

Principled Policing

Protecting the Public with Integrity

John Alderson

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John Alderson CBE, QPM, barrister-at-law is a police writer and scholar whose work is of international repute. His books and papers have been translated into many languages (from Icelandic to Chinese) and are currently in use in police institutions worldwide.

His police career, spanning 36 years, began as a foot patrol officer in the North of England. He later held some of the highest and most influential positions in British policing, including Commandant of the National Police Staff College, Bramshill and Assistant Commissioner, New Scotland Yard: his career culminating in his appointment as chief constable of Devon and Cornwall where, as a proponent of community policing, he developed its theory and initiated its early practice.

In 1982 he was commissioned by the Council of Europe Committee for Education in Human Rights to write the European textbook for the training of European police officials, *Human Rights and the Police* (Strasbourg, 1984). His other published works include *The Police We Deserve* with P J Stead (Woolfe, 1973), *Policing Freedom* (Macdonald and Evans, 1979) and *Law and Disorder* (Hamish Hamilton, 1984).

He was visiting professor of police studies at the University of Strathclyde from 1983 to 1988, has held fellowships at Cambridge, Oxford, Exeter and Portsmouth universities, and holds doctorates (*Honoris Causa*) from the universities of Exeter (Law) and Bradford (Letters).

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Preface

We have grown accustomed to the way in which police officers act and how the function of policing is carried out. Typically, our reviews of policing are initiated by particular incidents, which call us to question specific aspects of police actions, police operations or police behaviour. In recent years examinations of policing have also been driven by the apparently more mundane agendas of 'new public management', with its emphasis on 'effectiveness and efficiency'. Whatever the source of our concerns about policing there has been a tendency to focus on the question of what the police *do*, rather than what the police *are*, to limit horizons to the study of how well the police do what they do, rather than what they are there *for*. It is to John Alderson's great credit that, both as a practicing senior police officer and as a 'police academic', he has always counselled against the narrower focus and encouraged us to ask the more fundamental questions about policing. His mission has been to develop nothing less than a 'philosophy of policing'—*Principled Policing* is the latest stage in that mission.

The search for a philosophy of policing can sometimes be dismissed as being too divorced from the realities of police work 'on the ground'. John Alderson makes a convincing case against this view. Early in this book he outlines a formula for police leadership and management, applied during his own time as a chief constable, which starts with a statement of policing *philosophy*, and moves from that foundation to *ideas*, *policies* and ultimately to *performance*. He argues that the first priority for a police leader—referred to here as 'high police'—should be to develop a fully articulated policing philosophy and a firm set of policing principles. From this level all else in the business of policing should flow. For example, the way in which police officers deal with the policing of a political demonstration can be shaped by the principles espoused by senior police command on the legitimacy of political protest itself. Taking this particular policing problem, John Alderson shows how a continuous line can be drawn from the fundamental principles held by the chief police officer, through to police tactics, right down to the standards of behaviour exhibited by front-line officers.

John Alderson's own preference is for philosophy which draws upon 'social contract' theory and is inextricably tied in with notions of justice, fairness and pursuit of the 'common good'. It is also one which places great value of the principle of *tolerance*. At one point in this book the author makes a plea for policing to aim at a state of order he describes as 'orderly disorder'. As John Alderson expresses it:

Policing should seek to help produce a climate in which the politics of creative disorder may have a part to play. In a sense the policing of people *en masse* requires the capacity to give gently, as a tree may bend with the wind—but to hold firm when it is vital to do so.

Those who espouse the contemporary doctrine of ‘zero-tolerance’ would be well advised to take heed of this message. The principle of tolerance in policing is one which accepts and respects social diversity and one which stands firm against police authoritarianism. It is also one which guides the way to more effective policing—indeed, this was exactly the case set out by the architects of the British police in the early nineteenth century. An unbending adherence to the principle of zero-tolerance is exactly the kind of bad ‘philosophy’ which can lead to unethical police practices on the ground and, ultimately, to the social alienation of those whose behaviour is not to be ‘tolerated’.

In this encyclopedic study John Alderson takes the reader through time and space in order to demonstrate his thesis. At one point he examines the rationale behind the policing of the occupied territories during the Second World War, at another the tactics used in the policing of the picket lines in the 1984-5 miner’s strike in Britain. He draws lessons from the standing of the People’s Liberation Army in China as well as from the conduct of the US National Guard during the anti-Vietnam War demonstrations in the 1960s. He does not do this as a means of arriving at easy conclusions—that policing is done well here and badly there. On the contrary, he shows how in many ways the dilemmas confronting ‘high police’ are *universal*—it is the response to those dilemmas that differs. In this respect the author makes it clear that policing is both a *dependent* and *independent variable*. Policing cannot be understood in isolation from the political, ideological, social and cultural environment in which it operates. The policing function and the police organization are very much shaped by that environment. However, policing has its own role to play, positively and negatively, and is not simply driven by external forces. In discussing the events surrounding the Brixton disorders in Britain in the early 1980s, the author illustrates how decisions and actions of the police contributed in their own special way to the problems of social order in inner cities. Whilst the underlying causes of the Brixton disorders were undoubtedly linked to social and economic deprivation, local policing methods, reflecting a policing ‘philosophy’ more oriented to law-enforcement than to peace-keeping, only served to inflame events. Using this and many other examples, John Alderson demonstrates that chief officers *can* make a difference.

A central appeal of *Principled Policing* lies with its straightforward message that 'good policing' flows from sound principles. The principles that John Alderson recommends to us are bound to notions of justice, fairness, tolerance and a deep sense of community. He has been preaching these principles for many years. We have not always had the sense to listen. As we enter an era in which criminal justice policy is rebuilt around a concern for 'social exclusion' and a heavy commitment to social crime prevention and 'partnership', we should go back to the writings of John Alderson. He was right all along.

Professor Stephen Savage

Director, Institute of Police and Criminological Studies
University of Portsmouth

August 1998

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John Alderson
July 1998

For the innocent victims of the world's unprincipled policing

Introduction

Scholarly interest in police affairs, especially in the West, increased considerably during the latter part of the twentieth century. What had been the province of a few historians and police biographers became an area of considerable interest in the burgeoning schools of sociology, with the occasional legal contribution. Literature on the police which is the product of experience has been less prolific. In *Principled Policing: Protecting the Public with Integrity* I have tried to amalgamate my practical police experience with theory.

In the study of police principles it is essential to take account of both *formal* and *informal* policing if a degree of truth about the subject is to be discovered, for the term 'police' has two meanings—and it is important to clarify their usage: on the one hand the term is used to describe the *organization* of people acting as officials in the enforcement of the edicts of those in authority; whilst on the other it is used to mean policing as *self-policing*—through cultural, social, and other forces such as conventions, associations and institutions of what is called society, and which bring about desirable modifications of human behaviour.

Policing by 'the police' as a coercive arm of government, or the state, is therefore to be distinguished from those aspects of civil society which in themselves are conducive to a state of good order. If self-policing, and voluntary social policing were adequate, there would be no need for the police at all.

Policing by custom for mutual benefit made sense to people long before formal codes led to the introduction of officials to enforce the laws. From primeval groups based on the family, and groups of families, and later on under forms of 'parental' or 'group' authority like *pater familias* and *patria potestas*—such as existed with regard to tribes—order was maintained through habit and custom.¹ It can also be observed that the more developed and complex a society becomes, the more it depends on a multiplicity of laws and their enforcement, rather than on superstition, myth, divine providence, or on mere informal moral motivations.

There is a further important point to be borne in mind, and this concerns the juxtaposing of the *sciences* and *arts* of policing. Nowhere is this duality better illustrated than in the comparison between the science of police management and the art of police leadership. The former, is based on the efficacy of proven formulae, and the latter on intuition, flair, judgment, and adaptability when facing the unknown, untried or unexpected.

Introduction

In a colourful passage in the introduction to his famous treatise *On War*,² the nineteenth century Prussian soldier and scholar, Carl von Clausewitz explained:

Nowhere has the philosophical argument been evaded, but where it runs into too thin a spread the author has preferred to cut it short, and fall back upon the results of experience; for in the same way as many plants only bear fruit when they do not shoot too high, so in the practical arts the theoretical leaves and flowers must not be made to sprout too far, but kept near to experience which is their proper soil.

Although I approve of Clausewitz's comments on the need to extend theory with practice, the dogma which flowed from his writing ought prudently to be avoided, since excessive emphasis on purely military factors in Prussian war studies is alleged to have led to costly attrition in the conduct of the First World War. The same may be said of excessive emphasis on police efficiency in the Prussian *polizeistaat*, which was in some ways the precursor of the Nazi totalitarian police state. The 'proper soil' of policing then is also that of experience, modified, tempered and oriented by use of the wisdom and riches of scholarship, of which the beneficences are to be found in diverse theories.

Throughout *Principled Policing* I have tried to seek out and employ philosophical and other products of 'great and good minds' to illuminate knowledge acquired from my practice and experience. I have also tried to illustrate with examples from history (including recent history) that unprincipled policing, functioning without a moral basis, poses a real threat to liberal democracy. The examples I have selected are from France, Germany, America, Northern Ireland, China and also here in England. I could have replicated these many times over from around the world, where all too often policing has become detached from morality and sometimes from any semblance of humanity. I hope my analysis will emphasise the need for vigilance at a time when the subject of Human Rights is increasingly under scrutiny.

Ultimately, the study of police is an eclectic one, in which the abstract and the concrete both have their place. I also hope that my commentaries will provide a modest contribution to a vigorous pursuit of knowledge and understanding of policing for those whose lives and interests are touched by it.

John Alderson July 1998

Endnotes

- 1 Maine, Sir Henry, *Ancient Law*, Dent: London, 1917
2. Clausewitz, C von, *On War*, Penguin: London, 1968.

Part I

Theories and Principles

CHAPTER 1

Police, Government and Society: A Search for Principles

This account begins a search for principles. It is about some fundamental characteristics of societies, and of their governance. It is about what I call, 'Principled Policing'.

The cruder ideas for the application of force to complicated social, cultural, and political situations, can at times only make matters worse. Take for example the Brixton, London disorders of 10 to 12 April 1981, when three days of rioting followed a heavy handed police operation of harassment.¹ And yet principled policing has to garner a residual strength with which to protect and preserve a fundamentally decent social order. After many years as a police official, and latterly an academic, I believe that some areas of this subject are grey ones requiring the searchlight of scrutiny and exposition.

We would all wish to live in societies which are so self-policing that coercive policing by the state would not be necessary, but this Utopia has to remain a dream. If we are to have policing arrangements they must be of the best; which does not mean the most economically expensive. The best policing has to begin with its principles.

In some countries a citizen might find fundamentals of policing in written constitutions, in others he may not. Some, as in the United Kingdom, may have to begin their search for principles in the ordinary law of the land. Principled policing should be of such a nature that it applies to all people in all societies, since it concerns reconciliation of the maintenance of order with the protection of freedom—both of which are in a permanent state of conflict. Too much of one means less of the other. Striking the balance between these phenomena is the true goal of the best policing.

The need for a formula

Societies in which principled policing operates, it is contended, are less likely to suffer from policing injustices than those where policing is driven by political opportunism, professional caprice or just bad law. There has to be a robust moral objectivity in the way in which policing operates if it is to avoid the worst misuses and abuses of power. To seek rationalisation of the police mission, and to give it coherence and form in both theory and practice, has always presented a personal challenge.

When leading and managing a major police organization by what is commonly called 'the seat of the pants', a good deal of luck and overwhelming power is required to avoid the worst results of such professional sin. On the other hand, consistency demands that command of policing and formation of policies is based on some coherent formula and framework. Such a formula provides not only consistency and objectivity, but is also available to other people for their understanding of the rationale of the behaviour behind policy-making. My own tried and tested formula was as follows:

1. **Philosophy** Through cogitation and reasoning to acquire an understanding of the police idea.
2. **Ideas** These are the product of 1 above
3. **Policies** Through the combination of 1 and 2—and through consultation—to fashion the directives, both operational and administrative, for the functioning of the organization.
4. **Performance** Through the use of power, and persuasion, to implement 3.

In this book I will seek to follow this formula, beginning with a review of some relevant philosophical theories.

PHILOSOPHY AND POLICING

I shall proceed on the reasonable assumption that philosophers have something important to teach people who work in the wider world of practical affairs. Specifically, in the present instance, the need is to address problems and uncertainties presented by the theory and practice of policing, and for their rationalisation. One ought not to underestimate the risks taken when engaging in critical comment on philosophical theories. Philosophers can not only be brutal with the intrepid interloper, but for their own kind they save the thrust of the intellectual dagger. Barely had the bones of the late Sir Karl Popper been laid to rest—and whilst the panegyrics for his life-time's contribution to the advance of knowledge and truth-seeking were still echoing around—when the following conclusions appeared in a respected journal:

Popper preached the importance of open debate and recognition of error, but throughout his intellectual career he fought to insulate a discredited idea against any possible criticism. Perhaps it would be best now if we remember what Popper preached, and lay the rest of his doctrines quietly to rest.²

I shall be relying on Popper's insights here and there, since his world renowned work, *The Open Society and Its Enemies*, has, from my first reading of it, been an inspiration. Perhaps it is in the essential nature of philosophical debate that there can be no compromising what is considered to be the truth. 'Scientific truth' is always vulnerable to refutation, which is unsettling, and makes for difficulties. I do not profess to know.

The need for a philosophical base

Recourse to some philosophical justification of policing is essential in order to give a robust confidence to the police command, and thereby to the function, of the organization. Though it is easy to express this view, it is less easy to select and operate such principles in practice. The mysteries of philosophy sometimes resemble a movable feast, during which philosophers appear to be in permanent dispute. The 'high police' (see under the heading *High Police* later in this chapter for the definition of this term as used in this book) command has to bring to bear the experience and knowledge of practical worldly affairs which have their own unique legitimacy and strength.

I shall suggest that the high police should initially seek a philosophical basis for their police work in order that their thinking and actions may be rational. They will be aware, that as the coercive arm, they are part of government. They are therefore serving a political purpose, in which case political philosophies have direct relevance to their function.

It goes without saying that in a liberal democracy, whichever philosophy seems most apt should be moral and just, even at the expense of efficiency, but there are many police systems in the world where a different set of values and priorities apply. An extreme example of this would have been found in the work of the powerful political commissars under the communist system, whilst on the other hand, the police commander in a liberal democracy would be exposed to constant evaluation and criticism from any quarter. The police commander should of course seek efficiency, but not at any cost. In short, he or she is in search of a set of values of which they and all their officers should be aware, as well as what it is they are supposed to be protecting or defending. It is unlikely, though not impossible, that the values being sought are those already held by the commander, but in the main they are waiting to be discovered.

In the first place, those values which are exemplified by the political form of government and the social mores of the society which the police commander serves leave little room for novelty or idiosyncrasy, but this is not to say that the police cannot seek to ameliorate harsh injustice

under any system. In totalitarian systems it would be axiomatic to eschew the idea of freedom as a social value, even though there may be a certain amount of altruism. In a communist system privately owned property (for the police to protect) would not be regarded as high in value as would state property. In Britain the theft of public property is not regarded so seriously as is the theft of private property, as a general rule, e.g. 'It was only government cash', said a Scottish villager when he heard that his local Laird, an accountant at New Scotland Yard had stolen £5m.³

The French Declaration of the Rights of Man and the Citizen (26 August 1789) provides at article 2:

The final end of every political institution is the preservation of the natural and imprescriptible rights of man. These rights are those of liberty, property, security and resistance to oppression.

At article 17, the Declaration describes property as 'an inviolable and sacred right . . .'. On the other hand, the Constitution (Fundamental Law) of the former Union of Soviet Socialist Republics (1936) Chapter X ('Fundamental Rights and Duties of Citizens') made no mention of ownership of private property; it provided at article 131 that 'It shall be the duty of every citizen of the USSR to safeguard and fortify public, socialist property, as the sacred and inviolable foundation of the Soviet system'. Thus a high police commander operating under the Soviet system would have had cause to assess the values by which he was obliged to act somewhat differently from his eighteenth century French counterpart.

A warning of the dangers

But then what is conscience? It may be that the political system in question, or part of it, seems to be unjust and unfair, or morally deficient, in which case a high police commander with equally high personal moral ethical standards would have to lower those standards to remain and serve the police organization, to fight against it from within (though there are obvious limits in confronting the political power behind the organization), or to resign.

It is a matter of record how the police are able to adjust to serving amoral political institutions, and this in turn reflects police culture and its reflexes to authoritarian command. Such a case is meticulously researched and portrayed by Christopher Browning in his book *Ordinary Men*.⁴ This is a story of a battalion of German 'Order Police' recruited in Hamburg from the ranks of regular police officers and various tradesmen and skilled workers. In 1942 they were in Poland and under