

Community Policing as Femme Fatale

Jeff Smith*

Revelations before the NSW Police Royal Commission have cast a long shadow over the practice of community policing in NSW. Consistent with the navel-gazing which has accompanied the Royal Commission, this paper steps back and looks at whether the idea of community policing is still worth pursuing. The paper examines various aspects of community policing and concludes that its deficiencies go deeper than merely flawed policing practice and extend to the very root of the idea. Community policing has largely escaped critical analysis and thus seems to operate as a femme fatale in policing debates.

*Here she comes
You better watch your step
She's going to break your heart in two
It's true
It's not hard to realise
Just look at her false-coloured eyes
She'll build you up
To just put you down
What a clown
'Cause everybody knows
She's a femme fatale
Femme Fatale, Velvet Underground*

Introduction

"Your perception as a policeman is the whole system is against you, the community is against you, the judicial system is a joke."

Constable Demol, Police Royal Commission

Debates over whether community policing *is* working tend to resemble watching Mark and Steve Waugh running between the wickets: that is, calls of "Yes/No", "Yes/No", "Yes/No" (before someone is eventually run out at the

* Jeff Smith is a Visiting Fellow in the Faculty of Law at the University of New South Wales, Kensington.

strikers' end!). Recent developments in the NSW Police Royal Commission arguably signify a resounding victory for the negative case. However, all need not be lost. If the Royal Commission is to mean anything, lessons must be learnt and first principles scrutinised. This paper picks up on this idea and examines community policing stripped bare. The question thus becomes an exercise in fundamentals: *can community policing work?* As part of this inquiry, this paper looks at three interrelated issues. First, the ideological connotations accompanying community policing. Second, the essence of both "community" and "policing" and the appropriateness of attempting to match-make the concepts. Third, the conditions upon which such a coupling have historically taken place.

It is suggested that each of these issues give rise to doubts over the efficacy of community policing which go beyond its historical record as policing practice. Moreover, they reveal that community policing has led a charmed life in terms of the lack of close analysis to which it — and its constituent elements — has been subjected. This represents a danger in itself and gives rise to the imagery of community policing as *femme fatale*. The final part of the paper explores the possible implications of the findings. Prefacing all this material in order that it doesn't blow all over the place are some foundations. The structure of the paper is thus as follows:

1. Parameters
2. Community policing as ideology
3. Community policing uncoupled
4. Community policing as part of the Holy Trinity

To these we now turn.

1. Parameters

The first thing one learns about debating is the need to define your terms. Part of the reason why debates on community policing appear to be slippery and beyond resolution is the abrogation of this principle. For our purposes, this rule clearly recognises that any questions relating to community policing — including those directed at first principles — cannot be answered in the abstract.

Consequently, there is a need for an analysis which is both historically and culturally specific. In this respect, the paper is centred on contemporary policing strategies in New South Wales.¹ This gives us a definition of community policing à la the NSW Police Service and a basis for critique.

In the interests of preserving a structure, however, wider conceptual questions relating to the notion of "community" and "policing" per se are addressed in the body of the paper. This is obviously appropriate for a paper which is, in essence, concerned with definitional questions.

2. Community policing as ideology

"You never know what somebody might tell you,"
Chris said, "when they think you're somebody else."

Freaky Deaky, Elmore Leonard

As revelation after revelation emerges from the Royal Commission, a number of aspects of policing have come in for close attention. These include police training, education, culture and accountability. The strategy of pursuing community-based policing has emerged unscathed, however. This is curious if it is recalled that much of the impetus for the elevation of John Avery and subsequent implementation of his reforms in relation to community policing were due to the desire to weed out institutional corruption.

Why has community-based policing attracted so little criticism?² It is suggested the answer partly lies in the seductiveness of the notion. This has not been lost on many commentators who have seen the notion as a

¹ The paper originally set out to focus specifically on Manly. In the end, however, it was felt that an empirical focus in a predominantly theoretical paper of this length would be counter-productive and largely anecdotal. The paper thus draws on the situation in Manly only at the level of anecdote.

² Klockars has suggested that community policing has enjoyed a 'rhetorical immunity' from criticism: see Klockars, C B, "The Rhetoric of Community Policing", in Klockars, C B, and Mastrofski, S D, *Thinking about Police: Contemporary Readings*, McGraw-Hill, New York, 1994, p 541.

rallying cry, public relations, an invocation.³ However, it would be wrong to suggest that community policing is ever just this. This point needs to be developed.

Maureen Cain has suggested that the addition of the word "community" to the idea policing is a redundancy.⁴ She arguably has a point in terms of political theory⁵ (see below). What this perspective misses, however, is the powerful ideological associations of the term which have allowed it to be all things to all people. Put more precisely, community policing can operate on a number of levels. First, as mentioned above, it is community policing as pamphlet. Here the term operates at its most basic level and largely derives its potency from the vicarious association of policing with nostalgic notions of "community".⁶ Conceived in this way, as Bayley notes, the term has virtually 'no hard content at all'.⁷ Secondly, however, the term may signify and/or symbolise a change of direction away from "traditional", "divisive" and "reactive" forms of policing. Concomitant with this is the institutional privileging of service over force. Third, it can point to specific programmes, structures and initiatives. These typically centre around involvement of the community and decentralisation of functions.

It would be simplistic to suggest that the position in NSW neatly "fits" any of these models. Indeed, it becomes apparent that *all* such developments are operating. This is not surprising for two reasons. First, even when primarily a public relations exercise, a shift in rhetoric can hardly be unaccompanied by changes elsewhere. Second, NSW is still

³ Numerous accounts have made this point: see, for example, Bayley, D, "Community Policing in Australia: An Appraisal", in Chappell, D, and Wilson, P, (eds), *Australian Policing: Contemporary Issues*, Butterworths, Sydney, 1989; Klockars, C B, "The Rhetoric of Community Policing" and Mastrofski, S D, "Community Policing as Reform: A Cautionary Tale" (both in Klockars, C B, and Mastrofski, S D, already cited n 2).

⁴ Noted in Moore, M H, "Problem-solving and Community Policing", in Tonry, M, and Morris, N, (eds), *Modern Policing*, Chicago, Chicago UP, 1992, p 131.

⁵ Which, it should be emphasised, was her point.

⁶ As Cohen has noted: "Not only is this a word rich in symbolic power but it lacks any negative connotations": see Cohen, S, *Visions of Social Control: Crime, Punishment and Classification*, Polity Press, Cambridge, 1993, p 117.

⁷ Bayley, D, already cited n 3, p 78.

experiencing the legacy of John Avery, former Police Commissioner. During his reign, there is little doubt amongst commentators he had a genuine commitment to community-based policing and a desire to emphasise police service and integrity over law enforcement and crime fighting.⁸ Nor is it widely disputed that he managed to transform the structure and functions of the Police Service, particularly through the process of decentralisation.

The argument is thus that community policing has a rhetorical force above and beyond its particular manifestation in practice. This is perhaps an obvious point but does not always seem to have been picked up in critiques of the notion which tend to categorise it as either mere rhetoric (or capable of lapsing into it) or as something else. The consequences of this are arguably threefold. Firstly, it would seem that community policing has had a critical honeymoon. It would seem that the public relations dimension of the idea has served to hide both its potential shortcomings as well as sustained inquiry into the nature of such shortcomings. In other words, there has been an overall failure to closely examine both the content and the implications of whatever changes have been instituted. Second, the fanfare which has accompanied community policing seems destined to lead to a gap between promise and delivery. As Bayley observes in another context, the possible consequences go way beyond disappointment and sapped morale:

“Inflated expectations lead to loss of trust and eventually to the loss of resources.”⁹

Third, as Cuneen has noted, the term implies a unitary construction of society which serves to de-legitimize conflict.¹⁰ These ideas are picked up and expanded upon in the remaining sections.

⁸ See Sparrow, M K, Moore, M H and Kennedy, D, *Beyond 911: A New Era in Policing*, Basic Books, New York, 1990, p 74.

⁹ Bayley, D H, *Police for the Future*, Oxford University Press, Oxford, 1994, p 143.

¹⁰ Cuneen, C, “Problems in the Implementation of Community Policing Strategies”, in McKillop, S, and Vernon, J, (eds), *The Police and the*

3. Community policing uncoupled

Marge Simpson: "Mr Burns has stolen our child."

Commissioner: "Oh...Can't you people solve the problem yourselves. We can't be 'policing' the whole city."

The Simpsons

As hinted at above, much has been made of attaching the appellation "community" to policing. In a sense, community policing has become the thinking person's policing. This section is concerned with testing the notion when reduced to its constituent elements. Specifically, this involves examination of two questions. First, whether the idea of "community" makes sense. Second, whether it is appropriate to wed "community" and "policing".

The problematic nature of "community" in modern society has been noted ad nauseam.¹¹ It has become de rigeur to preface discussions on community policing with this observation. Too often, however, the question is then left behind.¹² It is analytically unhelpful (and ultimately destructive) to describe the dilemma (Community policing is flawed) and then simply move on (...Anyway,...). Hence, this paper seeks to direct attention to an analysis of why "community" suffers at the hands of contemporary

Community, Canberra, Australian Institute of Criminology, 1991, p 161.

¹¹ Adam Crawford has rightly observed that it has crystallised into an "academic cliché" to note the nebulous nature of the idea: Crawford, A, "Appeals to community and crime prevention" (1995) 22 *Crime, Law and Social Change* 97, p 98.

¹² It is not meant to imply that many of these accounts are not valuable or that their approach is not sustainable but rather to emphasise that there is a need to integrate this problematic aspect into an overall analysis. For perspectives on community policing which contain discussions on community see the following: Moir, P, "Community Policing — Questioning Some Basic Assumptions", in McKillop, S, and Vernon, J, already cited n 10, pp 60-62; Cuneen, C, already cited n 10, pp 161-162; Wilson, P, "Avoiding the Dangers and Pitfalls of Community Policing: Ten Questions that need to be Addressed", in McKillop, S, and Vernon, J, already cited n 10, p 1; Mastrofski, S D, already cited n 2, pp 516-519; Moir, P, and Moir, M, "Community Policing and the role of Community Consultation", in *Policing Australia: Old Issues, New Perspectives*, MacMillan, Sydney, 1992, pp 212-217.

society. This, in turn, leads to an examination of why “community” and “policing” are problematic when mixed. It is suggested that part of the answer lies in the pervasiveness and strength of liberal ideology.

Liberalism presupposes a dichotomy between the individual and the State. Left to their own devices, individuals would war: mate against mate. The States’ role is defined negatively — it is to prevent chaos and not interfere otherwise. The promotion of the individual serves to relegate the social:

“Individuals are thus primary and society secondary, and the identification of individual interest is prior to, and independent of, the construction of any moral or social bonds between them.”¹³

The role of the State is thus that of neutral arbiter. Such impartiality is achieved by delegating the “rule of law” to an independent judicial body (through the separation of powers doctrine). In this manner, the whims of the administrative body are removed and the ends of “neutrality, uniformity and predictability”¹⁴ are achieved.

The privileging of individual self-interest, coupled with the guardian role of the State, is thus antithetical to the development of community. To paraphrase Margaret Thatcher, from this perspective, there is no such thing as community.

How then can we account for the rise of community policing as an idea? To begin to formulate an answer, it is suggested we need to dovetail Klockars’ notion of the “circumlocutions of community policing” with the so-called “crisis in liberal legalism”.

This “crisis” derives from the constitution of human associations on selfish, rather than moral, grounds. The inherent instrumentality of such liberal societies and the resultant “privatisation of ideals” means that there is

¹³ MacIntyre, A, *After Virtue* (2nd ed), Duckworth, London, 1985, p 250.

¹⁴ Unger, R M, *Law in Modern Society*, The Free Press, New York, 1976, p 176.

simply no external standard by which to implement an autonomous body of rules.¹⁵ As a result, the gap between the ideology and the reality of liberal society is nakedly revealed:

“divorced from intersubjectively grounded ethics and undistorted public discourse, politics has become the solution of technical problems.”¹⁶

Legitimacy can no longer rest on purely “legal” foundations. Rather, the State also seeks to subsume all other modes of conduct beneath purposive-rational action:

“In the absence of belief in the naturalness of existing hierarchies of power or distribution the legitimacy of governmental...activity comes to increasingly depend on the welfare consequences of that activity.”¹⁷

Is such an analysis applicable to policing? Certainly, Klockars has argued that community policing is but the latest in a line of circumlocutions which “conceal, mystify and legitimate police actions”.¹⁸ Putting it another way, it could perhaps be said that community policing has been a response to the failure of the State to meet its obligations in this area. Arguing by analogy, it has certainly been true that community has been invoked in other contexts to signify both a shift in responsibility and a reworking of the parameters of assessing success or failure — for example, “community care”, “community medicine”, “community justice”.¹⁹ Both these developments — namely, a devolution in responsibility²⁰ and a rethinking of the

¹⁵ id, pp 170, 179.

¹⁶ Sumner, C, “Law, Legitimation and the Advanced Capitalist State: the Jurisprudence and Social Theory of Jurgen Habermas”, in Sugarman, D, (ed), *Legality, Ideology and the State* Academic Press, London, 1983, p 131.

¹⁷ Unger, R M, already cited n 14, pp 196-197.

¹⁸ Klockars, C B, and Mastrofski, S D, already cited n 2, p 531. He argues that the preceding circumlocutions in the US context have been legalisation, militarisation and professionalisation.

¹⁹ See Crawford, A, already cited n 11, p 97; Cuneen, C, already cited n 10.

²⁰ See, for example, Stenning, P C, and Shearing, C D, “Policing”, in Gladstone, J, (ed), *Criminology: A Reader's Guide*, Centre for Criminology, Toronto, 1991, p 130.

criteria for evaluation — have been an integral plank in the selling of community policing. This is the oft-quoted "Community as Spray-on Solution".²¹

Moreover, some commentators have argued that a legitimating function of community policing is performed by the mystification of the notion of "community".²² While the concept has troubled sociologists endlessly,²³ in ordinary parlance the term clearly denotes a certain homogeneity of outlook. In short, it implies consensual forms of association. This is problematic vis-a-vis policing for two principal reasons. First, it renders invisible complex social relations relating to class, gender and ethnicity. Such (often conflicting) relations are thus subsumed beneath artificially constructed notions of social harmony. In this respect, community policing is always going to fall short and become "bad" policing:

"appealing images of order maintenance...mask the scope for spiralling distrust and conflict between police and policed. Especially in heterogeneous urban communities, which lack firm consensus about the nature of disorder, aggressive beat policing could be a recipe for disaster."²⁴

Second, and from a different perspective to the above, the term muddies what policing is all about. At bottom, policing deals with the maintenance of order and the

²¹ The reference is to an article by Bryson, L, and Mowbray, M, entitled "Community: The Spray-on Solution" (1981) 16 *Australian Journal of Social Issues* 244.

²² See, for example, Cohen, S, already cited n 6, pp 116-117; Klockars, C B, already cited n 2, pp 535-537; and Cuneen, C, already cited n 10.

²³ In a wonderfully titled paper Hillery, G A, (Jr), found 94 definitions of the term in 1955: see "Definitions of Community: Areas of Agreement" (1955) 20 *Rural Sociology*. Moreover, his areas of agreement was fairly narrowly circumscribed: "all of the definitions deal with people. Beyond this common basis, there is no common agreement.", p 117.

²⁴ Hough, M, "Thinking About Effectiveness" (1987) 27 *British Journal of Criminology* 70, p 77. See also Hazlehurst, K M, "Aboriginal and Police Relations", in Moir, P, and Eijkman, H, *Policing Australia*, MacMillan, South Melbourne, 1992, p 244; Ronalds, C, Chapman, M, and Kitchener, K, "Policing Aborigines", in Findlay, M, Egger, S J, and Sutton, J, (eds), *Issues in Criminal Justice Administration*, Allen and Unwin, Sydney, 1983, pp 168-183.

resolution of *conflict*²⁵ (with debates revolving around the best strategies to achieve such ends). By definition, it is thus an inherently conservative role undertaken on behalf of the State. It can thus be argued that “over-policing” is often precisely what policing is about: that is, “street-cleaning” or ridding the public domain of “nuisances” may be “good” policing from this viewpoint. The basis of community policing, however, is implicitly predicated on *consensus*. Under its banner, therefore, those who express *dissensus* can be labelled as “deviant” and consequently as warranting police (and community) attention. This is particularly the case where community policing strategies privilege and appeal to certain “respectable” sectors of the community.²⁶ Community policing may thus (unwittingly or otherwise) become a means of co-opting sectors of the public into the maintenance of the status quo. This is community policing as add-on, rather than alternative.

4. Community policing as part of the Holy Trinity

je participe
tu participes
il participe
nous participons
vous participez
il profitent

French student poster, Spring 1968

Just as policing vicariously benefits from its latest modifier, “community”, community policing in turn benefits from its association with crime prevention and public participation. As Klockars notes:

“It wraps police in the powerful and unquestionably good images of community, cooperation and crime prevention. Because it is this type of circumlocution, one cannot take issue with its extremely powerfully and unquestionably good aspirations. Who could be against community,

²⁵ Smith, “Research, the Community and the Police”, in Willmott, P, (ed), *Policing and the Community*, London PSI, 1987, p 63.

²⁶ On this point see Chan, J, “Police Accountability in a Multi-Cultural Society”. Paper presented to the Australian Institute of Criminology Conference on “The Criminal Justice System in a Multi-Cultural Society”, Melbourne, May 4-6 1993, p 5; Smith, *ibid*.

cooperation and crime prevention? To do so would not only be misdirected and mean spirited, it would be perverse."²⁷

It is not entirely obvious, however, that community policing places substantive and/or inherently desirable demands on its partners against crime. In terms of crime prevention, such strategies — as part of community policing — tend to concentrate on reducing the physical opportunities for crime. Neighbourhood Watch programmes, for example, strongly emphasise home security (engraving, locks, security grilles, lighting). This focus is perhaps defensible once it is acknowledged that policing can only play a limited role: for instance, policing cannot unpick the structural and socio-economic bases of crime. However, in another respect, crime prevention can be reactionary in so far as it feeds on "stranger danger". Citizen surveillance is directed to the detection of suspicious public activity and the identification of "strangers", "deviants" and "trouble-makers". Closely associated with the "beat policing" aspect of community policing, this focus distorts the crime picture and plays on a construction of criminal activity at odds with its empirical reality.²⁸

Public participation is arguably *the* cornerstone of community policing. It is the mechanism by which a police-public partnership is forged and accountability ensured. Close examination of the notion in this context

²⁷ Klockars, C B, already cited n 2.

²⁸ In a contemporary context in which a conservative law and order agenda has been adopted almost across the board politically this situation is particularly of concern. For a range of accessible but alternative views of the crime "problem" and law and order debate see the following articles: Weatherburn, D, "Truth the first election casualty", Letters, *Sydney Morning Herald*, 28 November 1994; Totaro, P, "Facts not allowed to get in the way of the politics of fear", *Sydney Morning Herald*, 23 November 1994; "'City of Fear' suits MP's, media, police", *Sydney Morning Herald*, 18 November 1994; Gittins, R, "The shocking truth of falling crime", *Sydney Morning Herald*, 4 May 1994 and Moore, M, "Law 'n' order to order", *Sydney Morning Herald*, 12 July 1994. Two classic accounts on "moral panics" associated with crime include Hall, S, Chritcher, C, Jefferson, T, Clarke, J, and Roberts, B, *Policing the Crisis: Mugging, the State and Law and Order*, MacMillan, London, 1978; and Cohen, S, and Young, J, *The Manufacture of News: Deviance, Social Problems and the Mass Media*, Constable, London, 1973.

throws up a number of problems. First, there is an evident tendency to equate decentralisation — originally a part of the anti-corruption move and a central plank of community policing²⁹ — with accountability.³⁰ This is a false assumption on two counts. Clearly there is nothing inherently participatory about “smaller units” of association (witness the nuclear family as a trite example on this point). As Moore observes:

“What really determines how police departments operate is not the formal organizational structure or chain of command but the principal operational tactics or programs on which the police rely.”³¹

Furthermore, it is absurd to suggest that the current configuration of policing in NSW into four broad geographical areas delivers accountability in itself or, indeed, corresponds to any meaningful notion of community.

Second, the level of public participation which community policing traditionally allows is weak. As Arnstein has demonstrated, public participation is not a unitary idea but a continuum of practices. She devised an eight-rung ladder of participation which broadly divided into three categories: degrees of citizen power (citizen control, delegated power, partnership), degrees of tokenism (placation, consultation, informing) and non-participation (therapy, manipulation). Whilst community policing picks up on the rhetoric of partnership, its emphasis on liaison, consultation and education manifestly conforms in practice to tokenistic and/or non-participatory forms of association. The rule of law provides both the justification for this form of relationship and a central mechanism of

²⁹ See, for example, Sparrow, M K, Moore, M H, and Kennedy, D, already cited n 8.

³⁰ See, for example, Chan, J, already cited n 26. It is also apparent that in certain circles accountability has become equated with *consideration* of specific issues and groups: see Lauer, A R, “Policing in the 1990s: Its Role and Accountability”, in Moore, D, and Wettenhall, R, (eds), *Keeping the Peace*, RIPAA, Canberra, 1994.

³¹ Moore, M H, already cited n 4, p 108.

accountability³² for community policing.³³ In short, the rule of law legitimates limited participation.

Third, community policing strategies are — almost by definition — based on a law and order platform, emphasising protection of property and the policing of public spaces against “troublemakers”. Research has shown that the community policing agenda tends to attract certain sectors of the community (broadly, the “mortgage belt”) and marginalises others (youth, unemployed, homeless).³⁴ Moreover, police often make it clear (if the point is at all challenged) that they hold the mandate for operations.³⁵ These issues further de-limit broad public participation in the context of community policing.

5. Waiting for community policing

Vladimir: We could start all over again perhaps.

Estragon: That should be easy.

Vladimir: It's the start that's difficult.

Estragon: You can start from anything.

Vladimir: Yes, but you have to decide.

Estragon: True.

Silence.

Vladimir: Help Me!

Waiting For Godot, Samuel Beckett

This paper has identified a number of “foundational” problems besetting community policing. It has not sought to do so as an academic exercise (writing as demolition). Not only is critique as simple criticism counter-productive per se but there is the real danger of such analyses feeding into conservative calls for a return to “traditional” policing styles. Rather, the paper has proceeded from a planning perspective on the premise that solid development requires both solid foundations and a clear and public

³² Commissioner Lauer's circular version of accountability is apparently a further mechanism: see Lauer, A R, already cited n 30, p 65.

³³ As to the tension between the rule of law and community policing see Moore, M H, already cited n 4, pp 123-124,146; Smith, already cited n 25, p 64; and Bayley, D H, already cited n 9, p 154.

³⁴ On this point see Chan, J, already cited n 26; and Smith, already cited n 25.

³⁵ Chan, J, already cited n 26, p 5.

articulation of the issues. Only from such a base can (and should) we go forward. It remains to be seen whether the idea of community policing can be reconstructed or whether it is best to start again. This section proffers some tentative observations.³⁶

Two general observations need to be made up front. First, now is the ideal time for change. Cherished ideas about the way things have been done are increasingly open to question as the Police Service reels from its public savaging. Furthermore, now (as ever) is the time to reflect on the structural limitations of community policing. As Bayley notes, this involves an appreciation that there are in fact two questions vis-a-vis crime prevention: what can society (and communities) do to prevent crime; and what can police (and communities) do to prevent crime.³⁷ With this in mind, the following discussion will focus on the ideas of "community" and "participation" in a community policing context.³⁸

There is no doubt that modernity thins culture, associations and community. This is not cause for despair for a number of interrelated reasons. First, whilst liberalism *relegates* social interests one does not have to be a West Ham supporter to appreciate that relegation does not equate with total collapse. Although coming from his communitarian perspective,³⁹ MacIntyre makes this wider point when he says:

³⁶ In a sense, this section of the paper is the *raison d'être* for consideration of community policing (that is, where can we go from here). Nevertheless, it was felt that the degree of discussion devoted to the problems associated with community policing (considerably truncated in itself) was necessary to provide the context for the discussion to follow. It is envisaged that a more thorough treatment of these issues could form the basis of a further paper on this topic.

³⁷ Bayley, D H, already cited n 9, p 145.

³⁸ Without derogating from the discussion on community policing as rhetoric, these tensions are mitigated to an extent if the problematic aspects of the idea are addressed.

³⁹ For a critique of MacIntyre's assumption that liberalism and communitarianism are our only possible choices see Pettit, P, "Liberal/Communitarian: Beyond MacIntyre's Mesmeric Dichotomy", in Horton, J, and Mendus, S, (eds), *After MacIntyre: Critical Perspectives on the Work of Alistair MacIntyre*, University of Notre Dame Press, Notre Dame, 1994. In a related vein, Philip Selznick tries to develop a social theory which traverses both these traditions:

“In the conceptual melange of moral thought and practice today fragments from the [Aristotelian] tradition — virtue concepts from the most part — are still found alongside characteristically modern and individualist concepts such as those of rights or utility.”⁴⁰

Related to this is the (often overlooked) point that liberalism has much to offer.⁴¹ More specifically, the critique of Unger and others⁴² is one-dimensional.⁴³ As an obvious example, the rule of law can play a role in inhibiting unchecked powers exercised by the State (and police, specifically) and vengeful citizens.⁴⁴ From a policing perspective, many have emphasised the tension between the rule of law and community policing.⁴⁵ It is argued here this tension is overplayed and largely illusory. In other words, the rule of law is an ideal mechanism by which to check untrammelled community emotions and, perhaps more importantly, put paid to arguments that public participation needs to be limited because of this danger.

Third, it is suggested that — as with class relations⁴⁶ — communities are not static entities but continually

Selznick, P, *The Moral Commonwealth: Social Theory and the Promise of Community*, University of California Press, California, 1992.

⁴⁰ MacIntyre, A, already cited n 13, p 252. For a critique of the idea of complete ideological “closure” see Williams, R, *Marxism and Literature*, Oxford University Press, Oxford, 1977, p 125.

⁴¹ Perhaps the most renowned account in this respect is Thompson, E P, *Whigs and Hunters: The Origin of the Black Act*, Allen Lane, London, 1975.

⁴² See also MacIntyre, A, already cited n 13; Sandel, M, *Liberalism and the Limits of Justice*, Cambridge University Press, New York, 1982.

⁴³ A point not lost on scholars from a variety of political persuasions: see Gutmann, A, “Communitarian Critics of Liberalism” (1990) *Philosophy and Public Affairs* 308; Walzer, M, “The Communitarian Critique of Liberalism” (1990) 18 *Political Theory* 6; Holmes, S, “The Liberal Idea” (1991) *The American Prospect* 81; Hunt, A, *Explorations in Law and Society: Towards a Constitutive Theory of Law*, Routledge, New York, 1993 (particularly Chapter 6 entitled “The Theory of Critical Legal Studies”).

⁴⁴ As Moore notes from this perspective the police are “a bastion of democratic values rather than a threat to them”: Moore, M H, already cited n 4, p 144.

⁴⁵ id, pp 123-124,146; Smith already n 25, p 64; Bayley, D H, already cited n 9, p 154.

⁴⁶ See, for example, the discussion of class in the Preface of Thompson, E P, *The Making of the English Working Class*, Penguin, London, 1963, pp 8-11.

reconstituted sets of social relations.⁴⁷ Thus, while we would do well not to blind ourselves to the problems of recreating community in industrial society, we should also not be blind to its possibilities. Nevertheless, given the problems discussed above and the ultimate ends of policing (even in its most benign form), too much emphasis should not be placed on community policing as the catalyst for reviving community. As argued above, we need to have more realistic views on what community policing can achieve.

This brings us to the issue of public participation vis-a-vis policing. Amongst progressives and/or critics of community policing, there seems to remain more than a trace of the feeling that "law and order will always be *their* [that is, the conservatives'] idea".⁴⁸ It needs to be recognised that *current* structures still provide avenues for debates, information and education over crime. Furthermore, if we accept the idea that community policing tends to provide and validate the *police* perspective, then perhaps (geographical) communities also need to develop alternative "bottom-up" mechanisms for achieving the goals of community policing (and, indeed, reconstituting community). Properly constituted community committees can provide a broader perspective on crime prevention and community safety, which is unfettered by either the (apparent) constitutional limits of the present community-police relationship or the possible compromises and inequities associated with such a partnership.⁴⁹ Lastly, as there is some doubt as to the

⁴⁷ Bell, C, and Newby, H, *Community Studies: An Introduction to the Sociology of the Local Community*, Allen & Unwin, London, 1971, p 51.

⁴⁸ A view put to Ian Taylor at a Labour Party conference where he gave a paper on socialist criminology as recounted in Taylor, I, *Law and Order: Arguments for Socialism*, MacMillan, London and Basingstoke, 1981, xv.

⁴⁹ Manly Council has been instrumental in establishing a Community Safety Committee to look at the local crime situation. The Committee is broadly comprised of councillors, hoteliers, community workers, health workers, drug counsellors, business people and police. However, when questioned, Manly police seemed unaware of the existence of the Committee! To be fair, their representative on the Committee was away at the time (according to the office of the local member, Peter McDonald). Nevertheless, the general level of awareness of such activities by the police is worrying.

precise legal basis of these constitutional limits⁵⁰ — coupled with the fact the political power of the police is currently in retreat — then perhaps now is the time to closely examine the issue of public participation in a policing context and/or to press for demands.

Although dangerously platitudinous, this paper has sought to define what there is about community policing that is worth keeping. Boiling it down, it emphasises two factors. First, that we need to recognise the limits of community policing and the tensions in the coupling of the two elements. Second, it argues that the time has come to acknowledge and privilege the political nature of the relationship between the police and the community (subject always to the rule of law). From here, a more realistic and honest relationship may emerge which can — in part — undercut the instrumentalism of modern society. As Moore has said:

“Politics, in the sense of community responsiveness and accountability, re-emerges as a virtue and an explicit basis of police legitimacy.”⁵¹

Under such conditions, perhaps the rhetoric of community policing can begin to meet its historical reality and (reassessed) potential.

⁵⁰ See the excellent article (in two parts) by Hogg, R, and Hawker, B, “The Politics of Police Independence” *Legal Service Bulletin* August (1983) 161 and October (1983) 221.

⁵¹ Moore, M H, already cited n 4, p 123.