Policing in Britain and America: Between Consent and Force

By

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To the memory of Professor Cosmina Tanasoiu

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Abstract

Contemporary discussions on policing often counterpose Britain's tradition of consensual policing to America's legacy of coercive policing, upholding Britain as a model for police reform in America. By re-examining the notion of the "British model", this thesis attempts to show that comparisons between the "gentle English bobby" and the violent American cop have a long and complicated history. Though the idea of the "British model" was initially formulated in direct contrast to the idea of the "European model", the British police eventually came to be distinguished both from the overtly political police of continental Europe and from the unusually violent police in the United States. The supposed distinctiveness (if not superiority) of the British police was hence established through repeated comparisons with the police in Europe and America. Comparisons between "Britain" and "America" (and "Europe") accordingly became central to the conceptual grammars and theoretical frames of academic research on British policing, shaping the very questions scholars sought to ask.

Résumé

Les discussions contemporaines autour du maintien de l'ordre par la police distinguent souvent entre la tradition britannique du contrôle consensuelle et l'héritage du contrôle forcé aux États-Unis, en posant la Grande-Bretagne comme modèle pour augmenter la police aux États-Unis. En réexaminant la « modèle britannique », cette thèse démontre l'histoire longue et nouée des comparaisons entre la douce policière anglaise (« le bobby ») et la policière américaine violente (« le flic »). Bien que l'idée d'un « modèle britannique » a été construit en opposition directe au « modèle Européen », elle est rapidement devenue opposé à deux traditions : la police « trop

politique » d'Europe continentale et la police brutale des États-Unis. La forme unique (sinon supérieur) des policières britanniques a été établi par des comparaisons répetitives avec la police américaine ou européenne. L'acte de comparer « la Grande Bretagne » et « les États-Unis » (avec « l'Europe » aux ombres) est devenu centrale et cruciale aux charpentes de théorie et aux systèmes d'idées et donc a influencé les questions des érudits.

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Introduction

In the summer of 2020, tens of thousands of demonstrators gathered in more than 260 towns and cities across Britain to protest police brutality and anti-Black racism under the rallying cry "the UK is not innocent." Sparked by the killing of George Floyd in Minneapolis and the spread of Black Lives Matter protests across America, the demonstrations in Britain served both as an expression of solidarity with Black communities on the other side of the Atlantic, and an overdue reckoning with the racism and violence of policing on the British Isles. Demonstrators marched in the streets of major cities and less well-known towns across Britain, carrying handmade placards with the names of the sufferers of police brutality in the United Kingdom and the United States, and chanting for the victims of the Grenfell Tower fire and the Windrush scandal.

In the midst of protesters' efforts to make the un-exceptionality of police violence in Britain visible (and audible), however, commentators in the United States and the United Kingdom continued to ask what America could learn from Britain's tradition of "policing by consent." "Countries with a philosophy of policing by consent", one article stated, "believe that police should not gain their power by instilling fear in the population but rather, should gain legitimacy and authority by maintaining the respect and approval of the public."[1] "That's a huge

[1] Mélissa Godin, "What the U.S. Can Learn from Countries Where Cops Don't Carry Guns", *Time*, June 19, 2020, https://time.com/5854986/police-reform-defund-unarmed-guns/.

cultural difference between British and American police", another one stated.[2] A third one, in turn, pointed out that "UK police, who are usually unarmed, have themselves resisted calls for them to bear arms, in line with their philosophy of policing by consent."[3] And a fourth one asserted that "the relative success of the last 200 years of British policing reveals how a tradition of consent generally fosters trust", further suggesting that "the answer lies in rebuilding the historic tradition that the police are the public and the public are the police, not in tearing it down or arming it up."[4]

If these commentaries were unremarkable for the triteness of their observations, they were all the more striking (for that reason) in their reliance on the expert opinions of sociologists, criminologists, legal scholars, and other academics, who were invited to provide comparative perspectives on the issue. The views expressed in the examples quoted above were thus based not simply on the personal impressions and perceptions of the authors, but on the informed opinions and statements of the scholars consulted by the authors. With the help of the remarks on the British police provided by these experts, the discussion about police brutality became ensconced in a particular problematic – one which posited that the American police was *unusual* in its use of discretion and predisposition towards violence, and which proceeded to generate questions (and explanations) as to why that was the case. Commentaries therefore linked the

[2] Frank Langfitt, "In UK, Police Response to Protests for Racial Equality is Markedly Different", *NPR*, June 13, 2020, https://www.npr.org/2020/06/13/876521954/in-uk-police-response-to-protests-for-racial-equality-is-markedly-different.
[3] Amelia Cheatham and Lindsay Maizland, "Hop Police Compare in Different Democracies", Council on Foreign Relations, last updated April 21, 2021, https://www.cfr.org/backgrounder/how-police-compare-different-democracies.
[4] Will Tanner, "What Robert Peel Can Teach Us About Black Lives Matter", *Prospect Magazine*, June 17, 2020, https://www.prospectmagazine.co.uk/politics/what-robert-peel-can-teach-us-about-black-lives-matter-policing.

staggering frequency and disproportionality of police killings in the United States to the peculiar features of the American context: the prevailing ideology of individualism and limited government; the decentralized administration of policing; the broad mandate of the police; the lack of adequate training; the high rate of civilian gun ownership and gun violence; the permissiveness of use of force provisions; and finally, though not least importantly, the historically fraught state of American "race relations".

In certain ways, however, the linking of these themes into a *negative narrative of American "exceptionalism"* is neither novel, nor surprising. Scholars of policing and incarceration in the United States have been insistently pointing out, for over two decades now, that the American criminal justice system lies far outside the norm of other established democracies in terms of its violence and punitiveness. In more recent years, some authors have even gone on to suggest that the unusual ruthlessness of police forces and prisons in the United States can be directly linked to the particular features of the American system that make that system "exceptional" in every other respect.[5] Unsurprisingly, the policing and incarceration practices of the United States have – due to their apparent unprecedentedness – become the focal point of discussion in the fields of history, sociology, political science, criminology, and law.[6]

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[5] Recent examples include: Marc Howard, *Unusually Cruel: Prisons, Punishment, and the Real American Exceptionalism*, (New York: Oxford University Press, 2017); Mugambi Jouet, *Exceptional America: What Divides Americans from the World and from Each Other,* (Oakland: University of California Press, 2017); Kevin Reitz, ed., *American Exceptionalism in Crime and Punishment*, New York: Oxford University Press, 2018).

[6] The literature is vast. For an overview of recent scholarship in political science and political theory, see Jeffrey Isaac, "The American Politics of Policing and Incarceration", *Perspectives on Politics* 13, no. 3 (September 2015): 609-616; Joe Soss and Vesla Weaver, "Police Are Our Government: Politics, Political Science, and the Policing of Race-Class Subjugated Communities" *Annual Review of Political Science* 20, no.1 (May 2017): 565-591. Other examples in political science/political theory include: Albert Dzur, Ian Loader, and Richard Sparks, eds., *Democratic Theory and Mass Incarceration* (Oxford: Oxford University Press, 2016); Marie Gottschalk, *Caught: Race, Neoliberalism, and the Future of the Carceral State and*

I draw attention to these developments not because I wish to impugn scholars' judgments about the severity or unprecedentedness of America's policing problems, nor because I want to advocate for academic analyses of policing that are *more* comparatively informed. Although the latter might seem both pertinent and necessary, my interest lies less in examining whether or how the policing systems and practices of the United States *compare* to the policing systems and practices of other countries, and more in exploring how *particular representations of difference and/or similarity* become established in the first place. To that extent, my main concern is to show that "salient features of similarity and difference *arise through comparison rather than precede it*"[7], and therefore require to be treated as "discursive objects and effects" to be analyzed rather than as "preconditions for analysis."[8] Accordingly, the complaint that drives the central argument in my thesis is that these representations of similarity and/or difference tend, for the most part, to be treated as unproblematic or self-evident; as requiring no discussion or interrogation; and as not being discursively constituted at all. The question of the *histories* of

American Politics (Princeton: Princeton University Press, 2015); Amy Lerman and Vesla Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (Chicago: University of Chicago Press, 2014); Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (Oxford: Oxford University Press, 2014). For overviews of emerging research in American history, see e.g. Kelly Lytle Hernandez, Khalil Gibran Muhammad, and Heather Ann Thompson, "Introduction: Constructing the Carceral State", *Journal of American History* 102, no. 1 (June 2015): 18-24; Heather Ann Thompson and Donna Murch, "Rethinking Urban America through the Lens of the Carceral State", *Journal of Urban History* 41, no. 5 (July 2015): 751-55; Clarence Taylor, "Introduction: African Americans, Police Brutality, and the U.S. Criminal Justice System", *The Journal of African American History* 98, no. 2 (Spring 2013): 200-204.

[7] Leigh Jenco, Murad Idris, and Megan Thomas, "Comparison, Connectivity, and Disconnection", in *The Oxford Handbook of Comparative Political Theory*, eds. Leigh Jenco, Murad Idris, and Megan Thomas (New York: Oxford University Press, 2020), 8 (emphasis in original).

[8] Murad Idris, "Political Theory and the Politics of Comparison", *Political Theory* (July 2016), 5.

those representations – of the ways in which those similarities and/or differences have come to be identified and represented *as such* – is hence elided or ignored.

My goal, in other words, is to show that the frequently highlighted similarities and contrasts between the British police and the American police are, in fact, the products of the *very act of comparison* through which the "British model" has been defined – first, in the discourse of nineteenth-century police reformers, who sought to presented the British police as the antithesis of the French or European police; then, in the accounts of twentieth-century police historians, who appropriated and reproduced the rhetoric of the two "models" (British and European); and finally, in the arguments of subsequent scholars of policing, who used the ideas, categories, and distinctions constructed *around* the notion of a distinct "British model" in order to pinpoint the differences and similarities *between* the British and the American police. These various conceptual and theoretical moves have had the effect of re-entrenching the status of the British police as "the paragon of modern policing" and establishing it as *the* model against which, and in terms of which, the American police must always be interpreted and characterized as "less centralized, more discretionary, and more heavily armed."[9] They have, moreover, amplified the obviousness of the similarities and differences between the British and the American police by choosing objects that were already (in a sense) comparing each other. Instead of exploring or establishing comparative relationships that *did not* already exist in political or popular discourse, these discussions about policing have, therefore, reaffirmed the pre-existing notions of the differences and similarities between "Britain" and "America."

As a result, comparisons between British and American policing have, more often than not, obstructed meaningful discussion of the interactions between transnational ideas and

[9] Jean-Paul Brodeur, *The Policing Web* (New York: Oxford University Press, 2010), 72.

domestic institutions, and the ways in which the former have been mediated, filtered, and/or refracted through the latter. Their continued redeployment has tended to divert attention away from the formulation and flow of ideas *across* borders, and towards the creation and evolution of police "models" within specific national contexts. American policing practices and institutions have thus been understood to exercise a minimal influence on British policing practices and institutions, and the two have been insistently approached as discrete but comparable cases.

The idea of a distinct "British model" characterized by a philosophy of policing by consent has not, however, remained undisputed in the academic literature. The critical analyses and commentaries of a number of social historians have persistently exposed the gaps and inconsistencies in the conventional account of the creation of the modern British police, revealing the mythical qualities of the "British model." These critical examinations have not only helped to shed light on the more controversial and less well-knows aspects of the history of the British police, but have also drawn attention to the contemporary import of ostensibly historical (and historiographical) discussions about policing. Because of the powerful pull of the ideal of "policing by consent" (and the desire to reform the police and to restore the public's trust in it), such critical interventions have remained highly significant and necessary.

In laying out my argument, I have chosen to organize my thesis as a set of reflections on and interrogations of the ways in which notion of a "British model" has repeatedly found its way in discussions and analyses of British and American policing. Chapter 1 thus begins by revisiting the historical debate on the advent of the modern police in England. It shows how the idea of the "British model" was first given shape in the writings of early police historians and then *disputed* in the critical accounts of social historians and, in doing so, substantiates my view that the existence of a recognizable British police "model" was not simply a historical fact, but a

discursive artifact. Chapter 2, in turn, examines how the idea of the "British model" was reworked in the comparative analyses of the British sociologist Michael Banton and the American historian Wilbur Miller, and highlights the apparent inevitability of Banton's and Miller's conclusions about the differences between the British and the American police. It also, however, draws attention to the ambivalence and apprehension that haunts Banton's portrayal of Britain in the 1960s, and the sense of "change" that motivates his comparison of Britain with America. Picking up on the theme of "change" and "crisis", Chapter 3 attempts to offer something of a corrective to the view that the 1950s represented a "golden age" of policing in Britain, while the 1960s served as a "protracted turning point" in police-public relations in the country. Briefly tracing the intertwining of concerns about "coloured immigration", segregation, and racial conflict in Britain in the 1940s and 1950s, the chapter shows how the attempt to *pre-empt* the eruption of American-style racial tension and violence in Great Britain ironically led to the identification of the inner city as the site and source of a looming "race relations" problem. The British police, however, continued to be viewed as a passive victim of the larger processes and forces behind the problem until at least the late 1960s-early 1970s. The English bobby, therefore, continued to be favorably compared to the American cop, who increasingly came to serve as a cautionary example for British academics and policymakers.

As this brief overview makes clear, the main discussion in this thesis tends to sidestep empirical concerns about the existence of meaningful, discernible differences between the policing cultures and/or models of the United States and Great Britain. Although the existence of such differences might help to explain the prevalence of the notion of a clearly identifiable, consensual "British model" of policing in the academic imagination, the thesis brackets this question in order to be able to focus exclusively on the analysis of the *constructive effects* of

comparisons between Britain, America, and Europe in police scholarship. In doing so, however, it neither argues nor assumes that differences in the policing cultures and/or models of Britain and America (and Europe) have no reality beyond academic and/or popular discourse. On the contrary: it maintains that policing is "rooted in the soil of national political cultures"; that "its operative meanings have national genealogies that vary according to how processes of state and police formation have unfolded historically; and that they take contemporary forms that are conditioned by, and in turn condition, the particular polities of which they form part."[10] The analytic concern of the thesis nonetheless lies first and foremost in exploring the powerful hold that the exceptionalist discourse surrounding British and American policing has come to exercise over scholarly attempts to determine how the policing practices and institutions of Britain differ from the policing practices and institutions of America. Though both questions remain equally important, I hope to show that the latter cannot be accurately answered *until* the former is properly addressed first.

[10] Ian Loader and Aogán Mulcahy, *Policing and the Condition of England: Memory, Politics and Culture* (Oxford: Oxford University Press, 2003), 54.

1

"The Best Police in the World":

Debating the History of the Modern English Police

I

In contemporary usage, the word "police" is typically taken to refer to "the institution that is formally charged by states to lawfully execute the monopoly over the means of internal coercion."[1] This understanding of "police" is reflected in scholarly definitions of the term, which often center on *the public institution* of the police and the specific powers granted to it for the purpose of maintaining order and enforcing law. Egon Bittner's oft-quoted definition, for example, states that "the role of the police is best understood as *a mechanism for the distribution of non-negotiable coercive force* employed in accordance with the dictates of an intuitive grasp of situational exigencies."[2] David Bayley similarly maintains that "police generally refers to persons employed by government who are authorized to use physical force to maintain order and safety"[3]. Peter K. Manning, in turn, writes that "[t]he police…are authoritatively coordinated

[1] Mathieu Deflem, The Policing of Terrorism: Organizational and Global Perspectives (New York and Oxon: Routledge, 2010), 6.
[2] Egon Bittner, Aspects of Police Work (Boston: Northeastern University Press, 1990), 131. Also Bittner, "Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police", in *The Potential for Reform of Criminal Justice*, ed. Herbert Jacob (Beverly Hills: Sage Publications, 1974), pp. 17-44.
[3] David Bayley, "Police: History", in *Encyclopedia of Crime and Justice*, ed. Stanford H. Kadish (New York: Free Press, 1983), 1120. See also David Bayley, *Patterns of Policing* (New Brunswick: Rutgers University Press, 1985), 7-11.

legitimate organizations that stand ready to apply force up to and including fatal force in specified political territories to sustain political ordering."[4] All of these definitions, therefore, exhibit a particularly narrow and a particularly *modern* understanding of "police" which concentrates the meaning(s) of the word "police" into the notion of the professional, salaried, government-employed police force.

As it is well-know, however, the existence of the police – in its modern sense and form – does not represent an irrevocable fact of life. On the contrary, the creation of the public police constitutes only one (albeit important) moment in the history of policing; as Philip Rawlings aptly notes, "the history of policing is not the history of the police and the history of the police is not the history of policing."[5] Both historically and etymologically, therefore, policing tends to precede the emergence of the institution of the police, as well as to exceed the specific range of tasks associated with it nowadays. As William Garriott points out, the origins of the word "police" itself can be traced back to the political discourse of the thirteenth century, and to "the French term '*police,*' which was used to capture the meaning in the Latin term '*politea*' (Greek '*politeia*') – the source for both 'police' and 'policy' in English."[6] Throughout history, as Massimiliano Mulone further explains, the word "police"

> has had a fluctuating meaning, often referring to the notion of order, as well as to the process through which this order was reached…This lack of precision is reflected in the tasks that were entrusted to policing actors in these eras. When the first policing agents were created, they usually had several functions, which went

[4] Peter K. Manning, *Policing Contingencies* (Chicago: University of Chicago Press, 2003), 41-42. See also Trevor Jones and Tim Newburn, *Private Security and Public Policing* (Oxford: Clarendon Press, 1998); Loader and Mulcahy, *Policing and the Condition of England.*
[5] Philip Rawlings, "Policing Before the Police", in *Handbook of Policing*, ed. Tim Newburn (Cullompton: Willan, 2003), 67.
[6] William Garriott, "Introduction Police in Practice: Policing and the Project of Contemporary Governance", in *Policing and Contemporary Governance: The Anthropology of Police in Practice*, ed. William Garriott (New York: Palgrave Macmillan, 2013), 4.

> well beyond maintaining order and enforcing law (the two roles traditionally associated with modern policing).[7]

The expansive French understanding of "police" is succinctly captured, for example, in Nicolas de La Mare's *Traite de la Police*, which identifies the key objects of police with the main elements of urban order: "religion; morality; public health; food supplies; public roads, bridges and public buildings; public safety; sciences and liberal arts; commerce; factories and mechanical arts; servants and laborers; and the poor."[8] This notion seems to have abided throughout the better part of the eighteenth century[9] and to have held sway outside France, as evidenced, for instance, by the writings of Adam Smith, who, in his *Lectures on Jurisprudence*, noted that

> Police, the word, has been borrowed by the English immediately from the French, tho it is originally derived from the Greek politeia signifying policy, politicks, or the regulation of a government in general. It is now however generally confind to the regulation of the inferior parts of it. It comprehends in general three things: the attention paid by the public to the cleanliness of the roads, streets, etc; 2d, security; and thirdly, cheapness or plenty, which is the constant source of it.[10]

Early notion of "police" thus combined questions of social control and public health, of wealth production and civil repression, thereby encompassing the entire scope of "legislative and administrative regulation of the internal life of a community" intended "to promote general welfare and the condition of good order and the regimenting of social life."[11]

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[7] Massimiliano Mulone, "History of Policing", The Handbook of Social Control, ed. Mathieu Deflem (Hoboken: John Wiley & Sons Ltd., 2016), 212.
[8] Brodeur, *The Policing Web,* 47.
[9] Brodeur, *The Policing Web*, 44-48.
[10] Adam Smith quoted in Markus D. Dubber, "'The Power to Govern Men and Things': Patriarchal Origins of the Police Power in American Law", *Buffalo Law Review* 52, no. 4 (September 2004): 1306-1307.

[11] Mark Neocleous, "Theoretical Foundations of the 'New Police Science'", in *The New Police Science: The Police Power in Domestic and International Governance*, eds. Markus D. Dubber and Mariana Valverde (Stanford: Stanford University Press, 2006), 22. There is an extensive

It is, without a doubt, tempting – in trying to understand what "police" meant and how policing functioned before the "invention" of the modern police – to assume that the emergence of the institution of the police constitutes a development that is "somehow inevitable, the product of some social or political destiny"[12] and "the logical conclusion of history."[13] It is, therefore, common to find scholarly accounts that present the history of the "birth" of the modern police as a narrative of progress or modernisation: "public police was a better, more effective, more professional, less violent, and less unfair solution to security and disorder problems than was anything that had prevailed before it, hence its creation."[14] These narratives tend to be overly simplistic and strongly misleading, however, for the introduction of the modern police not only encountered opposition,[15] but also, as Mulone reminds us, never led to the complete

literature on the concept of "police" which cannot be properly summarized here. See e.g. Roland Axtmann, "'Police' and the Formation of the Modern State. Legal and Ideological Assumptions on State Capacity in the Austrian Lands of the Habsburg Empire, 1500-1800", in *Theories and Origins of the Modern Police*, 131-154; Markus D. Dubber, *The Police Power: Patriarchy and the Foundations of American Government* (New York: Columbia University Press, 2005); Markus D. Dubber and Mariana Valverde, "Introduction: Perspectives on the Power and Science of Police," in *The New Police Science: The Police Power in Domestic and International Governance*, eds. Markus D. Dubber and Mariana Valverde (Stanford: Stanford University Press, 2006), 1–16; Karl Härter, "Polizei", in *Enzyklopddie der Neuzeit: Band 10*, ed. Friedrich Jaeger, (Stuttgart: Metzler, 2010), 170-180; Andrea Iseli, *Gute Policey: Offentliche Ordnung in der Fruhen Neuzeit* (Stuttgart: Ulmer, 2009); Stephen N. MacFarlane and Yuen F. Khong, *Human Security and the UN: A Critical History* (Bloomington: Indiana University Press, 2006); Karl H. Metz, *Geschichte der sozialen Sicherheit* (Stuttgart: Kohlhammer, 2008); Klaus Mladek, "Introduction", in *Police Forces: A Cultural History*, ed. Klaus Mladek, (New York: Palgrave Macmillan, 2007), 1-9; Peter Nitschke, "Von der Politeia zur Polizei. Ein Beitrag zur Entwicklungs geschichte des Polizei-Begriffs und seiner herrschaftspolitischen Dimensionen von der Antike bis ins 19. Jahrhundert", *Zeitschrift fur Historische Forschung* 19 (1992): 1-27; Marc Raeff, *The Well-Ordered Police State: Social and Institutional Change Through Law in the Germanies and Russia: 1600-1800* (New Haven: Yale University Press, 1983).

[12] Garriott, "Introduction", 1.

[13] Mulone, "History of Policing", 211.

[14] Mulone, "History of Policing", 214.

[15] See especially John E. Archer, *The Monster Evil: Policing and Violence in Victorian Liverpool* (Liverpool: Liverpool University Press, 2011); David Churchill, "I Am Just the Man for Upsetting You Bloody Bobbies': Popular Animosity Towards the Police in Late Nineteenth-

displacement of other forms of public and/or private policing, which continued to exist before, during, and after the creation of the "new police."[16] Thus, "even if the police did claim to have the monopoly over policing, and even if it did succeed (at least symbolically) in gaining such a monopolistic position," policing was never confined "to the sole public institution of the police."[17]

With that in mind, this chapter will briefly revisit the twentieth-century debate on the history of the so-called "new police" in England. My aim here is not to provide a detailed exposition of the terms of the debate or the positions of the participants, but to draw attention to two themes that emerged from the discussion on (the advent of) modern policing: one which concerned the existence of two supposedly distinct "police models" aligned with two supposedly distinct constellations of values and/or ideals; and another one which concerned the inextricable link between policing and criminality. Although the resulting overview will be admittedly schematic and incomplete, it will provide a useful starting point for the discussion and analysis in the chapters to follow.

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century Leeds", Social History 39, no.2 (2014): 248-266; Robert Storch, "The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England 1840–57", *International Review of Social History* 20, no. 1 (1975): 61–90; Storch, "The Policeman as Domestic Missionary", *Journal of Social History 9*, no. 4 (1976): 481-509.

[16] On this latter point, see David Churchill's critique in "Rethinking the State Monopolisation Thesis: The Historiography of Policing and Criminal Justice in Nineteenth-century England", *Crime, Histoire & Sociétés / Crime, History & Societies* 18, no. 1 (July 2014): 131-152.

[17] Mulone, "History of Policing", 210.

II

In scholarly discussions of policing, the "birth date" of the modern police is frequently identified with the date of the introduction of the Metropolitan Police Act of 1829 which established one of the first fully publicly salaried police forces in London, England, following the work and initiatives of Sir Robert Peel. For early historians of policing like Charles Reith, Leon Radinowicz, T. A. Critchley, and Melville Lee, the creation of the Metropolitan Police of London constituted a thoroughly *positive* development: it offered an effective response to the problem of rising crime and disorder, and, in so doing, proved "that an efficient police could greatly decrease the use of troops against civilians; that it could protect life and property; that it could be compatible with the English constitutional concepts of liberty."[18] In the minds of these early historians, the police of London represented the antithesis of "the police across continental Europe that were imposed on the citizenry from above by the directing powers of the state."[19] The London "bobbies" were, therefore, seen as the modern embodiment of "the ancient Anglo-Saxon concept of collective responsibility", and the combined product of the initiative of "far-sighted" reformers and "the superior constitutional and cultural heritage" of Britain.[20]

The importance of the contrast drawn between the "British model" and the "European model" of policing cannot be overemphasized here. As Clive Emsley notes, the notion of two clearly-defined, distinct police "models" – one British, "civilian, restrained, free from

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[18] J. L. Lyman, "The Metropolitan Police Act of 1829", *Journal of Criminal Law and Criminology* 55, no.1 (March 1964): 154.
[19] Clive Emsley, "Introduction", in *Theories and Origins of the Modern Police,* ed. Clive Emsley (London: Routledge, 2011), xii.
[20] Arch Harrison, "The English Police 1829-1856: Consensus or Conflict", *International Journal of Police Science & Management* 2, no. 2 (September 1999): 176.

corruption", and the other European, "military, arbitrary, political, secretive"[21] – was by no means the invention of mid-twentieth century historians of policing. Its origins were, in fact, much older than that, and evidence of its popularity among Victorian Englishmen could be found in the various commentaries on the "superiority of the English police" written at the turn of the nineteenth century.[22] The significance of the mid-twentieth century discussion of the two "models" of policing, however, lay in its uncritical transmission of the rhetoric of the "British" and "European" models of policing, and its forceful identification of the "British model" *with the ideals of liberty and democracy*. In the writings of Reith, Radinowicz, Critchley, and Lee, the public police of England thus came to figure as "the paragon of modern policing, the model from which all the other modern police institutions were drawn."[23] This view is aptly encapsulated by Reith's description of the two types of police:

> The kin police or Anglo-Saxon police system, and the ruler appointed gendarmerie, or despotic totalitarian police system. The first represents, basically, force exercised indirectly by the people, from below, upwards. The other represents force exercised, by authority, from above, downwards.[24]

It is also accurately summarized by Mulone, who, in discussing the differences between the London and the Paris police, writes:

> One was dedicated to preserving the monarch, the other to serving the population; one was invisible, wearing no distinctive outward signs, the other utterly recognizable, with its blue uniform and its street presence; one was politically driven, the other was supposed to obey the law and not the government; one was of a Hobbesian nature, the other reflected the ideals of John Locke. *They did not*

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[21] Clive Emsley, "A Typology of Nineteenth-century Police", *Crime, Histoire & Sociétés / Crime, History & Societies* 3, no. 1 (January 1999): 30.
[22] See Clive Emsley, "The English Bobby: An Indulgent Tradition", in *Myths of the English,* ed. Roy Porter (Oxford: Polity Press, 1992), 115-135.
[23] Mulone, "History of Policing", 211.
[24] Charles Reith, *The Blind Eye of History* (London: Faber and Faber, 1952), 20.

> *use the same tactics or tools; they did not have the same goals; they did not have the same values or principles*.[25]

The historical reality was, of course, much more complex than that. As Emsley points out, until at least the 1960s, Britain did not have a police system organized around a single "police model" which could reasonably be defined as distinctively British in any sense of the word. Mid-nineteenth-century policing in the British Isles was, in fact, carried out through a combination of three types of public policing, based, respectively, on the models of the Metropolitan Police, the provincial police, and the Irish Police.[26] A similar arrangement existed in France, where the public police consisted of the police of Paris (which, like the police of London, was "commanded by government appointees and quite independent of local authority"); the urban police and *gardes champêtres* (which, like the borough and county police in Britain, was composed of "men recruited locally and largely under local control"); and the *Gendarmerie nationale* (who, like the Royal Irish Constabulary, "were armed and equipped like soldiers, stationed in barracks, and responsible to a central government ministry").[27] The same three types of police could be found in the Netherlands, with the *Koninklije Marechaussee* (the state military police), the *Rijksveldwacht* (the state civilian police), and the *Gemeentepolitie* and the *Gemeenteveldwachtes* (the municipal civilian police) functioning side-by-side during the nineteenth century.[28] Other states across Europe – notably Italy and Prussia – experimented with models of policing that were based on their perceptions of the English "bobby." So not only was there no single "British model" of policing, but its distinctiveness from (let alone superiority to)

[25] Mulone, "History of Policing", 215 (emphasis added).
[26] Clive Emsley, *The English Police: A Political and Social History* (London: Longman, 1996).
[27] Emsley, "A Typology", 35-36.
[28] Emsley, "A Typology", 33-41.

the "European model" was not entirely obvious or unquestionable even during the nineteenth century. Indeed, as Emsley notes,

> even in territories that were aggressively unified or dominated by an absolutist, militarist structure, police development was never simply dictated or dominated from the centre. There was always negotiation between central government and the localities; on both sides there were considerations of independence as well as of cost. Other models were looked to, borrowed from, and reshaped to take account of different cultural perspectives and perceptions.[29]

Needless to say, mid-twentieth century assertions about the origins and characteristics of the "British model" did not go unchallenged for long.

III

In the 1960s and 1970s, a number of social historians had begun to develop an interest in the history of crime and criminal law enforcement, and the potential contribution that the study of the history of policing could make to the existing scholarship on the social history of English society.[30] Many of those historians had been profoundly influenced by the emphasis (in the "new" social English history of the time) on "the need to explore and imaginatively to

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[29] Emsley, "A Typology", 40-41.

[30] For assessments and summaries, see e.g. Victor Bailey, "Bibliographical Essay: Crime, Criminal Justice and Authority in England", *Bulletin of the Society for the Study of Labour History* 40 (1980): 36-46; Michael Brogden, *The Police: Autonomy and Consent* (London: Academic Press, 1982); Vic Gattrell, "Crime, Authority and the Policeman-state", in *The Cambridge Social History of Britain 1750-1950*, ed. F. M. L. Thompson (Cambridge: Cambridge University Press, 1990), 243-310; Clive Emsley, *Policing and Its Context 1750-1870* (London: Macmillan Press, 1983); D. J. V. Jones, "The New Police, Crime and People in England and Wales 1829–1888", *Transactions of the Royal Historical Society* 5, no. 33 (1983): 151-168; David Philips, "A Just Measure of Crime, Authority, Hunters and Blue Locusts: the 'Revisionist' Social History of Crime and Law in Britain 1780-1850", in *Social Control and the State,* ed. Stanley Cohen and Andrew T. Scull (New York: St. Martin's Press, 1983), 50-74; Robert Reiner, *The Politics of the Police* (New York: St. Martin's Press, 1985).

reconstruct the experiences of the dispossessed and inarticulate."[31] Many of them had, understandably, brought the social historian's concern "with the culture of the dispossessed, with the transforming impact of capitalism, and with the nature of class relations" to the study of the history of crime and policing.[32] Noting how little there was in the way of serious work on the topic, many of them had, unsurprisingly, set out to expose the gaps and inconsistencies in the traditional accounts of the emergence of the modern police; to challenge the myth of the consensual, democratic origins of the British "police model"; and to confront the tendency to give "the criminal a niche in the pantheon of major historical agents" that did not properly belong to him/her.[33]

By far the most sustained point of criticism (among those) concerned the view "that the creation of the new police was essentially a rational response to escalating crime and public disorder brought about by industrialisation and urbanisation."[34] Although that notion had played an important role in nineteenth-century justifications for the creation of the Metropolitan Police, and in twentieth-century explanations of the emergence of the "new police", it had received its most explicit and most forceful formulation in J.J. Tobias' *Crime and Authority in the Nineteenth Century,* published in 1967. Tobias' book presented, by the admission of many critics, "a serious

[31] Joanna Innes and John Styles, "The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England", *Journal of British Studies* 25, no. 4 (1986): 382. The work of E.P. Thompson (*The Making of the English Working Class* (London: Victor Gollancz, 1963); "The Moral Economy of the English Crowd in the Eighteenth Century", *Past & Present* 50, no. 1 (February 1971): 76-136; *Whigs and Hunters* (New York: Pantheon, 1975); Douglas Hay, Peter Linebaugh, and E.P. Thompson, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London: Allen Lane, 1975)) was seminal in this regard.
[32] Innes and Styles, "The Crime Wave", 382.
[33] Gatrell, "Crime, Authority and the Policeman-state", 264.
[34] Harrison, "The English Police", 177.

attempt to examine crime in nineteenth-century England."[35] Critics, however, found its approach to its source materials theoretically naïve and inherently biased, for, as David Philips noted,

> Tobias's method was to read the material published by parliamentary inquiries, statistical society investigators, interested magistrates, prison chaplains, reformers and so on… [T]here was no consideration of the fact that these documents were written *about* the lower orders by people from the middle and upper class who were used to making pronouncements about their social inferiors without necessarily knowing much about the realities of their lives. No allowance was made for the possibility that police reformers like Patrick Colquhoun and Edwin Chadwick had a vested interest in frightening their readers by painting as black a picture as possible of the dangers of the "criminal class" or "dangerous classes" in order to win acceptance for their schemes of reform; or for the idea that policemen and magistrates are always liable to put the blame for crime on a small group of worthless and dangerous professional criminals who are to be sharply distinguished from the rest of the "honest poor"…[36]

Similar concerns were raised by other critics who pointed out that conventional accounts often failed to address important questions of historical interpretation, or to acknowledge that the study of the history of the police required a theoretically informed approach at all. Many traditional historians were, therefore, inclined to treat crime as an undesirable but unavoidable by-product of rapid social change brought about by the progress of civilization. The emergence of the public institution of the police was similarly presented as an inescapable result of the breakdown of traditional mechanisms of control and the need for a new solution to the problem of urban crime and disorder.[37] Reith could thus say that "military force and moral force alone or together always fail to secure sustained observance of laws in a community unless they are

[35] Philips, "A Just Measure of Crime", 52.
[36] Philips, "A Just Measure of Crime", 52.
[37] Stephen Davies appropriately calls it "the more intellectual form" of the traditional vision of the city "as the source of moral corruption; as plagued by crime; and as the focus of insurrection, revolt, and political unrest" ("The Private Provision of Police during the Eighteenth and Nineteenth Centuries", in *The Voluntary City: Markets, Communities, and Urban Planning,* eds. David T. Beito, Peter Gordon, and Alexander Tabarrok (New Delhi: Academic Foundation, 2002), 191).

provided with police force, as a medium through which they can function."[38] Lee could further claim that "the object of police is not only to enforce compliance with the definite law of the land, but also to encourage a general recognition of the unwritten code of manners which makes for social progress and good citizenship."[39] And Critchely could argue that the police "sustains our civilization; and, at the same time, promotes the freedom under a rule of law without which civilization is worthless."[40] But above all, they could all agree that the police were "not servants of any individual, of any particular class or sect, but servants of the whole community – *excepting only that part of which in setting the law at defiance, has thereby become a public enemy*."[41]

However, from the critics' perspective, that constituted not only a false characterization of the functions of the modern police, but also a non-explanation of the emergence of the new police. Philips hence noted (once again) that "[t]here was little attempt to analyse these developments intensively, and examine *why* things happened as they did"; "it was assumed that events moved towards their 'proper' modern end."[42] More troublingly still, "the reasons for the greater incidence of crime and disorder were never precisely explained; the assertions that these problems were becoming worse were never probed."[43] This, in turn, meant that many traditional historians were put "at the mercy of the prejudices and constraints which determine how the law selects some targets and ignores others."[44] Giving succinct expression to the criticisms voiced by

[38] Reith, *The Blind Eye of History*, 10.
[39] Melville Lee, *A History of Police in England* (Montclair: Patterson Smith, 1971), xxviii-xxiv.
[40] T.A. Critchley, *A History of Police in England and Wales, 1900-1966* (London: Constable, 1967), xiv.
[41] Lee, *A History of Police in England*, 328.
[42] Philips, "A Just Measure", 51 (emphasis in original).
[43] Emsley, "Introduction", xii.
[44] Gatrell, "Crime, Authority and the Policeman-state", 243.

other social historians, Vic Gatrell thus pointed out that "[o]ne can envisage a history of law-enforcement dissociated from the history of crime but not a history of crime dissociated from the history of law-enforcement,"[45] further insisting that

> [the history of crime] can never be about the real extent of law-breaking which goes on at all social levels… [T]he history of crime is not always about legality - or about liberty, either. Certainly, the rhetoric of liberty, justice and impartiality has always been usefully turned against the pretensions of the great; but those values have been more frequently compromised before the more expediential, discretionary and prejudicial devices of law as they were wielded in practice by policemen, judges and politicians. Historians might profitably remind themselves that the history of crime is a grim subject, not because it is about crime, *but because it is about power*.[46]

By expanding the focus of scholarly inquiry from the history of policing to the history of crime and criminal law, social historians were thus able to challenge the assumption that the distinction between criminal acts and non-criminal acts, between delinquents and non-delinquents was an obvious and easy one to make; that it was merely a reflection of the distinction between "bad" and "good" citizens, and their respective attitudes and behaviors; and that it was, therefore, completely independent of power relations. It was, after all, precisely that presumption that had supported the traditional historians' conceit that the English police "has long been of the people and for the people, and obviously at no time could long be used to oppress those from whom its strength was derived."[47] It was that presumption that had, in turn, allowed them to resolve the contradiction created by the existence of a supposedly "neutral" state which, through its police, "support[ed] one part of society against the other - the 'good' against

[45] Gatrell, "Crime, Authority and the Policeman-state", 287.
[46] Gatrell, "Crime, Authority and the Policeman-state", 246 (emphasis added).
[47] Lee, *A History of Police in England*, 61.

the 'evil'."[48] Traditional historians could thus argue that the English police served "the whole community", because, as Cyril D. Robinson pointed out, they had located "evil people outside society itself" from the start: "Thus, the *public* identified with the police, has been purified of its evil segment."[49]

The questioning of the foundational myths of the British modern police was not, however, merely a matter of historical interest. That much was made clear by Robinson, who, in the opening paragraph of his essay, noted that "present rationalizations by American and English police of their relationship to the community being policed is substantially similar" to that developed by traditional historians of the police, whose work, therefore, possessed "contemporary importance."[50] Robinson's critical comments were published in the midst of ongoing US- and UK-wide experiments with community-oriented policing methods, and were thereby equally directed at the past champions of the British public police and at the present proponents of the Anglo-American "community policing" model. Although "community policing" would only come into full vogue in Britain and America in the late 1980s, the notion that "the police should work *with* communities, rather than against them"[51] had already began to gain popularity among advocates of police reform in the late 1970s. In both Britain and America, disillusionment with police professionalism and "conventional policing" had slowly begun to give way to "enthusiasm for law enforcement strategies and penal policies that rely less on deterrence than on the moral authority of the law, and on the trust that police departments

[48] Cyril D. Robinson, "Ideology as History: A Look at the Way Some English Police Historians Look at the Police", in *Theories and Origins of the Modern Police*, 46.
[49] Robinson, "Ideology as History", 46 (emphasis in original).
[50] Robinson, "Ideology as History", 35.
[51] David A. Sklansky, "Police and Democracy", *Michigan Law Review* 103, no. 7 (2005): 1779 (emphasis in original).

build in the communities they patrol."[52] Amidst rising anxieties about the estrangement of police officers from local communities and the decline of public confidence in the police, "community policing" had thus increasingly come to be seen as a means of recovering the safety and orderliness of the not-so-distant past; of improving the relationship between the police and the public; and of restoring and/or bolstering the legitimacy of the police.

Critics' comments and analyses went against the grain of such thinking which insisted on the need of securing active public support for, and trust in, the police, and of bringing police officers into closer cooperation with local communities. Even more importantly, however, critics' writings provided forceful pushback to the idea that Britain's tradition of "policing by consent" could be used as a measuring stick for present police performance and as a model for future police reform in *both* Britain and America. As we will see in the next chapter, this was certainly not the first time that researchers had attempted to draw parallels between developments in Britain and America, nor the only time that scholars on one side of the Atlantic had taken an interest in the history of the police on the other side of Atlantic. By the time Robinson's critical review was published, policing developments in Britain had already began to be viewed through the prism of the American experience which (due its very exceptionality) had become the source of many consequential ideas and lessons in Britain.

[52] Sklansky, "Police and Democracy", 1793.

2

The London Bobby vs the New York Cop:

Comparing British and American Policing

I

From its introduction in 1829, the Metropolitan Police of London quickly became known as the "New Police" of London – an epithet which, when initially adopted by the press in the nineteenth century, highlighted the radical discontinuity between the "old" and the "new" systems of policing on the British Isles. Because the ideal of the new "British model" of policing was often defined via negative comparison with the "French" or "continental model" of policing, however, the term soon acquired additional connotations: the "New Police" was understood to be not simply different from the "old" system of policing in England, but also distinct from "the hellish French system of spy police."[1] The application of the adjective "new" to the police of the nineteenth century thus implied a sense of a radical break from both the traditional policing model of Britain *and* the "political policing" model of France.

As we saw in the previous chapter, these conceptual distinctions were often readily adopted by the early historians of the English police, who "purloined the term the 'New Police' as a useful descriptor for what many have seen as a wholesale reorganisation of policing in

[1] *Northern Star and Leeds General Advertiser,* 13 June 1840. Quoted in Paul Lawrence, "Introduction", in *The New Police in the Nineteenth* Century, ed. Paul Lawrence (London: Routledge, 2011), xx.

Britain during the period."[2] The celebratory tone of these narratives was not, however, an exclusive feature of the writings of nineteenth-century police reformers and twentieth-century police historians. On the contrary: as a vague sense of "crisis" and "loss of faith" came to permeate academic accounts of the English police in the late 1970s and early 1980s, scholars began to look back towards the post-war years with a considerable degree of nostalgia. From the perspective of what many saw as the "fall from grace" of the police in the 1970s and 1980s, the developments of the 1950s appeared, on the reverse, to represent the peak of the "golden age" of policing – the age in which "'policing by consent' had been achieved in Britain to the maximal degree it is ever attainable."[3] Academic depictions of the fate of British policing after World War II accordingly presented the period between 1945 and 1960 as a "historical high-water mark of police legitimacy"; a time when British police officers were "not merely looked (up) to as avatars of order, authority, discipline, and community, but venerated as totems of national pride."[4] That the post-war years were not entirely free of scandals involving allegations of police misconduct and corruption seemed to many academic commentators to simply testify to the high public standing and enormous symbolic power enjoyed by the English police during that time.

All of this, of course, had important implications for the ways in which British and American scholars came to define their objects of study. Because British researchers seemed, for the most part, to subscribe to the idea that the "austere, socially rigid, monochrome world of the 1940s and 1950s" had provided the setting for a relatively tranquil and unproblematic experience with British policing at the time, the concern that came to animate scholarly writings in the

[2] Lawrence, "Introduction", xi.
[3] Robert Reiner, *The Politics of the Police*, 3rd ed. (Oxford: Oxford University Press, 2000), 49.
[4] Loader and Mulcahy, *Policing and the Condition of England*, 3.

1960s and 1970s was that of the *decline* in public approval for the police and the *desacralization* of the institution of the police in Britain.[5] The problem that appeared to demand academic exploration and explanation was not the existence of police corruption, discrimination, or violence *per se*, but the *"substantial and unprecedented change" in public-police relations* precipitated by the profound transformation of British society in the 1960s.[6] What attracted the attention of British commentators in the 1960s and 1970s was, in other words, *the unravelling of the legacy of the nineteenth-century police legitimation project* in England.

Policing-related development on the other side of the Atlantic did not, however, fit into a narrative of that kind. Far from representing a "golden age" of policing, the post-war years constituted, for many scholars, a time of reckoning with the extensive use of physically and psychologically coercive practices in American policing.[7] In the aftermath of a series of Supreme Court decisions on coerced confession cases made in the 1940s, and a number of controversial police "professionalization" reforms introduced in the 1950s, academic examinations of

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[5] Loader and Mulcahy, *Policing and the Condition of England*, 14. The "desacralization" thesis has been most consistently advanced in the work of Robert Reiner ("Policing a Postmodern Society", *The Modern Law Review* 55, no. 6 (November 1992): 761-781; "From Sacred to Profane: The Thirty Years' War of the British Police", *Policing and Society* 5, no. 2 (1995): 121-128; "Myth vs. Modernity: Reality and Unreality in the English Model of Policing", in *Comparisons in Policing: An International Perspective*, ed. Jean-Paul Brodeur (Aldershot: Avebury, 1995): 16-48; "Policing and the Police", in *The Oxford Handbook of Criminology* 2nd ed., ed. Mike Maguire, Rodney Morgan, and Robert Reiner (Oxford: Oxford University Press, 1997); *The Politics of the Police*, 3rd ed.), but a general "crisis" narrative has been frequently employed in overviews of the literature (see e.g. Benjamin Bowling, Robert Reiner, and James Sheptycki, eds., *The Politics of the Police* (Oxford: Oxford University Press, 2019); Tom Cockroft, ed., *Police Culture: Themes and Concepts* (London: Routledge, 2012); P.A.J. Waddington, *Policing Citizens* (London: UCL Press, 1998)).

[6] Cockcroft, *Police Culture*, 105.

[7] As Richard A. Leo points out, the inter-war period was an "era of the third degree" characterized by "the widespread and systematic use of physical coercion and psychological duress to elicit confessions and punish suspects" (*Police Interrogation and American Justice* (Cambridge: Cambridge University Press, 2008), 318).

American policing became increasingly driven by the idea that "the actual operations of police departments conflicted with 'democratic ideals' and 'legal mandate'," and that the "basic causes" of those conflicts required serious scholarly investigation.[8] The issues of police discretion and police violence were put front and center on the agenda of American police scholars from the very start, and they were kept there throughout the 1960s and 1970s. The tumultuous events of the 1960s only helped to increase the level of scrutiny directed at the heavy-handed interventions of American police, prompting an explosion of scholarly interest in American policing.

The purpose of this chapter, then, is to show how these two very different visions of the fate of British and American policing often inflected comparative analyses of the police in the United Kingdom and the United States. To that end, the chapter will reconstruct the main elements of the accounts advances by Michael Banton, in 1964, and by Wilbur Miller, in 1975, of mid-twentieth- and nineteenth-century policing in Britain and America. While both accounts provided insightful and influential observations on the differences and similarities of the British and the American policing systems, they both remained captive to a particular narrative of the history of policing and to a particular conception of the "problem" of policing in Britain and America. Both Banton and Miller thus portrayed the British and the American police in starkly different terms: the former as an essentially depoliticized – and *benign* – institution, marked by a high degree of legitimacy and restraint; and the latter as an overtly political – and *consensual* – institution, marked by a high degree of volatility and violence.

[8] Sklansky, "Police and Democracy", 1731. See also Jerome Hall, "Police and Law in a Democratic Society", *Indiana Law Journal* 28, no. 2 (1953): 133-177; William Westley, "Violence and the Police", *American Journal of Sociology* 59, no. 1 (July 1953): 34-41; Westley, "Secrecy and the Police", *Social Forces* 34, no.3 (March 1956): 254-257.

II

One of the earliest examples of sustained comparative sociological research on US and UK policing can be found in Michael Banton's *The Policeman in the Community*, which, at the time of its publication in 1964, offered a much-needed intervention into contemporary discussions about police corruption, accountability, control, and abuse of powers. As Banton admitted in the book's preface, *The Policeman in the Community* had been originally conceived as a direct response to (what Banton saw as) the early signs of an increase in "social tensions associated with police-public relations" in 1958, and to the subsequent emergence – following the appointment of the Willink Royal Commission in 1960 – of "much argument about whether relations between the police and the public had deteriorated, remained the same, or improved."[9] Banton was critical of the Royal Commission's "attempt to come to a quick and simple judgment about a complex and only partially analysed phenomenon."[10] He accordingly "felt that there was a pressing need to develop a sociological understanding of police-community relationships."[11] *The Policeman in the Community* hence sought to provide "no answer to questions whether police-public relations are good or bad, better or worse," but to convey, instead, "some understanding of *what constitutes police-public relations* and how the culture of the police occupation affects these relations."[12]

[9] Michael Banton, *The Policeman in the Community* (London: Tavistock, 1964), viii-ix.
[10] Banton, *The Policeman*, ix.
[11] Eugene McLaughlin, *The New Policing* (London: SAGE Publications Ltd., 2007), 4.
[12] Banton, *The Policeman*, xii (emphasis added).

One of Banton's main working premises was that the police constituted "only one among many agencies of social control," which consequently rendered it "relatively unimportant in the enforcement of law"[13]:

> Consider, for example, some of the variations in criminality. In the average United States city of 500,000 people there were, in 1962, thirty-cases of murder and non-negligent manslaughter, and sixty of forcible rape; whereas in Edinburgh in the same year there were two of murder, two of culpable homicide, and eight of rape. The Edinburgh figures are lower *not because the police are more effective or meet less "sales resistance" but because the community is more orderly*… The level of control, be it high or low, is determined by the kinds of social relationships that exist among the individuals who make up the society, and their effectiveness in getting people to follow prescribed patterns of behaviour… Law and law-enforcement agencies, important though they are, appear puny compared with the extensiveness and intricacy of these other modes of regulating behaviour.[14]

When viewed from the standpoint of public order, then, the police officer's role in society appeared to be closely tied to the density and texture of social relations that comprised a given social system. Banton correspondingly observed that in small-scale communities with stable populations and high levels of integration, "social order is maintained to a very large extent by informal controls of public opinion", and the job of the police officer there is "to oil the machinery of society, not to provide the motive force of law enforcement."[15] In such societies, "the policeman obtains public cooperation, and enjoys public esteem, because he enforces standards accepted by the community."[16] "Consensual policing" is, therefore, "embedded in the constitutive relationships of a naturally renewing organic social order."[17]

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[13] Banton, *The Policeman*, 1-2.
[14] Banton, *The Policeman*, 2 (emphasis added).
[15] Banton, *The Policeman*, 2-3.
[16] Banton, *The Policeman*, 3.
[17] McLaughlin, *The New Policing*, 7.

Banton was convinced that the British constabulary tradition had emerged precisely in such a communal setting, with patrolmen serving primarily as "peace officers operating within the moral consensus of the community."[18] He maintained that the core of the British police officer's authority had been derived "from his responsibilities as a citizen and the representative of citizens"; it had, therefore, become widely accepted by the members of the community as "morally right" because it had been conferred on the policeman by the community itself.[19] Although Banton acknowledged that the police officer had come to occupy a rather complicated position in Britain's highly stratified society, he nonetheless insisted that the British policeman had managed to preserve his moral authority and maintain his relationship to the community. According to Banton, then, the police officer's role had acquired "something of the quality of 'taboo'."[20]

Banton was, however, acutely aware that "the ideal of the policeman as a peace officer is based upon conditions which are becoming less prevalent," especially in the context of the "sloughing off [of] a whole range of ideas about the proper ordering of the nation's life" in Britain.[21] He was, indeed, concerned that Britain's social organization was "coming to resemble that of the United States" and that "many of the problems that have appeared there may be expected in Britain."[22] He worried that the British police was "a little too much of a special institution", and that it would find it difficult to adapt to the changing circumstances.[23] When he was presented with the opportunity to undertake observational research in the United States in

[18] Banton, *The Policeman*, 7.
[19] Banton, *The Policeman*, 6.
[20] Banton, *The Policeman*, 190.
[21] Banton, *The Policeman*, 8, 261.
[22] Banton, *The Policeman*, 261.
[23] Banton, *The Policeman*, 262.

1962, therefore, Banton left Britain for America in the hope of finding out what the signs of encroaching social and economic change portended for "old" Britain.

Arriving in the midst of an economic boom and an intensifying struggle for civil rights, Banton discovered in the chaotic reality of the United States the very image of a police officer's nightmare. As Eugene McLaughlin rightly points out, America appeared to Banton to be "a relatively unintegrated and normless modernity marked by economic liberalism, rapid social change, geographical mobility, suburbanization, individualism, depersonalization, affluence, pluralistic values, and complex ethnic divisions and racial segregation."[24] In cataloguing the various ways in which the lower degree of social density and social control, the lack of common culture, and the presence of racial and ethnic divisions directly affected the role of the police officer and the nature of police-community relations in the United States, Banton was thus repeatedly compelled to conclude that American policing was, in fact, *structured upon social conflict and adversarial relationship*s. American police officers were, therefore, less connected to the local community; less supported by the public; less protected by the courts; more dependent upon the threat of coercion; more inclined to "close ranks" against outsiders; and more reluctant to report police malpractice or condemn police violence.[25] As Banton noted,

> In some of the cities in the Northern pars of the United States the police departments have been demoralized by political control, poor leadership, and low rates of pay. The life of many districts seems competitive and raw; individuals pursue their own ends with little regard for public morality, and the policeman sees the ugly underside of outwardly respectable household and businesses. Small wonder, then, that many American policemen are cynics…Couple this experience of the public with the policeman's feeling that in his social life he is a pariah, scorned by citizens who are more respectable but no more honest, and it need surprise no one that the patrolman's loyalties to his department and his colleagues are often stronger than those to the wider society. *The patrolman has little moral*

[24] McLaughlin, *The New Policing*, 11.
[25] Banton, *The Policeman* (see especially chapter 4,5, and 6).

> *authority and he cannot identify himself with the entire community to the extent that his British colleague does.* To make the public comply with their orders the policemen in such localities have to adopt a familiar manner, *and when this is insufficient, they feel obliged to employ violence in order to coerce an obstinate person into obedience or into evincing more respect for the police*.[26]

Banton further remarked that violence played a particularly important role in shaping the distinguishing features of American police work, not only because of "the more general availability of weapons in the United States" and "the greater likelihood that someone stopped for a minor offence may be a dangerous man", but also because of "the greater tolerance of violence" instilled by "the tradition that the American hero is a frontiersman, cowboy, hunter, or soldier, with his gun ready to hand."[27] "The policeman in the United States" was, therefore, "much more exposed to the risk of violence than his British counterpart," and that affected "his conception of his occupational role and the way in which he performed it."[28]

III

Banton's ideas on the matter were taken up and elaborated upon by the social historian Wilbur Miller, who, in a 1975 article on the emergence of public police forces in nineteenth-century London and New York, developed the conceptual distinction between the *impersonal* authority of the London bobby and the *personal* authority of the New York cop. Noting that it was "difficult to maintain that nineteenth-century London was more homogenous than contemporary New York", Miller suggested that the differences in the nature of police authority

[26] Banton, *The Policeman*, 169-170 (emphasis added).
[27] Banton, *The Policeman*, 111-112, 88.
[28] Banton, *The Policeman*, 88.

in London and New York could be better understood as a reflection of the differences in the quality of social conflict in Britain and America.[29] In that respect, Miller maintained that "the presence of large groups of immigrants in American cities gave a distinct tone to class conflict", creating antagonisms between native-born skilled workers (who valued the existing political order) and foreign unskilled workers (who threatened the existing political order).[30] "Instead of supporting the rule of a small elite which was challenged by the majority of London's population", Miller noted, "the police [in New York] supported a political order threatened by an alien minority."[31] The New York police were thus "free to treat a large group of the community as outsiders with little fear for the consequences as long as their actions coincided with most people's expectations."[32]

For Miller, this had important implications not only for the type of authority conferred upon the police, but also for *the amount of discretion* afforded to the policeman. Because the London police force had achieved popular acceptance by way of a deliberate identification of the police with the legal system, the London bobby's authority was impersonal and closely bound to the powers and restraints of the legal system. His discretion was, accordingly, tightly circumscribed and closely supervised. By contrast, the New York's policeman's authority was "personal, resting on closeness to the citizens and their informal expectations of his power instead of formal bureaucratic or legal standards."[33] In New York, therefore, the patrolman "was more a man than an institution because democracy suspected formal institutional power and

[29] Wilbur Miller, "Police Authority in London and New York City 1830-1870", *Journal of Social History* 8, no. 2 (1975): 81-82.
[30] Miller, "Police Authority", 82-83.
[31] Miller, "Police Authority", 83.
[32] Miller, "Police Authority", 83.
[33] Miller, "Police Authority", 85.

professional public officials."[34] His use of force was "much less carefully monitored than in London" because he "acted in the context of official and public toleration of unchecked discretionary power."[35] In an echo of Banton, Miller thus remarked that

> New York was a violent city, whose disorder seemed to be steadily outstripping a police force plagued with manpower shortages and disciplinary problems… Violence and distrust of the courts placed a premium on physical force and personal authority instead of London's restrained impersonal authority. *Democratic ideology and disorder combined to create a policeman who often seemed more authoritarian than aristocratic England's London policeman.*[36]

For Miller and Banton, the story of the progressive public acceptance of the once highly contested institution of the British police constituted a historical truth, not a nostalgic myth. To both of them, accordingly, the British police appeared *unusual* in the degree to which it had managed to establish and maintain its legitimacy for more than a hundred years. And for both of them, America seemed (by implication) peculiar in its inability (and perhaps even reluctance) to develop a consensual *American* police tradition conceived along the lines of the British one. In both Miller's and Banton's account, therefore, Britain figured as the home of the "gentle bobby" who represented "all that was best about English society, its institutions, and its virtues"[37]; "America", by contrast, appeared as the home of the violent cop who represented all that was most troubling about American society, its institutions, and its flaws.

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[34] Miller, "Police Authority", 85.
[35] Miller, "Police Authority", 86.
[36] Miller, "Police Authority", 94 (emphasis added). From here it is but a short step to the conclusion that "the police in the USA acted with much greater discretion and more often with greater use of force than their British or European counterparts" (Bowling, Reiner, and Sheptycki, *The Politics of the Police*, 53). See also Brodeur, *The Policing Web*, 43-78; Roger Lane, "Urban Police and Crime in Nineteenth-Century America", *Crime and Justice* 2 (1980): 1-43; Eric H. Monkkonen, *Police in Urban America 1860–1920* (Cambridge: Cambridge University Press, 1981).
[37] Loader and Mulcahy, *Policing and the Condition of England*, 69.

The clarity and certainty of such distinctions, however, was at constant danger of being undermined by the suspicion that America's "otherness" was not so radical after all. That much was obvious, for example, from Banton's and Miller's concluding remarks which pointed worriedly towards the growing blurriness of the distinctions between the British and the American police. Banton thus warned "the uncautious British reader" that it would be short-sighted to conclude that "things are much better in his own country and that therefore it would be foolish to tamper with a system that is running relatively well."[38] Miller, in turn, observed that "the two police traditions are growing fuzzy around the edges", with the London force "moving away from its strict legalism toward a more personal, discretionary authority", and with the New York force seeking "a more professional, impersonal image" and tying itself "more closely to the rule of law."[39] In their own respective ways, Banton and Miller gave voice to what James Epstein astutely calls "the anxiety… not that America is something else, a space against which Europe is defined, but rather that it is a privileged site where Europe's future, for better or worse, is constantly being previewed."[40]

Indeed, for observers on the other side of the Atlantic, that undoubtedly seemed to be the case: American policing formed a subject of scholarly (and popular) interest not because it elicited favorable comparisons and reassuring conclusions about Britain's present, but because it stirred deep worries and prophetic forebodings about Britain's future. As Andrew Davies notes in respect to the "rhetorical twinning of Glasgow with Chicago" in the inter-war period,

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[38] Banton, *The Policeman*, 261.
[39] Miller, "Epilogue: The Legacy of Police Tradition", in *Cops and Bobbies: Police Authority in New York and London*, 1830-1870 (Chicago: The University of Chicago Press, 1977), 167.
[40] James Epstein, "'America' in the Victorian Cultural Imagination", in *Anglo-American Attitudes: From Revolution to Partnership*, eds. Fred M. Leventhal and Roland Quinault (London: Ashgate, 2000), 107.

> on one level, commentaries […] were used to highlight the profound cultural differences between the United States and Great Britain, thus illuminating the supposedly essential virtues of the more 'peaceable' British. However, they simultaneously pointed to the danger of contagion.[41]

A similar dynamic seemed to be at play in analyses of policing from the 1960s and 1970s which, on the one hand, expressed an unshakeable belief in the essential difference and superiority of the British police system, and which, on the other hand, conveyed an overwhelming sense of apprehension about the erosion of the distinguishing principles and values of that system. Comparisons between the violent nature of American policing and the "peaceable" character of British policing thus acquired an increased salience not for what they affirmed ("Britain is *not* like America") but for what they failed to deny ("Britain is *at danger* of becoming *more like* America"). As the next chapter will show, these concerns had their roots in the developments of the 1940s and 1950s, and they were often tied to anxieties about "coloured immigration", residential segregation, and looming "race problems."

[41] Andrew Davies, "The Scottish Chicago? From 'Hooligans' to 'Gangsters' in Inter-war Glasgow", *Cultural and Social History* 4, no. 4 (2007): 515.

3

The British Inner-City and the American Ghetto: Parallels and Contrasts

I

After the publication of Stuart Hall et al.'s *Policing the Crisis* in 1978, academic commentators frequently began to note that the late 1960s and early 1970s had witnessed a "catastrophic deterioration of relations"[1] between the police and the black community in Britain. This retrospectively formulated assessment of the situation in the late 1960s and early 1970s was not, however, reflected in the literature on British policing *from* the late 1960s and early 1970s. With the exception of a few studies published at the beginning of the 1970s[2], academic investigations of the British police continued (for the most part) to eschew discussions of race, racial prejudice, racial discrimination, and/or racial harassment until at least the mid-1970s. Research on policing was conducted largely in isolation from research on race and immigration, and scholars of policing showed little serious interest in exploring the post-war "racialization" of English policing until the urban unrest of the 1980s brought the issue to the fore of academic attention. In the mid-1960s, Banton could thus still claim to be surprised by the state of race

[1] Reiner, "Policing A Postmodern Society", 770.
[2] See e.g. Maureen E. Cain, *Society and the Policeman's Role* (London: Routledge and Keegan Paul, 1973); Derek Humphry, *Police Power and Black People* (London: Panther, 1972); Derek Humphry and Gus John, *Because They're Black* (London: Pelican, 1971); John Lambert, *Crime, Police and Race Relations* (London: Oxford University Press, 1970).

relations in the United States: "This observation is commonplace in the sociological literature but its continuing validity *can still impress the visiting European*."[3]

The situation in Britain in the period between the late 1940s and the late 1950s was, however, far less tranquil than the rhetoric of the "golden age" of policing seemed to suggest. The years between 1948 and 1958 saw the emergence of an intense political debate about the impact of black immigration, which eventually lead, in 1962, to the passage of legislation designed to stem the flow of "coloured immigration" into the United Kingdom.[4] Over the course of that period, migrants from Britain's former colonies were gradually transformed from British subjects (who could freely enter, work, and settle in the United Kingdom) into Commonwealth immigrants (who had to be scrutinized and who could be denied access to the United Kingdom). In the public discourse of "immigration control", their arrival into Britain accordingly became associated with "the problems caused by too many coloured immigrants in relation to housing, employment, and crime."[5]

Although policy makers expressed worry that colonial migration "would create both a critical housing shortage and a 'race relations' problem,"[6] they often proceeded to authorize measures that seriously exacerbated the very problems with which they claimed to be concerned. The nature of government activity (and inactivity) thus inadvertently helped to shape the circumstances under which colonial migrants came to be received. Long before popular anger

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[3] Banton, *The Policeman*, 172 (emphasis added).
[4] See e.g. Zig Layton-Henry, *The Politics of Race in Britain* (London: Allen & Unwin,1984); Robert Miles and Annie Phizacklea, *White Man's Country: Racism in British Politics* (London: Pluto Press, 1984); Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Postwar Era* (Ithaca: Cornell University Press, 1997); John Solomos, *Race and Racism in Contemporary Britain* (London: Macmillan, 1989).
[5] Solomos, *Race and Racism*, 46.
[6] Paul, *Whitewashing Britain*, 146.

took the form of open racial hostility towards "colored immigrants", therefore, West Indians, Indians, and Pakistanis "faced active discrimination in their search for jobs and homes, were ostracized socially and unrepresented politically."[7]

In drawing attention to these developments, this chapter does not seek to rehearse the already familiar history of the articulation of "immigration" with "race" and "crime" in Britain during the post-war period. My aim is rather to show how the desire to *prevent* American-style racial problems from percolating in Britain ironically provided the very justification for turning urban areas of immigrant settlement into "subject[s] of and object[s] for forms of socio-political knowledge and institutional action."[8] Fears about the divisive effects of "race" and the explosive potential of black ghettos thus helped to shape the focus and direction of Britain's policies across the domains of housing, education, employment, and policing. This process of "translation" of the lessons of American experience into British policy would, of course, reach its zenith during the 1960s – the time when the urban ghetto would become "the most visible space of black anger"[9] in America, and the question of "race" would make a forceful entry into mainstream politics in Britain. In one form or another, however, this process was already under way in the 1940s and 1950s. Even before the "mugging" panic of the 1970s turned the inner city into the "front line" of contestations between the state, the police, and black communities, therefore, the

[7] Benjamin Bowling, *Violent Racism: Victimization, Policing, and Social Context* (Oxford: Oxford University Press, 1999), 29.
[8] James Rhodes and Laurence Brown, "The Rise and Fall of the 'Inner City': Race, Space and Urban Policy in Postwar England", *Journal of Ethnic and Migration Studies* 45, no. 17 (2019): 3244.
[9] Lance Freeman, *A Heaven and a Hell: the Ghetto in Black America* (New York: Columbia University Press, 2019), 8.

idea of the ghetto served as a temporal vector – a means through which the current state and future trajectory of British "race relations" could be charted.[10]

Since my argument here simultaneously builds on and diverges from Hall et al.'s account of the "mugging" panic, I begin by discussing some of the key ideas of *Policing the Crisis*. I focus on what Hall et al. term "the export-import trade in social labels," and especially on the role it plays in Hall et al.'s explanation of the public reaction to "mugging" in Britain. I then go on to show how the "naturalization" of the "mugging" label was, to a significant degree, *facilitated* by the existence of an already established association between immigration, segregation, and racial conflict. Towards the end of the chapter, I briefly discuss some of the "lessons" that British researchers were beginning to draw: both about the causes of the urban unrests of the 1960s in the United States, *and* about the role of the police in the looming "race relations" crisis of the late 1960s and early 1970s in Great Britain.

II

Policing the Crisis began as a collaborative research project undertaken by Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke and Brian Roberts at the University of Birmingham's Centre for Contemporary Cultural Studies. Written over a six-year period, the book focused on the infamous Handsworth "mugging" case in which three youths of mixed ethnic backgrounds

[10] I'm borrowing and adapting the notion of the ghetto as a temporal vector from Andrew Fearnley, who shows how "[a]ccounts of time have… occupied a crucial place in Harlem's symbolism, casting the neighborhood as a temporal vector of black life" ("From Prophecy to Preservation: Harlem as Temporal Vector", in *Race Capital? Harlem as Setting and Symbol*, eds. Andrew M. Fearnley and Daniel Matlin (New York: Columbia University Press, 2019), 28).

were given unprecedented prison sentences for robbing and injuring a 35-year-old Irish worker in the Handsworth district of Birmingham. The case had raised concerns about the discrepancy between the seriousness of the crime and the severity of the punishment, but as Hall and his co-authors pointed out,

> "Handsworth" was, clearly, *also* an exemplary sentence - a sentence intended to have a social as well as a punitive impact; it was, also, the fears and anxieties which the sentence aimed at allaying. It was the *massive* press coverage, the reactions of local people, experts and commentators, the prophecies of doom which accompanied it, the mobilisation of the police against certain sectors of the population in the "mugging" areas. *All this* was the "Handsworth mugging".[11]

Noting that the scale and intensity of the public reaction to "mugging" seemed to be "at odds with the scale of the threat to which it was a response," Hall et al. suggested that it was important to understand "why British society *reacts to mugging*, in the extreme way it does, at that precise historical conjuncture - the early 1970s."[12] Instead of examining "why certain individuals, as individuals, turn to mugging," *Policing the Crisis* thus sought to analyze "why and how the themes of *race, crime and youth* - condensed into the image of 'mugging' - come to serve as the articulator the crisis, as its ideological conductor."[13] As the authors explained:

> If it is true that muggers suddenly appear on British streets - a fact which, in that stark simplicity, we contest - it is also true that the society enters a moral panic *about* 'mugging'. And this relates to the larger 'panic' about the 'steadily rising rate of violent crime' which has been growing through the 1960s. And both these panics are about other things than crime, *per se*. The society comes to perceive crime in general, and 'mugging' in particular, as an index of the disintegration of the social order, as a sign that the 'British way of life' is coming apart at the seams.[14]

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[11] Stuart Hall et al., *Policing the Crisis: Mugging, the State and Law and Order* (London: Macmillan, 1978), viii (emphasis in original).
[12] Hall et al., *Policing the Crisis*, 14, viii.
[13] Hall et al., *Policing the Crisis*, viii (emphasis in original).
[14] Hall et al., *Policing the Crisis*, vii-viii (emphasis in original).

By locating the "mugging panic" within the context of the post-war "crisis of hegemony", Hall et al. attempted to show how the "mugger" – whose image had been constructed by the combined forces of the media, the police, and the courts – became "the bearer of all our social anxieties"; "the very token of 'permissiveness', embodying in his every action and person, feelings and values that were the opposite of those decencies and restraints which make England what she is."[15]

One of the key elements of Hall et al.'s account consisted in the observation that the term "mugging" had been only recently introduced into the British lexicon (by the press) in order to describe the Handsworth event of 1972. Noting that "some reporters seemed to think the 'new' word also heralded the coming of a new crime," the authors went on to argue that "mugging" was not an official crime category in Britain, and, even more importantly, that the crime which the "mugging" label purported to describe was not actually novel to British society.[16] This, in turn, led them to suggest that "[i]t was the use of this label which provided the stimulus for the take-off of a moral panic about 'mugging'."[17] In a series of memorable passages on the "export-import trade in social labels," Hall et al. thus explained how the "transfer" of the term into British usage *from the American context* brought with it "a whole complex of social themes in which the 'crisis of American society' was reflected" [18] for – and subsequently *projected onto* – British society:

> 'Mugging' comes to Britain first as an American phenomenon, but fully thematised and contextualised. It is embedded in a number of linked frames: the race conflict; the urban crisis; rising crime; the breakdown of 'law and order'; the liberal conspiracy; the white backlash. It is no mere fact about crime in the United

[15] Hall et al., *Policing the Crisis*, 161-162.
[16] Hall et al., *Policing the Crisis*, 3, 4-7.
[17] Hall et al., *Policing the Crisis*, 18.
[18] Hall et al., *Policing the Crisis*, 19.

> States which is reported. It connotes a whole historical construction about the nature and dilemmas of American society. The British media pick up American 'mugging' within this cluster of connotative references… Then the label is *appropriated* and applied to the British situation… And gradually throughout the peak of the wave of British 'muggings' these themes, already latent in the American use of the label, re-emerge as part and parcel of the meaning of 'mugging' in Britain too... This is a process, not of sudden transplantation but of *progressive naturalisation*.[19]

The idea of the *career* of the "mugging" label – the complex, symbol-laden pre-history of the term – played a crucial role in the overall analysis of *Policing the Crisis,* for it helped to explain "how and why the reaction to it was so rapid, intense and far-reaching."[20] Hall and his co-authors went on to suggest that, "via the American transplant, Britain adopted, not only 'mugging', *but the fear and panic about* 'mugging' *and the backlash reaction* into which those fears and anxieties issued."[21] "If the career of the label made a certain kind of social knowledge widely available in Britain", Hall et al. wrote, "*it also made a certain kind of response thoroughly predictable*."[22] It was, therefore, hardly surprising that "police patrols jumped in anticipation, and judges delivered themselves of homilies as if they already knew, what 'mugging' meant"; for "the soil of judicial and social reaction was already well tilled in preparation" for the arrival of the "mugging" label in all its potent symbolism.[23]

[19] Hall et al., *Policing the Crisis*, 27.
[20] Hall et al., *Policing the Crisis*, 27.
[21] Hall et al., *Policing the Crisis*, 28 (emphasis added).
[22] Hall et al., *Policing the Crisis*, 28 (emphasis added).
[23] Hall et al., *Policing the Crisis*, 28.

III

At this point, however, it becomes difficult not to notice that the power of Hall et al.'s argument depends critically on the assumption of a *pre-existing parallel* between the racialized iconographies of the British inner-city and the American ghetto. What Hall and his co-authors do not probe further into, but what their analysis persistently seems to point toward, is the idea that the British inner-city constitutes a space of anxiety which has its own complex pre-history, its own referential context. It is that pre-history (and not simply "the special relationship" between the media in the United Kingdom and the United States[24]) that allows the "mugging" label to "travel" so easily from the American to the British setting, and that helps to account for the "speed and direction" of the official reaction to "mugging" in Britain. And it is the similarity between the referential context of the British "inner-city" and the referential context of the American "ghetto" that helps to explain why the United States comes to serve "as a sort of paradigm case of future trends and tendencies"[25] – ones that are notably perceived as *undesirable* and *avoidable*. "The vision of the United States as a 'potential future'"[26] is in this sense not merely the vision of a society in "crisis", but the vision of the "color problem"[27] *as manifested* in the ghetto. Fear and panic about "mugging" take root easily, because the problem of segregation – "the spectre of recreating New York's Harlem at the heart of urban Britain"[28] – already haunts the British discourse on race and immigration.

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[24] See Hall et al., *Policing the Crisis*, 21-22, 25-26.
[25] Hall et al., *Policing the Crisis*, 21.
[26] Hall et al., *Policing the Crisis*, 26.
[27] Anthony Richmond, *The Colour Problem* (Harmondsworth: Penguin Books, 1961).
[28] Susan J. Smith, "Residential Segregation and the Politics of Racialization", in *Racism, the City and the State*, eds. Malcolm Cross and Michael Keith (London: Routledge, 1993), 132.

There is plenty of evidence available to substantiate the view that the linking of immigration with segregation emphatically *precedes* the forging of the connection between race and crime.[29] As Susan Smith points out, "the rationale for immigration control in Britain has always been couched by politicians in terms of some vague aim of promoting good 'race relations.'"[30] Concern about the *concentration* of migrants of color in *particular areas* of *particular cities* has, therefore, been present in Britain

> as early as the arrival of the 'Empire Windrush' whose 417 West Indian passengers were dispersed away from the 'incipient ghettos' of the port areas and settled widely within Scotland, Wales, the Midlands and East Anglia. It was apparent, too, in the report of an interdepartmental working party which, in 1949, feared that black labour would gravitate towards the 'coloured ghettos' of the port areas. And it was evidenced in cabinet papers [from 1955] expressing consternation that 'the bulk of coloured immigrants have concentrated in relatively few areas.'[31]

Indeed, in the political discourse of the 1940s and 1950s, the problem of "coloured immigration" was cast not simply as a problem of numbers, but largely as a problem of the *spatial concentration* of those numbers. Thus, in its early stages, the debate on immigration focused on the issue of having "too many people coming in, who though individually acceptable, collectively threatened to overwhelm the nation's resources" [32] and to *transform Britain's urban*

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[29] See e.g. Erik Bleich, *Race Politics in Britain and France: Ideas and Policymaking since the 1960s* (New York: Cambridge University Press, 2003); Bob C. Carter, Clive Harris and Shirley Joshi, "The 1951–1955 Conservative Government and the Racialisation of Black Immigration," *Immigrants and Minorities* 6, no. 3 (1987): 335–347; James Hampshire, *Citizenship and Belonging: Immigration and the Politics of Demographic Governance in Postwar Britain* (New York: Palgrave Macmillan, 2005); Randall Hansen, *Citizenship and Immigration in Post-War Britain: The Institutional Origins of a Multicultural Nation* (Oxford: Oxford University Press, 2000); Paul, *Whitewashing Britain*; Solomos, *Race and Racism*; Ian R.G. Spencer, *British Immigration Policy since 1939: The Making of Multi-Racial Britain* (London: Routledge, 1997).
[30] Smith, "Residential Segregation", 131.
[31] Smith, "Residential Segregation", 131.
[32] Paul, *Whitewashing Britain*, 134.

landscape. In the period between the late 1940s and the late 1950s, segregation was (unsurprisingly) "presented as the choice of migrants" and "the expected endpoint of Caribbean and South Asian immigration."[33] It was defined as a problem *caused by* immigration whose only logical solution lay in the imposition of selective immigration control. The imagery of racial segregation was thus used to lend credence to the idea that "good race relations" could be achieved through integration which, in turn, could be actively promoted through immigration legislation.[34] "The notion of stemming immigration to promote integration" - and the imperative of avoiding an American-style racial conflict - "became the touchstone of national legislation for almost 20 years."[35]

Talk of "new Harlems" was by no means rare in the 1940s and 1950s,[36] but parallels between Britain's "coloured quarters" and America's black ghettos acquired a new sense of urgency in the 1960s, when "a new racial awareness drew attention to the enduring black presence in 'white man's country.'"[37] Until at least the late 1950s, spatial concentration was largely perceived as a transient phase in the course of post-war immigration. The "ghettoization"

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[33] Smith, "Residential Segregation", 132.
[34] The "package deal" of immigration control and anti-discrimination measures has been explored at length in Hansen's *Citizenship and Immigration* and in Bleich's *Race Politics*. For a succinct overview of these developments, see Debra Thompson, *The Schematic State: Race, Transnationalism, and the Politics of the Census* (Cambridge: Cambridge University Press, 2016), 104-110.
[35] Smith, "Residential Segregation", 133.
[36] The concentration of migrant communities around the neighbourhoods of the docks in the cities of London, Liverpool, Bristol, Cardiff and Glasgow often earned those areas the label "new Harlems." In the early 1940s, for example, the Stepney borough in London's East End became know in the national press as "London's Harlem" due, in no small part, to its reputation as an immigrant hot-spot and a "centre of prostitution, gambling, and profitable sidelines in the sales of cigarettes, alcohol, nylons, and drugs." (John Marriott, *Beyond the Tower: A History of East London* (New Haven: Yale University Press, 2011), 331).
[37] Susan J. Smith, *The Politics of 'Race' and Residence: Citizenship, Segregation, and White Supremacy in Britain* (Cambridge: Polity Press, 1989), 118.

of British cities was correspondingly understood as a preventable "evil" – a potential danger that could be successfully overcome through dispersal and immigration control. As the inadequacies of housing policy and the discriminatory practices of landlords, landladies, and local authorities contributed to the exacerbation of patterns of residential concentration, however, segregation came to be seen as an *enduring* and intractable problem. Throughout the 1960s, therefore, the attention of politicians, journalist, and academics increasingly began to focus on the areas of immigrant settlement (the areas of the so-called "inner city") and on "the bundle of social, economic and environmental concerns so conveniently indexed by "ethnic mix" or "racial concentration."'[38] These spaces became the objects of "a series of distinctively 'inner city' policies"[39] in the late 1960s, and the dreadful reality of their persistence increasingly began to be linked to the attitudes and conduct of the kinds of people who were assumed to live there.[40]

IV

Impressions and perceptions of the (archetypal) American ghetto played a pivotal role in this process, providing a frame of reference through which the impact of the formation of inner-city areas in Britain could be properly assessed and understood. This was evident not only in political debates on "coloured immigration," but also in academic analyses of "race relations,"

[38] Smith, "Residential Segregation", 134.
[39] Smith, *'Race' and Residence*, 67.
[40] This is in line with Paul Gilroy's (*There Ain't No Black in the Union Jack* (London: Routledge, 1987) account of "the history of representations of black criminality", and particularly with his argument about the displacement of biological racism by cultural racism.

housing, and discrimination.[41] As Michael Keith observes, for instance, discussions on housing policy in the United Kingdom from the 1960s to the 1980s often conveyed a sense of "fear of the emergence of American levels of racial segregation" in Britain.[42] In those discussions, the ghetto was "defined principally as an American phenomenon whose transatlantic translation should be resisted through a range of social policy instruments that capitalised on the distinctive and significant role of socially owned (predominantly local government-owned) housing stock."[43] The search for "parallels and prophecies"[44] was, however, accompanied by a steadfast *denial* of the existence of any deeper similarities between the situation in the United States and the one in Great Britain. In terms of academic research, the period between the late 1950s and the early 1970s was hence characterized by the emergence of "a whole range of 'theories'"[45] of British "race relations," which were formulated *against* the model of American "race relations," and

[41] Thompson points out, for example, that "key actors in the Labour party… spent time in the United States during the 1960s and brought ideas based on the American experience into debates about the institutional form British race relations should take." (*The Schematic State*, 109). Stephen Small also notes that many elements of the British legal institutional framework of race relations were "begged, borrowed, or stolen from the United States." (*Racialised Barriers: The Black Experience in the United States and England in the 1980s* (London: Routledge, 1994), 3). An overview of the impact of American scholarship on the study of "race relations" in Britain can, in turn, be found in Mark Clapson, "The American Contribution to the Urban Sociology of Race Relations in Britain from the 1940s to the Early 1970s", *Urban History* 33, no. 2 (August 2006): 253-73; Solomos, *Race and Racism*; Matthew Vaughan, "Accepting the 'D' Word: Discrimination in 1960s' UK Academic Discourse", *Race & Class* 61, no. 2 (October 2019): 85-95.

[42] Michael Keith, *After the Cosmopolitan: Multicultural Cities and the Future of Racism* (London: Routledge, 2005), 63.

[43] Keith, *After the Cosmopolitan*, 63. For an account of the change of attitudes towards the ghetto and the proliferation of "tales of ghetto squalor" in 1960s America, see Freeman, *A Heaven and a Hell*, 132-166.

[44] I'm borrowing this expression from Hall et al., *Policing the Crisis*, 25.

[45] Vaughan, "Accepting the 'D' Word", 86.

which were adamant to assert that Britain's "immigration problem" was nothing like America's "race problem."[46]

This attitude was especially evident in the work produced by the Institute for Race Relations – the organisation responsible for commissioning the vast majority of literature on "race" in Britain during that period, and interested in finding out "whether the race situation in the US was a portent for the UK."[47] The conclusions reached in John Lambert's *Crime, Police, and Race Relations* were particularly noteworthy in that regard, because they were wrought with an air of prevention. Noting that "the hostility between black and white in America is nowhere more vivid than in relations between black residents of ghettos and the most frequently seen representative of white society – the cop," Lambert went on to state:

> To draw parallels from America to Britain without acknowledging differences in tradition, history, organization, and social relations would be foolish; yet there is sufficient in the American literature to point to ways in which the police as an aver present agency in action among communities of all kinds *will suffer the effects of discrimination and segregation* as surely as the population at whom discrimination is aimed: *for the policeman's task is to work on the streets of society even if that society is intent in making ghettos of some of them*.[48]

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[46] See e.g. Elspeth Huxley, *Back Streets New Worlds: a look at immigrants in Britain* (London: Chatto & Windus, 1964); Kenneth Little, *Race and Society* (Paris: UNESCO, 1958); Sheila Patterson, *Dark Strangers: a Sociological Study of the Absorption of a Recent West Indian Migrant Group in Brixton, South London* (London: Tavistock, 1963); James Wickenden, *Colour in Britain* (London: Oxford University Press, 1958). For broader commentary on the development of the sociology of race relations in Britain, see e.g. Jordanna Bailkin, *The Afterlife of Empire* (Berkeley: University of California Press, 2012); Jenny Bourne & A. Sivanandan, "Cheerleaders and Ombudsmen: The Sociology of Race Relations in Britain", *Race & Class* 21, no. 4 (April 1980): 331–52; Robert Miles, *Racism After 'Race Relations'* (New York: Routledge, 1993); Stephen Small and John Solomos, "Race, Immigration and Politics in Britain: Changing Policy Agendas and Conceptual Paradigms 1940s–2000s", *International Journal of Comparative Sociology* 47, no. 3–4 (August 2006): 235–57.

[47] Vaughan, "Accepting the 'D' Word", 89.

[48] Lambert, *Crime, Police, and Race Relations*, xxi-xxii (emphasis added).

Having highlighted "the chaos and distrust in police-community relations in America,"[49] and the pitfalls of "over-rapid comparisons between Britain and the United States," Lambert nonetheless felt compelled to point out that "it would be complacent not to acknowledge some parallels."[50] He concurred with the sentiment — expressed in *The Economist* in the aftermath of the Watts riots of 1965 — that "what happened in Los Angeles is pretty certainly going to happen in many other countries."[51] Just a paragraph later, however, Lambert insisted that the "ghettoization" of Britain was something that had to be "thwarted" and even "reversed"; for to tackle the problem of the inner-city "is to tackle the conditions which cause crime and delinquency, as well as to serve justice in race relations in our society."[52]

These ideas were echoed in the Foreword to *Crime, Police, and Race Relations,* where Terence Morris once again invoked "the American experience" to make the import of Lambert's findings abundantly clear:

> [F]rom what we already know of the cities of the United States that are in travail, alienation is the last sentiment that our society can afford to foster. If, by default, we allow race relations to deteriorate, it is a truism to say that we shall reap a bitter harvest indeed… [T]he reapers in the field will not be the politicians and the local councillors, the writers of letters to local newspapers, and the racialist broadsheets, *but the agents of order out there on the streets*. *It will not be of their sowing, but it will be the police who will bear the brunt of what may come*.[53]

Like many researchers before them, Lambert and Morris reaffirmed the "peaceful" and "community-oriented" nature of British policing, casting the British police officer as an unfortunate "scapegoat" in the impending "race relations" crisis in Britain.

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[49] Lambert, *Crime, Police, and Race Relations*, 135.
[50] Lambert, *Crime, Police, and Race Relations*, 290.
[51] Quoted in Lambert, *Crime, Police, and Race Relations*, 290.
[52] Lambert, *Crime, Police, and Race Relations*, 291.
[53] Morris in Lambert, *Crime, Police, and Race Relations*, ix (emphasis added).

The depiction of the inner-city as "a problematic corollary of immigration history"[54] thus came to play an important role in the construction of explanations of social conflict and the formulation of pre-emptive responses to the supposedly inevitable deterioration of "race relations" in Britain. The American experience of slavery, segregation, and civil rights struggles provided not only a poignant example of the disastrous consequences of racial inequality, but an indispensable background against which British discourses and policies on race and immigration took their distinctive shape. Despite the perceived exceptionalism of American race relations, circumstances and developments in the United States continued to be viewed as especially relevant and consequential for the formulation of race-related policies in Great Britain throughout the post-war period. This was evident not only in the domains of immigration policy and urban policy, but also in the area of policing, where British interpretations of the causes of American police violence easily fed into political debates on immigration and segregation, and into widespread anxieties about the emergence of American-style racial tension and conflict in Great Britain.

[54] Smith, "Residential Segregation", 133.

Conclusion

In a 1992 critical review of the state of police research in Britain, Robert Reiner noted that "the police in the United Kingdom… occupy a special place in the history of policing in the world" by virtue of having served as "a role model of successful policing" and "an explicit reference point for evaluating policing in other countries."[1] Attributing the achievement of the high status of the police to "the policies pursued by the architects of modern British policing" and "the increasing integration of society generally," Reiner went on to point out that the British police had become "a symbol of national pride" and an example of "ideal policing" for the rest of the world.[2] His initial remarks were, however, followed by other, more reserved ones:

> The notion of policing by consent in Britain was probably always more a question of image than substance. Its foundation was a hierarchical and deferential social order, rather than the saintly character of all British bobbies. By its nature, the extent of police deviance at any time is an unknown dark figure, with only the occasional cause celebre casting a brief flash of illumination on it. We do not know how much corruption and abuse of powers lurked beneath the facade of British policing in the golden age of public acceptance. But the fragmentary evidence of police memoirs certainly suggests that the benign image had a harsh Janus face, hidden because of the deference to authority maintained in a rigidly class-stratified society.[3]

[1] Robert Reiner, "Police Research in the United Kingdom: A Critical Review", *Crime and Justice* 15 (1992): 435-436.
[2] Reiner, "Police Research", 436.
[3] Reiner, "Police Research", 436.

"The decline in public standing since that golden age," Reiner concluded, "is as likely to be due to changing public expectations and decreasing deference and a toughening of the tasks confronting the police as it is to a fall in the caliber of the constabulary itself."[4]

To the extent that the notion of policing by consent can be understood as the product of a more or less deliberately constructed image or a more or less carefully cultivated reputation, Reiner's assessment appears difficult to disagree with. One could, indeed, show quite easily that policing by consent was "more a question of image than substance" by pointing towards the availability of evidence that runs counter to the claim that the British police operated upon the principle of consent.[5] One might, moreover, feel compelled to admit that it seems more important to ask *how* and *why* the British police was able to *maintain* an image different from that of its European or American counterparts, than to question *whether* that reputation was based on actual performance.[6] One may, finally, want to concur with Emsley's statement that the "indulgent tradition" of the English bobby did have – regardless of its supposed lack of substance – "a meaning as a code of behavior between policemen and some social groups from the Victorian period to the 1960s and, indeed, beyond."[7]

These are all valid arguments and observations, but they are not the arguments and observations that I have tried to advance in this thesis. I have been less concerned with the gap between the reputation and the actual performance of the British police than with the commanding position of the idea of the "British model." To that end, I have tried to show that the notion of the "British model" has had to be repeatedly fortified through comparisons with

[4] Reiner, "Police Research", 437.
[5] See Emsley, "The English Bobby".
[6] See Emsley, "The English Bobby", 121-124.
[7] Emsley, "The English Bobby", 132

"Europe" and "America" – the two spaces onto which the most troublesome and undesirable aspects of modern policing have been insistently displaced. These comparisons have become so deeply embedded in the vocabularies on which scholars have drawn that they have come to shape the very questions researchers have asked. They have, indeed, become interwoven not only with the history of British policing, but with the conceptual grammars and theoretical frames of academic research *on* British policing. Comparisons with "America" and "Europe" have thus come to provide the implicit context for discussions of policing in Britain, even when they have not been directly invoked.

Instead of opening space for the investigation of the *transnational* circulation of ideas and practices of policing, however, these comparisons have often re-focused attention on the national constitution and specification of police "models." More consideration has been given, for example, to the factors that have shaped the policing practices and institutions of Britain than to the forces that have facilitated the *transmission* and *translation* of ideas from Britain to Europe and America and vice versa. Extensive commentaries have been written on the changing cultural representations of the English police, but little has been said about the significance of the lessons learned from other countries' experiences for the development of Britain's policing practices and systems. Much has been made of the supposed *exceptionality* of American police discretion and violence, but less has been mentioned about the political implications of ideas of American (and British) exceptionalism.

Although comparisons between Britain and America have become ubiquitous in academic and non-academic discussion of policing, then, they have offered us very little in the way of understanding the cross-border interactions, exchanges, and translations that have shaped Britain and America's policing practices and institutions. They have, by contrast, taught us a

great deal about "the grids, prisms, tropes, and even fun-house mirrors through which comparisons are established."[8] Their history has, in addition, shown us that the objects of comparison are not simply "out there"; that the comparability of objects is not simply a property of the empirical data. And their repeated deployment has, in turn, revealed to us that the apparent obviousness of comparisons between the American and the British police often functions as a substitute, rather than a starting point, for analysis. To continue to invoke them unproblematically is, therefore, to fail to take advantage of the critical potential of the act of comparison and to neglect to think *across and beyond* the usual lines of comparison.

[8] Robert Stam and Ella Shohat, "Transnationalizing Comparison: The Uses and Abuses of Cross-Cultural Analogy", in *Comparison: Theories, Approaches, Uses*, eds. Rita Felski and Susan Stanford Friedman (Baltimore: Johns Hopkins University Press, 2013), 122.

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