

Policing Paradigms Presentation to 10CJS

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I have been asked to be a respondent in this discussion on the role of community peace committees and the like in delivering safety and security. This is no easy task, not least because I know very little about these structures other than what has been presented here supplemented by a bit of background reading I've done on the subject. It would, therefore, be extraordinarily presumptuous to offer judgements on the role these structures and institutions play in the day-to-day of crime and conflict management in communities. I am not, in general, afraid to be presumptuous, but if lines must be drawn, one of them ought to exclude the casting of doubts about the intentions and impact of people working diligently to provide safety and security in a world that has little of either.

I will, therefore, have nothing concrete to say about the peace committees, the work of which has been described here. What I want to talk about, however, is what I regard as the limitations of such structures and the irreducible role of statutory, publicly-funded police services in a democracy (or, indeed, in any society). I want, in other words, to talk about the places where I think community-based responses break down, where they are inevitably inadequate, and where they must be supplemented by formal, statutory bands of uniformed, weapon-wielding men and women seeking to make peace and manage conflict through the enforcement of the law,

Let me start by saying that the popular belief that policing is exclusively about crime control is, as we all know, somewhat misplaced. Crime is, of course, central to understanding the police. It is clearly a core concern of the institution. But criminality is only one category of a broader range of situations in which policing and police powers are needed. These include long-running conflicts, both inter-personal and social; the handling gatherings of people: dealing with myriad disputes and any number of situations in which, for one reason or another, the mutually exclusive and contradictory interests and passions of the contending parties cannot be resolved amicably.

Now it is true that many—probably most—of these sorts of dynamics can be resolved without the police. Usually, they are resolved by the individuals concerned: one dispute might end when one of the parties compromises or backs down, another might end when a way is found to get over the conflict without its degenerating into something more ugly and unfortunate. Others still might be resolved through payments in cash or kind. One way or another, in other words, most of the innumerable clashes and conflicts that are inevitable when people occupy a common social space get resolved through good will and good sense.

Sometimes, however, these conflicts cannot be resolved by the parties themselves. Perhaps the differences in their interests and passions run too deep. Perhaps the parties themselves are proud, hardened souls, uncompromising and stubborn. Perhaps there simply is no way to reconcile the wants, needs and interests that each has. When that happens, one of two things will happen: either the parties will turn to a higher authority

whose decisions they either respect or will abide by on pain of punishment, **or** the conflict will degenerate further.

There are obvious and non-obvious institutions to which people might turn for definitive resolution of a dispute: there are courts of law, institutions of traditional authority, family and clan systems, religious structures and authority. The list is endless. In among all of these are the institutions ably defined and defended by previous speakers.

These institutions, it seems to me, resolve conflicts in one of two ways: some are able to compel acceptance of, and compliance with, their decisions based on their capacity to deploy coercive violence (they can send you to jail or have you whipped), while the others rely on moral suasion, knowing that those who ignore or reject its decisions become socially outcast. Both, in other words, threaten the ‘loser’ in any dispute with some form of punishment. (Some disputes, of course, might be resolved without a clear winner or loser, but let us grant for the moment that many parties to these sorts of disputes will feel that anything less than complete vindication represents something of a loss.)

The trouble, therefore, is not that societies lack for plausible methods through which to resolve conflicts. It is that these don’t always work.

Each, no doubt, has problems of its own. Perhaps there are questions of access or comprehensibility. Perhaps they are questions of legitimacy or effectiveness. Perhaps the rules and precedents by which they operate are outdated or flawed in some way. They can all, in other words, fail. A more important challenge that each faces, however, is that there are many circumstances —by no means a majority—in which these conflict-management structures fail not through their own failure, but because the conflicts with which they are expected to deal escalate too speedily and degenerate into dangerous situations before the conflict-management processes and institutions can be properly roused or before their processes can take effect.

It is my contention that it is in these circumstances that formal, statutory, uniform-and-nightstick policing is called for. It is, as Egon Bittner once wrote, the something-is-happening-about-which-something-ought-to-be-done-NOW situations which create an irreducible demand for traditional policing. The defining characteristic of these situations, he wrote, is that their resolution requires at least the potential for the non-negotiated deployment of coercive force to compel one or another party to a dispute to do, or to desist from doing, something which will help bring at least a temporary peace. It is only the police who can achieve this because it is only they who are granted authority to march into any situation and demand action (or inaction) backed with the credible threat that failure to comply will result in an arrest. Some disputes and disputants are like that: they simply cannot be ended without someone’s being credibly threatened with the loss of his or her liberty.

It is, of course, true that the police are far from ideal instruments for resolving conflict. It is also true that the solutions they bring are usually have a partial, lesser-of-two-evils feel about them. It is, however, also true that in these circumstances they might also be the **lesser** of two evils. Perhaps it a statement of faith—or the lack of faith—to conclude that the reasons that police solutions are partial lies less with the police than with the fact that the human beings who make up a society are bound to come into conflict. No feasible

model of society appears to have overcome this basic design flaw. And it is this that makes it doubtful that even the most majestic of peace-building structures could ever replace traditional policing totally.