Military Policing

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In this contribution we address the subject of military policing from a historical-sociological perspective by defining it in terms of processes of militarization and demilitarization of the police. Since the creation of the army and the police there has regularly been a lively debate on these processes. Military policing is a crucial topic in this encyclopedia as processes of militarization and demilitarization are an essential element in policing around the world.

A historical context of blurring boundaries between the police and the military

The armed forces and the police share a long history. Both are uniformed government services that have the mandatory power to use legal force and contribute to state authority. Combined they provide the state's strong arm. With the rise of the nation state, since the late Middle Ages, monarchs and later civilian politicians developed the state's security institutions. The armed forces and judiciary were among the first. Up to the early 1900's military personnel outnumbered police troops. Military units were stationed along borders and in almost all (mayor) villages and towns. Most villages had one police officer or even none, while larger cities had only a few dozen. For any serious disturbance they called upon the nearest military commander to send soldiers to back them up. With the emergence of urban working classes and the rising tensions between western European states, at the end of the 19th century, the development of modern and professional police forces started. As police forces grew in numbers the role of military forces in internal security diminished, most of all in (larger) cities.

At first glance, both institutions fulfil a different function and have their own history and culture. The armed forces being responsible for the protection of the state against external enemies and the police being responsible for the internal security and the preservation of the internal public order, has been the most obvious functional difference. Traditionally the army is focussed on warfare and the international rule of law and the police are focussed on public order, service delivery and the national rule of law. Nevertheless, this distinction in functions and tasks has never been so clear in practice. The establishment of the English Modern Police in 1829 for example was in fact a reaction to the blurring boundaries between the military and police functions in British society at that time. The creation of the Modern Police meant the end of the military as primary agent for internal public order. The rise of the French Gendarmerie is another example. Originally this corps was a police corps within the French army. Only later on their authority was enlarged to deal with military personnel and civilians and the model of the French Gendarmerie was 'exported' throughout the world, the so-called 'Napoleontic heritage'.

Processes of militarization and demilitarization

The academic debate on the militarization of the police is concentrated on two paradoxical trends. On the *one hand*, attention is being paid to the military character of the police. The core of this discussion is the impact of the military structure and culture on different aspects of our society. In the 19th and 20th century and up till now military organisational principles are for example implemented in different kind of organisations such as religious groups, youth associations, hospitals and the police. On the *other hand* the development of democracies raises questions on how to democratize/demilitarize police forces to meet all the requirements of a modern constitutional state.

Within the trend that focuses on the impact of the military culture and structure on the police, Bernard Boëne's distinction between the military's *functional* and *socio-political* uniqueness is useful. The military's *functional uniqueness* refers to the characteristics that are needed to be successful as a military organisation. The preparation for and the ever present possibility of 'primitive' war generates typical military characteristics such as obedience, loyalty (political neutrality in liberal democracies), availability, cohesion, physical strength, low recruitment age, minimized participation of women, restriction of civil rights (precluding the use of the right to strike, freedom of expression, etc) and the possibility to use violence and the orientation towards violence in training, motivation and indoctrination. These elements are considered to be the most typical military characteristics, often found explicitly in military training.

The military *socio-political uniqueness* refers to the view of nation states on the role and position of the armed forces. This view is influenced by different factors such as the political culture, the social structure, the economic development and the strategic position of every nation state. Since WOII many Western countries tend to evolve from an organic/national ideal type to a liberal type of military-civil relations. In the *organic/national* ideal type there is a clear distinction between civil and military responsibilities, the armed forces are a bureaucratic public service to the civilians, officers are an impartial instrument in the hands of political regimes and the armed forces do not intervene in politics. This ideal type is seen as the highlight of military uniqueness. The *liberal* ideal type reflects the delicate balance between internal and external integration of the military. Internally there is a professional mix of bureaucratic rationalism and elements of the traditional culture of warfare. Externally the military needs effective social and cultural relations with society to guarantee social legitimacy and hence to ensure its own survival. In each country the perception of the role and position of the armed forces in society interacts with the functional uniqueness of those forces, as mentioned above.

Both dimensions of military uniqueness crucially influenced the process of institutionalisation of the police in Western societies. When establishing police organisations the military model tends to be very popular (Monet, 1993). The influence of the military uniqueness can be situated at three levels: (1) the role and position of the police in society, (2) the operational level of the police organisation (set of duties and implementation principles) and (3) the organisational level of the police (structure, discipline, decision-making, etc).

(1) The vision on the role and position of the police in society refers to finding the right balance between the rights and liberties of every individual and the public interest and public order as a challenge for every democracy. By managing public order the police is directly confronted with this challenge. From a traditional point of view (influenced by the military culture and structure and often implicit in many state-policies towards policing) the police are seen as an embodiment of the power of the state, legitimated by the Law. From this instrumental point of view policemen implement law and order for which they need the

monopoly on the use of violence. This may create a police that is an instrument in the hand of state authorities and which lacks any sense of critical reflection on its own performance. This instrumentalism invites policemen to use the law in a coercive (dura lex, sed lex) and restrictive manner (because it allows them only to act after violation of the law). Besides, this instrumental view on policing gives police forces an a-political status that eventually leads to a police that is separated from society. All these characteristics together define military policing on this level.

(2) On the operational level this traditional view may lead to an operational militarization of the police, defined as performing military duties and/or implementing military principles in performing police duties. The performance of military duties by the police implies that the military power of a nation state is strengthened against foreign enemies and can therefore be referred to as a *strategic militarization* of the police. The implementation of military principles in the performance of police duties leads to the use of violence and (military) arms as an appropriate means to solve problems, thinking in terms of 'enemies' resulting in an approach that does not solve problems but only combats symptoms. These principles are mostly applied and highly visible in public order policing and the reactive style of police in interventions performed as a 'fire brigade'. The 'war' metaphor is used to perform police tasks f.ex. in the 'war on drugs' & the 'war on terror'. (3) On the organisation level the traditional view on the role and position of the police in society implies that the police are being managed as an army. This may lead to characteristics such as army officers in command, military rank and hierarchy, military discipline, military training, military culture, and a restriction of rights and liberties of personnel. Examples are the SWAT-teams (Special Weapons and Tactics) in the US. All three levels above are dimensions of the true meaning of military policing.

The traditional view on policing and the consequences on the three levels mentioned above have been questioned since the second half of the 20th century. The first problem of instrumentalism is the illusion that the police can solve societal problems by addressing symptoms for example by handling the disturbance of public order. This creates high expectations towards the police that cannot be fulfilled because the causes of societal problems are difficult to address. This may threaten the legitimacy of the organization. The second problem is that instrumentalism can threaten democracy because it generates a police that is mainly steered by internal orders and guidelines from police authorities. In this process the responsibility of the police constables on the street is neglected and there are less possibilities for input from the people who are being served, the citizens. The third problem is that the police can never be a perfect instrument in the hands of authorities. The interpretation of laws and guidelines are being influenced by organisational mechanisms, informal rules and the culture of police constables on the street. Policemen/women do have an operational autonomy, called discretionary power, when performing their tasks on the street.

Apart from this, operational and organisational aspects of military policing have been subjected to an ever-growing flood of criticism. The use of the police to strengthen the military, the effect of the paramilitary approach to maintaining order and the efficiency to use military organisational principles to guide police constables in their daily work has been more and more questioned. It became clear that there was a gap between the police (organisation) and the people being policed. Since the end of the 20th century awareness grows that a different style of policing is required to meet the changed needs and expectations of democracies. Meanwhile community policing can be a possible answer as far as it is a philosophy that deals with the question of how to make the police more democratic. One of the basic ideas of community policing is that the police should first understand the nature of

societal problems before they decide what kind of answer the police can or should provide. It implies a critical reflection on the role of the police in solving complex societal problems.

At the level of the role and position of the police in society community policing challenges military policing as it implies a totally different view on policing. The police needs to be a part of society like institutions such as schools, churches etc. The main idea is that the police are the community and the community is the police. The major objective of community policing is to establish an active partnership between the police and the community through which crime, service delivery and police community relations can jointly be analysed and appropriate solutions can be designed and implemented. Consequently, comparing community policing to military policing, partnership is in contract to the idea of the 'enemy' and problem solving is opposed to the approach that only deals with symptoms. On the organisational level community policing asks for principles such as decentralisation, diversity in human resources, democratic decision-making and an ethical police code to be able to 'integrate' the police into society. As a result, community policing inspires processes of demilitarization of the police.

Around the world this debate resembles a pendulum in motion. 'New' security threats such as terrorism increases the use of the 'war' metaphor in policing which leads to an organizational and operational militarization of the police. An event such as the September 11th 2009 coordinated terrorist attacks (suicide attacks by plane hijackers) by the Islamic terrorist group al-Qaeda on the United States in New York, Virginia, and Pennsylvania initiated a pendulum motion. The global war on terror in the post 9/11 era reflects a remilitarization of the police around the world that manifests itself in various shapes such as the exponential rise of SWAT-teams, the use of heavily armed vehicles and heavy armament by local police forces and the increased deployment of the army for internal security threats. This process is considered to be a threat for the implementation of community policing as it influences the relationship between the police and the citizens they serve.

Further Readings

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See also: Cross-references to other topics in the Encyclopedia?