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Comparative and Historical Studies**

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Police Function, Structure, and Control in Western Europe and North America: Comparative and Historical Studies

ABSTRACT

This essay examines comparative and historical studies of the function, structure, and control of the police in Western Europe and North America, assessing what is known about variations in each and whether explanations for these variations have been convincingly demonstrated. Study of the nature of police work has employed three quite different measures of function—the number of personnel assigned to different specialized units, the kind of occasions that trigger police mobilizations, and the nature of outcomes from mobilizations. The bulk of police personnel appears always to have been assigned to patrol. Though policing is a many-faceted undertaking, state imposition of tasks on the police has declined in all countries during the past century. Adequate historical or comparative data are not available on whether as large a portion of patrol officers' time is taken up with service tasks in other times and places as in the modern United States. Because measures of function differ so significantly, there is no agreement about the factors that might explain variations. Little empirical testing of explanatory hypotheses has been done. National structures of policing are usually described in terms of the system for covering territory and the spatial location of command. The United States is the only country that has failed to enact legislation embodying principles for the establishment and evolution of a national system of policing. Centralization is a useful concept for describing individual cases, but is misleading when applied comparatively unless the geographical scale of the units compared is taken into account. Centralization does not appear to be the wave of the future in the national systems of Western Europe and North

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America. Nor, contrary to accepted opinion, does centralization appear to be related to the character of government or the performance of the police. Control refers to active authority over the police by nonpolice persons. Control mechanisms in democracies vary considerably in terms of centralization and the kind of personnel involved. Centralization is unrelated to whether control is exercised by politicians or civil servants. Writing about control of the police tends to be moralistic, failing to distinguish conceptually between politics and policing or to include careful empirical analysis.

This essay examines what is known about the function, organization, and control of the police in Western Europe and North America. These three subjects have been selected because they are central to what people usually want to know about any police.¹ The essay considers whether we have any knowledge about these aspects of policing other than descriptions of particular cases. In order to do this, exclusive attention is given to studies that are either comparative or historical. Only studies that look at policing at several times or places can lead to the development of generalizations about it. Comparative and historical study, which is too often regarded as an academic luxury, especially by practitioners, is essential if any subject is to be understood generically, that is, in the variety of its occurrence. Only by studying multiple instances can explanations be tested about why things are one way rather than another.

This assessment of what is known about what the police do, how they are organized, and who controls them is based on studies published in English because these studies are most available to the readers of this volume. Since a great deal of research on the police has been published in other languages, conclusions drawn here may not adequately reflect all that is known about these features of policing.

The discussion of each aspect of policing follows a common format: first, the range of variation among contemporary systems in Western Europe and North America is described, along with what is known about their evolution, and, second, theories that

¹ Among the many other aspects of policing that might have been selected for study here are recruitment, deployment, impact on crime, rectitude of conduct, and relations with the larger criminal justice system.

have been put forward, if any, to explain these variations are reviewed. Section I, on police functions, discusses three different measures of the nature of police activity that have been widely used, namely, formal assignments, occasions for police acts, and outcomes. What is known about the variation in police function according to each measure is indicated. A schematic summary of the relationships among these measures of activity and the factors that explain variations in each is presented at the end. Section II discusses police organization, focusing on patterns of national coverage and command control. The value of using the concept of centralization in comparing the structure of police forces is sharply criticized. Section III reviews different national approaches to control of the police, distinguishing the agency of control from the territorial organization of control. The essay concludes by assessing the contribution made by comparative and historical studies to what is known about police function, organization, and control and suggests an agenda for future research.

I. Scope of the Police Function

Police work is not confined to protecting life and property and enforcing the law. Various neat but commodious classification schemes have been suggested to cover the range of police activities.² None of these schemes does justice to the richness of police work. Here is a nearly exhaustive list of police functions, specifying at least one country where each is performed: (1) protecting life and property (U.S.); (2) enforcing the criminal law (Britain); (3) investigating criminal offenses (France); (4) patrolling public places (Germany); (5) advising about crime prevention (Canada); (6) conducting prosecutions (Britain); (7) sentencing for minor offenses (Germany); (8) maintaining order and decorum in public places by directing, interrupting, and warning (U.S.); (9) guarding persons and facilities (France); (10) regulating traffic (Norway); (11) controlling crowds (Germany); (12) regulating and suppressing vice (U.S.); (13) counseling juveniles (Netherlands); (14) gathering information about

² American Bar Association 1973; President's Commission on Law Enforcement and Administration of Justice 1967, chap. 4; Webster 1973, pp. 13-14; Wilson 1968, p. 18; Bayley 1975b, pp. 3-27.

political and social life (France); (15) monitoring elections (Italy); (16) conducting counter-espionage (France); (17) issuing ordinances (Germany); (18) inspecting premises (Germany); (19) issuing permits and licenses (Britain); (20) serving summonses (Norway); (21) supervising jails (Norway); (22) impounding animals and lost property (Britain); (23) advising members of the public and referring them to other agencies (Scotland); (24) caring for the incapacitated (U.S.); (25) promoting community crime-prevention activities (Scotland); and (26) participating in policy councils of government (France).

While no police organization does all these things, many do most of them. And bewildering as the variety is, the list ignores housekeeping functions required to maintain the organization.

The critical question is how much attention has been given to each of these functions by police at different times and places. Resolving this, by undertaking enumerative studies, would seem to be straightforward in principle but it is not. The problem is conceptual, not methodological. To study what the police do, one must decide who the police are. Yet classifying people as police depends on what they are doing. It is hardly an advance in knowledge, for example, to survey police forces and find out that all of them enforce the law. Of course they do; if they did not, we would probably not call them police. On the other hand, not all people who enforce the law would be designated police. Are customs agents, for example, police? Even more complicating, many persons commonly classified as police do not spend even a majority of their time enforcing the law.

A determination of what the police do is not, therefore, initially an empirical matter. To the extent that being "police" implies doing some of the functions listed above, then what the police do is fixed by definition. The relation between identifying the police and specifying their functions would be tautological. Consequently, before studying variations in emphasis given by the police to different activities, it is necessary to be clear about what is meant by "police." While defining "police" is also important to an analysis of police structure and control, it is not conceptually required, as it is for function. That is, police are defined

largely by what they do but never by how they are organized and rarely by how they are controlled.

An adequate definition of "police" should be sufficiently unambiguous to allow observers to recognize most instances of it without dispute. It should also fit commonly held conceptions of "police." Departing too much from core meanings is confusing and requires endless qualifications. Finally, to be useful as a basis for empirical study, the definition should be simple in the sense that it associates "police" with only a few activities. The more detailed the definition, the fewer instances of police will be found. Conversely, the fewer criteria that are included as defining "police," the more varied and heterogeneous will be organizations that qualify as police. This makes generalizing difficult and frustrates the search for explanation.

This is the definition I employ: police are a group authorized in the name of territorial communities to utilize force within the community to handle whatever needs doing. This formulation ties police to government in its most common contemporary form, namely, with a territorial mandate; it excludes armies, except when they use force domestically; it excludes private regulatory forces because they are not authorized in the name of the community; and it also excludes persons whose enforcement responsibilities are restricted to specific portions of the law; finally, it does not tie policing to enforcement of law. This definition will not resolve all arguments about whether particular groups are really police; the world is rich in variety and there will always be borderline cases (see Banton 1974, pp. 662 ff.).

Understanding what is meant by "police," and therefore how they can be recognized for study, we can now examine fairly how they vary in function in different times and places. Studies of what the police do have employed three very different measures of the nature of activity: (1) the formal assignments of personnel, (2) the nature of occasions for police action, and (3) the nature of outcomes from encounters. Assignments are what the police say they are undertaking; occasions are the situations police encounter when they are mobilized; and outcomes are the actions police take in any situation. To determine assignments, informa-

tion must be collected about the amount of time devoted by police personnel to different functional specializations within the organization. To measure occasions, one must examine the nature of situations commanding attention regardless of the formal assignments of the personnel involved. Definition of the nature of the situation may be taken either from the public who asked for help or the police who responded. And to measure outcomes, what the police have done in each situation must be determined. All of these are appropriate but very different indicators of the nature of police work. Failure to distinguish them, which has been chronic, leads to great confusion if data of different sorts are used together—a classic case of comparing apples and oranges.

A. Formal Assignments

It is impossible to discuss variations in all types of work listed above. Instead, I shall focus on those that have attracted most attention, namely, criminal investigation, patrolling, traffic regulation, and auxiliary administration. A word of explanation is needed about the meaning of patrolling and auxiliary administration, since they are more ambiguous designations than criminal investigation or traffic regulation. Patrolling suggests an activity but it is actually a mode of deployment. Patrol personnel frequently do not patrol at all, but are kept as a static reserve. The British refer to patrol personnel as “general duties” officers, a much more apt characterization. The designation “patrol” is so common, however, that I have chosen to use it. Patrol personnel should be understood here to be personnel, usually uniformed, who are available for general assignment. What precisely they do when mobilized will be discussed later. Auxiliary administration refers to tasks of government performed by the police that do not fall directly within the criminal law.

Our knowledge of variations in formal police assignments from place to place in the modern world is a matter of impression only. There are no comparative studies providing estimates about relative emphasis on the four specializations discussed here—criminal investigation, patrolling, traffic regulation, and auxiliary administration. This is very curious considering how simple it would be

to make tabulations of the number of personnel assigned to different specializations within police organizations.

Although hard data are lacking, two impressions about variations in police assignments are commonly accepted. First, the bulk of police personnel everywhere is assigned to patrol and always has been. Second, the amount of auxiliary administration undertaken by the police—issuing firearms licenses, registering aliens, making background checks on prospective government employees, certifying deaths—has always been greater among continental European than Anglo-Saxon police (Fosdick 1969b, chap. 1; Smith 1940, chap. 1; Bayley 1975b, pp. 330–40). Among continental countries, France and Germany seem to have done the greatest amount of auxiliary administration, Belgium and the Netherlands next, and the Scandinavian countries least. These impressions need to be tested.

Several writers have speculated about why the amount of auxiliary administration varies from place to place. Fosdick (1969b) and Coatman (1959) argue that differences are accounted for by philosophy of government and legal tradition. Continental countries, building on Roman law, have historically had a more paternalistic philosophy of government. The state, embodied in the monarch, has had responsibility for the proper running of the community. In Britain, Canada, and the United States, on the other hand, the state has never been trustee for the community. Acting within the much narrower conception of the responsibility of the state found in the Common Law, these governments do not intervene in social life unless specifically directed to do so. Government in this tradition is best which governs least, not best which governs most helpfully. Consequently, whereas the continental police have shared the state's residual power to regulate where necessary, British, Canadian, and American police have performed only those auxiliary administrative tasks they were expressly given. They have not created administrative work out of general authorization; they have been given specific tasks because no one else was around to do them (Fogelson 1977, pp. 16–17).

Fosdick also thought that size of population, at least for city

police forces, might affect the amount of auxiliary administration (1969b, p. 14). Bruce Smith went further and showed that in the United States auxiliary administrative functions in cities tended to increase with population (1940, p. 113). Even this simple hypothesis has not been followed up in subsequent research. The stumbling block lies not with the measurement of population, but with the failure to collect comparative information about functional specialization as measured by formal assignments.

Neither Fosdick, writing in 1915 and 1920 nor Smith, in 1940, did much more than speculate about factors that might be relevant to variations in assignment emphasis. And succeeding generations have not done any better. Rather than analysis based on careful inspection of facts, writers offer lists of possible explanations. Fosdick's own included—in addition to size of population—economic conditions, character of industry, homogeneity of population, and national character. This is hardly an example of parsimonious theorizing. He lamely concluded, and it is a fair statement of our knowledge today of the reasons for variations in functional emphasis: “Sometimes there are other factors, perhaps equally important, which alter the police problem or which, in specific instances, combine with the factors already mentioned to produce special situations and corresponding tasks” (1969b, p. 14). The failure is not Fosdick's or Smith's; they went as far as any have gone.

In both Western Europe and North America the amount of auxiliary administration seems to have declined over the past century (Fosdick 1969b, chap. 1; Richardson 1974, chaps. 3, 4, 5; Stead 1957; Walker 1977, p. 8). Historians attribute this to enormous growth in the general administrative capacity of government. Other bureaucracies have developed to do things previously entrusted to the police.

It would be a mistake to conclude that the decline in the amount of auxiliary administration by the police has simplified police work, making it more coherent. Most historians, certainly those who study the American experience, would agree with Fogelson that the “catchall” nature of policing has remained. Two factors account for this paradox.

First, police activities designed to prevent crime have expanded considerably, especially during the past seventy-five years. In the nineteenth century prevention was achieved by capturing, punishing, and warning. With the twentieth century, crime prevention became less passive, not only a reaction to crimes that had already occurred. Police began to stress solving problems before crime grew out of them. Special units were developed to work with potentially wayward persons, such as juveniles, parolees, repeat offenders, emotionally disturbed, unemployed, minorities, abused children, and violent families. Thus, duties assigned to the police by the state concerned with noncriminal administration probably declined, but duties assigned by police commanders concerned with crime prevention probably increased. This movement may have been more marked in the United States, and perhaps Canada, than in Britain and Europe where the idea of prevention had been developed and accepted earlier. Unfortunately there is little chance that these impressions can be proved conclusively. Proof would require counting the time spent by police personnel in different tasks from year to year and cannot be done from historical sources.

Second, the public's requests for police assistance, which are now the prime instigator of police activity in Western Europe and North America, are as unrelated to criminal law enforcement as were state directives in the past. Where in the nineteenth century the police, American forces especially, lamented non-crime-related duties assigned them by government, they now complain about non-crime-related duties assigned them by the public. So while instigation of police activity may have shifted from state to citizen, the nature of activity may be equally diverse and equally tangential to law enforcement.

There is an interesting parallel between what happened to auxiliary administration over the past one hundred years and the current debate in police circles about what to do with service work. In the former, nonpolice bureaucracies took over much of the administration, in part responding to police complaints about being overburdened and distracted. Today some police officers are again urging concentration on law enforcement and the

handing over of tasks not directly concerned with serious criminality to other agencies. Whether or not this occurs, now is the time to collect information on the composition of police specialization so that in the future it will be possible to determine whether anything has really changed.

B. Occasions for Action

The need for getting behind formal assignments in determining the nature of police work is obvious. Personnel in any specialized unit may devote time to work formally assigned to other units. This is particularly true for patrol personnel. They often regulate traffic and do auxiliary administration, such as checking potential safety hazards or serving legal papers. It is necessary, therefore, to obtain information about the daily activities of all personnel regardless of formal assignment. This has been very difficult to do in the past, requiring inspection of individual diaries or logs. With the advent of computer management in police forces, it becomes much easier. Command-and-control computer systems can record the kinds of events personnel become involved in and the kinds of action they take. The study of police functions is on the verge of a knowledge-explosion.

The search for historical trends must also avoid confusing formal specialization with real activity. All police forces during the past one hundred years developed a host of specialized units—traffic, criminal investigation, community relations, juvenile counseling, riot control, and so forth. Only patrol personnel represent a continuation of the omnicompetent tradition in policing. But it would be dangerous to infer from specialization that relatively more attention is being given to those specialties. Consider traffic control. Although traffic regulation as a specialization emerged with the development of the motor car, traffic congestion had been a preoccupation very much earlier (Richardson 1974, chap. 7). Have more personnel-hours been devoted to traffic management in the age of the automobile than in the age of the horse? We simply do not know. Similarly with criminal investigation. Most historians agree that the “new police” created by Peel in 1829 devoted little attention to detection; arrests were made immediately upon commission of a crime or not at all. Therefore it

would seem reasonable to conclude that creation of criminal investigation units in England in the latter part of the nineteenth century did mark a shift in work emphasis. In the United States, however, police stressed detection, especially the recovery of stolen property, throughout their history. The American public, unlike the British, did not fear the plainclothes policeman. In London during the 1830s and '40s there was a public outcry against taking the Bobby out of uniform for criminal investigation, while in New York about the same time there was resistance to putting the officer into one (Critchley 1967, pp. 16-62; Miller 1977, pp. 36-37). In the American case, then, detective specialization would not seem to indicate a substantial change in function.

The most elaborate and extensive studies of the occasions for police action have focused on patrol personnel. This is appropriate since the majority of police personnel are assigned to patrol, and patrol is the most amorphous of specializations; what is actually done cannot be deduced from the formal assignment. The proportion of criminal to noncriminal situations patrolmen become involved in varies considerably. Reiss and Black, in their celebrated study of patrol mobilization in the United States, found that the vast majority (87 percent) were instigated by citizens rather than officers (Reiss 1967, p. 17; Reiss 1971, chaps. 1, 2). As many as half of these did not involve criminal matters. Data from elsewhere in the United States suggest that the proportion is often much lower. One study of Syracuse, New York, found that only 20 percent of calls from the public involved criminality; in a city in California about 33 percent involved criminality (Cumming, Cumming, and Edell 1965, p. 279; Webster 1973, pp. 13-14). There have been fewer studies in Europe of the occasions for patrol action than in the United States. The few that have been done indicate that a larger proportion of patrol work in Europe involves criminality: in Britain, 35 percent; in Norway, 57 percent (Home Office 1973, p. 11; Hauge and Stabell 1974). In the Netherlands a survey of the public showed that 14.5 percent of their contacts with the police during the preceding three years had involved criminal matters, and an additional 25 percent related to traffic infractions (Junger-Tas 1978, p. 5).

It is now accepted on both sides of the Atlantic that patrol

officers spend a larger proportion of their time acting as “peace officers” than as “law officers,” in Michael Banton’s seminal phrase (1964). Unfortunately, without more information, especially from Europe, it is impossible to document this from place to place. An international study of the occasions for patrol mobilizations and encounters is urgently needed.

If contemporary data of this sort are fragmentary, they are non-existent historically. One or two courageous historians have ventured opinions about the proportion of patrol work involved with criminality, but they recognize the weakness of retrospective analysis.³ Conclusions are inevitably impressionistic, drawing on biographical accounts, or inferential, from arrest statistics and deployment patterns.

Despite the paucity of evidence on variations in the nature of patrol work, considerable thought has been given to factors that might account for differences. The following paragraphs describe the four best-developed lines of speculation.

1. The more responsive and sympathetic the public believes the police to be, the more likely they are to bring non-crime matters to police attention (Clark 1965; Newman 1978, pp. 29–39). The public’s view may be shaped by circumstances within the control of the police themselves, such as demeanor and training. On the other hand, some studies have investigated the hypothesis that structural factors are involved over which the police have no control. For example, urban patrol personnel may be more heavily engaged in crime-related events than rural officers because urban people are less willing than rural ones to approach the police for mediation and services. The more impersonal the police appear and the less well integrated the police are into the life of the community, the less willing people are to call for their help except in times of extreme need (Cain 1973, chap. 2).

2. The fewer the number of police per unit of population, the more police must concentrate on crime-related events, neglecting

³ Richardson, for example, says, “We do not have this kind of evidence for the nineteenth century, although it seems safe to say that the nineteenth century patrolman spent more of his time dealing with family squabbles, troublesome drunks, lost children, and stray horses than he did on safe cracking and bank robberies” (1974, pp. x–xi).

what they deem to be nonessential work (Cain 1973, p. 22; Miller, 1977, pp. 36–37).

3. The greater the emphasis given by a police organization to crime prevention, the more likely it is that non-crime-related requests for assistance will be taken seriously (see Fogelson 1977; Walker 1977; Richardson 1974; Carte and Carte 1975). Organizational philosophy, especially when translated into organizational rewards for individual officers, affects what police attend to.

4. The less tolerant the public is of diverse life styles, especially as displayed in public places, the more enforcement-oriented—though not necessarily crime-related—activity they will require of the police. Putting the point more generally: police attention to legal infractions is affected by what the public indicates it wants (see Reiss 1971; Miller 1977; Fogelson 1977; Storch 1976; Lofland 1973).

These propositions are only hypotheses; they have not been tested. Nor are they likely to be as long as data on variations in the character of police work remains patchy. So far, considerably more energy has been devoted to speculating about why there are variations than in determining the pattern of them.

C. Outcomes

The third measure of the nature of police work is outcomes from encounters. This perspective, which has probably attracted more attention than the other two put together, is founded on the recognition that police action is discretionary. Characterizing police work requires determining what the police did, not what they were called upon to cope with. Studies of outcomes employ the terminology of “peace officer” and “law officer,” denoting differences in dominant style for handling events of a particular sort. I do not intend to discuss this rich and important work because it falls within the purview of Professor Bittner’s essay in this volume. I shall simply note that when James Q. Wilson compares varieties of police behavior, he is referring for the most part to outcomes (1968). So, too, are Michael Banton (1964), Maureen Cain (1973), James Walsh (1972), Jerome Skolnick (1966), and Donald Black (1971). While there are more international studies of outcomes than of occasions, they are still very rare.

Because outcomes are conceptually different from assignments and occasions, requiring another strategy for measurement, the explanations for variations in the nature of police work by those who have studied outcomes are different from the explanations of those who have studied assignments and occasions. Variations in outcomes have been explained by the extent of social integration of the police into a community (Banton 1964; Cain 1973); scale and character of community (Banton 1964; Cain 1973; Punch and Naylor 1973, pp. 358–60); salience of various role-setting groups in the lives of policemen (Cain 1973; Skolnick 1966); organizational rewards (Manning 1977; Rubinstein 1973; Skolnick 1966); formal assignments (Reiss 1971); occasions (Reiss 1971; Reiss and Bordua 1967; Black 1971); laws and formal rules (President's Commission on Law Enforcement and Administration of Justice 1967); proactive versus reactive instigation (Skolnick 1966; Reiss 1971; Reiss and Bordua 1967; Black 1971); social and political environment (Wilson 1968); reactions of non-police actors in encounters—suspects, complainants, and the audience (Reiss 1971; Sykes and Clark, undated; Black 1971); aspirations and fears of officers (Skolnick 1966; Walsh 1972); and national character (Fosdick 1969b; Bayley 1975a; Miller 1977; Morrison 1974).

So many explanations have been put forward to explain the nature of police work because different measures have been used. One would not expect the same factors to account for variations in all of them. At the same time, these measures of police work are not wholly independent of one another. They are interrelated in two ways. First, changes in one affect changes in the others. For example, assignments influence the kinds of occasions that come to the attention of the police. Similarly, the kind of event brought to the police shapes what the police can do. Second, independent factors affecting one measure of the police function may affect others. For example, public opinion about the need to enforce certain laws influences both formal assignments and outcomes. National traditions may affect what the people bring to the police as well as what the police do.

The conceptual and empirical points that have been made about

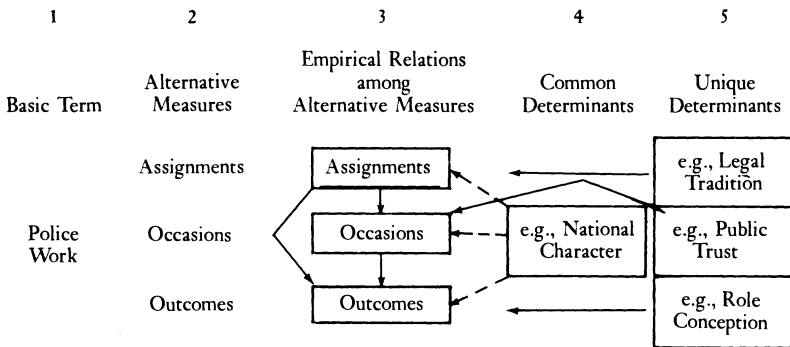


Fig. 1

the three measures of police work are illustrated in Figure 1. The relation between column 1 and column 2 is definitional. "Assignments," "occasions," and "outcomes" are distinguishable meanings of "police work." The relations shown among the boxes in column 3 are empirical, as are the relations between columns 3, 4, and 5. Separating common from unique determinants helps to organize the wealth of hypotheses suggested to account for differences in "police work." Legal tradition, for instance, probably impinges only on assignments; public trust only on occasions. But reactive or proactive instigation may affect both occasions and outcomes, while national character influences assignments, occasions, and outcomes.

II. Structure of Policing

I shall examine two aspects of the structure of policing—the pattern for covering territory and the location of command. The unit of analysis will be countries, as opposed to municipalities, provinces, or regions, because countries are the political entities that create systems of policing.⁴

Most countries in Western Europe and North America cover any unit of territory with a single police force. While there may

⁴ For summaries of characteristics of coverage and direction in all the countries of Western Europe and North America, readers should consult Becker, *Police Systems of Europe* (1973); Cramer, *The World's Police* (1964), Dorey and Swidler, *World Police Systems* (1975); and Coatman, *Police* (1959). Bruce Smith's *Police Systems in the United States* (1940) is still as useful a single work on American police forces as can be found. For the structure of police systems up to 1915, Raymond Fosdick's *European Police Systems* (1969b, orig. pub. 1915) and his *American Police Systems* (1969a, orig. pub. 1920) are excellent.

be more than one force in a country, their jurisdictions do not overlap. The exceptions are Italy, Spain, and the United States. Decentralized political systems, even federations, do not necessarily have multiple coverage. Canada and Germany, for example, have laid down principles in law for determining which police force will have jurisdiction in any area. On the other hand, highly centralized political systems sometimes create competing police forces throughout their territory. Spain has done so with the Guardia Civil and the Policia Armada; Italy with the Carabinieri, and the Guardie di Pubblica Sicurezza. All national governments, federal or otherwise, create investigatory and enforcement units to deal with matters touching uniquely on central government responsibilities. These do represent an overlay in policing, but whether the duplication is substantial depends on operating agreements worked out in each country. Comparatively, the activities of the FBI in the United States seem to represent more intrusive duplication than those of the Royal Canadian Mounted Police or of Germany's Federal Criminal Police Bureau.⁵

All countries in Western Europe and North America except the United States have enacted statutes specifying principles for the way in which coverage is to be organized. Such legislation usually provides for adaptation over time, specifying what kind of police an area may have and the circumstances under which new forces may be created. A crucial feature, again lacking in the United States, is that new forces displace old ones, even though the forces involved may have been created by different levels of government. The United States has no general principles for organizing coverage. Almost any government can create police, unconstrained by considerations of geographical scale, overlapping jurisdiction, optimum size, or efficiency. The United States, as Bruce Smith noted almost forty years ago, does not really have a system of policing. Instead there is a hodgepodge of autonomous forces created by various levels of government according to parochial considerations. American police coverage is made up of patches on patches rather than tailored to fit.

This is not to suggest that countries with principles regulating

⁵ The Royal Canadian Mounted Police also serves on a contract basis as the police of some provinces and municipalities.

police creation and development are without friction. In Italy the Carabinieri and the Guardia di Pubblica Sicurezza have competed bitterly for over a century, often working at cross-purposes. In the Netherlands, where the law authorizing creation of new forces is open-ended, fragmentation of police coverage has been increasing. Only in the United States has confusion in coverage been deliberate.

The second aspect of structure to be examined is the location of command. Is command located at one place, several, or many? This is what people have in mind when they ask how centralized a police system is. Here I will be looking only at the location of police command authority over operations. The structure of supervision over the police itself will be taken up in the next section.

As Raymond Fosdick noted more than fifty years ago, continental European countries tend to be more centralized with respect to command than Anglo-Saxon countries. In France, Italy, and Spain, direct orders can be issued from national police headquarters to local chiefs of police. There are variations, however, even in continental Europe. In Germany police command is decentralized, being exercised by the states that make up the federation. In the Netherlands, only the State Police (*Reischpolicie*) can be directed from The Hague; the Municipal Police (*Gemeente-politie*) are organized into autonomous commands under mayors. The Norwegian Police Act, 1936, vests authority over the police, including the power to direct operations, in the Ministry of Justice. By convention, however, the ministry has never interfered with day-to-day operations, limiting its directions to matters of general policy.

Generalizations about command centralization in Europe are complicated by the practice of dividing control functionally. In several countries, police forces come under the direction of central authorities with respect to criminal investigation and prosecution, although they are independent with respect to everything else. In other words, chiefs of police can deploy their forces and maintain order as they choose, but when they apply the law their actions must conform to national regulations.

Canada and the United States are the extreme cases of decen-

tralized command. Canada has about seven hundred autonomous municipal police forces, several provincial forces, and the Royal Canadian Mounted Police. In the United States the situation is so chaotic that no one knows for sure how many police forces there are. Bruce Smith thought there were about 40,000, but his celebrated figure has recently been challenged. Current estimates are about 25,000 (U.S. Department of Justice 1970).

In practice, command is never, or only very fitfully, exercised centrally over local operations even in the most centralized countries. Statements about differences in centralization are almost always based on the ease with which command can be appropriated by higher levels rather than on how often it actually occurs. It would be instructive, and would perhaps deflate some myths, if studies were made of the relations between different levels of command in countries contrasting in formal structure. Of course what happens in practice is affected by legal arrangements. But how much? There is no research that answers this question.

I have followed tradition in describing the location of command in terms of centralization and decentralization. This practice is useful in discussing single cases, but when comparisons are made among multiple cases it can generate misleading conclusions. Statements about differences in centralization are meaningless unless the geographical scale of the units compared is specified. What sense does it make to point out that France is more centralized than the United States when France is about four-fifths the size of Texas? The Netherlands has 143 police forces, making it much more centralized than the United States, but it is only half the size of West Virginia. Centralized Italy is smaller than decentralized Norway. Moderately centralized Germany is about the size of Oregon. A police system that is centralized in a small country may be smaller than one part of a decentralized system in a larger country.

Because both scale of jurisdiction and the structure of command affect the dynamics of control and responsiveness, debates about desirable combinations of centralization and decentralization are meaningless in the abstract. Yet politicians, experts, and the public unthinkingly employ these terms when arguing the merits of

police structures in vastly different territorial units. To argue against command centralization in a city, for example, by invoking the rigidities of France is absurd. In order for discussions about the structure of command in police systems to escape present fatuity, studies must be undertaken to compare the effects of various degrees of centralization in areas of different size. Do differences in centralization in units of the same geographical size affect such matters as responsiveness to local problems, efficacy of supervision, individuation of justice, and unit costs? Perhaps there are thresholds in scale: decentralization in units below a certain size may always be cumbersome and counterproductive, while centralization in units above another size may be similarly inefficient. Such questions are rarely formulated, let alone answered.

One reason why the concept of centralization exerts such fascination is that it is assumed to be related to the character of government, especially the quality of police relations with citizens. Actually, centralized police systems are not necessarily more authoritarian than decentralized ones, even accounting for differences in scale. Quite small police forces have been brutal and unresponsive, while forces that are centralized by American standards have enviable reputations for considerateness and constraint. Moreover, the characters of governments change but police structure appears very durable. This seems to have been the European experience. Perhaps because beliefs about the relation between the structure of policing and the character of government—and the character of police operations—are so strong, there has yet to be a careful test of it. Americans, especially, continually assume that structure critically influences the proportion of freedom in government. What is needed are comparisons among countries of scale, centralization of police structure, character of government, and performance indicators of police activity.

Arguments for a link between police centralization of command and the character of government often confuse where control is located with who exercises that control. Command may be decentralized but political authority completely unrepresentative,

with no legal checks on executive action. Conversely, command may be centralized but government both democratic and responsible to law. Conceptually, the territorial organization of police command is distinct from the nature of control over police operations.⁶

Viewed historically, significant changes have occurred in the structure of national police systems. Although the trends are mixed, tendencies are in the direction of reducing the number of separate commands, usually through amalgamation, and creating central coordinating services. It would be straining, however, considering Western Europe and North America together, to believe that something called centralization is the wave of the future.

Following enactment of national police laws in Norway in 1936 and Sweden in 1965, both countries replaced local police with larger consolidated commands. There are now 53 municipal forces in Norway, an area slightly larger than New Mexico, and 180 sheriff's (Lennsmen) jurisdictions. In Sweden there are 119 police districts. Britain has gradually consolidated police forces over the past two centuries, accelerating the pace sharply since 1962. From 125 in that year, the number has now been reduced to 43. In the Netherlands, by contrast, there are 143 forces today where there were 70 in 1945. Municipalities are allowed to create their own forces, replacing the central government's state police, when their population exceeds 25,000. In France, a formally centralized system, reorganization has created new commands. In 1971 four commands were made out of the old Paris prefecture of police.

In Germany, Canada, and the United States, no trend is dis-

⁶ One of the best formulations of this point comes from the British Royal Commission on the Police (1962, p. 45): "British liberty does not depend, and never has depended, upon any particular form of police organization. It depends upon the supremacy of Parliament and on the rule of law. We do not accept that the criterion of a police state is whether a country's police force is national rather than local—if that were the test, Belgium, Denmark, and Sweden should be described as police states. The proper criterion is whether the police are answerable to law and, ultimately, to a democratically elected parliament. It is here, in our view, that the distinction is to be found between a free and a totalitarian state. In the countries to which the term police state is applied opprobriously, police power is controlled by the government; but they are so called not because the police are nationally organized, but because government acknowledges no accountability to a democratically elected parliament, and the citizen cannot rely on the courts to protect him. Thus in such countries the foundations upon which British liberty rests do not exist."

cernible. After World War II, Germany replaced Hitler's centralized police system with control by the constituent states. Although the central government now maintains a border security force and a riot police formation, Germany has reinstated the system of state autonomy in police affairs that was a condition for German unification in 1871 (Fosdick 1969b; Liang 1970; Dawson 1914; Finer 1962; Pollock 1938). Information is not available indicating trends in the number of subordinate commands allowed by the states. In the United States and Canada some consolidations have taken place. These have not been many, and they have probably been offset by creation of commands in new towns and suburbs (Walker 1977; Kelly and Kelly 1976). In the United States, starting at the turn of the century, state police forces were created, followed shortly by the Federal Bureau of Investigation. Neither development can be characterized as significant command centralization. Old commands were not superseded nor was general police authority always given (Smith 1940, pp. 164-65).

A much clearer movement has been the development in all countries, especially during the past seventy-five years, of centralized servicing facilities. Sometimes these have been designed to ensure proper coordination and have been given supervisory authority. More commonly, they provide technical assistance, expertise, record-keeping, and training facilities that subordinate forces may utilize if they wish. National or state regulations prescribing standards for police operations have frequently been enacted. Whether control follows, however, has to be determined case by case, since it depends on whether oversight is meaningful and leverage compelling. Comparative research would be very instructive: through what means can central service authorities influence local activities and on what kind of matters? For the most part, central services seem to have arisen primarily because of practical needs felt by subordinate forces. They are rarely undertaken for the sake of control. Moreover, they may have the effect of making local control stronger by augmenting the capacity of small forces to cope effectively with modern problems of criminality and disorder (Smith 1940, p. 318).

III. Control of the Police

What kinds of persons, located at what points in political systems, have active supervisory power over the police? I put the question this way because forms of control over the police are manifold: they include the power of appointment, dismissal, and promotion; providing budget and supervising expenditures; laying down enforcement priorities; granting legal authority; fixing rewards and punishments; and publicizing police affairs. Control, therefore, is exercised by many agencies—courts, legislatures, cabinets, civil service commissions, ministries, and the press. Though the breadth of control mechanisms should be kept in mind, I am simplifying the discussion by focusing on control in the form of explicit and active authority to supervise and direct police activities. Who can exercise effective direction of the police when they choose? The emphasis on self-activating, direct, and explicit supervision excludes groups that have the ability to influence, sometimes profoundly, but do so as a part of other activities, such as legislating or adjudicating. The courts, then, to which the police are accountable in some measure in every country of Western Europe and North America, will not be discussed, since their control is episodic and reactive.

Patterns of control of the police vary considerably in Western Europe and North America.⁷ In Britain, control is in the hands of the "Police Authority" in each force area except London. The "Police Authority" is an appointed body two-thirds of which is composed of elected members of local government councils and one-third of magistrates. Control in Britain can be characterized, therefore, as being situated at local levels of government and exercised largely by political persons. In France, on the other hand, supervision is national and bureaucratic. Any local control is exercised only by delegation from the central government. Moreover, it is carried out primarily by permanent civil servants, such as prefects. Although ultimate authority does reside in the national parliament, no structure has been provided for direct contact between politicians and command personnel, except for the Minister of the Interior and the Director-General of the Na-

⁷ For basic reference materials see n. 4.

tional Police. Supervision is carried out by the bureaucracy of the Ministry of the Interior, working both through the central office of the national police and the prefects of each local government area. Such national and bureaucratic control is the dominant continental pattern, being found also in Italy, Spain, Norway, Sweden, Denmark, and the Netherlands. In Germany, control is bureaucratic as well, but it emanates from the states, an intermediate level of government. Sweden and Denmark are unique in having established advisory boards of elected persons at national and local levels, but their advice is not binding.

Control of the police in the United States is local and political. Considering that there are several layers of police in the United States, it is perhaps better to say that control is exercised wherever police command is exercised, which means primarily locally, and most often by elected persons. Some may argue that contact between a chief of police and politicians is not always direct, being mediated by a manager of public safety, a professional city manager, or occasionally a police board. The judgment is a relative one. Politicians are in much closer contact with command personnel in the United States than anywhere on the European continent. In Canada, control is decentralized, and it is exercised by appointed police commissioners, some of whom are elected officials. In effect, direct supervision by politicians is mediated by a single layer of other persons, neither wholly elected nor wholly bureaucratic.

Granting that systems of control over the police in Western Europe and North America are varied, several generalizations can be made:

1. Although all the countries of the sample are democracies, some with longer and more respectable pedigrees than others, there is no single pattern of supervision. It is not possible to say that democratic government requires a particular mode of control. Put more generally, the structure of supervision of the police does not appear to be tied to the character of government. This proposition needs to be tested over a broader range of political systems. It is instructive to note, however, that Fosdick came to the same conclusion just before World War I when monarchical and non-

democratic regimes were more in evidence in Europe (1969b, pp. 231–34).

2. It does not appear that repressiveness of a police system is a function of the place at which political supervision is exercised. A centralized political regime may not necessarily be more repressive in police policy than a decentralized one (Bayley 1975b, p. 369). This point parallels an earlier proposition, namely, that repressiveness is not related to centralization of command.

3. National structures of supervision tend to be congruent with the structure of police command. Supervisory control and command initiative are located at the same places in the territorial structure of government. My own guess is that the location of political authority—national, intermediate, local—determines the structure of police command, certainly not the other way around.⁸ There are some incongruous systems. In the Netherlands, apart from the state police in rural areas, command coincides with municipalities but supervision is exercised from The Hague. This is true also in Norway.

4. Patterns of supervision over the police are relatively unchanging over time. Americans have insisted throughout their history on local control. Canadians, too, have eschewed national control, though they have stressed intermediate supervision by the provinces more than Americans have state control. Germany, apart from the Hitler interlude, has had supervision of the police by the states of its federal system since 1871. France's system of central supervision by appointed civil servants is to be found before the Revolution. The Italian system, quite similar to the French, began at unification over a hundred years ago, building on Piedmontese precedents that were even older (Bayley 1975a, p. 37).

This is not to suggest that there have been no changes in patterns of supervision. There have been and they can be labeled significant in the sense that they involved intense struggles over considerable periods of time. However, though momentous by

⁸ Incongruity between the structures of police command and external supervision may represent fault lines that require adjustment. If the locus of political authority in a country shifts away from local units, for example, there may be a tendency for command initiative to follow (Bayley 1975b, p. 368).

local standards of opposition, they have not represented a change in character by international standards. This is an excellent example of how comparison provides perspective. A genuine revolution in control was certainly accomplished in the United States between 1890 and 1960. Control in all aspects had been exercised by political machines, negating even centralized command within cities. During the twentieth century political control became attenuated, sometimes absent altogether, in hiring, promotion, discipline, and operational command. Indeed, some observers now argue that the police have become too autonomous and insufficiently responsive to public opinion, especially within ethnically distinct neighborhoods. So change has certainly been real, even though it has not challenged two characteristics of American control of the police, namely, close contact by elected officials with the command hierarchy and extreme decentralization.

Though excellent historical studies tracing mutations in forms of control are now available in English for Britain and the United States, and to a lesser extent for Canada, there are none for continental European countries, apart from Stead's fine book, *The Police of Paris* (1957; also see Carte and Carte 1975; Fogelson 1977; Richardson 1974; Walker 1977; Critchley 1967). In explaining patterns of control over the police, these histories reinforce the point that political philosophy and government tradition are crucial, and that they are distinctive nationally.

5. Throughout Western Europe and North America control of the police is seen as requiring a balance between impartiality under law and responsiveness to community direction. The police are a peculiar executive agency of government. Like all administrative departments, they are accountable to the community that has authorized them to act. Unlike other executive agencies, however, they do not simply carry out particular policies stated in law; they are responsible for enforcing law generally. Political responsibility and the rule of law intersect at the police.

Recognition of this dual responsibility has grown slowly in Western Europe and North America with different countries starting from different places. In Europe the notion of state responsibility to the common interest, rather than to representative

opinion, emerged very early. Popular control of the police was, therefore, anathema. The British shared this view, making policemen crown officers, like magistrates and justices of the peace, and insulating them from partisan politics. In the United States, however, the police were considered instruments of representative government. And government was politics for Americans, not administration under law as was the case in Europe.

During the past century and a half there has been a convergence in the philosophies of police control of Europe and North America. In Europe fairness was gradually seen to be enhanced by making government responsive to public opinion. As a result, the franchise has been steadily widened. Across the Atlantic, where political participation had always been very open, impartiality was understood to be enhanced by lessening direct political control. Police were urged to develop a sense of professional responsibility to law transcending local interests. Throughout North America and Western Europe the ideal is now very nearly the same, though mechanisms for achieving balanced control vary considerably as befits national traditions.

Control of the police has been discussed thus far in terms of formal structures. Anyone familiar with administration knows that what really goes on may be very different. Some scholars have suggested, for instance, that in Britain and the United States the police are much more autonomous than they appear (Robinson 1974, pp. 277–316; Banton 1975, pp. 24–25; Wilson 1968, chap. 8; Reiss 1971, chap. 4). There has been almost no research, however, into the interaction between police and erstwhile supervising agencies. How often do such authorities inquire into departmental affairs? How often do they meet and who sets the agenda? Do the police seek out their advice? On what sort of issues? What do members discuss when they meet? Are policies formulated explicitly or are they submerged in ad hoc discussion?

While it is clearly important to determine the nature of control over the police, paying particular attention to the role of politicians, it is no less important to examine the role of the police in politics. Police and politics have a reciprocal relationship. Space does not permit a full discussion of this meaty topic, so three

comments must suffice. First, since police activities in politics are one indication of the character of political life, writing about them tends to be emotional. Some of the most superficial, careless, and tendentious studies of the police have been done on this subject. Second, the police affect political life in many ways besides spying, intelligence gathering, and crowd control. Attention needs to be given, in addition, to police supervision of elections, granting of licenses for parades and meetings, use of the criminal law to harass dissidents, actions that antagonize public opinion and undermine the legitimacy of regimes, and lobbying and voting en bloc. Equally destructive of discriminating analysis is the easy identification of any police activity as politics, which is the argument from the radical left. It thereby becomes impossible to discover differences in the impact of the police on political life in different times and places. Third, I suggest the following negative hypothesis about the relation between the police and politics that contradicts accepted beliefs: the salience of the police in a country's political life is not related either to the extent of penetration by politicians into policing or to the degree that external control of the police is centralized. Bureaucratic control of the police may impel police intrusion into politics as much as political control. Politicians are not the only politically interested persons. French experience would be to the point. Decentralized supervision, too, may produce as much partisan intrusion as centralized control. Certainly American experience suggests this.⁹

The relation between the police and politics is much more complex than is commonly assumed. Careful nonpolemical comparative research, sensitive to conceptual problems in separating "police" from "politics," is sadly lacking.

IV. Conclusion

Specific gaps in our knowledge—both descriptive and explanatory—have been mentioned in the course of discussing the function, structure, and control of the police. Here is a summary list of topics needing attention, presented in the hope that it may

⁹ Bayley 1969, pp. 16 ff.; Bayley 1975b; Berkley 1969; Bowden 1978; Bramstedt 1945; Bunyan 1976; Coatman 1959; Emerson 1968; Mosse 1975; Payne 1966; Center for Research on Criminal Justice 1977.

serve as a research agenda for people who are concerned with increasing knowledge of policing and are prepared to do so comparatively or historically.

A. Functions

1. Variation in functions as represented by the number of personnel assigned to different organizational specializations
2. Nature of work performed by all personnel regardless of specialized assignment
3. Nature of occasions for police mobilizations
4. Nature of outcomes from mobilizations

B. Structure

1. The real texture of command and supervisory relations among different structural levels
2. The effect of variations in command centralization in jurisdictions of the same geographical scale on features of police performance such as authoritarianism, responsiveness, rectitude, and efficiency
3. Evolution of central supervision, control, and servicing within countries

C. Control

1. Whether the character of government affects the nature of control over the police
2. Whether centralization of control over the police affects police repressiveness
3. Evolution of control mechanisms over the police in non-English-speaking countries
4. The nature of real as opposed to legal supervision of the police by bodies entrusted with such authority
5. Impingement of the police on political and social life
6. Whether the character of supervision of the police affects the extensiveness of the police role in politics

Reviewing the studies that throw light on the function, structure, and control of the police, what can one say about the state of the art with respect to comparative and historical research? Historians have been much more productive than comparativists.

There are many more longitudinal than cross-sectional studies. Historical interest, especially in the past ten years, has grown enormously. The blind eye, as Charles Reith characterized historical interest in the police thirty years ago, is beginning to show discernment (1952). Understandably, writing in English has concentrated on Britain and the United States with only glimmerings of interest in Canada or Ireland. Stead, *The Police of Paris* (1957), and Liang, *The Berlin Police Force in the Weimar Republic* (1970), are wonderful exceptions. The problem with historical scholarship is that it tends to be topically diffuse, not focusing carefully on particular features of police affairs so that explanations are naturally suggested. This may be inevitable in early stages of interest. Wilbur Miller's *Cops and Bobbies: Police Authority in New York and London, 1830-1870* (1977), which is both historical and comparative, shows what can be done to generate insightful explanations if analytical focus is maintained. So, too, do Fogelson's *Big-City Police* (1977), Samuel Walker's *A Critical History of Police Reform* (1977), and James F. Richardson's *Urban Police in the United States* (1974), though they examine only the American experience.

While specialized histories of the police are at last being written, general histories still give the police scant attention. Indexes of standard histories of countries in Western Europe and North America show few references to them. Until the late 1960s most national histories failed to mention the police at all. The major exceptions were countries with histories including notorious authoritarian periods, such as Russia and Germany.

Comparative work on the police is still very thin. Moreover, with one or two exceptions, it tends to be narrowly descriptive. Indeed, the bulk of comparative material on the police is in the form of reference books, surveys of features of contemporary systems.¹⁰ Such works are valuable, providing useful facts on foreign police systems, but they need to be quickly superseded by analytical research. The other prominent group of comparative writings deals with the police and politics. Apart from Coatsman's *Police* (1959) and Bramstedt's *Dictatorship and Political*

¹⁰ See n. 4.

Police (1945), these works are more polemical than insightful, concerned with alleged abuses of police power. Often they do not focus so much on the police, at least according to the definition proposed earlier, as on practices of authoritarian control.

The great puzzle concerning comparative and historical work on the police is why superb initial scholarship did not generate continuing interest. The great classics are Raymond Fosdick's *European Police Systems* of 1915 (1969b) and his *American Police Systems* of 1920 (1969a) and Bruce Smith's *Police Systems in the United States* (1940). They are comparative in the international sense, apt at tracing evolutionary changes, precise and careful conceptually, persistent in providing explanations, and pointed in making recommendations. They set a standard that has yet to be approached.

There are several reasons why comparative work on the police, particularly internationally, has not been abundant.

First, the climate of opinion in academic circles has not been congenial. For some people study of the police is associated only with technical questions of administration. It is considered dull and "applied." For others, exactly the reverse is true. Police are worth studying only as a part of making larger political diagnoses. They are important as a distasteful sidelight to abusive political control. Then, too, American academics, like their fellow citizens, have perhaps allowed the low status of the police, especially in the criminal justice system, to obscure the pervasive power they wield.

Second, comparative study among countries requires skill in foreign languages. It is less demanding to study the history of one country's police than to compare several countries' police at any one time. Furthermore, as one shifts from country to country, the amount of background material that must be mastered grows oppressively. How many researchers are prepared to compare Canada, Sweden, and Germany?

Third, documentation on the police is not usually found in the holdings of even very good libraries. Individual researchers are forced to collect materials themselves from each force they study. At the present time there is no bibliographical center in the world

committed to maintaining an international working collection of police material. Elementary questions about pay scales, legal liabilities of officers, recruitment procedures, deployment tactics, training, and statutory powers cannot be answered by going to a single collection. The greatest contribution that could be made toward comparative study of the police would be establishment of an international data collection, even if limited to serial reports in the public domain. The situation is only marginally better comparatively within countries, with each country's situation depending on how active the national government has been in exercising oversight. American collections, for example, of material about domestic police forces are hardly better than collections of international materials.

Fourth, permission has to be obtained, often from a hierarchy of authorities, to gain access to police records and personnel. Sometimes this is easy to get, often it is not. Research on democratic countries will always be more extensive, or at least more soundly documented, than elsewhere. There can, of course, be problems anywhere, since all bureaucracies try to protect themselves. In my experience, however, the police in Western Europe and North America are not noticeably more closed than other institutions. In fact, it has seemed to me that, when it comes to observing operations and evaluating accomplishment, the police are more open than universities. The police are often anxious to inform, if only to tell what they think of as their side of the story. They suffer almost universally from both a lack of appreciation and a sense of neglect. Serious study of their activities is welcomed by many forces, not only as a cost of public responsibility, but as long-delayed recognition of their social importance. They are more flattered than threatened at being singled out for thoughtful examination.

In sum, the field of comparative and historical research on the police in Western Europe and North America is still in its infancy. Concepts are ill-defined and a good deal of polemics are to be found. In place of explanations there are lists of factors that might exert an influence. Vague theorizing substitutes for sound descriptive research into patterns of variation. For the practitioner,

the field is bound to seem disappointing—sometimes stimulating no doubt but giving little that can be carried away and applied. For the scholar, at least the scholar who has sense enough to recognize the importance of the police in national life, the field offers almost unlimited possibilities for making a contribution.

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