkage. Policing had been in the hands of the landed nobility before the Great Elector and it continued to be so long afterward. Police power in the narrow sense for the *Landrat* and the *Steuerrat* did not develop until the middle of the eighteenth century, during the latter part of the reign of Frederick the Great.<sup>26</sup> Prussian

<sup>25</sup> This analysis is less precise than I would like. It might have been instructive to compare the expansion of police personnel with changes in levels of educational attainment, per capita gross national product, proportion of work-force in agriculture, and so forth. However, until data have been assembled on police strength over time, this analysis will have to be postponed.

<sup>26</sup> It is important to note that police powers in a general sense—the authority to

bureaucratic absolutism was not built on the back of a state police machine. The preoccupation of Prussian government was with taxation and military affairs; it was content to leave policing to the nobles. The famous Boards of War and Domains were not involved with policing. In Great Britain, finally, there is no relation whatsoever between police development and national consolidation.

Association between dynastic consolidation and a new police system is even weaker. Neither Bourbons, Hohenzollerns, Hanoverians, nor the House of Savoy was threatened by a competing dynasty during the time new police systems emerged. One exception was Cromwell's England, where a novel police system was created to support the Commonwealth. Between 1655 and 1657 Cromwell established a national *Gendarmerie*. England was divided into twelve police districts, each covered by a detachment of mounted military police. The purpose of the system was to repress frivolity in support of the social mores of the Puritan revolution. The army was, as a result, brought into enormous disfavor and the system was abandoned. It could be argued that Napoleon III used the police freely to consolidate his regime in the early 1850s. The police were substantially expanded during this period. Generally, however, though regimes certainly use the police to maintain power, whole systems seem rarely to have been inaugurated or expanded in the process of regime-establishment.

Revolutions too have produced little change in modes of policing. They cannot account for the rise of any of our modern systems, unless the *Risorgimento* is termed a revolution. The English Civil War was the occasion of a police experiment, but it was short-lived and left no lasting mark on the Parish-Constable system that continued in a paralyzed state for another century and a half. The French Revolution, certainly the most dramatic and influential political upheaval of this period, promised to sweep into oblivion the police system of the *Ancien Régime*. It singularly failed to do so. If anything, the system was stronger after the revolution. The prefectoral system of Napoleon I was noticeably more efficient than that of the *Intendants* and it did not differ much in principles of organization and control.

Periods of prolonged political turbulence and social violence are associated to some extent with the rise of modern police systems.

---

regulate—were certainly created by the Elector. But the expansion of general "police" power from commerce and taxation into policing in the narrow sense occurred not until the second half of the eighteenth century.

The *Fronde* convinced Louis XIV and Colbert of the importance of holding central power tightly and of the inadvisability of entrusting police powers to provincial *Parlements* and governors. Tax revolts were a common feature of seventeenth-century French life. Ministers from Mazarin to Colbert were preoccupied with problems of domestic order, as their correspondence with Governors and *Intendants* clearly shows.<sup>27</sup> The fact that the *Intendant* was the primary representative of the central government for taxation and police shows the intimate relationship between resource mobilization and social unrest in France at this time. Napoleon III did expand the police of France considerably during the 1850s when memories of political turbulence in 1848 were still fresh in men's minds. The Prussian Kings, by contrast, were not subject to persistent domestic violence during the eighteenth century and Prussian administration nonetheless gradually developed police functions in the narrow sense. During the nineteenth century the relationship is fairly obvious, for Prussian politics was quite repressive after the interlude with Stein and Hardenberg and this is also the greatest period of police development. The British experience is quite anomalous. Rioting was common throughout the eighteenth century; in fact, it was endemic (Rudé 1964; Beloff 1938; Darvall 1934). The Gordon Riots of 1780 devastated London for five helpless days. The first two decades of the nineteenth century were also a period of great unrest in England. A Prime Minister was killed in the lobby of the House of Commons in 1812; Luddite riots the same year brought more troops to the Midlands than Wellesley had taken to the Peninsula in 1808 (Darvall 1934: 1); and the Peterloo massacre of 1819 showed the bankruptcy of the existing police system. Despite all this, the British hesitated to reform the police. Not until after a period of relative calm was a reformed police force inaugurated. And it was a force that was unarmed and nonpunitive in character. If domestic turmoil did play a role in the formation of the "new police," it did so in a way that must surprise and confound most social historians.

Altogether, there is more evidence of an association between the development of police and political changes than with more subterranean social movements such as population growth, urbanization, industrialization, and criminality. Politics and policing are bound together, though similar political events do not always produce the same police development. What is more, dramatic political changes

<sup>27</sup> I am indebted to M. Gabriel Ardant for this point.

are sometimes completely unassociated with changes in either mode or efficiency of policing.

Has a change in police systems in the past two or three centuries been associated with an expansion of government capabilities generally? Are police developments part of a general growth in government output-functions? The capabilities of all four governments have expanded dramatically since 1660, so that in a general way there is an association. Once again, analysis is handicapped by the lack of data on police strength. The historical evidence suggests that output capacities of government do not expand across the board at the same time. In France, because so much power was held by *Intendants* and then Prefects, reform of the bureaucracy was automatically reform of police control and supervision. More importantly, one can say that regularized, central police capability in France grew together with improvement in the collection of taxes and major changes in the regulation of the nation's economic life—the policy known as mercantilism. In Germany there is no association of this kind. Frederick, the Great Elector and Frederick the Great both concentrated primarily on building the army and improving collection of taxes. They ignored internal policing. The Boards of War and Domains did not deal with domestic law and order problems. In Britain there was a major expansion of central government administration in the period from Charles II through George I, especially from 1689 to 1715 (Plumb 1934). The Parish-Constable system was unaffected. The second great period of expansion came in the second quarter of the nineteenth century. Here police reform marked the onset of reform. Policing was simply one among several areas in which the policy of private, parish, or borough self-help gave way to a national movement of institutional reform. Demands upon government for a national policy with respect to poor-relief, municipal administration, public health, and economic regulation were growing enormously at the time of the new police experiment. Sometimes, then, police arrangements are expanded as part of a general growth of government capability, but the relation is not constant.

Can the development of new police systems be explained by the presence of an external threat to a country? The "Garrison State" hypothesis of Harold Laswell suggests that when a society is under pressure from outside, social groups tend to draw together in the name of national unity, dissent is less freely tolerated, conformity is insisted upon, and regulative capacities of government are strength-

ened (Laswell 1962). If this is true, development of police systems or their expansion might be associated with wars. There is little evidence for this. None of the really great wars of the past three centuries seems to have impelled police reform. France and Prussia were often at war during the latter part of the seventeenth century. The strains engendered by almost continual war during this period undoubtedly placed a premium on more efficient state operation. In the French case, the foundation of today's police system was laid; in Prussia's, policing was unaffected. The crucial difference appears to lie with the reaction of the populace to mobilization for war: the French were unruly, the Prussians were docile. Napoleon's reorganization of the administrative system actually preceded his external adventures. So did Hitler's centralization of the German police in 1936. The British, though locked in what they considered to be a life-and-death struggle with Napoleon, did not expand or reform police operations until almost a generation after Waterloo. It is true, however, that secret police activities, involving political surveillance, were common toward the end of the Napoleonic wars in Great Britain. But Britain's new police did not stem from her reactionary period but rather from her liberal one. The expansion of civil police capacities throughout Europe in the nineteenth century are unassociated with wars. The Crimean War was certainly quite incidental to the expansion of the French police undertaken by Napoleon III in the 1850s. The fact is that wars fought by Britain, France, and Prussia after 1815 were short, nonideological, or colonial. They did not occasion social unrest. Until ideology was revived as a part of internal politics in the twentieth century, police had a small role to play in a war effort. National security was seldom threatened by internal subversion.

External intervention was part of the Italian *Risorgimento*. Italy faced the prospect of war with Austria in the northeast during the 1860s and had to be concerned with French pride and commitment, especially as Italy menaced papal Rome. These alarms of war receded rapidly after 1870. No particular value can be placed on external threats in explaining the rise of the centralized police machine; they were one of many exigencies that placed a premium on efficient national administration. One might argue that the military character of the police was confirmed, not created, by these threats during the 1860s. It was undoubtedly simpler to organize, train, and support a single force for both internal and external security, when both were



so intimately entwined, than to have an army and a distinct civil constabulary.

Can the development of a police system be explained ideologically, in terms of an intellectual reorientation within a country or across the entire Continent? Considering the wide separation in time of the emergence of these systems, no argument can be sustained that a Continent-wide intellectual movement conditioned formation. Within each nation there is some evidence for this association, especially if absolutism is considered an ideology. Perhaps it was, as much as nationalism became in the nineteenth and twentieth centuries. The practice and philosophy of bureaucratic centralization under an absolute sovereign fertilized police development in France and Prussia, though it seems to have blighted it in Great Britain. Sartine and other Lieutenants-General of Police gave advice freely about municipal policing to foreign powers in the eighteenth century. It can be no accident that the Tsar Peter established an imperial police administration in St. Petersburg in 1718, Frederick II a police director in Berlin in 1742, and Maria Theresa a police commissioner in Vienna in 1751 (Emerson 1968: 4-5). There was a pronounced demonstration effect among absolutist states.

Looking back on the emergence of national police systems in Great Britain, France, Germany, and Italy, one finds a remarkable variety in patterns of development. The essential point is that nations develop characteristic solutions to police problems in response to different factors. Very different things were going on in each country when its police force emerged in recognizably contemporary form. The factors which appear to play the most significant role among all the nations are (1) a transformation in the organization of political power; (2) prolonged violent popular resistance to government; and (3) development of new law and order tasks, as well as the erosion of former bases of community authority, as a result of socioeconomic change. But it must be stressed again that even with respect to these factors, there is not an invariant relation between them and either the reform of an existing system or the marked expansion of a new one.

### *Evolution of Police Forms*

Having discovered that contemporary police systems exhibit considerable variation in form, the next task is to explore the factors which account for the differences. Explanations for characteristic

differences will be formulated with respect to the following attributes of police systems: (1) nature of tasks, (2) structure of the national system, (3) nature of accountability, and (4) professional image and role behavior. Variations with respect to internal organization will not be explained because this would involve details of public administration and I should like to keep the focus on matters of direct political relevance.

One important difference among police systems is the extent to which police tasks include an active role in political life as opposed to preoccupation primarily with prevention of crime and the maintenance of public order. Some police forces are almost exclusively concerned with the security concerns of individual citizens, others are involved with the political security of a regime. The French police, for instance, have played an active role in politics since their inception; the British police have from time to time been thrust into political life, largely as a result of widespread public disorder, but the role has been slight. Among the countries of our sample, persistent intrusion of the police into politics can be explained by two factors.

First, police will play a political role if creation of effective state institutions and formation of the nation are accompanied by serious social violence. Conflict that touches the legitimacy and capacity of the state at the moment of its creation is most likely to constrain police development and to shape it according to political ends. It is also true, however, that prolonged social conflict, once again particularly if it touches the legitimacy or capacity of existing political arrangements, will over time encourage the use of police in political ways.

To speak of state-building is really an enormous oversimplification. If the essence of the process is the establishment of coherent authority throughout a given territory, then it is clear that such a process does not occur across the board simultaneously. Authority may be made coherent first in law, then in adjudication, then in some sorts of tax powers, then in conscription, then in economic regulative activities, and so forth. The surmounting of distributional economic problems—the creation of the “welfare state”—may be looked upon as another stage in “state-building.” States, it seems to me, are very diverse entities. To say that two states have been built by a particular point in time suggests that they are similar in penetration by governmental institutions. Yet one “state” may have only a coherent legal and adjudicative system, while another has efficient tax and military

capabilities. The differences in nature of institutional penetration among states is as interesting and important as searching for the moment when a "state" in any territorial region can be considered to exist.

The point is that there are problems with the concept of state-building. When I refer to "state-building," I should be understood to be pointing to a process of penetration of a territory by a coherent set of institutions along any of several dimensions. There is no assumption that penetration proceeds along all dimensions simultaneously. Returning now to the police in politics: the police will be utilized in politics if this process of penetration, regardless of dimension, is resisted by violence.

The converse of this proposition is that the violence of interpersonal crime or among private groups may be tolerated at comparatively high levels without police being forced into a political posture. If violence is not perceived in political terms it is unlikely to lead to an expanded police role. In Britain, for example, in the eighteenth century there was enormous personal insecurity as well as great destruction due to riots, but the police establishment was not reformed nor were existing police directed according to partisan political ends.

In seventeenth-century France serious and persistent threats to public order had to be overcome. The roots of conflict were various: resentment at centralization of bureaucratic power, tax impositions, and religious rivalry. State-penetration and formation of the nation were both threatened. Great Britain experienced violence as part of national amalgamation in the nineteenth and twentieth centuries. The C.I.D.'s famous Special Branch, responsible for political intelligence and surveillance, was created in 1884 as a direct response to the intractability of the Irish. If the activities of the I.R.A. and Sinn Fein had continued longer, it is an open question whether the British police would still have a reputation for studious political neutrality. Religious conflict is a species of a larger genus, namely, ideological conflict. Nations today may be as fractured by secular ideological strife as nations have been by religious disorder. A country like China may have the one, while India the other, but both situations will encourage political use of the police.

The police role of the Prussian police stems from another sort of conflict. The police power of the noble estate-owners was used throughout the seventeenth and eighteenth centuries in a very diffused way to maintain the feudal settlement. In the nineteenth cen-

tury, when the state police force was developed and expanded most markedly, police were used to counter the growing political assertiveness of new social strata. New classes sought to obtain political power commensurate with growing economic strength; this was bitterly resented. As a result the police were used throughout the nineteenth century to repress "Liberal" and then "Social Democratic" elements. In Prussia a political role for the state's police was not confirmed until considerably after the Prussian state had established substantial centralized governmental capacities. It might be argued for Germany as a whole, after 1870, that the price Bismarck paid for a German Empire was the right of local politicians to use the power of the police within each of the individual states to maintain the existing social distribution of political power. As the centralized Prussian state was founded on dispersed police power to be used for political purposes, so the centralized German Empire was founded on dispersed police power, no less politically utilized.

Second, police forces are more apt to play a political role if there is a traditional insistence in the country upon the importance of right-belief. Such a tradition justifies scrutiny of very personal aspects of individual lives. Where the Inquisition was strong, there police forces active in politics are to be found from an early time. This is certainly the case in France; my impression is that it is also true of Spain. The French word for spy—"mouchard"—is taken from Antoine di Mouchi who was a theologian of the University of Paris appointed by Francis I to prosecute Protestants. He was extremely efficient, sending many people to the stake, and he flooded Paris with spies and informers (Radzinowicz 1957: vol. 3, 544). In Britain, on the other hand, outward conformity was considered sufficient. Elizabeth I said that she wanted to open no windows into men's souls.<sup>28</sup> In Prussia Protestantism won a fairly quick though bloody victory; its security made it unnecessary for the police to censor religious thought.

Religious heritage in European countries thus appears to have been an important factor in police development: it has encouraged police intrusion into political life if religious conflict challenged formation of a nation and if religious tradition sanctioned surveillance for the purpose of achieving right-belief.

In summary, police forces are more likely to play an active role in politics if social violence accompanies state- or nation-building, if

<sup>28</sup> I am indebted for this reference to Professor S. E. Finer.

## THE POLICE AND POLITICAL DEVELOPMENT IN EUROPE

mobilization demands at the time state-penetration is going on occasions popular resistance, if the political system is unable to accommodate without violence demands for increased political participation, and if there is a cultural insistence upon right-belief (see Figure 5-2).<sup>29</sup>

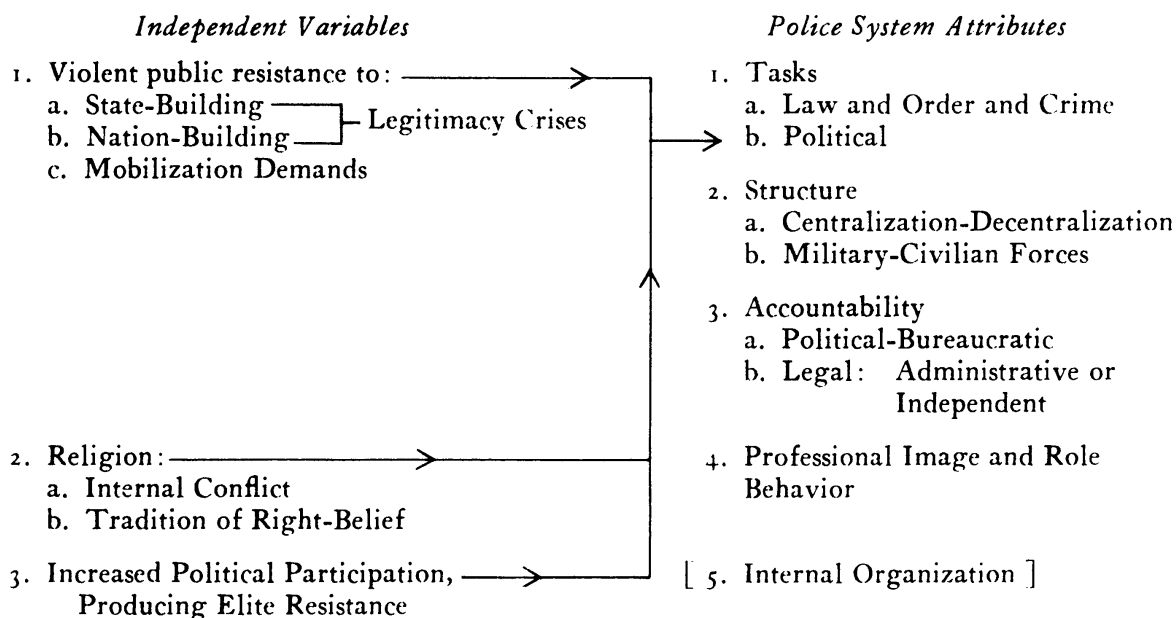


Figure 5-2. Political Involvement of Police

The second aspect of differentiation among national police forces is the structure of the system. Two aspects are important: the extent of centralization and the extent of military participation.

The degree of centralization found in the European examples may be accounted for by four factors.

First, bureaucratic traditions already existing when a new police system is established profoundly influence centralization. Contemporary police systems were not all established at the time state institutions were initially created. In Britain, for instance, state institutions were very much in evidence by the sixteenth and seventeenth centuries; the formation of the contemporary police system was therefore constrained by several centuries of very decentralized bureaucratic tradition. In Prussia, as well, the contemporary system did not begin to grow until almost a century after Frederick the Great Elector. This was a case of an existing centralized bureaucracy becoming involved more and more with a specific new task. It would have been as unthinkable for Prussian administrators to devolve police authority on local government units as it would have been for British

<sup>29</sup> A summary of these relationships is presented schematically in Figure 5-2.

statesmen in the nineteenth century to concentrate police authority in the Home Office.

Second, violent public disorder during state- and nation-building encourages police centralization just as it encourages bureaucratic centralization generally. If the legitimacy of new nation-state institutions is jeopardized, resources of the nation-state will be mobilized centrally in their defense.

Third, police systems are more likely to be centralized if mobilization demands are high and stubborn popular resistance is encountered. French kings in the middle and late seventeenth century imposed new taxes and violent resistance was commonplace. The *Intendant* was given power to collect taxes as well as to marshal whatever force was necessary to impose order. These tasks were inextricably mixed. In Prussia, mobilization demands were also great in the late seventeenth century but popular resistance was negligible. As a result, police centralization did not accompany the establishment of the absolutist state. In Great Britain, except for occasional periods such as the Napoleonic wars, mobilization requirements until quite recently have been light and popular violence to state levies has been minimal. In other words, the state could get on financially without coercive instruments in Britain and Prussia but not in France.

Fourth, in all four countries there is a pattern of increased central direction as a result of long-run socioeconomic changes. New law and order tasks have been created in the last hundred years that require national solutions. The boundaries of crime have expanded; crime is increasingly difficult to cope with in small geographical areas. National police agencies, laboratories, training centers, data-banks, and communications networks become more and more common.

The argument about centralization can be usefully summarized if the propositions are stated conversely: police systems will be decentralized only if state institutions are created without substantial popular resistance, if mobilization demands are slight or produce little popular resistance, and if bureaucratic traditions derived from state-building are decentralized. The amount of decentralization compatible with efficient policing will decline in the future due to increased intra-national interdependence. This process is already at work.<sup>80</sup>

<sup>80</sup> See Figure 5-3.

## THE POLICE AND POLITICAL DEVELOPMENT IN EUROPE

Nations differ considerably with respect to the amount of military involvement in domestic policing. In Italy since unification the military has maintained a separate police establishment—the *Carabinieri*. In Britain there has always been a clear distinction between police constables and military personnel. Though the army was often used from the seventeenth to nineteenth centuries to maintain domestic order, such duty was considered exceptional and was the object of deep public suspicion. Three factors account for the extent of military participation among Great Britain, France, Germany, and Italy: (1) the presence of a large standing-army, (2) the earliness of formation of the standing-army in state experience, and (3) the existence of large-scale and persistent civil strife. It should be noted that the creation of a standing army may itself be explained in terms of geopolitical circumstances, thus the first factor could be reformulated in terms of other variables.

The standing army was a feature of continental state-development. Thus, when order had to be maintained at home, the army was ready-to-hand. In Britain a standing-army did not develop until the seventeenth century and it remained small until the Napoleonic wars. The militia, first created in 1660, was prized by the country politicians precisely because it was an irregular force conceived as a counterpoise to the crown's standing army (Western 1965: part 1). As the army grew during the eighteenth century, it was widely used to maintain order. J. L. and Barbara Hammond say, referring to the latter part of the eighteenth century:

the north and midlands and the manufacturing region of the south-west came to resemble a country under military occupation. The officers commanding the different districts reported on the temper and circumstances of their districts, just as if they were in a hostile or lately conquered country; soldiers were moved about in accordance with the fluctuations in wages and employment, and the daily life of the large towns was watched anxiously and suspiciously by magistrates and generals (Hammond and Hammond 1967; quoted in Radzinowicz 1957: vol. 4, 121).

Though the standing army grew and was used domestically, a tradition of a separate civilian force had been firmly established in political life. The need for army intervention demonstrated to British

statesmen not that the civil system was expendable but rather that it needed to be made stronger and more efficient. It is not, therefore, simply the presence of a standing army but the timing of its growth in relation to the creation of state political institutions that is important.

If, however, domestic strife persistently exceeds the capacity of civilian forces, the military will play a growing role in internal policing. It also seems reasonable to expect that the more internal disorder is associated with a foreign threat, the more likely civilian and military counterespionage, including political intelligence, will interpenetrate.

The relation between centralization and militarization of police structures is interesting (see Figure 5-3). Militarization will impel

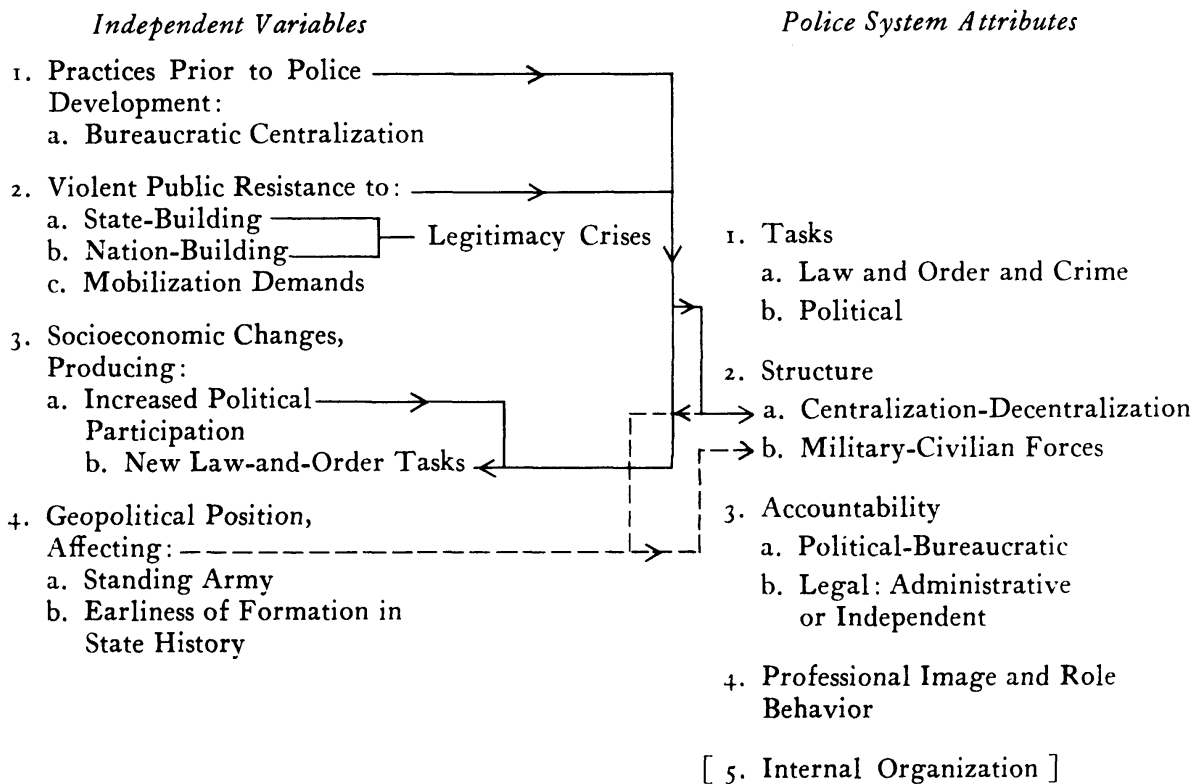


Figure 5-3. Centralization and Military Involvement

centralization, but centralization is irrelevant to militarization. A central police bureaucracy may defend its domain successfully against military influence. It might, in fact, be better able to do so than a decentralized force. A decentralized political elite may welcome military participation in policing. This was the case in Prussia



during the eighteenth and nineteenth centuries. Military involvement in policing is more a function of political and bureaucratic disposition than organization circumstances.<sup>81</sup>

The third attribute of police systems to be discussed is the manner in which accountability is achieved. Generally, accountability over the police tends to be exercised at that place in the political system where political power is aggregated. There is remarkable coincidence between the structure and control of the police and the organization of police power in any country. If one had no other information about a country except a description in generic terms of the evolution of its police system, it would be possible to identify the country within a very small margin of error. The police are intimately part of the political system. The significance of this discovery lies in what it indicates about the limits for innovation and change in police establishments. It may also provide clues as to future development. For example, in the United States there appears to be a substantial discrepancy between the places at which political power is aggregated and police authority located. I suggest that the pressure on America's 40,000 police forces to amalgamate as well as to accept more state or national government direction will grow in the near future. Increased jurisdiction will probably be given to national police units relative to local ones. In Great Britain the central government has continually extended its supervisory power over local forces, until today it is only a step away from having a national police for all intents and purposes. From 1856 to 1874 the central government made yearly grants to local forces amounting to one-fourth of costs, contingent upon their passing an inspection (Hart 1951: 36). In 1886 the Home Secretary was given the power to make binding regulations upon county forces. The Police Act of 1964, gave supervisory authority to two authorities, the local committees and the Home Secretary. The Home Secretary may make inspections and he may also demand reports. Because he is subject to the will of Parliament, Parliament may now, for the first time, debate matters of law and order anywhere in Great Britain (Critchley 1967: 293-295 and chap. 5).

Conformity between political institutions and police systems was never more clearly demonstrated than in Germany immediately after World War II. In the British, American, and French zones of occupation three separate police systems were established, each of

<sup>81</sup> Ibid.

them patterned almost exactly on the model of the occupying power.<sup>32</sup> The Americans created small municipal and communal units of government, each with elected bodies, and these units served as the basis for police forces. The Americans gave little attention to police training, believing that radical decentralization and local democracy were sufficient to ensure a freedom-conserving police force (Jacob 1963: 156–158). The British set up district police commands patterned after British counties. Police committees were established in each district composed of elected representatives. The state Ministries of Interior were given power to influence police development through financial grants. The British even tried to create a “highly professional nonpolitical administration” in these units, including making the town clerk the chief administrative officer with the mayor a figurehead. The French, though resisting centralization of police functions across the Allied occupation zones, placed police forces under strict control by the state governments, supervised by French occupation authorities. Police officials were responsible to the *Landrat*, little autonomy was given to local officials (Jacob 1963; Goedhard 1954: especially 109–118 and conclusion). The effect of these experiments upon German policing was negligible; the structure and control of policing in West Germany today is what it was in the Weimar Republic and before that in the Second Reich.

The repressiveness of a police regime is not a function of the place at which political accountability is exercised. Centralized political regimes are not necessarily more repressive in police policy than decentralized ones. The history of Prussia shows that even extreme decentralization of police authority is not incompatible with authoritarian regimentation. Similarly in the United States, it would be difficult to convince Blacks in the South that decentralization of police accountability would augment personal freedom.

Accountability may be obtained through bureaucratic or political agencies. French police officials report to bureaucrats; British ones to representative political bodies. Supervision is more likely to be bureaucratic the greater the scale of police operations and the greater the degree of political centralization. The larger the territorial scale of police operations, itself a function of political aggregation, the more likely that the link between police establishment and political authorities, whether representative or oligarchic, will be bureaucratic.

<sup>32</sup> This was also true of the Soviet zone.

Police accountability can also be achieved through legal mechanisms. The British police, both Parish-Constable and Bobby, have always been as responsible under law as any citizen. Italian police, by contrast, as well as German and French, have special status under law as officials of the state. They are responsible to administrative tribunals and to a corpus of law articulating state interests. One should not jump to the conclusion that a fair measure of justice will not be meted out through an administrative law system; any more than one can conclude that a legal system predicated on individuals as actors is always just. The determination of whether accountability is exercised through administrative or nonadministrative courts is a descriptive, not a normative, exercise. What is more important is the extent to which the legal order—meaning both the body of law and the adjudicating mechanisms—is independent of executive perceptions of interest. Three factors have contributed to independent legal accountability in our four national examples. First, if a state-based legal order predates the creation of a central bureaucracy or a police system, accountability is more likely to be independent of executive requirements. This was the case in Great Britain; it was to some extent the case in France; it was not the case in Prussia or Italy. Second, if the creation of state institutions is uncontested the pressures to centralize law and order administration will be weak and the legal tradition is less likely to be state-centered. Third, if the creation of state institutions does not involve mobilization demands and these in turn do not occasion violent popular resistance, police are more apt to be legally responsible to independent judicial bodies. In short, those factors which encourage utilization of the police for political purposes, especially during the creation of viable state institutions, also erode the opportunity to exercise control over the police through an independent legal order. Those states with police active in politics also have administrative legal systems (see Figure 5-4).

From what has been said, it is clear that police systems fit within a context of political practice and experience. There is a wider lesson as well. Police systems exhibit an enormous inertial strength over time; their forms endure even across the divides of war, violent revolution, and shattering economic and social change. The fact is that people seem to become habituated to certain procedures and organizational patterns; they do not know what else to do even when given the chance. Allied occupation policy in West Germany clearly shows

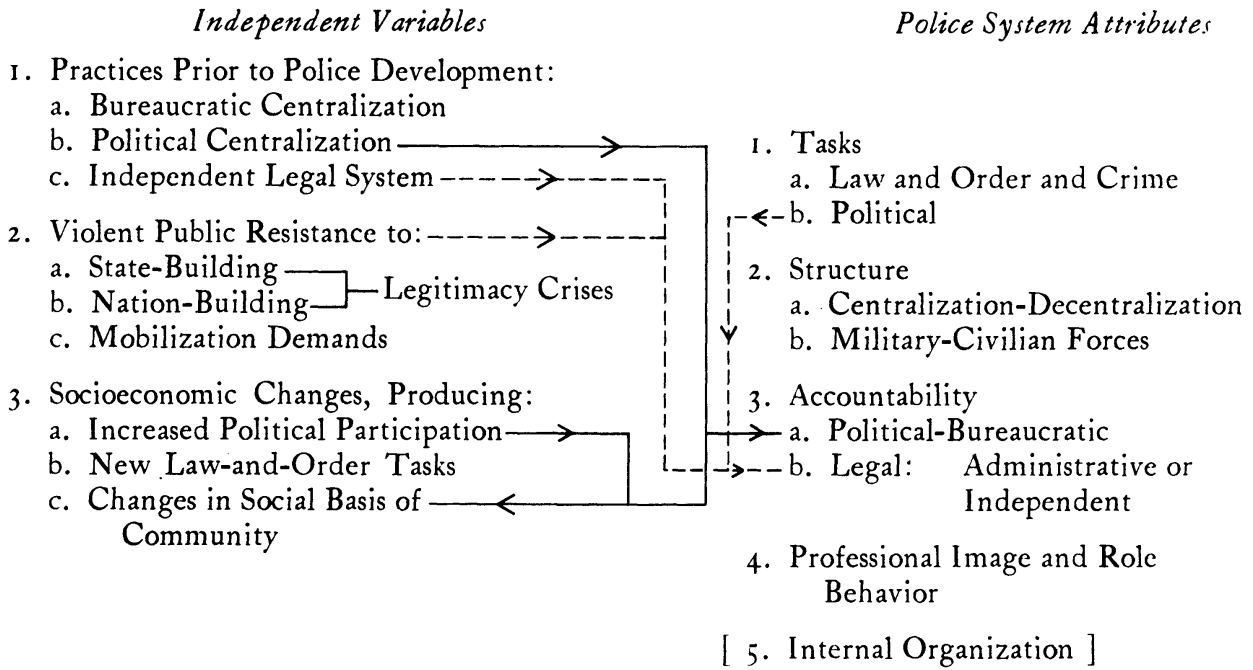


Figure 5-4. Accountability

the enormous power of hallowed ideas and customary behavior over both occupied and occupier.

Among police systems institutional patterns are very unyielding. Consider the reluctance of the British to abandon the thoroughly dilapidated Parish-Constable system. People were put to enormous danger, inconvenience, and expense for a hundred and fifty years without effective remedial action being taken. They refused to accept a paid, professional force even though it would have been responsible to Parliament. Their reluctance cannot be blamed on the absence of alternatives. The French and the Prussian examples were well known. In London itself there had been successful experiments with full-time paid policemen beginning with Henry and John Fielding in the mid-eighteenth century and Patrick Colquhoun's Thames River Police in 1798. One abortive attempt at establishing a metropolitan police force was made by Pitt in 1785, but it foundered on the obstinacy of the merchants of the City of London. So badly burned was the government of the day by this episode that reform was considered untouchable for almost half a century. How does one explain this muddle-headedness, this inability to use known practices to procure elemental security? The answer is that the notion of a paid, professional police force maintained by non-Parish authorities offended the sense of constitutional propriety of England's po-

litical elite. It was equated with the destruction of cherished liberties. As Peel put the issue: "I want to teach people that liberty does not consist in having your house robbed by organized gangs of thieves, and in leaving the principal streets of London in nightly possession of drunken women and vagabonds."<sup>88</sup> One can make no greater mistake than to overestimate the ability of circumstances—even quite painful ones—to teach people the value of doing differently. In the British case, the argument against reform was strengthened by international ideological conflict. Professional policing was associated with the tyrannous practices of continental absolutism. Englishmen could not view French or Prussian precedents with an unjaundiced eye. Only after the Jacobin peril receded could the British accept a practice which had continental associations. There may be a lesson in this as well for reform in the United States in our own hardly less ideological age.

The continuity of French administrative practice before and after the revolution is another illustration of the enormous persistence of practice. In the first flush of revolution all the police of the *Ancien Régime* were swept away. But they filtered back, like water rising through sand, both in terms of the forms of administration and the very personnel themselves. As de Tocqueville said, "every time that an attempt is made to do away with absolutism the most that could be done has been to graft the head of liberty onto a servile body" (de Tocqueville 1955: 209). Faced with the requirements of governing, French politicians constructed according to what they knew. Bureaucratic centralism was to persist, constituting a powerful force for stability, continuity, purposeful government, and political socialization.

Even major social dislocations like the Industrial Revolution do not change the course of police history invariably. The structure and control of national police systems continue to display unique features from country to country even though they have felt the effects of what is usually described as a singular economic transformation. Study of the mutations of national police development bears out Dahrendorf's assertion: "Contrary to the beliefs of many, the Industrial Revolution is not the prime mover of the modern world at all. . . . Every country absorbs industrialization into its own traditions; every country assimilates the process in a manner peculiar to it alone;

<sup>88</sup> Critchley 1967: 54, quoting a spoken exchange of Peel with the Duke of Wellington, who led the fight for Peel's reform in the House of Lords.

in every country there emerges an amalgamation of cultural traditions and ramifications of industrialization characteristic of it alone" (Dahrendorf 1967: 46-47).

The fourth attribute of contemporary police systems to be explained has to do with professional image and role behavior. Given the general lack of data about this topic and its impressionistic form at best, analysis cannot be as definite as in the preceding discussion. It is possible, however, to link contemporary characteristics with formative historical experiences during the period when these police systems developed.

The London police of 1829 faced enormous public hostility. Peel's system was a revolutionary experiment whose success depended upon persuading people that police did not constitute a threat to cherished liberties. Their behavior was deliberately and dramatically low-key, nonauthoritarian, and informal. They were not allowed to carry weapons. It was not even clear at the time whether it was advisable for them to wear distinctive uniforms. Peel and the first Commissioners, Rowan and Mayne, decided after a great deal of consideration that the police should be uniformed in order to make the constable more visible and hence more responsible. So great was the public dislike of plainclothes policemen that a detective squad was not organized until 1842—and then it numbered only five men—and a formal C.I.D. was not created until 1878. The uniform adopted was dull, completely lacking in military glamor. It consisted of blue tailed coat, blue trousers, and glazed black top hat (Critchley 1967: 51). No suspicion was to be aroused that the police were a state military force in other guise. Police constables were distinguished individually by a number worn prominently on their uniforms. French policemen did not begin to wear numbers until after 1852; German policemen not until after World War II and it may not yet be universal; Italian policemen still do not do so.

British policemen were always imbued with the notion that they were servants, not masters, of the people. Policemen were trained to act individually; rarely did they patrol in groups. They were always accountable to the law. Prevention of crime as well as control of disorder was to be achieved with the least display of force possible. British policemen molded their behavior pragmatically to accomplish very specific ends; being a policeman was not a matter of playing a visible authority-role, though in the end it came to mean that in a peculiarly subtle way.

The French police were created to accomplish state purposes. The ethos was not of service to individual citizens but of responsiveness to state direction. Though public opinion was probably not less antagonistic to the plainclothes police officer in France than in Great Britain, detectives, spies, and informers have been a fixture of the French police establishment since its inception. Uniformed police officers have characteristically worked in small groups, rarely alone. They have always been impressively armed. In the seventeenth and eighteenth centuries considerable reliance was placed on army personnel for preventive patrolling. Recruitment from the military to the police has always been heavy at all rank levels. Separation of executive and judicial functions in the exercise of police powers was not confirmed until the nineteenth century. During the eighteenth century, justice had been swift at the hands of the rural *Gendarmerie*, for its officers possessed full judicial powers.

The relatively more authoritarian character of the Prussian and German police is part of the extensive regimentation that has been a feature of this political heritage. The Prussian police, like citizens generally, were taught to emulate the soldier and to serve the state unquestioningly. That the military model was assiduously adopted can be seen in small things. In the middle of the nineteenth century police campaigned for permission to wear the spiked helmet of the Prussian soldier. Over army protests, the favor was granted (Liang 1970: 28). Until Weimar, police officers were invariably retired army officers. After World War I the requirement of military service for recruits was relaxed, but the physical discipline and training of policemen remained very high and was patterned on the army. As a result, only the most robust youths could join. In Berlin during the Weimar period recruits were drawn heavily from rural East Prussia because they were apt to be stronger and more malleable. While they were probably politically more reliable as well, they could not have had much understanding of the human problems of Berlin during those anxious, violent days (Liang 1970: 58–59). Even today in Germany recruits spend several years living a barracks life before being promoted to municipal or state forces.

The Italian police have been dominated by the military since unification. Today the officers of the P.S., supposedly a counterpoise to the *Carabinieri*, are recruited from the military. Circumstances in Italy over the past hundred years have encouraged army discipline, training, and usage. The south of Italy seethed with uprisings, inter-

personal violence, and brigandage during the last years of the nineteenth century. In the burgeoning industrial areas of the north, violence was common. Confrontation continues to be a prime tactic of Italy's labor unions. Italian policemen consider the maintenance of law and order their major responsibility. They are heavily armed and always work in groups.

In sum, the role behavior of policemen in all these countries is a reflection of the purposes for which the force was created and the political culture of the country, especially the way in which authority is manifested by government officials.

The discussion of this section has shown that characteristic solutions to police problems, if one sets aside role behavior and professional image, can be explained in terms of six independent variables. These variables are presented in summary form in Figure 5-5. The

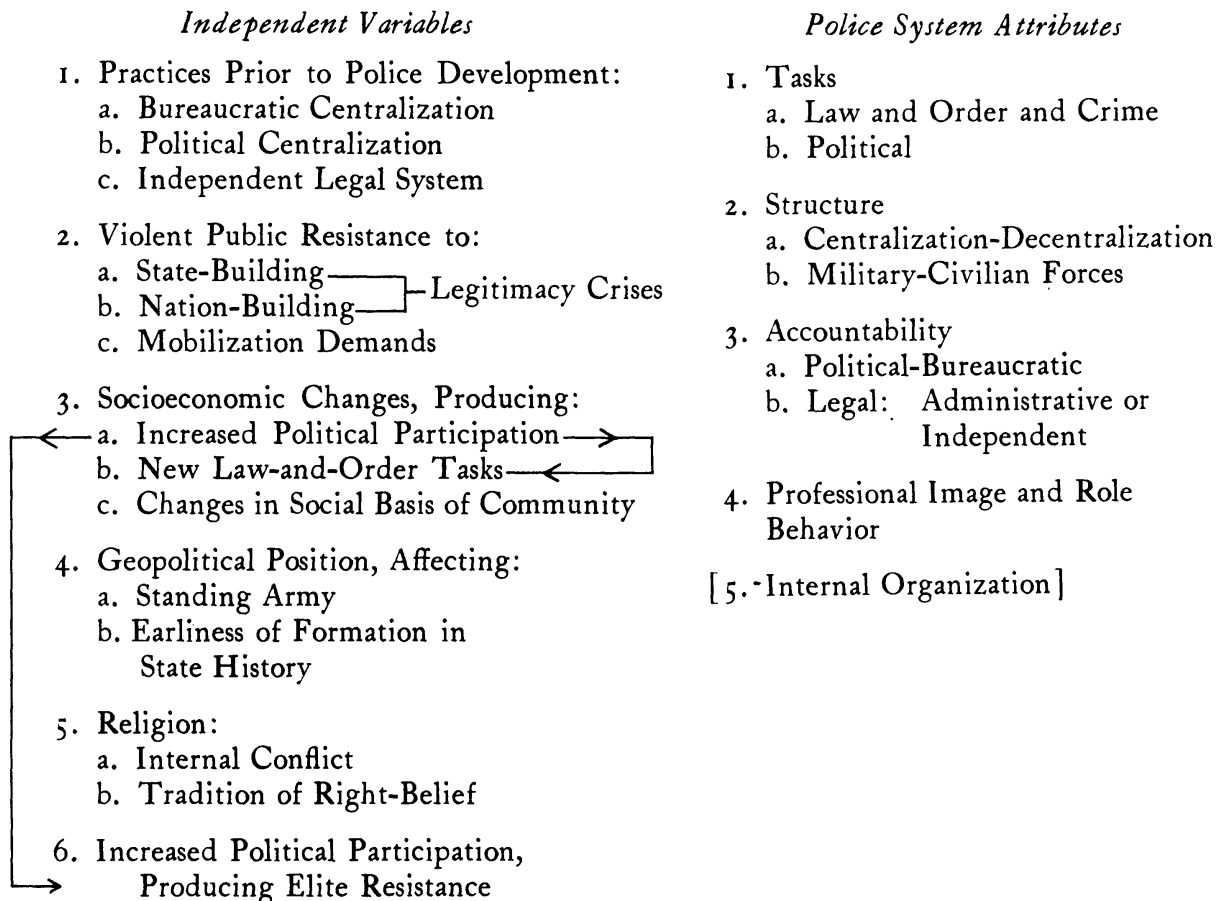


Figure 5-5. Variables Used in the Analysis of Police Systems

reader should note that there are interrelationships among the independent variables. Of special interest is the fact that increased political participation may generate new law and order problems in two



ways. Demand for increased participation may be violent. More interestingly, through representation of new strata, existing but hitherto unperceived law and order tasks may at last be noted. The new law and order needs thus find political voice.

One lesson that has emerged from this study is the impermeability of national police systems over time. This, however, is not the whole story. Systems do change. Moreover, they do so to some extent in converging directions. Areas of convergence in police system development are greatest with respect to internal organization and task-definition. Convergence is least noticeable with respect to national structure, control, and role behavior. Training programs have become longer and more elaborate in all these countries in the past half century. There is also much greater specialization of functions within the forces. The detective-patrolman division has been hardened, with the former being the more prestigious, and functional specialties have developed within each branch. Even in Britain, which recently reaffirmed the practice of selecting top command personnel exclusively by promotion, there is growing recognition that command responsibility requires special talent (Royal Commission 1962: 90-95). So far special training for higher ranks has been the only concession to this requirement, but it may not be long before direct recruitment is permitted or much shortened probationary periods as patrolmen are allowed for highly qualified applicants. In general, those elements of police organization change most readily where a standard of efficiency can be brought to bear. Since efficiency is a function of tasks and environment, if both are similar from country to country, different systems will tend to innovate in convergent ways.

There is evidence of convergence at a few points with respect to structure, control, and role behavior as well. Even in decentralized systems, such as Britain's or Germany's, central training and forensic facilities are common. The Germans and British have made great strides in the twentieth century in the direction of ensuring effective cooperation among forces. The Police Act, 1964, in Great Britain makes local forces responsible to Parliament, through the Home Secretary. Britain has not yet grasped the nettle of full nationalization, but it is much closer to it in practice than it was a century ago. Legal accountability, as well, has shown changes. There is strong support in Great Britain for having the government incur the costs of monetary damages assessed against policemen for actions undertaken in

the line of duty. Policemen have always been liable individually for their actions as policemen. Since their ability to pay civil damages was slight, scant recompense was to be had by the aggrieved party. Conversely, on the continent my impression is that administrative courts are more anxious than they used to be to provide relief to citizens against individual policemen. Accordingly, more attention is being given to complaint procedures, to making the police officer identifiable individually to citizens, and to specifying those actions government considers improper in a policeman.

The most difficult area to explore is that of role behavior and professional image. The policemen of each nation still display distinctive traits. At the same time, the importance of good public relations has received much more attention in France, Germany, and Italy in the last decade or so. The British, on the other hand, worried about a decline in respect for policemen, are openly wondering whether they need to provide policemen with firearms.

All in all, there are processes of convergence at work: those which are traceable to conditions of task-performance shift more rapidly than those which involve the organization and control of political power.

### *Conclusion*

This chapter has sought to explain why contemporary police systems have assumed the forms they have. Attributes of contemporary systems have been treated as dependent variables. Analysis has been framed in terms of five attributes of police systems, to which have been linked seven independent variables dealing with historical development. In order to pull together the bits and pieces of this comparative analysis, I shall reprise the major propositions about police development that have been generated:

1. The contemporary police systems of Great Britain, France, Germany, and Italy differ substantially with respect to definition of tasks, structure of the national system, manner in which accountability is achieved, internal organization and practice, and role behavior and professional image.

2. Not only are police systems unique nationally, their distinctive features are relatively impermeable in the face of wars, revolutions, and major social and economic transformations. The distinctive characteristics of these police systems have shown remarkable stability over time.

3. The contemporary systems of these nations emerged at different periods of time: Great Britain's between 1829 and 1888; France's in the latter seventeenth century; Germany's (or Prussia's) from the mid-eighteenth century to 1872; and Italy's between 1859 and 1870.

4. The development of today's national police systems cannot be accounted for by population growth, urbanization, incidence of criminality, or industrialization.

5. The development of today's systems can be accounted for in terms of a transformation in the organization of political power, prolonged violent popular resistance to government, and the creation of new law and order tasks as well as the erosion of social bases upon which community authority relations were established.

6. The characteristic forms of police systems can be explained by the interaction among seven variables: practices prior to modern police development having to do with the organization of power, social violence, socioeconomic change, geopolitical position, religion, and elite reactions to demands for increased political participation.

7. Patterns of police system growth are converging very slightly with respect to structure of the national system, nature of force units, and means of exercising accountability. Convergence is most clear in connection with those features involving task-performance where a standard of efficiency may appropriately be applied.

Analysis focusing upon police systems as dependent variables can reveal only half the story about relations between police and their political environment. The other half concerns the effect of police operations and organization upon the encapsulating society. There is a reciprocal relationship between the police and politics. The police are not completely passive; they can play a formative role in determining the character of political life.

The manner and extent to which police have influenced politics in different nations is a complex subject, one that would require extended discussion and considerable further research. Let me only say, at the risk of being provocative without satisfying, that police organizations appear to affect politics in at least five distinguishable ways: (1) by direct impingement of their role activities upon political life; (2) by political socialization of citizens in authoritative contacts; (3) by serving as an avenue for political recruitment and advancement; (4) by socializing policemen to politics; and (5) by be-

ing a particular kind of institution, capable of exerting a demonstration effect and creating various kinds of effective demands.

While the characteristics of police systems—tasks, structure, accountability, etc.—can be treated as dependent variables related to conditions of national histories, the political outputs of police systems cannot be treated as dependent variables exclusively related to characteristics of police systems. Another major variable is required to explain political outputs, a variable which is not a function of the police establishment itself. This critical variable is the determination made by a political elite about the use to which it is to be put. Thus, while attributes of police systems do affect their political output, they are not a sufficient cause of the nature of political impingement by the police establishment.

Historical events shape police institutions; police organization and practice affect political life; political life conditions future historical development. This system of interaction feeds back upon itself, though the system is by no means closed. The units of this analysis are presented in Figure 5-6, though the relations among them are too complex for representation in a single chart.

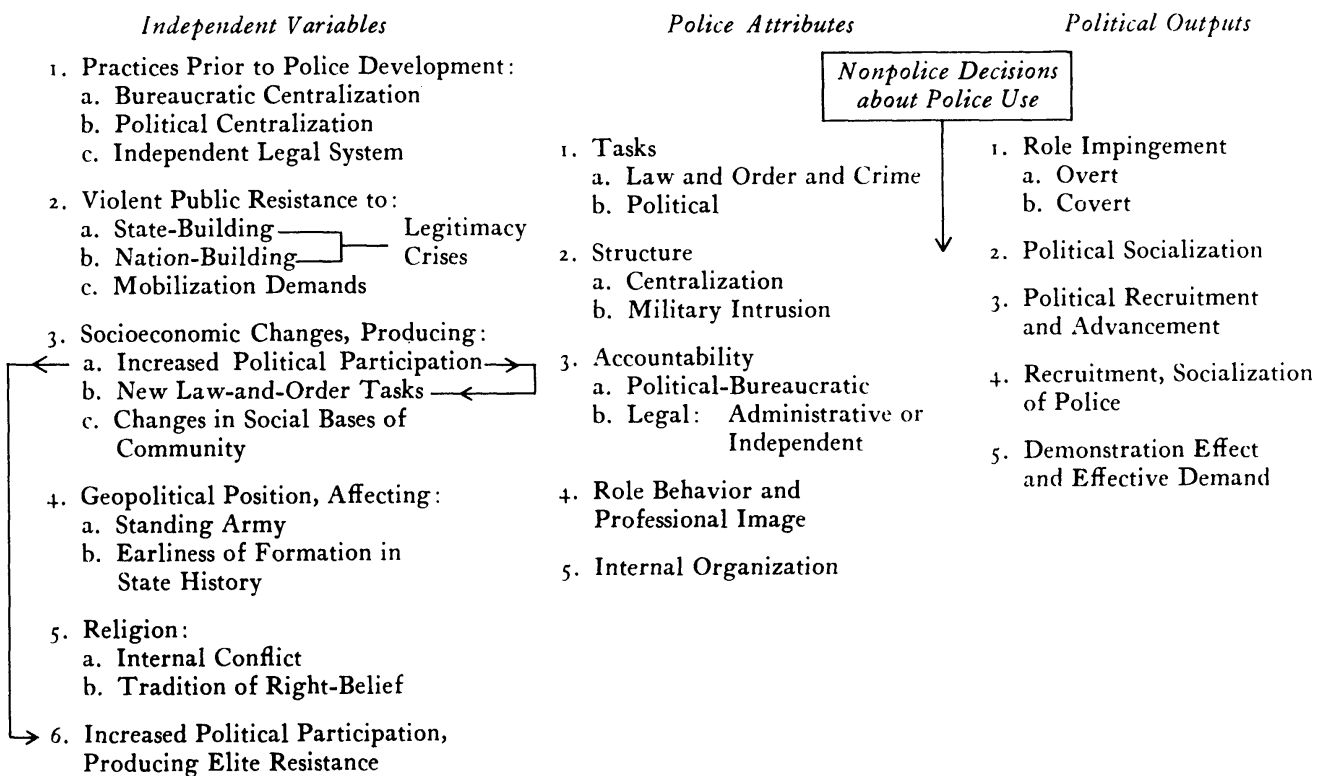


Figure 5-6. Police Organization and Political Life