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## **Cross-national research. A new frontier for police studies<sup>1</sup>**

Sebastian Roché and Jenny Fleming

### **Comparative Policing**

The study of policing is comparative when the goal is to explain why various police systems have similarities or differences. Researchers should look systematically for trends, patterns, and regularities among police systems. The comparative method may be regarded as a procedure for eliminating false propositions (Cohen and Nagel, 1934. 259) and can be applied to the study of policing. Further developments in comparative studies will require that every concept, starting with the police, is reconsidered with a view to becoming “portable” (Sartori, 1970).<sup>2</sup> Portable concepts allow the collection of “extensive information which is sufficiently precise to be meaningfully compared” (Sartori 1970, 1040). The portability of concepts (i.e., validity across various contexts) is a major test. They must be suitable for interpreting a set of national police systems while avoiding conceptual stretching. This is a challenge for comparative policing studies as most concepts that are used and written about originate in the West, and words such as “oversight” or “accountability” do not exist outside the Anglo-Saxon language. Academics and other interested parties currently lack the tools, theories, concepts, and data to engage in comparative analysis; therefore, identifying and testing them seems crucial.

Comparative policing can be defined as a combination of a substantive focus on the study of police systems and a method for identifying and explaining the similarities and differences between policing in different countries. First, we are not sure, in comparative terms, what is meant by ‘the police,’ what it stands for, which organizations are included under that name, how they operate, and why. Second, there are many types of police systems around the world. These systems and how they work are influenced by their state structure and levels of

democracy and differ in terms of structural features (e.g., political level in charge, organizational centralization, accountability principles, and regulatory mechanisms). Third, although there are ‘grand’ theories about the role of police in society, ranging from police as a means of oppression (inspired by Marx or Foucault) to neutral peacekeepers and service to the public, the scholarship on comparative policing is currently short of middle-range testable theories (Merton, 1949).<sup>3</sup> It is unlikely that policing studies can grow and consolidate without embracing the diversity observed across countries and by using it to test theories. A generalization cannot be firmly grounded by considering just a handful of countries.

The method of concomitant variations to infer causation dates back to John Stuart Mill (Meckstroth, 1975). Durkheim (1947) placed comparison at the heart of social sciences and claimed that comparative sociology is not a branch of sociology, but sociology itself. At its core, comparative policing examines a particular object of study (police and policing) and a specific method (comparing organizations across countries).<sup>4</sup> Although researchers have already called for a transnational research agenda (Bowling and Marks 2015), the construction of a comparative approach remains slow. The field of policing has developed as research and the number of publications has grown. This growth is reflected in the current number of academic journals now dedicated to policing. At least eleven international, peer-reviewed journals have the word ‘police’ or ‘policing’ in their titles.<sup>5</sup> However, most of the production of knowledge centres on local studies or single-nation studies and is rarely about the comparison of ‘police’ in different national settings.<sup>6</sup> There are exceptions, beginning with Banton (1964), Bayley (1971, 1979, 1985) and Mawby (1990), and such endeavours are also found in recent research (de Maillard, Roché, 2018; de Maillard, Roché, 2021). A burgeoning literature, which this first volume of *Comparative Policing Review* illustrates, is emerging and beginning to take up the challenge of comparative policing research.

**Police. an elusive concept**

Scholars must decide whether ‘police’ refers to a concept or a name. “The conventional formulation of this problem is whether what is being compared is really comparable” (Teune, 1968, 126). Comparing police forces implies a definition of the object of study (policing, police organizations) and of how the object is related to its societal (social groups, citizens) and institutional environments (e.g., other organizations such as those embodying the political or legal authority). Scholars have faced three difficulties in thinking about appropriate definitions. Differences between countries, lack of (internal) unity of police due to the heterogeneity of the tasks they are entrusted with, and the unfinished quest to delineate the police from other organizations (for example, private police, armies, militias). In many countries, ‘policing’ is now both authorised and delivered by a range of diverse actors including governments and governmental regulatory agencies (Jones and Newburn, 2006).

Using the word policing (with a focus on action) instead of police (as organization) is not a solution to the conceptual challenge because policing also refers to the concept of police. It comes as no surprise that those conceptual problems have affected comparative research. The first attempts to compare were based on a contrast between the British and American models and the so-called European “continental system,” of which France was intended as the example *par excellence* (Mawby, 1990). However, this welcome start did not include a portable concept nor a comparative method for the classification of police systems. The definitional difficulty also applies to continental European states. For example, countries like Germany and Greece have very different police systems, whichever feature or characteristic is considered (number of command centres, mechanisms for independent oversight, and number of agents, to cite a few). The difficulty with the validity of a universal definition is expressed by researchers working on non-Western countries. Alice Hills points out that the Western idea

of police is “based on a specific understanding of what a police organization is, but this is not necessarily the case in the global South” (Hills, 2014. 765). Because of that definitional issue, she proposes talking of “policeness” rather than police. Still, a notion for distinguishing degrees cannot solve the problem of deciding on the nature of an organization since the former depends on the latter. In addition to between-country heterogeneity, the goal of defining the police is made more complex by the variety of their tasks within any given country. The first attempts by sociologists to count the tasks carried out by the police resulted in a list of more than a dozen (Reiss, Bordua, 1967). Of course, a list is not a definition. In the same vein, sociologists Monjardet (1996) and Brodeur (2011) propose differentiating between large functions of police. “Police of sovereignty,” meaning protection of institutions, of borders, intelligence, “investigation of serious and organized crime,” and “police of quietness,” meaning the daily work of policing. When a comparative perspective is adopted and an apparently homogeneous domain such as “intelligence” reveals itself as heterogeneous, national concepts and institutions diverge (Davies, 2009). The police can be many “things,” and even in one country, there is no homogeneity behind the name police. The attempt by Bittner to find a common denominator of police in the “distribution of non-negotiable coercive force” (Bittner 1974/1990. 249) has limitations, the most obvious being that most police agents ordinarily do not use violence and that numerous other authorities such as prison guards, ship captains, private agents may also use violence - see the outcome of a discussion with Bittner (Brodeur, 2001, and Brodeur, 2011). In addition, private firms and agents carry out tasks similar to those of the police, including the protection of critical infrastructure (Bayley, Shearing, 1996). While these other actors do not cover the full range of police tasks, Bayley and Shearing cannot find a clear delineation between them and the police.

The lack of a definition of the concept of police has immediate consequences. It allows for a neo-Foucauldian theoretical approach to stretch the notion of police to the point where it is assimilable to any mechanism with Neocleous calls a comparable “social function”. The police as an institution is only one part of the larger function of policing a society, a function that includes all disciplinary mechanisms (Neocleous, 2000). The police then become indistinguishable from other organizations as they share the same aim of disciplining or ‘policing’ society. It can also have practical effects. When Eurostat (the EU agency for statistics) counts the number of agents per country in EU member states, it chooses to include a list of organizations and exclude others without clear-cut principles. “Police statistics usually include. criminal police, traffic police, border police, gendarmerie, uniformed police, city guard and municipal police, and exclude. clerks and other ‘civilian’ staff, customs personnel, tax personnel, military personnel, secret service and special units, police reserves, cadets, and court guards.”<sup>7</sup> Practically, this list includes staff with restricted powers (e.g., city guards in Germany or municipal police in France) and excludes the policing of goods at the border, despite these authorities’ vast powers to track, search, and seize (e.g., customs control). These numbers, which do not include private police, later form a basis for publications in scientific journals, for example, on how they correlate with national levels of trust in the police (Nagel, Vera, 2021) or national spending (in the EU, see Wentzelburger, 2014).

The second issue relates to the delineation between police and other (external) organizations. Early police studies made the somewhat crude assumption that ‘policing’ was what the municipal or local police did. As Cockcroft (2013) notes, those ‘classic’ studies have engaged with discussing the uniformed police on the streets, and marginally with external political and economic forces behind them, except for Wilson (1968). Early municipal studies did not

recognise the range of policing tasks undertaken by regional or national agencies as they can be found in continental Europe, as well as cognate bodies (e.g., private security firms and beyond). One attempt to break away from that reading involves the concept of the “policing web” (Brodeur, 2011), which is important for comparative research. It consists, at the country level, of the various agencies involved in policing under the same or different “auspices” (Johnston and Shearing, 2003), as well as their links to each other. Although Brodeur’s notion of the policing web was not originally designed for that purpose, it can be used to define the policing mix, and to cover countries where private armed entities and the military are actively engaged in the surveillance of, and maintenance of order in a country. Therefore, the degree of “privateness” (White, 2020) and “militariness” (Cruz, 2011; Riccio and Skogan, 2017) of the police system, concepts that would require a proper definition for which we do not have the space here, is critical in this area. We know that this policing mix also exists – albeit in different forms and with less emphasis on weapons – in Western states and even in the Nordic countries (Nokleberg, 2016). In certain contexts, the state is inclined to share its coercive power, even when its political authority is not challenged as much as it is for example, in Central America. Still, we lack the knowledge, conceptualization, and measurement across countries of the policing mix.

It is worth making a methodological note here. Some rethinking of surveys may be inevitable if we are to accommodate the diversity of policing forces in each country. In comparative opinion polls, the word “police” is used when asking residents of different countries about satisfaction, trust, and legitimacy. This term may pose problems. Such wording does not account for the diversity of organizations in most countries, even of the public agencies alone. This use of one designation only (i.e., police) is repeated across large cross-national surveys despite evidence from national surveys that the evaluation by the public of who constitutes the

police and how much an agency is trusted, varies from one organization to the next (for Mexico, see Esparza, Ugues, 2020; for Turkey, see Sato, Hough, 2015; and for Chile, see GFK ADIMARK, 2017). It is worth noting the role of the auspices vis-à-vis police forces (e.g., some police agencies are placed under the military, some are affiliated with the ministries of Defence, Interior, or Justice; some public police systems are centralized, others are not) and the diversity of the policing mix in each country. Some governments use the military to carry out internal tasks and others count on private agencies, others remain dominated by state services (van Steden, Sarre, 2007). It may be the case that research on police legitimacy will benefit from taking a diversity of auspices and forces into account.

In this paper we limit ourselves to suggesting that, besides advocating for a portable definition of police, at least four areas (and their related concepts) have to be taken into account for comparative policing to establish itself in the field of policing studies. The first area is about “police, politics and statehood.” The second is focused on the “institutional framework and the power to organise police” at every level of government. That is, the institutional framework under which police organizations operate. The third area concerns the accountability and regulation of policing. the principles and mechanisms, as well as managerial techniques, that seek to hold police accountable. The fourth and final area focuses on the attitudes of the public vis-à-vis police organizations.

### **Police, politics, and statehood**

Comparative policing research focuses the researcher on politics. As Bayley points out, “The creation of police forces is to be understood in political terms; police forces are the creatures of politics” (1971, 100). In many ways, police organizations and practices reflect the jurisdiction in which they were created and the context in which they operate, starting with



the existence of a consolidated state. Although it was probably not Bayley's intention, we can include all types of public and private organizations under the label "police forces." The functioning of a state is based on various types of organizations, including some that are involved in policing. Therefore, as the basis of comparison, the state is a key unit of observation. It may or may not be a cohesive cultural and political entity. Public police forces are established by the government (the political elite decides on the structures of the police), and the role of authorities over the public police is key to how they operate (Manning, 2005).

In the case of private police, the government authorizes them by setting their legal framework, unless they operate in "areas of limited statehood" (Risse, 2011) where it is not strong enough to impose its domination on the national territory because of patrimonialism, resource scarcity and lack of administrative capacity. The existence of political (and sometimes purely criminal) competitors challenging state domination enables the rise of non-state approved forces, or hybrid forces (such as militias created by ex-police, Alves, 2019). Extrapolating from Risse's book (which contends that such a configuration could apply to two-thirds of the world) and applying it to policing studies, gives a broader sense of the need to more effectively cover realities in such areas. In practice, it is not easy to decide who the police are in some African (Bierschenk, 2017) or Latin American states (Paes Manso, 2020). The importance of the context is visible in a rare cross-country study on community-oriented policing in six countries in the Southern Hemisphere. It shows substantial heterogeneity across national contexts in terms of how a community-oriented reform is implemented and its effects on the targeted problem, trust building (Graeme et al., 2021). Even in areas of full statehood, the proliferation of policing (i.e., the public-private policing mix) is not independent of the political culture of a country, as a comparison between Austria and Canada suggests (Terpstra, van Stokkom, 2021). While in the former, the paradigm is defined in terms

of the centrality of the state, in the latter, it is understood in reference to an instrumental goal, such as value for money.

In Western countries run by functioning states, police forces are directed by governments and their policing policies. In EU member states for example, government spending on police is driven by political parties' ideological preferences (Wenzelburger, 2014). Constitutions distribute powers (see below), but government rules and regulations frame mandates and assignments. Politicians decide to arm the police or not and ordain which weapons may or may not be used for crowd management. Hence, the overall legitimacy of the police is intrinsically bound to the legitimacy of the state, simply because the state confers it on them. Over the past century, the police as an institution has become "the specialist reposit[or] for the state's symbolic monopolisation of legitimate force" (Reiner 2010. 17). That relationship between the state and the police, as well as the police mandate, needs further comparative inquiry. If the measurement of variables across different organizations is not separated from the peculiarities of the political systems, it is difficult for a comparative analysis of police to proceed. The national dimensions of police organizational characteristics, police practices and the status of the police workers need more comparative investigation, more integrated data collection, and conceptual refinement. A focus on the macro framework should not lead to a marginalization of intra-national differences between police forces (in either centralized or decentralized systems) or of transnational exchanges (Jones and Newburn, 2021) but place them where they belong, in national contexts.

Incorporating the police themselves (i.e., the profession) as a player in the game of relations between police and politics sounds like a major proposition (Monjardet, 1996). In three Latin American countries, Australia and the United States, police are found to be powerful

bureaucracies with a lot of influence over politicians (Gonzalez, 2021, Fleming et al, 2006, and De Lord et al, 2006). The difficulty with the concept of police applies to the workers in those organizations. Comparative occupational sociology, the comparison of status, rights and conditions of workers in those bodies, and how they organize for their interests have not attracted much attention, although there have been notable exceptions in some developing countries (Jauregui, 2018). Jauregui's work highlights how the government tries to dominate its agents, usually described as a means for state domination, by curtailing their rights to unionize or protest. Examining this essential relationship between the rulers and the police as a rule-bound bureaucracy and as a set of workers united in a profession with its own interests seems a promising avenue for research (see also, Marks and Fleming 2006a; Marks and Fleming 2006b; Fleming et al 2006).

### **The institutional framework and the power to organise police**

The second area of interest includes the polity and the delegation or distribution of police powers in a country. Two concepts can be distinguished here. the "political powers in relation to police" and the "operational powers of the police." The "political powers to police" are either based on a constitution (in democracies) or *de facto*, obtained by one or several levels of government (and sometimes criminal organizations<sup>8</sup>). In Western nations, constitutions organize what lawyers call "the distribution of powers", which refers to the division of powers and of responsibilities between levels of government<sup>9</sup>. Distribution also applies to the power to police. This power corresponds to an authority to establish public police organizations, or to having the ability to regulate other organizations (to decide who can limit freedoms and use force). It is distributed to one or more (often several) levels of government, the political command centres. If we agree that police are forces established or allowed by a political authority, we should then study comparatively at what level this process takes place

(Lowatcharin, Stallmann, 2019a), as well as the expected relationship between this authority and its police forces. For example, the government may decide to more or less centralize or decentralize public forces; the former option is often associated with authoritarianism (Berkley, 1970), a statement that would require more analysis (Lowatcharin, Stallmann, 2019b). By contrast, the expression “police powers” usually refers to the use of operational powers by police agents. These powers involve otherwise illegal means, such as wiretapping, breaking into homes, and using indiscriminate violence without authorisation. Those powers do not inherently belong to the police but are delegated to them by the true owners of the “political powers.” A constitution rarely defines the duties and responsibilities of the police; there are counterexamples in young democracies like Spain, but this is far from being the rule (Roché, 2015).

There is significant variation in the delegation of political powers to police, and consequently in the structure of public police organizations, in different countries. One single central political authority (in Denmark) or a multiplicity of them (in Germany, Mexico or Switzerland) may be entrusted with such powers. Moreover, the legal framework may be quite flexible, and basic laws are not closed to delegation (or redistribution). The highest echelon of a centralized system may devolve its powers to lower levels, as in Italy or France. In federal systems, the same delegation can be observed from states to municipalities, as in the US. Decentralization laws may give local governments the right to establish a public police force or to make use of private police in their public domain. The form that public police organizations take is by no means static.

At the European level, full-fledged democracies like the Nordic countries have recently embraced a trend towards centralization, while a country like France has seen a rise in

municipal police forces (Fyfe, Terpstra, Tops, 2013). The forms of pluralization of the police also vary from country to country and tend to make any classification of police system difficult, “Comparative research on plural policing is faced with the question (...) of how to categorize the huge diversity of all these pluralized, fragmented and differentiated patchworks of policing” (Devroe, Terpstra, 2015. 238). Recently, states have redistributed the political power given to police – sometimes in dramatic ways, as with the creation of new locally elected officials, the police and crime commissioners, entrusted with the power to steer police agencies in the UK (Lister & Rowe, 2015). Meanwhile, there has been a trend toward reform in the opposite direction to insulate the police from the public, as in the Netherlands where they have sought to reduce the contact between the police and the public (Terpstra et al 2019). In practice, we usually observe the great complexity of a multilevel allocation of political power to police; mayors, heads of infrastructures such as universities, authorities at the state/regional levels in federal or unitary systems (elected governors or regional states), and national or federal officials can be entrusted with it. The empowered levels of government can vest police powers in whichever organizations they choose, allow or facilitate the privatization of policing, and consider the partial privatization of the police service as the UK was wont to do in 2012 (White, 2015). We currently lack an explanation for those national configurations of the police system.

Finally, there is great variation in police organizations’ and agents’ use of their operational powers around the world. For example, the first multi-country quantitative study on stop and search, called Midis, undertaken by the European Union Agency for Fundamental Rights (FRA), shows stark differences between ten EU countries. For the majority ethnic group in the country, a high level of stops is recorded in Italy and Slovakia, and for the main minority

group, a high level of stops is found in Spain and France (FRA, 2010). There is presently no explanation for this phenomenon.

### **Institutional framework, Police accountability and regulation**

The third area of interest concerns the regulatory institutional framework of policing agencies that make police accountable – a series of organizations, strategies and tools that have in recent years coalesced around the notion of accountability (Walker, 2005). Accountability, which is now considered a central and ever-expanding concept in Western countries (Mulgan, 2011), is directly dependent on the state's capacity to exercise its function as a superior authority. It is a concept that is used when considering the governance of the market or public administrations. Again, this possibility is not met in “weak states contexts” (Goldsmith, 2002), a notion similar to “limited statehood” (Risse, 2011). According to Mulgan (2003), accountability covers both individual and organizational accountability – that is, the existence of an obligation to explain and justify conduct and decisions with a risk of sanction – and excludes responsibility vis-à-vis the internal hierarchy. The second part of the statement is, of course, debateable. Performance management under new public management was introduced as a key technique for political authorities to steer its administrations. In their review, Feys et al. (2018) do not find a shared understanding of accountability among scholars of police studies. To say the least, the notion of accountability is polysemic and disputed in the field of policing. We see this as a major obstacle to empirically and comparatively studying the topic.

Two types of accountability need to be distinguished. Public police independence vis-à-vis government and the regulation of public (as well as private) firms and agents' behaviours by independent bodies. Organizations such as militias escape that type of scrutiny. On public police independence, a normative discussion and comparative examination of police legal

codification of independence vis-à-vis government in Australia, Canada, and the UK has been initiated by Roach (2018). Although operational independence does not equate with a lack of accountability and can be under strain in those three countries, the notion itself exists, which is not the case in many other countries, including Spain, France, and Finland. We did not find any empirical comparative assessment of operational independence as it is negotiated in practice. However, the issue of performance management, which clearly falls into the study of the relationship between government and public police forces, has been studied. And it appears that the meaning of the notion of performance management is strongly context- and state-structure dependent, as the comparison of the UK and France indicates (de Maillard, Savage. 2012).

The power or influence of unions over their auspices should probably be included as part of the relationship between police and government. Legal contracting between the political authority and the policing organizations is an instance where the influence of unions over the ruler has been identified in a comparison of US jurisdictions (Potts. 2018). Regarding the second aspect (i.e., the regulation of organizations and agents' behaviours), a transnational transformation seems to be underway, which could be called the externalization of oversight. Johansen observes that "Until the late twentieth century, police managers were firmly in control of handling complaints, and internal police investigations of all complaints continues to be the norm worldwide" (2014. 446). However, in Western countries, an increasing number of jurisdictions have established independent bodies for processing police complaints both in the US at the local level (Mugari, 2018), in Australia at the state level (Fleming 2001) and in the EU at the national level (Johansen, 2014, de Maillard, 2022). Many institutions are involved in police oversight. Contributing organizations are at best listed for certain regions in the world (Byrne, Priestley, 2015, updated 2017). But we know little about their diversity in

terms of structure and processes, and about their mutual relations. Comparative knowledge of these structures is still in its infancy. The contrast between the expansion of public and private policing in the last century and the paucity of comparative work on their regulation is striking. The issue of regulation in the private sector has recently surfaced and is not limited to Western countries. It is now a concern of UN agencies engaged in norm setting (UNODC, 2014), which is understandable given the rarity of full statehood at the global level. Moreover, the regulation of the private sector in the EU has started to be an object of conceptualization and review. There is now information about the much-contrasted severity of the legal framework that states impose over companies and agents (Button and Stiernstedt, 2018). It constitutes an important development for comparative work on the regulation of the private sector.

However, when it comes to studying its institutional implementation, the concept of accountability has to be portable because of the heterogeneity of organizations that have similar names (starting with parliaments, independent oversight bodies/commissions and ombudsmen) and apparently similar functions, but are, in fact very different from each other in terms of their powers, organization, and processes (Reif, 2004). Surprisingly, very few scholars have attempted to empirically assess the effects of accountability. Even though many oversight bodies are international, such as the United Nations and the Council of Europe, a cross-country analysis of those institutions and their consequences on policing is lacking (see Feys et al., 2018). Human rights-based organizations at both the national and international level place a strong emphasis on the importance of police accountability. However, the way such organizations seem to promote police trust or legitimacy has been addressed, but only in a few single-country surveys (de Angelis and Wolf, 2016). One US study suggests that outrage prompts the creation of civilian review boards, but it finds little effect over policing



practices (Olzak. 2021). Parliament, the judiciary, independent oversight bodies, and ombudsmen are part of national police accountability systems but have never been comparatively studied as such. It may be the case that researchers should aim to identify not one single body but rather a national network of public institutions in charge of police oversight and accountability, which may, together, make a difference. But the data regarding the dependent variables are also missing or very scarce. In terms of the gathering of comparative data, one of the typical problems that such bodies are meant to address (i.e., police discrimination), only began to be investigated ten years ago in the EU by the Fundamental Rights Agency with a strong methodology (FRA. 2010). To date, there has not been a similar endeavour in any other region of the world.

### **Attitudes vis-à-vis police and policing, trust and legitimacy**

The final area involves public attitudes vis-à-vis the policing organizations, commonly researched under the banner of trust and legitimacy. The assumption that the population is a valid source of legitimacy of the police (with their corresponding claims to earn it) should not be taken for granted. This idea is a late nineteenth century development for some countries (Johansen, 2016), and it is not known to what extent it has cross-cultural validity. This tends to indicate that legitimacy need not be separated from considerations of politics and governance. At the core of the concept is the idea that legitimacy is “a kind of support that derives not from force or its threat” (Swartz, Turner, Tuden 1966. 10) or, in the words of an anthropologist, “of these two components of power, the stranger is not the violence of the dominant, but the consent of the dominated to its domination” (Godelier, 1978. 767). In the wake of the momentum given to the study of regime legitimacy by American political scientists (starting with Lipset, 1961, and Easton, 1965), social psychologists have prompted progress in the study of police legitimacy (Tyler, 1990). Interestingly, as happened with the

concept and definition of police (Hills, 2014) and deciding who the police are (Bierschenk, 2017), discussion of the concept and its universal validity has been fuelled by non-Western studies. The findings have varied; for example, the perceived effectiveness of police is found to be a source of legitimacy for the police in Ghana (Tankebe, 2009), while in Japan, legitimacy and expected obedience to police are not associated with each other (Sato, 2018). These results underscore, again, the key role of non-Western works in conceptualization and generalization.

The development of research into long-neglected areas is now underway. Different attitudinal dimensions are more effectively measured, and their correlations tested – for example, between measures of attitudes of trust of police and vis-à-vis compliance to the public police. Research has started to examine the interplay between those attitudes regarding private policing in Australia (Fielder and Murphy 2022). However, comparative police legitimacy research should not be limited to studying the association between different attitudes toward the police at the individual level. Both system-level and individual-level perspectives on legitimacy need to be accounted for. The link between trust and legitimacy, on the one hand, and governance, accountability, police structures, and police practices, on the other hand, need to receive more comparative attention. Like political science research on political legitimacy, where the adoption of a micro perspective in surveys focused on “citizens attitudes ... has weakened the ability of empirical researchers to ground individual-level findings in theories about the polity” (Weatherford, 1992. 149), police legitimacy studies have not much-grounded individual attitudes into macro-systems. There are varied and good empirical reasons to make progress in that direction. Political scientists (from Rodgers and Taylor, 1971 to Zmerli and Hooghe, 2011) have repeatedly found a correlation between trust in public institutions and trust in the police, even if this fact has received little attention from

policing scholars, although there have been some exceptions (see Kääriäinen, 2007, and Morris, 2015). Such an association may depend on the level of adverse conditions. A study on sixty-five nations found political legitimacy to be significantly negatively related to homicide (Nivette, Eisner, 2013), and similarly, a study of seventy-seven countries demonstrates that the police are praised by the public in countries with a low homicide rate (Pare, 2014).

Another picture emerges for private police. A recent comparative paper on six (developed, emerging, and transitional) countries found that, at the macro level, compared with lower democracy levels a full-democracy ranking is associated with the citizenry having less trust in private police (Nalla, Maxwell, Jaynes, 2017). Political institutions and police appear to be credited with controlling unwanted human behaviours, but in a more complex pattern than expected. At the theoretical level, the results of such studies could be linked to Weber's conceptualization of the ruler and the administration as being separate, with the latter subordinated to political power (Weber, 1918). For Weber, a bureaucracy does not have any legitimacy of its own, and the results appear to support that view or advocate for the legitimacy of a regime and its bureaucracies to be studied in an intertwined manner. At a minimum, the above-mentioned findings encourage a consideration of state legitimacy (degree of statehood and democracy) when estimating that of the police (whether private or public) at the individual level.

Another hindrance in comparative analysis is that comparative surveys about attitudes vis-à-vis the police have rarely tried to explore their correlates with the actual police organization's claims, features and behaviour. The work of Weber remains central to research in the field since he explicitly defines legitimacy as a tool for political domination, while identifying three types of legitimacy. He highlights the legitimacy claims of the ruler vis-à-vis the nation

and, therefore, the relational dimension of the concept (Weber, 1918). As one scholar puts it, “Measuring legitimacy by looking only at people’s attitudes and opinions can be compared to giving an account of a telephone conversation while listening to just one of the two sides” (von Haldenwang 2016. 27). Government leaders’ or police chiefs’ legitimacy claims have not yet been mobilized for comparative analysis. An initiative like the “Comparative Manifesto Project” (Helbing et al. 2016) but with a focus on police, would help to verify the nature of the relationship between authorities’ claims and public evaluation of policing. Surveys such as the European Social Survey and the World Value Survey and regional barometers such as the Latin barometer or the Afrobarometer, study trust and legitimacy but tend to neglect the richness of the relationship between the public and agents/police. In the most favourable scenarios, there are very few questions about contacts with “the police” in those international surveys, and there is only one question about having a pro-active contact or not in the European Social Survey (2010 round), the most widely used survey in Europe. One exception is a comparative qualitative study on the police legitimacy strategies of police agencies in a few EU states (Schaap, 2021); another, carried out in a large set of countries, relates to the degree of centralization of police forces and its relationship to trust which appears to be negative only in developed nations (Lowatcharin, Stallmann, 2019). Importantly, in the latter case, a portable concept has been devised by – and a cross-country metric is available from – the two authors.

There is one other barrier to comparing these concepts. The concepts of legitimacy, fairness, and effectiveness are often used to mean *perceived* legitimacy, *perceived* fairness and *perceived* effectiveness (e.g., Jonathan-Zamir and Weisburd, 2013), as if it would not be worthwhile or relevant to separate them, for example to distinguish between the perception of fairness and intrinsic fairness. This is not a minor difficulty since, as Waddington et al.

conclude, “Whilst issues of fairness and respect surfaced repeatedly in these focus group discussions, there was also widespread dissension about how crucial phases of the encounter were perceived and appraised.” (2015. 212). Based on the indications that, even in the same country, such general concepts are not always understood in the same way, we can hypothesize that disparity in judgments will increase across countries with differences in culture and economic development. Perceived (or apparent) fairness does not match intrinsic fairness. The absence of an intrinsic measurement standard of police fairness and effectiveness based on observable criteria by a third party is a risk when a comparative perspective is adopted. Unless intrinsic fairness and effectiveness are calibrated, we lack a reference point. At a minimum, it is necessary to be able to ground notions of fairness and effectiveness in actual and specific police agents’ behaviours. Works that test the effect of the practices (such as stop and search) of agents from different specific forces on legitimacy exist (Bradford, 2017), but they compare agencies in one country, not across states. Since the expected effects of procedural justice on compliance have not been confirmed by recent longitudinal tests (see the review by Walters et al., 2019) and some data collected during police stops find “no evidence that police behaviour that signals fairer treatment or decision-making leads to higher perceived procedural justice” (Terpstra and Wijck, 2021. 1), new perspectives on thinking about legitimacy may be necessary. Linking attitudes (or attributing various traits) to the police with the measurement of actual police practices, experience of crime, and institutional environments (starting with statehood, democracy or accountability) is another frontier for comparative policing studies. Despite the complexities and difficulties identified in this paper with comparative research generally and legitimacy studies specifically, comparative policing research is taking place – this volume is testament to that.

### **New Comparative Policing Studies**

In this first volume of *Comparative Policing Review*, several aspects of the contributions are instructive. In a study covering EU member states, Sonja Zmerli confirms that, at the macro level, every attitude toward the police “strongly benefits from the rule of law and societies rich in social trust ... economic prosperity, the longevity of democratic rule as well as low levels of corruption.” All macro traits feature as positive factors and prove more important than the individual ones. The paper’s conclusions suggest that the political framework – and, more particularly, the level of corruption – is decisive. The contrast between two comparable states, France and Germany, confirms that while the police agencies have similar functions, they are performed in substantially different ways. Oberwittler and Roché suggest that it is not only the general principles under which policing is placed that matters. Rather, the incremental elaboration of aggressive informal professional rules facilitated by the lack of sufficient oversight of the use of force or stop and search, as well as the breaking away from community-oriented policing doctrine by the French government, makes a difference. Those rules have fuelled a higher degree of adversarial orientation in France than in Germany, with, on the one hand, more use of force against the public in general (including the majority group), and, on the other hand, more discrimination against the minority ethnic group regarding stops.

Two papers address the issue of the policing mix in Latin America and underscore both its reality and its effects on trust and legitimacy. The penetration of the armed forces into domestic affairs is banal there. Hung-En Sung, Joel Capellan, and Bryce Bartuly show that the public agrees that the military should combat crime. Several countries in the region, including Mexico, Peru, Paraguay, and Brazil, score much higher than the average Latin American country on the idea that a military coup is legitimate if there is a lot of crime. The importance of personal victimization as a correlate to trust in police is also found in other countries like

South Africa (Bradford, Hug, Jackson & Roberts, 2014). Another paper studies the so-called northern triangle of Central America (Guatemala, El Salvador, and Honduras). Here, state forces “coexist and even bargain with other armed and violent actors to carry out their duties,” according to José Miguel Cruz. The presence of police and other armed non-state actors on the streets of their municipalities is associated with a higher legitimacy of the political system and support for democracy. That rare example of the study of the role of private actors in the study of regime legitimacy suggests the existence of complex configurations that should be further explored.

Jauregui’s paper covering India and Brazil provides some important insights into the diversity of the role and status of police agents, whom the author rightfully calls “police workers.” In both countries, she observes that in police organizations, “extreme pay disparities” are noticeable, and the agents are considered “expendable servants” of their superiors rather than rights-bearing workers. She finds that governmental actors exhibit strong opposition to emerging and creative police workers’ involvement in politics, activities qualified as “crisis,” “mutiny,” and “anarchy” by officials to delegitimize police unionization movements or protest actions.

Francis Boateng, Daniel Pryce, and Gassan Abess present the operationalization of procedural justice in detail and uncover the existence of national variations in how attitudes are correlated in two African countries. “While procedural justice had a direct effect on cooperation in South Africa, it did not influence Sierra Leone. Instead, police effectiveness directly predicted Sierra Leoneans’ cooperative behaviour.” The instability of correlations between attitudes vis-à-vis the police across countries, which echoes other research (Sato, 2018), has no explanation yet. Tim Newburn’s paper explores ideas that could provide

explanations for cross-country differences. Thinking comparatively, he writes, “highlights how institutional arrangements, political systems, and the nature of civil society and citizenship are all matters of great significance.” He emphasizes the decidedly contentious nature of policing, generally underplayed by the consensual interpretation of legitimacy by Tom Tyler (1990) and several other respected scholars. “Controversy and dissent are the norm rather than the exception in policing, and that much dispute and disagreement, rather than reflecting a failure of approach or procedure, derive from the nature of policing itself.”, he writes. Transferred into a comparative perspective, Tim Newburn’s propositions assist in understanding how policing is disputed and discussed in different countries.

These contributions help get a better understanding of the benefit of incorporating the specificities of the national context (societal divides and tensions) and the policing mix (its composition and agents’ actual practices) into the research design for explaining police and governments’ intertwined legitimacies. Police–government, government–citizen, and police–citizen relations should be better integrated and placed at the forefront of research when developing comparative policing studies.

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#### Endnotes

<sup>1</sup> The author would like to express his gratitude to Jacques de Maillard, Sonja Zmerli and Tim Newburn for their review of earlier versions of the text.

<sup>2</sup> We borrow the notion of “portable concept” from Sartori. According to him, every conceptual class, regardless of the level of generality, must contain at least one clearly specified attribute.

<sup>3</sup> Robert Merton (1949/1968) coined the expression as a departure from the general social theorizing of Talcott Parsons to create hypotheses that can be empirically investigated, and general statements that can be verified by data.

<sup>4</sup> Of course, the same object can be studied with n non-comparative methods, such as case studies or experimental studies.

<sup>5</sup> Policing and Society, Police Quarterly, Policing. A Journal of Policy and Practice, The Police Journal, Policing: a journal of policy and practice, Police Practice and Research, Nordic Journal of Studies in Policing, European Journal of Policing Studies, Journal of Policing, Intelligence and Counter Terrorism, Journal of Police and Criminal Psychology, Journal of Police Crisis Negotiation.

<sup>6</sup> “Among all papers published in 2021, we found a small percentage comparing a minimum of two countries: Police Quarterly (0%), Policing, A journal of policy and practice (8%), and Policing and Society (5%).

<sup>7</sup> [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary.Police\\_officer](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary.Police_officer)

<sup>8</sup> “In Rio de Janeiro, the Militia Isn’t a Parallel Power. It’s the Government” explained sociologist José Cláudio Souza Alves, who studied it for twenty years (2019), to Rio on Watch on March 12, 2019.

<https://rioonwatch.org/?p=51031>

<sup>9</sup> For example, the division of police power in the United States is delineated in the Tenth Amendment, which states that “the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”