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La legittimità della polizia britannica nel mondo postmoderno

La légitimité de la police britannique dans un monde postmoderne

British Police Legitimacy in a Postmodern World

Stefano Bonino[•]

Riassunto
Il presente articolo esamina innanzi tutto il contesto postmoderno globale da un punto di vista socio-politico e la struttura tramite la quale la polizia britannica esercita il proprio ruolo. Successivamente, viene posta l'attenzione sulle pre-condizioni che portano a delineare un andamento in diminuzione di legittimità pubblica. Tuttavia, analizzando l'"età d'oro" in cui la polizia esercitava un ruolo fondamentale e raggiungeva alti livelli di fiducia e di legittimità, viene precisato che una diffusa legittimità pubblica era favorita più dalle condizioni economiche e politiche e dalle strutture degli anni '50 del XX secolo piuttosto che dall'atteggiamento della polizia medesima. Inoltre, anche l'aspetto della perdita del ruolo tradizionale della polizia e di una sua precisa identità viene contestualizzato nell'articolo e viene collegato alla crescita dell'utilizzo dei fornitori di sicurezza privata. Infine, vengono avanzate proposte circa una polizia più democratica e legittimata.

Résumé
Cet article commencera par examiner le contexte socio-politique postmoderne à échelle mondiale et la structure dans laquelle la police britannique joue son rôle. Ensuite, l'accent sera mis sur les conditions préalables qui ont conduit à une tendance à la perte de la légitimité publique. Tout en explorant « l'âge d'or » quand la police jouait un rôle de premier plan et atteignait des niveaux de confiance et légitimité élevés, on soulignera que la légitimité publique diffuse était plus favorisée par les conditions et les structures économiques et politiques des années 1950 que par une attitude particulière de la police. La perte du rôle traditionnel et d'une identité policière précise sera aussi contextualisée et liée à la croissance des prestataires de sécurité privés. Enfin, certaines propositions sur une police plus démocratique et plus légitime seront faites.

Abstract
This paper will start by examining the postmodern socio-political global context and structure in which the British police play their role. Then, the focus will turn to the pre-conditions that led to a trend of loss of public legitimacy. While exploring the "golden age" in which the police assumed a sacred role and achieved high levels of trust and legitimacy, it will be pointed out that a diffused public legitimacy was favored more by the economic and political conditions and structures of the 1950s than by a particular attitude of the police. The loss of the traditional role and of a precise police identity will also be contextualized and linked with the growth of private security providers. Lastly, proposals toward a more democratic and legitimate police will be made.

Key words: British police; policing; public legitimacy; late and post-modernity.

[•] Researcher specializing in criminology and sociology. He was educated at the University of Edinburgh (PhD and MSc), the University of Bologna (MSc) and the University of Turin (BA) and previously worked at the University of Birmingham, Durham University, Northumbria University and the University of Trento.

1. Introduction.

Policing post-modern societies is a task that raises the delicate issue of securing public acceptance and trust, as well as legitimacy. The relationship between the police and "the policed" is strictly related to the developments and changes that have happened over the past few decades and have shaped late modernity. This paper will start by examining the postmodern socio-political global context and structure in which the police play their role. Then, the focus will turn to the pre-conditions that led to a loss of public legitimacy - a multidimensional concept that encompasses different aspects of trust, lawfulness and fairness. While exploring the "golden age" in which the police assumed a sacred role and achieved high levels of trust and legitimacy, it will be pointed out that a diffused public legitimacy was favored more by the economic and political conditions and structures of the 1950s than by a particular attitude of the police. Modern developments of this macro-structure will be posited as a major condition that led to the decline of public legitimacy; these developments (1) changed the role of the police, (2) differentiated and increased consumers and providers of security, (3) re-conceptualized the securitization of public and semi-public spaces, and (4) furthered divisions between social classes and the exclusion of the lowest stratum of the population, thus generating tensions with the police and the rise of a strong counter-culture.

The loss of the traditional role and of a precise police identity will also be contextualized and linked with the growth of private security providers. Driven by both private interests and governmental orientations, as well as dispositions and agendas, social insecurities and anxieties have contributed to augment fears and perceptions of crime. Thus, these fears of crime have placed amplified expectations on the police and reduced levels of public legitimacy. Police legitimacy is a topic that would require much more extended discussion to cover normative issues as well. This paper will be particularly focused on the sociological aspect of policing and securing public trust and legitimacy in post-modern societies.

Proposals toward a more democratic and legitimate police will be made and focus on the need to curb public fears of crime and insecurities; reduce the over-visibility of the police as "holders of the legitimate use of force"; increase the presence and activity of the police in a micro-area direction focused on communities; help marginalized classes to enter the security market; and favor a networked governance that promotes local governance and places equal powers on all the nodes involved in the provision of security.

2. Casting the light on the socio-political context of late modernity.

The role of the police in modern societies is tightly related to the context in which the various providers of security must play their role into. Thus, depicting the main features of late modernity is essential to better understand how the police can be trusted by citizens and secure public legitimacy. As Garland and Giddens theorize[1], modern societies have been transformed by a culture of risk that reaches most strata of the population. In particular, Garland[2] argues that developments and changes in social structures have shaped crime, which was previously unknown by collectivities, into a normal and

[1] Garland D., *The Culture of Control*, Oxford, Oxford University Press, 2001; Giddens A., *Modernity and Self-Identity: Self and Society in Late Modern Age*, Stanford, Stanford University Press, 1991.

[2] Garland D., "The Culture of High Crime Societies: Some Preconditions of Recent 'Law and Order' Policies", *The British Journal of Criminology*, 40, 3, 2000, pp. 347-375.

palpably perceptible fact. In his broader picture of late modernity, Garland also posits that the furthering of mass consumption, a re-organized middle-class, the fragmentation and dissolution of social institutions and networks, the recently significant role played by women in the labour market, as well as changes in the provision of security through the advancement of the private sector, strategies aimed to make ordinary citizens responsible and a less efficient public support are some of the changes and developments that have augmented a sense of precariousness that ordinary citizens experience on a daily basis.

Public and political orientations and responses to this general state of insecurity have created "a criminology of the other"[3] and have generated the emergence of a harsh punitive attitude toward criminal acts. States' public display of toughness and power, which Foucault[4] would posit that reaffirms state sovereignty, goes hand in hand with a modern concept of social control, which the police must effect in their day-to-day activities. This is not moral or authority-abiding and is not meant to further the policies of a welfare state. Instead, it employs risk and crime as means to mould an "ontologically insecure individual,"[5] a "docile body" that "may be subjected, used, transformed and improved"[6]. Individual behaviours, orientations and actions are transformed, manoeuvred and shaped by social practices[7], whereas the governance of social problems is devolved upon an apparatus that employs risk as its first tool[8]. Melossi has a similar stance and posits that "controlling crime has often been but an instrument used in order to control society"[9]. Simon[10] agrees and argues that states have used crime as a tool to reiterate their sovereignty, mainly by the means of preventive (e.g., surveillance) and incapacitative (e.g., imprisonment) measures that have been furthered all over Europe and America, both at local and national levels. Furthermore, the modern war on crime is aimed to reduce opportunities for offending, employing tools and services provided by the private security sector, and to fight delinquency at its grassroots by means of socio-political policies and policing strategies. The most notable of these strategies are "broken windows theory" and "zero tolerance policing".

"Broken windows theory" is based on the idea that disorder informs (but does not cause) more serious crime by reducing informal social control and that, therefore, the police can promote and restore informal social control by taking on disorder and less serious crime[11].

"Zero tolerance policing" involves strong order maintenance and law enforcement activities, also against minor crimes[12]. Policies and policing strategies such as these are yet to be proven effective. They are casted in a context that furthers the condition of precariousness outlined previously and promote the exclusion of the lowest strata of the population that become secluded into a social

[3] Garland D., "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society", *The British Journal of Criminology*, 36, 4, 1996, p. 461.
[4] Foucault M., *Discipline and Punish: The Birth of the Prison*, transl. by Robert Hurley, New York, Vintage, 1995 (original published in 1977).
[5] Giddens A., *op. cit.*, p. 53.
[6] Foucault M., *op. cit.*, p. 136.
[7] Gordon C., "Governmental Rationality: An Introduction", in Burchell G., Gordon C., Miller P. (eds.), *The Foucault Effect: Studies in Governmentality*, Chicago, Chicago University Press, 1991, pp. 1-51.
[8] Foucault M., "The Confessions of the Flesh", in Gordon C. (ed.), *Power/Knowledge. Selected Interviews and Other Writings 1972–1977*, Brighton, Harvester, 1980, pp. 194-228.
[9] Melossi D., *Controlling Crime, Controlling Society: Thinking about Crime in Europe and America*, Cambridge, Polity Press, 2008, p. 9.
[10] Simon J., *Governing through Crime: How the War of Crime Transformed American Democracy and Created a Culture of Fear*, New York, Oxford University Press, 2007, pp. 13-31.
[11] Wilson J.Q., Kelling G.L., 'Broken Windows: The Police and Neighbourhood Safety', *The Atlantic*, March, 1982.
[12] Marshall J., *Zero Tolerance Policing*, Adelaide, South Astralia Office of Crime Statistics and Research, 1999.

dimension of criminalization, degradation and misery[13]. This is also the point of view of a new trend of cultural criminologists that, broadening Merton's strain theory, attributes the causes for violence to "*a bulimic society* where massive cultural inclusion is accompanied by systematic structural exclusion"[14]. This theory also posits that social imbalances have furthered the exclusion of the lowest classes and the reinforcement of the primacy of the highest classes that are the main "employers" of a police force that helps them sustain their lifestyle.

In such complex, fragmented and fragile societies, the police's role is not limited to local city spaces; it extends to reach global dimensions. Thus, along with the statistically likely risks associated with frequent and ordinary local crimes, societies must face global risks. As Beck would argue[15], these risks cannot be predicted because they are non-recurring and statistically unlikely. Moreover, they are paradigmatic of global risky societies in which the stress is placed on prevention measures that aim to control any negative (nevertheless, unmanageable) future event. Furthermore, as Aradau and Van Munster would posit[16], this kind of global risk, which can be exemplified by the terrorist threats, displays an infinite nature: it possesses both an element of uncertainty and an element of catastrophe. Expanding this argument, Aradau and Van Munster also state that "the rationality of catastrophic risk translates into policies that *actively* seek to prevent situations from becoming catastrophic at some indefinite point in the future"[17]. Preventive strategies shape the police's operational level and clash with previous, more traditional reactionary approaches. This also is a development tightly related to the socio-political context outlined and furthers a culture of risk and insecurity that places public attention and high expectations on the police, which need to employ new tools to achieve legitimacy. According to Palidda[18], in the recent era the police have protected security and prosperity at a global level, with military-style interventions in the fight against drugs, criminality, terrorism and catastrophes. In other words, the police have acted to guarantee the lifestyle of dominant groups by militarizing metropolitan ghettoes, preventing illegal immigration across national and international borders and taking part in international policing activities such as the war in Kosovo in 1999. In unveiling the ways in which the police can secure public legitimacy in a postmodern world, it is important to walk this steep path step by step. Thus, the focus of this paper now turns to the *status quo ante* and the preconditions that led to the current fragility of the police's public trust.

3. British police legitimacy from the golden ages to contemporary times.

Police legitimacy is considered to be a multidimensional concept[19], encapsulating procedural fairness, police lawfulness, distributive

[13] Garland D., *The Culture of Control*, Oxford, Oxford University Press, 2001, pp. 167-192.
[14] Young J., *The Vertigo of Late Modernity*, London, Sage Publications, 2007, p. 32.
[15] Beck U., *Risk Society: Towards a New Modernity*, London, Sage Publications, 1992, pp. 10-21.
[16] Aradau C., Van Munster R., "Governing Terrorism Through Risk: Taking Precautions, (un)Knowing the Future", *European Journal of International Relations*, 13, 89, 2007, pp. 89-115.
[17] *Ibidem*, p. 105.
[18] Palidda S., *Polizia postmoderna. Etnografia del nuovo controllo sociale*, Milano, Feltrinelli, 2000.
[19] Jackson J., Bradford B., "Police Legitimacy: A Conceptual Review", *SSRN Electronic Journal*, 2010, DOI: 10.2139/ssrn.1684507; Tyler T.R., Jackson J., "Popular Legitimacy and the Exercise of Legal Authority: Motivating Compliance, Cooperation and Engagement", *Psychology, Public Policy, and Law*, 20, 1, 2014, pp. 78-95.

fairness, effectiveness[20], police contact[21] and, more generally, people's willingness to cooperate with the police[22]. Moreover, legitimacy is a positive predictor of reasonable but not excessive police use of force[23] and is important in explaining variation in cooperation with the police in those neighborhoods where the norm to cooperate is weak[24]. As Reiner suggests[25], in the 1950s the British police achieved a period of diffuse high levels of public legitimacy, trust and consent that were encapsulated in the definition "the golden age." The work of Loader and Mulcahy[26] identifies and highlights the three main socio-political conditions that favored such a strong confidence in the police force. First, the achievements of the working class in terms of occupational recognition and political representation allowed this stratum of the population to reduce its distrust and disinclination towards the police. As Reiner argues[27], these achievements represented a fundamental precondition towards the broadening of police legitimacy and the identification of citizens with the British law enforcement agency. Second, policy makers faced a fragile political context after World War II and feared a new economic depression. Therefore, such policy makers drafted policies aimed to reinforce the structures of governance and to promote diffuse measures of social aid. Thus, governments, workers and trade unions worked in partnership towards an economic strategy that, overall, had the purpose of merging the public and the private sector and reach full employment guarantees. At the same time, the rise of the social welfare state meant to deploy massive socio-economic measures to provide all citizens with aid and support to meet their basic needs and to assist disadvantaged and excluded people. Third, a pronounced focus on legality and the refusal of a visible use of force formed part of "the policy choices made by the creators of the British police [that] were central to the way the [police] force was accepted"[28]. All these conditions seem to be generally constitutive of the high levels of police consent and acceptance among British citizens.

Nonetheless, various developments and events undermined the public image and furthered the "desacralization" of the police. As Newburn posits[29], from 1969 (the year of the allegations of corruption against the Metropolitan Police Service) onwards, an increasing number of scandals affected the police. The Stephen Lawrence case was only the most prominent. However, it must be noticed that misconduct and police deviance were present also during the "golden age" and are not a unique feature of the "desacralized" police, as Loader and Mulcahy argue[30]. Also, there was a diffuse feeling that the police's entry standards and training were inadequate to build a force that should have

[20] Tankebe J., Reisig M., Wang X., "A Multidimensional Model of Police Legitimacy: A Cross-Cultural Assessment", *Law and Human Behavior*, 40, 1, 2016, pp. 11-22.
[21] Bradford B., Jackson J., "Police Legitimacy among Immigrants in Europe: Institutional Frames and Group Position", *European Journal of Criminology*, 2017, DOI: 10.1177/1477370817749496.
[22] Jackson J., "Norms, Normativity, and the Legitimacy of Justice Institutions: International Perspectives", *Annual Review of Law and Social Science*, 14, 2018, pp. 145-165.
[23] Gerber M., Jackson J., "Justifying Violence: Legitimacy, Ideology and Public Support for Police Use of Force", *Psychology, Crime and Law*, 23, 1, 2017, pp. 79-95.
[24] Jackson J., Bradford B., "Police Legitimacy: A Conceptual Review", *SSRN Electronic Journal*, 2010, DOI: 10.2139/ssrn.1684507.
[25] Reiner R., *The Politics of the Police*, 3rd ed., Oxford, Oxford University Press, 2000, pp. 47-81.
[26] Loader I., Mulcahy A., *Policing and the Condition of England: Memory, Politics and Culture*, Oxford, Oxford University Press, 2003, pp. 3-36.
[27] Reiner R., *op. cit.*, pp. 47-81.
[28] Reiner R., *The Politics of the Police*, 3rd ed., Oxford, Oxford University Press, 2000, p. 50.
[29] Newburn T., *Understanding and Preventing Police Corruption: Lessons from the Literature*, London, Home Office Policing and Reducing Crime Unit, 1999.
[30] Loader I., Mulcahy A., *Policing and the Condition of England: Memory, Politics and Culture*, Oxford, Oxford University Press, 2003, pp. 3-36.

provided order and security and met the needs of multiple agents in complex societies[31]. These multiple and diverse needs highlight an issue that did not just affect Great Britain during the decline of police public consent in 1960s and 1970s but still renders the work of the police problematic nowadays. Jackson and Bradford argue that "legitimacy may have been weakened by public confidence in police effectiveness […], by public confidence in police fairness […], and by public confidence in police engagement"[32]. Research has also demonstrated that, while being higher in Great Britain than in Southern and Eastern European countries[33], trust and confidence in the police has declined since the 1960s, and even more so since the 1980s, and that "the trend overall has been characterized by some as representing a continued, and serious, decline in the standing and indeed legitimacy of the police"[34]. This trend is evidenced by subsequent waves of British Crime Surveys, which indicate that there has been a decline in confidence in the police, although with variations over time and a slight increase ten years ago, and by other sources that link this decline to "those social processes that have undermined trust in almost all state and political institutions"[35].

Providers of security have faced and must face the complex needs and expectations that various consumers place on the police. The police have historically served the highest-classes. Moreover, after the incorporation of the working class into the political and economic context, the police have also gained the respect of the broader upper-low and middle-class. However, the lowest strata of the population felt (and still feel) the exclusion that characterizes their existence, also by means of policing measures that promote under-protection and over-control[36]. Facing this situation and the negative consequences of a market society (mainly, the promotion of cultural inclusion but structural exclusion)[37] some strata of the population could resort to violence and crime as a consequence of augmented social strains and anomic conditions[38]. As Davis argues[39], the formation of this marginalized social segment is a main reason for the rise of social disorder and tensions with the police. Thus, losing trust of one class (even if the lowest) of consumers would mean that the police must deal with a strong counter-culture and a potentially increased risk of delinquency from a sector of the population that, as a result, may be policed even in a harsher way. Most importantly, this disparity in treatment would feed a vicious circle not easy to be halted.

This discussion provides a brief and incomplete description of the rise and fall of British police legitimacy. A discussion of many other issues should be added (for example, centralization, increase in crime rates, the police break with their

[31] Weinberger B., *The Best Police in the World: An Oral History of English Policing from the 1930s to the 1960s*, Aldershot, Scolar Press, 1995, pp. 14-15.
[32] Jackson J., Bradford B., "Police Legitimacy: A Conceptual Review", *SSRN Electronic Journal*, 2010, DOI: 10.2139/ssrn.1684507, p. 6.
[33] Hough M., Jackson J., Bradford B., "Legitimacy, Trust, and Compliance: An Empirical Test of Procedural Justice Theory Using the European Social Survey", in Tankebe J., Liebling A. (eds.), *Legitimacy and Criminal Justice: An International Exploration*, New Haven, Yale University Press, 2013, pp. 326-352.
[34] Bradford B., Jackson J., "Trust and Confidence in the Police: A Conceptual Review", *SSRN Electronic Journal*, 2010, DOI: 10.2139/ssrn.1684508, p. 4.
[35] *Ibidem*, p. 2.
[36] Loader I., Mulcahy A., *Policing and the Condition of England: Memory, Politics and Culture*, Oxford, Oxford University Press, 2003, pp. 3-36.
[37] Young J., *The Vertigo of Late Modernity*, London, Sage Publications, 2007.
[38] Merton R.K., *Social Theory and Social Structure*, New York, The Free Press, 1957; Bonino S., "On Post-Modern Consumerist Societies, Crime and Violence", *Rivista di Criminologia, Vittimologia e Sicurezza*, 5, 3, 2011, pp. 113-126.
[39] Davies N., *Dark Heart: The Shocking Truth About Hidden Britain*, London, Verso, 1998.

traditional public silence, et cetera[40]) in order to depict an all-encompassing picture. However, for the purpose of this paper, it suffices to note that some of the issues that undermined the public image, legitimacy and acceptance of the British police were also present during the "golden age". Probably, these problems vigorously emerged along with a more fragile image of the police and a diffuse fragmentation in the provision of security. Different actors have started providing policing in a way that is at times complementary, at times contrasting and at times overlapping. Thus, the role that the police have assumed in contemporary societies and the rise of the "extended policing family" will be outlined in the next section.

4. Policing a post-modern global society: the traditional and modern function of the British police.

The traditionally most defining attribute of constables can be exemplified by the famous words of Egon Bittner, who states that "the policeman, and the policeman alone, is equipped, entitled and required to deal with every exigency in which force may have to be used"[41]. As Bittner also argues, the specific function of the police is not clear because constables must perform a very wide range of tasks; nonetheless, all of these tasks are related to something that must be dealt with immediately by the socially accepted "holder" of this problem-solving role, namely the police. Reiner stresses[42] this point by positing that the police must deal with emergencies in the most peaceful way possible. Thus, the police should employ legitimate force just in case any other non-conflictual measure fails. However, even if the use of force is just in potency, it is a prominent (probably the most prominent) symbolic feature of the police as perceived by the public. The traditional image of the police as the monopolistic repository of violence could be beneficial to secure public legitimacy, in case the state promoted a centralized, unitary, accountable and efficient police force able to meet the citizens' basic demands, without needing to resort to private security providers. However, holding the monopoly of force could also be extremely detrimental and deepen the fracture between the police and the public.

Prioritizing the public police over the private security sector (explored later in this paper) and providing the former with absolute policing powers could easily lead to police misuse of force. As Júnior and Muniz argue[43], the police need a strong and diffuse social credibility to be trusted, legitimate and effective; if the public cannot rely on the police (because of strikes, corruption, misuse of force, unacceptable or ineffective actions, et cetera), the idea of the police is challenged. Its credibility is threatened or not accorded at all. Legitimizing the work of the police is not an easy task, given the delicate nature of the situations that the police must deal with and the necessity to handle situations in ways that require using the law as a justification (not as an overarching principle) for an effective *modus operandi*[44]. Here Reiner would stress the "you can't play it by the book"[45] dictum. The conflict between "working rules" and "presentational rules" (introduced by Smith along with the third type of

[40] Loader I., Mulcahy A., *op. cit.* pp. 3-36.
[41] Bittner E., "Florence Nightingale in Pursuit of Willie Sutton: A Theory of the Police", in Jacob H. (ed.), *The Potential for Reform of Criminal* Justice, Beverly Hills, Sage Publications, 1974, p. 45.
[42] Reiner R., *The Politics of the Police*, 3rd ed., Oxford, Oxford University Press, 2000, pp. 6-7.
[43] Júnior D.P., Muniz J., "Stop or I'll Call the Police! The Idea of Police, or the Effects of Police Encounters Over Time", *British Journal of Criminology*, 46, 2006, pp. 234-257.
[44] Reiner R., *The Politics of the Police*, 3rd ed., Oxford, Oxford University Press, 2000, pp. 85-87.
[45] *Ibidem*, p. 86.

rules, namely the "inhibiting rules" [46]), given the necessity to achieve results and set goals, prioritizes efficiency over legality[47]. Furthermore, securitizing public and quasi-public spaces in a way that can be perceived as socially legitimate could be even more problematic in modern societies. Policing in such societies becomes plural and fragmented into a vast array of providers that aim to police almost every social space.

5. Plural policing: augmenting social fears, undermining public legitimacy?

Issues of public legitimacy also come into play as different actors are involved in the provision of security; this undermines both the idea of a sole accountable police and the sacred role and operational primacy of the law enforcement agency. In modern societies a different range of public and private bodies have been responsible for the combined securitization of public and semi-public spaces. Transformations in public-private spaces have an effect on the horizons of police legitimacy and citizens' responsibilization. This plural policing dimension, also called "the extended policing family", is a complex and not just complementary set of providers, to the point that, in many countries, employment by private policing agencies equals or exceeds public police employment[48]. This argument is summarized by Crawford, who argues that "the totality of partner contributions to the endeavors of policing amounts to more than the sum of its discrete parts"[49]. Although plural policing has historical antecedents at pre-modern times, it does not represent a complete novelty or a break with the past[50]. Instead, the modern "movement towards privatization […] parallels the rise of policing for profit in earlier historical periods"[51]. Some authors have related this process of pluralization to the socio-political developments of late modern societies[52]. Borrowing this argument from Jones and Newburn[53], advocates of the "fiscal constraints theories" argue that the reduction in governmental funding (thus, in operational capacity) of public services (the police force being one of them) is the reason for the private police to fill the gap in the provision of security. Merging the "liberal democratic" approach with the "radical" approach, the political and economic changes brought by a pressing capitalism in terms of liberalization, privatization, managerialism and performance orientations quickened the growth of the private security sector.

The main concern that emerges here and that should be stressed is to what extent the police can achieve public legitimacy if an array of competing security providers enter the business. Importantly, private and public policing agencies have historically been set up, designed and organized to address specific problems[54]. Also, to what extent is the commodification of security beneficial to make people feel more secure? Selling security means feeding individuals with insecurity. Specific

[46] Smith D.J., *Police and People in London,* vol. IV, London, Policy Studies Institute, 1983, pp. 169-172.
[47] Skolnick J.H., *Justice without Trial*, New York, Wiley, 1966, p. 231.
[48] Shearing C.D., 'The Relation between Public and Private Policing', *Crime and Justice*, 15, 1992, pp. 399-434.
[49] Crawford A., "Plural Policing in the UK: Policing beyond the Police", in Newburn T. (ed.), *Handbook of Policing*, 2nd ed., Cullompton, Willan Publishing, 2008, p. 148.
[50] Jones T., Newburn T., "The Transformation of Policing? Understanding Current Trends in Policing Systems", *British Journal of Criminology*, 421, 2002, pp. 129-146.
[51] Spitzer S., Scull A.T., "Privatization and Capitalist Development: The Case of the Private Police", *Social Problems*, 25, 1977, pp. 18-29.
[52] Bayley D., Shearing C.D., "The Future of Policing", *Law and Society Review*, 30, 3, 1996, pp. 585-606.
[53] Jones T., Newburn T., "The Transformation of Policing? Understanding Current Trends in Policing Systems", *British Journal of Criminology*, 421, 2002, pp. 95-117.
[54] Holmes S.T., Wolf R., Holmes B.M., "Private vs. Public Policing: Innovation and Creativity in Local Law Enforcement", *Criminology and Criminal Justice*, 2018, DOI: 10.1093/acrefore/9780190264079.013.525.

messages coming from various sources (for example, governments, political propaganda, the media, et cetera) are meant to harbour that culture of risk outlined at the beginning of this paper.

Spitzer provides an enlightening passage that bolsters this argument: "the more we enter into relationships to obtain the security product, the more insecure we feel; the more we depend upon the commodity rather than each other to keep us safe, the less safe and confident we feel; the more we divide the world into those who enhance our security and those who threaten it, the less we are able to provide it for ourselves"[55].

This manichean assumption that societies are split between "those who enhance our security and those who threaten it" is paradigmatic of the issues that the police must soon face. Unless societies accept crime as a social fact, curb fears of crime and lower expectations of the police, the path towards public legitimacy will be very hard for the law enforcement agency. Nowadays, the police are required to address crimes as well as socio-political amplified fears of crime and heightened expectations of solving a vast array of social problems. Loader even alleges that private security sectors have clear vested interests in augmenting fears of crime, anxieties and insecurities to create a demand that their products could satisfy[56]. This is not just a state-centered view of police functions that see order maintenance as a quintessential function of government[57]. Furthermore, Jones and Newburn make the following argument in assessing the impact of the "extended family policing family": "the growth of private security does not so much signal the end of public coercion, but rather helps to establish a two-tiered, interdependent system of social control, which may ultimately be more pervasive (although less *visibly* connected with the state)"[58].

This is another point that bolsters the assumption of a pressing plural policing dimension that is tightly related to the socio-political conditions of late modernity. It furthers processes of subtle and pervasive social control that, at the end, could be counter-productive in selling an image of an efficient, legitimate and trustable police. The infringement of individual rights of privacy and liberty cannot lead to any social acceptance of policing activities. Even if these are aimed to the common security, agents at the individual level might feel the burden of a surveillance and social control that deprive them of their basic freedom. With the diffuse development of mass private property – a quasi-public space, privately owned but open to the public – and the need for a surplus of security (usually provided by the private sector) individual lives have been greatly invaded. Moreover, liberties have been legally limited by means of property, employment and labour, landlord and tenant laws, as well as other regulations[59]. Social behaviours have started to be manipulated and led by a consensual surveillance. As Shearing and Stenning posit, the securitization of these quasi-public spaces is managed through a social control that is "embedded, preventative, subtle, co-operative and apparently non-coercive

[55] Spitzer S., "Security and Control in Capitalist Societies: The Fetishism of Security and the Security Thereof", in Lowman J., Menzies R.J., Palys T.S., *Transcarceration: Essays in the Sociology of Social Control,* Aldershot, Gower, 1987, p. 50.

[56] Loader I., "Private Security and the Demand for Protection in Contemporary Britain", *Policing and Society*, 7, 1997, pp. 143-162.

[57] Shearing C.D., 'The Relation between Public and Private Policing', *Crime and Justice*, 15, 1992, pp. 399-434.

[58] Jones T., Newburn T., *Private Security and Public Policing*, Oxford, Clarendon Press, 1998, p. 104.

[59] Stenning P.C., "Powers and Accountability of Private Police", *European Journal on Criminal Policy and Research*, 8, 2000, pp. 325-352.

and consensual"[60]. Basically, contemporary societies are drawn close to Huxley's postmodern world[61] in which, in a Foucauldian way[62] the controlled control themselves. By way of example, social control of mass private properties is consensual and disciplinary[63].

As far as public spaces are concerned, this picture must be complemented with an Orwellian disposition that governments have displayed in developing Big Brother's oriented and crime-preventative measures. These measures positively impact on augmenting fears of crime[64] by alerting citizens to risk and scattering the world with visible reminders of the threat of crime[65]. However, it cannot be denied that the police's public legitimacy should be achieved by means of a well-conceived governmental work that aims to keep issues of security and order as far as possible from citizens and to reshape the image and role of the police into a low-profile and community-oriented one. More than a legal reform, a re-conceptualization of the place of crime in society and of the ways to solve conflicts is needed. This should aim to feed people with a real image of crime; to concretely persuade masses that, while criminal actions are an inevitable social fact, victimization is unlikely. It should reduce fears of crime that augment the expectations of the police to fight perceived high rates of delinquency, undermine trust and maintain a negative attention on the police (eventually damaging public legitimacy whenever the police are caught into an even petty misconduct). It should make the police – as holder of the monopoly of force and of powerful symbolic (along with legal, physical and technological) tools[66], thus potentially contested a priori – less visible into the wider societies but more present in communities. It should focus the work of policing on micro-areas to further acceptance, trust and legitimacy within communities.

6. The future path towards police public legitimacy.

The two issues examined over the last two sections – the loss of identity and of a precise role of the police and the pluralization of policing, both considered along with the pre-conditions and consequences related – represent some of the most prominent changes of the way in which policing is thought and operated in modern societies. As Bayley and Shearing suggest[67], two policies could provide more policing equitability and legitimacy in post-modernity. The first policy has been briefly mentioned previously and involves a micro-oriented work of community policing, which is based on a pragmatic need to cultivate public support so that problems of crime and disorder can be addressed. This idea is based on the policing communities of "risk" to acknowledge the marginalized and vulnerably fragmented communities in late modern society[68]. Among many others, the attempt made by the Chicago Alternative Policing Strategy (CAPS)

[60] Shearing C.D., Stenning P.C., "From the Panopticon to Disney World: The Development of Discipline", in Clarke R.V. (ed.), *Situational Crime Prevention: Successful Case Studies*, Guilderland, Harrow and Heston, 1997, p. 304.
[61] Huxley A.L., *Brave New World*, New York, Harper Perennial Modern Classics, 1998.
[62] Foucault M., *Discipline and Punish: The Birth of the Prison*, transl. by Robert Hurley, New York, Vintage, 1995 (original published in 1977).
[63] Shearing C.D., Stenning P.C., *op.cit*.
[64] Crawford A., "Crime Prevention and Community Safety", in Maguire M., Morgan R., Reiner R.(eds.), *The Oxford Handbook of Criminology*, 4th ed., Oxford, Oxford University Press, 2007, pp. 866-909.
[65] Zedner L., "Too Much Security"?, *International Journal of the Sociology of Law*, 31, 2003, pp. 155-184.
[66] Stenning P.C., *op. cit*.
[67] Bayley D., Shearing C.D., "The Future of Policing", *Law and Society Review*, 30, 3, 1996, pp. 585-606.
[68] Johnston L., "Policing Communities of Risk", in Francis P., Davies P., Jupp V. (eds.), *Policing Futures: The Police, Law Enforcement and the Twenty-First Century*, Basingstoke, Palgrave, 1997, pp. 186-207.

displayed light and shade[69]. However, the overall community policing outcomes (for example, the high involvement of communities most in need is a great success) are promising and bode well for the future of community policing. Community policing strategies can achieve reassurance by strengthening police visibility within communities. Most importantly, this is a positive visibility that furthers acceptance. It is not a negative visibility that is imposed on the wider society as an institutional means of oppression and surveillance, which would generate tensions and promote counter-culture. It targets real problems through signal crime strategies, thus without augmenting insecurities by fighting perceived and alleged risks. It aims to achieve communications with the community and the strengthening of informal social control[70]. In this way, security is located in a more acceptable space and is jointly performed by the two actors concerned, namely the police (institutional representative) and the public (societal representative). Community engagement is helpful in promoting police legitimacy[71] and "the capacity of police legitimacy to prevent crime is something community policing may well be effective at creating"[72]. In this regard, there are, for example, community-oriented programmes of hot spots policing that put in place consultations on the tactics used so that policing does not harm police-citizen relationships and, instead, improve police legitimacy[73].

The second measure that Bayley and Shearing suggest is aimed to support the lowest strata of the population "through block grants […] so that they can participate in the commercial market for security"[74]. This would be designed to enable poor communities to access both security and justice and counterbalance the gap between the degraded and insecure spaces where "the poor" live and the gated communities where "the rich" secure themselves, by means of situational crime prevention measures that enhance the socio-economic differences between classes of people[75]. The marketization and commodification of policing itself are a main constraint towards public legitimacy due to their potential for augmenting insecurities and furthering exclusion. Thus, they should be tackled at the grassroots. However, this approach is problematic in the short-term because it requires macro socio-political changes unthinkable in well-established individualistic, consumerist, exclusive and lobbyist contemporary societies. Therefore, remedies to these malaises of late modernity may come from a re-conceptualization of the provision of policing by means of nodal governance strategies that, at least theoretically, could be the most practicable way of achieving public trust, legitimacy and acceptance. Exemplifying this approach in the South African Zwelethemba model, Johnston and Shearing underline the potentiality of nodal governance[76]. This strategy is a networked horizontally linked and

[69] Skogan W.G., *Police and Community in Chicago: A Tale of Three Cities*, Oxford, Oxford University Press, 2006, pp. 101-137.

[70] Innes M., "Reinventing Tradition? Reassurance, Neighbourhood Security and Policing", *Criminal Justice*, 4, 2004, pp. 151-171.

[71] Crowl J.N., "The Effect of Community Policing on Fear and Crime Reduction, Police Legitimacy and Job Satisfaction: An Empirical Review of the Evidence", *Police Practice and Research: An International Journal*, 18, 5, 2017, pp. 449-462; Rogers C., *Plural Policing: Theory and Practice*, Bristol, Policy Press, 2017, pp. 3-20.

[72] Sherman L.W., Eck J.E., "Policing for Crime Prevention", in Sherman L.W., Farrington D.P., Welsh B.C., MacKenzie D.L. (eds.), *Evidence-Based Crime Prevention*, Abingdon, Routledge, 2006, p. 318.

[73] Braga A., Weisburd D.L., *Policing Problem Places: Crime Hot Spots and Effective Prevention*, Oxford, Oxford University Press, 2010, pp. 187-220.

[74] Bayley D., Shearing C.D., *op. cit.*, p. 603.

[75] Crawford A., "Crime Prevention and Community Safety", in Maguire M., Morgan R., Reiner R.(eds.), *The Oxford Handbook of Criminology*, 4th ed., Oxford, Oxford University Press, 2007, pp. 866-909.

[76] Johnston L., Shearing C., *Governing Security: Explorations in Policing and Justice*, London, Routledge, 2003, pp.138-160.

governed model, in which all the nodes are interrelated and no locus of power is prioritized. First, it provides those block grants previously mentioned to poor communities and bring them out in the security market. Second, local governance of security is promoted. This approach is different from a "steering" model, "in which non-state policing providers are governed by the state police […] but 'at a distance'"[77]. The nodal governance strategy aims to support communities and enable them to become an important node in the security governance. Third, it provides not just a "doing security" approach but a more expanded strategy for "doing justice" too. Furthermore, this goal of achieving security and justice is future-oriented through a process that, "reject[ing] the essentialised dyad of wrongdoer and victim"[78], aims to protect individuals from future wrongdoing and not to target alleged criminals or over-punish offenders. Obviously, the nodal approach is not a panacea and is not easily deployable. Furthermore, it is not denied that some nodes could have, in practice, less power than others. However, it could be an extremely effective way in which the police can secure public legitimacy in a post-modern world. By basing its strategy on a network of equally important alliances and refusing to follow governmental or lobbyist objectives, goals and mentalities, this model could provide a set of networked relations more easily acceptable by communities and citizens and more oriented towards a democratic governance of security[79].

Public legitimacy, trust and acceptance are probably the most delicate issues that the police have faced in the past few decades. In tackling these matters, this paper has not considered the purely normative problems related to police accountability. Instead, the main focus has been placed on the more sociological facets of policing a post-modern society. Norms and legislation cannot be separated from the context in which they are grounded on and operate in. Reiner exemplifies this sociological aspect by arguing that "policing now reflects the processes of pluralism, disaggregation and fragmentation which have been seen as the hallmark of the postmodern"[80]. Such processes seem to be irreversible and, at the moment, the path towards public legitimacy must consider the socio-political features of late modernity. Reinforcing public credibility by reducing the (mis)use of force and the frequency of scandals as well as seeking a proper and specific role can be a first step for the police. Furthermore, expanding and deepening policing activities (not only in the traditional meaning of "securing law and order" but also of securing social safety, strengthening communities and favoring informal social control) in communities, promoting communication and good relationships, may be a further way to democratize the work of the police. Lastly, a networked security governance could provide an answer regarding the necessity of finding a suitable space for all the security providers involved in the policing of modern societies, without prioritizing particular goals and interests.

7. Conclusion.

As explored throughout this paper, securing public legitimacy is a task that poses delicate issues for the British police. The contours of a postmodern society do not show those perspectives that allowed the police to achieve high levels of trust and acceptance in the 1950s. Nowadays, the "golden

[77] Newburn T., "The Future of Policing in Britain", in Smith D.J., Henry A. (eds.), *Transformations of Policing*, Aldershot, Ashgate, 2007, p. 235.
[78] Johnston L., Shearing C., *op. cit.*, p. 159.
[79] Johnston L., Shearing C., *op. cit.*, pp. 138-160.
[80] Reiner R., "Policing a Postmodern Society", *The Modern Law Review*, 55, 6, 1992, p. 780.

age" is only a vague memory. The pressing necessity is to face the malaises of global, fragmented, pluralized, individualistic and exclusive societies in the best way possible. As the police must deal with other concurrent providers of security and their interests, orientations and goals, reaching a balance between the public and the private is not the only aim to pursue. Public legitimacy cannot be built without pursuing social credibility; thus, issues such as misuse of force, corruption, strikes and scandals must be kept at a minimum. The traditional image of the police as the "holder of the legitimate force" should be deescalated. This image furthers a negative view of the police as a potential oppressor and advances pre-existing tensions and a well-rooted counter-culture. While reducing the general visibility of the police as an iron-handed "securer of law and order", micro/neighbourhood-oriented policing presence and activity's strategies should be deployed to further communication and build trust and acceptance within communities.

This policy must go hand in hand with better information in terms of the real risk posed by crime and likelihood of victimization to decrease unnecessary fears of crime. These fears are augmented not just by governmental dispositions but also by private security firms' interests. As a consequence, invasive policing measures and expectations of the police to reduce alleged increasing rates of crime arise. Reducing these measures and lowering these expectations is vital. A further way of achieving public legitimacy is promoting contributions, through block grants, to help and allow excluded strata of the population to equally compete towards the purchase of security. However, all these measures cannot be deployed without re-conceptualizing the macro-structured provision of security, given the reality and the nature of the "extended policing family" and the different interests (both governmental and private) involved in selling policing and security. Although not a panacea, the employment of networked governance strategies could at least achieve a more acceptable, legitimate and democratic image of the police and policing activities. Such an approach devolves security to the local level, concretely including communities in the management of security and giving (at least theoretically) the same power and importance to all the nodes involves. Thus, this strategy avoids prioritization of any locus of power and furthers a general goal of post-modern democratization. The path towards police legitimacy is long and thorny. However, the future, if shaped differently from the present, could be more promising.

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