From Dogberry to Cop Shop

The police as an arm of the modern state in Australia

Early history

Rudimentary forms of the police, such as the village constable or the town watch, existed for many centuries in England. Their standing in the community is perhaps shown by Shakespeare's constable Dogberry in his play *Much Ado About Nothing*.

Dogberry: *You are to bid any man stand, in the prince's name.*

Watchman: *What if he will not stand?*

Dogberry: *Why then, take no notice of him, but let him go; and presently call the rest of the Watch together, and thank God you are rid of the knave.*

A far cry from the tough, efficient but very good police who feature in today's mass culture, particularly in TV series such as *Softly, Softly* or our very own Australian *Cop Shop*!

Which brings me to my first point: police forces, as corps of professional enforcers of law and order, are a relatively recent arm of the state and are closely associated with the rise of wage-labour and capitalist industrial society.

Capitalist production required workers who were "freed" from the physical and social restraints of feudal village society, workers with the mobility and "freedom" to sell their labour power, a freedom which cloaked a compulsion to put their labour power on the market. This meant a breaking down of the traditional village methods of maintaining order, such as public opinion, tradition, local and family hierarchies.

At the same time, there was a need to regulate these new bourgeois freedoms, to impose new forms of discipline both inside the factory and in society at large. Without idealising village society, one can say that in the industrial town there was less sense of community. New forms of social degradation and poverty grew alongside new forms of accumulation of wealth and goods. There was an enormous growth in street violence, theft and other crimes as well as drinking and gambling.

The anger of the working class and the rural poor often erupted into spontaneous riots and looting. There was the Luddite movement of people who smashed the machines which they blamed for their plight.

Apart from threats to the individual capitalist's property and person, there was a potential threat to capitalist private property as such. Crowds gathered and marched demanding reforms. Bloody repressions, such as the Manchester massacre of 1819 (Peterloo), took place. The old watchmen, Bow Street Runners and the military either
could not cope or made matters worse. Something had to be done.

New institutions were needed which would be able more effectively to provide the orderly conditions for capital to function, particularly with respect to the supply of wage-labour. Institutions such as the school, charities and prisons helped provide the "right" kind of workers. The army could repress, but could not help mould the sober, frugal and orderly worker needed by capital. A new arm of the state was needed.

The British Home Secretary Sir Robert Peel, fresh from a spell of duty in Ireland, made strenuous efforts in 1822 to set up a police forces in British cities. But a parliamentary Select Committee rejected his attempt in these terms:

It is difficult to reconcile an effective system of police with that perfect freedom of action and exemption from interference which are the great privileges and blessings of society in this country, and your committee think that the forfeiture or curtailment of such advantages would be too great a sacrifice for improvements in police or facilities in detection of crime, however desirable in themselves if abstractly considered. The advocates of "small government" were strong as far back as 1822! But Peel — and the facts of life — wore them down until the London Metropolitan Police was formed in 1829.

The young Friedrich Engels in his book *The Condition of the Working Class in England in 1844* wrote that ....

... the law is sacred to the bourgeois, for it is his own composition, enacted with his consent, and for his benefit and protection. He knows that, even if an individual law should injure him, the whole fabric protects his interests; and more than all, the sanctity of the law, the sacredness of order as established by the active will of one part of society, and the passive acceptance of the other, is the strongest support of his social position. Because the English bourgeois finds himself reproduced in his law, as he does in his God, the policeman's truncheon which, in a certain measure is his own club, has for him a wonderfully soothing power.

Australia

The Australian Aborigines did not have police forces, and it was the advent of white convict settlement that brought this aspect of civilisation to Australia. The first constables and watches were recruited from the convicts themselves. They were to assist the troops in maintaining order, in particular to prevent the pilfering of stores. Their reliability and efficiency, it seems, left a great deal to be desired.
During the nineteenth century, police forces evolved in the various Australian colonies, at first recruited from convicts and later from other sections of the community. One sad irony was the deliberate recruiting of Aborigines into police forces, often with the cynical aim of helping destroy the Aborigines as a people.

Some features specific to Australia emerged during the last century both within the police forces and in community attitudes. There was the effect of the gold rushes, the unpopular licensing system, the Eureka Stockade rebellion, the era of bushrangers, the big strikes of the 1890s and the growth of modern cities. But generally, the British tradition in policing became dominant.

**Functions**

Historically, several categories of police functions can be discerned. There is the directly political-industrial, the role of enforcing the law in such a way as to help define or interpret what is normal and acceptable in society, and the function of coping with the dysfunctions of modern capitalist urban society.

In terms of time and resources expended, the direct political-industrial role in Australia is generally minor. But it is nevertheless a vital one, both on a day-to-day basis and potentially, despite the fact that Australian capitalism maintains its rule largely by consensus. (Even in a fascist dictatorship one may well be able to argue that the political role of police forces is relatively "minor" in terms of resources.)

Most, if not all, the forces maintain a "Special" or political branch which keeps a colossal number of files on people involved in leftwing politics, militant trade unionism, democratic movements of all kinds, the anti-war movement, environmental protection movements, etc.

This is the most sensitive and jealously guarded of all police functions. It is enough to recall the vicious campaign against the then Senator Murphy, Attorney-General in the Whitlam government, following his "raid" on ASIO headquarters in 1974. Former South Australian Premier Dunstan was likewise never forgiven for sacking police chief Salisbury after a dispute involving the Special Branch.

Political-industrial roles of the police, despite the relatively small proportion of time and resources applied, are often the most publicised activity. (It is interesting to note that even the best and most sophisticated of the TV police dramas which depict police as having human strengths and weaknesses are hopelessly inaccurate when it comes to depicting leftists, demonstrators, radical students and people with "alternative" lifestyles.

Claims that the police are "neutral" and merely "carrying out the law" are made to justify their intervention in industrial disputes. A discussion of law is beyond our scope here, but it should be noted that in capitalist society the law itself (unless changed or mitigated by mass action) often has an anti-worker bias built in. For instance, a worker who steals from the employer can be convicted of a criminal offence and suffer a fine or jail. The employer who systematically
and deliberately robs the worker by paying less than the (legal) award wage can be the subject of legal proceedings to recover the money, but does not find the police on his doorstep and is not subject to punishment.

Another example may illustrate how the police help establish what is socially acceptable. A person who throws a beer can at the football endangers other people’s safety and is promptly arrested. Such offenders may get their names in the paper. But there are laws relating to unsafe industrial machinery and work practices which endanger people’s lives and health. These laws are “policed” in a much more leisurely way by a different part of the state apparatus and actions are rarely taken until somebody is hurt.

I recall spending one morning in the Melbourne Magistrates’ Court. A number of people were fined for travelling on suburban trains without tickets. Then came two cases where W. Angliss (Aust) Pty. Ltd. was found guilty of operating unsafe mincing machines in butchers’ shops. In both instances workers had been maimed with the loss of fingers. The meat company was fined about the same amount as the recalcitrant train travellers. I am sure the management responsible were not bundled off in paddy wagons when the charges were laid. They did not get their names in the papers. There is thus a considerable discretion in the enforcing of the law, a discretion which makes all police functions political.

Many seemingly reasonable and innocuous laws (loitering, obstruction, offensive behaviour) are frequently used to fit pickets, leafletters or demonstrators. And some police show scant respect for the law in bashing or framing people, as shown by cases taken up by councils for civil liberties.

How can police be “neutral” when workers on strike set up a picket line and the employer tries to recruit scabs to cross it? By upholding the employers’ “right” to work his factory they automatically deny the strikers’ right to protect their jobs, wages and conditions.

Unfortunately, the narrow-mindedness of some trade unions and a lack of unity and cohesion by the trade union movement as a whole has contributed in some instances to a “justification” for police intervention in picketing. There have been examples of particular union leaderships setting up pickets without proper consultation with other unionists and, indeed, in opposition to them.

These examples play into the hands of those who advocate police intervention into industrial disputes, despite the anti-police rhetoric of some of the union leaders involved.

Attitudes by the police to demonstrations vary from time to time and state to state, with Queensland and Western Australia taking the lead in repressive laws and zeal with which many officers enforce them. In Victoria, the situation has improved since the big Viet Nam Moratorium marches of the early ‘seventies. These days, marches which stop the traffic are fairly common (although not to be taken for granted) with the grudging acquiescence of the police with whom some level of cooperation has become possible.

Dysfunction

A broad category of police functions — relating to social dysfunction— gives an appearance of being non-political. The scope and nature of these functions can be gauged by the duties of the over 7,000 members of the Victoria Police.

More than one-fifth of police time concerns traffic. This includes control, accidents, breathalyser, petrol and administration. The next largest category (one-fifth of police time) is internal administration (rosters, records, statistics) followed by crime investigation (slightly less than one-fifth) including arresting, charging and escorting. “Civil matters” (about one-sixth) are a significant consumer of police time and resources, including domestic and personal problems, search and rescue, informing relatives of deaths and accidents, summonses, etc. Court work and general patrolling each consume about one-tenth of police time. Attendance at sporting events, public functions and demonstrations consume only a small part of total police time.

These broad headings cover a wide variety
of matters that police are called upon to handle. In addition to traditional kinds of crime (burglary, armed robbery, homicide, etc.) there is a growing category of “white collar crime” (fraud, embezzlement, more often involving computers). Domestic and neighbourhood violence (especially against women and children), rape, drug rackets are among other problems which our society delegates mainly to the police.

There is a broad category of “offences” often called “social”, such as illegal gambling, prostitution and alcohol-related problems. Police and the law, to varying extents, have been and still are involved in matters of abortion and homosexuality.

As well as requiring the police to help enforce concepts of what is normal and correct, modern capitalist society foists onto the police a number of problems that society itself cannot solve. Certainly the police cannot solve the problems faced by vagrants, alcoholics, prostitutes and drug addicts — but the various authorities apparently hope that they can at least be partially suppressed.

A good example is the “youth problem”. Vast outer suburbs are built, devoid of any sense of community or culture and based on private ownership of cars. When some young people react with acts of vandalism, car thefts, etc. the only “solution” is to get extra police and make them more mobile and centrally controlled.

Similarly, problems which could be handled more effectively and at lower cost by other means frequently become a police job. For example, the lack of funds and facilities for the protection of children means that police (usually policewomen) have to “process” and institutionalise children at considerable human and financial cost.

Attitudes

Public attitudes towards the police are mixed. There is, of course, hostility, dislike, mistrust. At the same time, there is a widespread, probably overwhelming view that the police carry out socially necessary functions. The vast majority of people demand that traffic flows, that their persons are protected from assault, that violent criminals be caught, that lost hikers be found, that drug pushers be stopped — and the police are seen as “naturally” carrying out these duties.

Changes have taken place in society which reinforce the acceptance of police, perhaps as a necessary evil, but necessary all the same. For example, the majority of workers in Australia today possess personal property which they value and expect to be protected — items such as TV sets, some money, houses, cars.

Dual personality?

From the above, it might be expected that the police would develop a kind of dual personality. On the one hand, their role is to protect capitalist property and law and order and help define that law and order itself. On the other hand, they are increasingly becoming “workers” required to attend to a multitude of frustrating tasks resulting from dysfunction of the system. This dysfunction includes the additional tendencies towards crime engendered by increased unemployment and alienation.

This expectation of a dual personality should be enhanced by the fact that most police men and women are recruited from the working class, and some at least would have a background of association with the labour movement.
Yet in Australia, while this "worker" aspect of the police has increased, it scarcely shows itself at all in terms of police attitudes. The only manifestations occur when the various police associations argue for salary rises, or on the occasions on which an individual police officer may express a progressive opinion. A rare example was that of the campaign in Victoria early in 1980 against a worsening of the Workers' Compensation act, when some expressions of support for the unions' position came from the police.

There are examples of community attitudes being reflected in the police. When public opinion moved decisively against the Viet Nam war, and the Moratorium marches assumed massive proportions, police willingness to attend demonstrations fell away. On the other hand, in Melbourne at least, there was not the same community feeling against the Springbok tour and the police were accordingly more willing in more senses than one.

The explanation for a lack of duality is to be found firstly in society as a whole, where capitalist ideology dominates, and secondly in the police forces themselves where that hegemony is reinforced in specific ways by a combination of ideology and organisation.

As already noted, most recruits to the police come from the working class. They join for a variety of reasons, but the main ones seem to be job security, the prospect of a more interesting and better paid job than is generally open to people with around average educational levels and a vague feeling that the job may give satisfaction by "serving the community". It is hard to gauge, but it would appear that for most recruits the desire for "power" is not the overriding one.

Police training is characterised by strict and often mindless discipline (drill, standard haircuts, uniforms, codes of behaviour and conformism) and, in the main, in isolated institutions remote from the mainstream of education. The recruit is soon integrated into the police "fraternity" — hierarchical, often isolated from and hostile to former peer groups. (In August 1981 the Victoria Police conceded a minor change in haircuts because of complaints that police recruits could easily be "picked" when mixing socially.)

In the circumstances, an anti-democratic and conservative "police mentality" is readily developed. This includes a hostility to all who do not "conform" — from those with unconventional lifestyles and dress to political radicals and protesters — in short, those who are perceived as possible disturbers of established law and order.

Frustrations

Faced with frustrating tasks, the police officer in the main does not blame social conditions for the problems but tends to blame the victims and is subject to pressures to become cynical and even violent. The only "solutions" usually available are jail or a fine, and when these do not work the temptation is to use methods that are not in the manual.

An article in The Age in 1980 described the conditions of blacks living in Moree in northern New South Wales. The article boiled down to this: the blacks are a terrible headache for the police. This is fairly typical — the dispossession, marginalisation, impoverishment and demoralisation of many black people is reduced to a police problem. The police cannot solve it; hence it becomes a source of frustration, racism and brutality.

There is a tendency to see solutions to police problems solely in terms of improved equipment (guns, radios, fast cars, helicopters) and increased police powers (searching, surveillance, holding and questioning suspects). There may be merit in these claims in some instances (e.g. detecting computer crime is hard with note-pads and pencils) but overall they constitute an erosion of democratic rights, a wider gap between police and the rest of society and an extra twist to the spiral of violence in society.

It is not often that social or political solutions are sought. For example, some police appreciate the role of women's refuges in domestic violence situations. But police officialdom — and the Police Associations — were silent on the cutting of funds for refuges. (The police were much more active in dragging women out of Parliament House during a protest against the cuts.)
The "brotherhood syndrome" is a powerful force in the police. It was referred to in the Melbourne press in November 1980 following the retirement of Commander Marchesi, former head of the Bureau of Internal Investigation, the body that handles complaints against the Victoria Police. Marchesi criticised the "brotherhood syndrome" which he said was powerful in the context of internal police investigations where police officers backed each other, right or wrong. He referred to a strong "them and us" feeling. Marchesi was publicly supported by at least one other (retired) officer.

This incident also demonstrated another aspect of the police force — the domination of the Police Association by conservative elements, drawn mainly from the upper echelons. The call for an independent body to investigate complaints was strongly opposed by VPA secretary, Chief Inspector Rippon.

One of the strongest manifestations of police "solidarity" occurred in Melbourne in October 1976 when over 4,000 police met at Festival Hall in response to the Beach Report. The then Chief Secretary, Mr. V. Dickie, had announced in Parliament that some 55 adverse findings had been made against police officers. The meeting demanded Dickie's resignation and there was some talk of strike.

Once again, Inspector Rippon had something to say about the Beach Inquiry:

Lawyers of the New Left were responsible for initiating the inquiry. They consist of those people whose philosophy it is to destroy society by revolution — to have revolution you must first discredit the government and the forces of law and order. (The Age, October 20, 1976.)

There is a connection between the dominance of conservative elements in the police and the kind of government in power. The most obvious example is Queensland, where the reactionary attitudes of the state government give greater scope for the most backward and even violent sections of the police force.

But in all states the police forces have a certain autonomy which they are increasingly exercising as political pressure groups with their own special interests. Demands on pay, staffing, equipment and legislation are made in this context rather than being activities which bring them closer to the organised labour movement.

Thus there is a complex of factors which militate against the development of progressive and democratic trends in police forces in our society. At the same time, any political program which envisages a socialist transformation per medium of expanding democracy cannot overlook the need for such trends to develop.

The elaboration of a detailed future political program relating to the police in Australia is difficult because of the low level of development of democracy and socialism generally. In addition, such a program is connected with many other aspects of society such as law reform, social services and the penal system.

Perhaps a general orientation can be sketched out, followed by some more immediate proposals for reforms which flow from it.

**Perspectives**

The classics of marxism on the state warn that the working class and its allies cannot merely take hold of the existing state apparatus and wield it for their own purposes. I suggest that the warning is valid for Australia and that police forces as presently constituted could not be envisaged as a part of a developing democratic socialist society.

Do we then envisage as one act of revolution the sudden sacking of the entire police force and its replacement with a completely new corps of men and women who
are loyal to "the party and the working class"?

Such a perspective contains the ingredients of a new authoritarianism to replace the old, apart from being unreal. History has given us more than one stern warning of that danger. It is a prospect that is most unlikely to win support in our society, partly because history has created justified suspicion of those who ask for power to be put in their hands.

Without necessarily denigrating the objective conditions and the motives which led to the formation of, for example, the Cheka in revolutionary Russia or the "People's Police" in other places, it is fair to say that the prospect of Australian equivalents does not inspire. It lacks viability because it reduces the scope of democratic actions both to curb the police and to pose actual alternatives. It excludes a struggle within the police, alongside and connected with a struggle against its anti-democratic elements and functions.

Both these struggles rely on the development of the contradictions within the modern capitalist state and the growth of a socialist, democratic movement. They rely on a commitment to the withering away of the coercive functions of the state — in this instance, the reduction of police functions and their exercising by democratic institutions and by direct participation in maintenance of law and order by citizens.

Obviously the need for many functions to be performed by professionals will persist for a relatively long historical period. An expanding democracy requires increasing popular control over those functions and those professionals and the reduction of the alienation of people from the law-making processes. (These processes are outside the scope of this article, but it is obvious that mass alienation from law-making constantly reproduces a police system. Similarly, the role of punishment (jail, fines, etc.) is outside our scope here, but it too has a strong influence.)

Thus socialists should have a general attitude of encouraging the development of democratic elements in the police for which the increased roles of police as "workers" affected by the dysfunction of modern capitalist society is a basis.

It means a more discriminating attitude, avoiding the branding of all police as a reactionary, brutal and corrupt mass. It means having an eye to the interests of rank-and-file police when formulating demands on socio-economic issues. It can mean principled negotiations with police when possible on marches, demonstrations, pickets.

Some suggested democratic reforms are:

* More "liberal" training of police recruits where they are not isolated so much in separate police academies. Training in law, sociology, public relations, criminology, etc. should be integrated with studies in universities and other tertiary institutions. The mindless and degrading forms of "discipline" designed to transform the recruit into a machine for obeying orders should be ended.

* A reduction in punishment as a method of dealing with most "crimes" and a closer integration with improved social welfare agencies to provide more humane and lasting solutions to problems such as domestic violence, child protection, alcoholism and other drug abuse etc. In most cases, it can be demonstrated that increased funds for welfare saves money often spent on police and institutions.

* Abolition of "Special Branch" roles of spying on democratic and working class organisations.

* Independent tribunals to investigate and hear complaints by members of the public against the police. There should be a recognised role for civil liberties councils in such processes. This should be only one example of effective public scrutiny not only of individual cases but the day-to-day working of police forces. The political left should take the lead in constant examination and debate of police actions.

It is a tragedy that "law and order" campaigns are frequently used by conservative governments and parties as a stick to beat the left. Socialists cannot react to this by shrinking from legitimate campaigns of action such as anti-Springbok demonstrations, anti-war marches etc. But social change can be presented more positively as a transition to a superior system of law and order in contrast to the present system.