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Sociological Interpretation of Police Reaction and Responsibility to Civil Disobedience

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A SOCIOLOGICAL INTERPRETATION OF POLICE REACTION AND RESPONSIBILITY TO CIVIL DISOBEDIENCE*

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August Vollmer, former police chief of Berkeley, California, once said:

"The citizen expects police officers to have the wisdom of Solomon, the courage of David, the strength of Samson, the patience of Job, the leadership of Moses, the kindness of the Good Samaritan, the strategical training of Alexander, the faith of Daniel, the diplomacy of Lincoln, the tolerance of the Carpenter of Nazareth, and, finally, an intimate knowledge of every branch of the natural, biological, and social sciences. If he had all these, he might be a good policeman!"

The high public expectations complicate police work because of one quality of this occupation found in few lines of work—the effectiveness of police agency is determined largely by the skill and discretion employed by the personnel occupying the lowest level of positions in the organizational structure. The man on the beat is in direct contact with the clients and has major influence in determining whether the ultimate results of police activities will coincide with the avowed purposes of the police agency.

This paper will consider the sociological context of police reactions to civil disobedience campaigns associated with civil rights. of minority groups. However certain concepts must be explained to afford background for this interpretation.

BACKGROUND DISCUSSION

Patrolmen have direct contacts with a wide spectrum of the community's population in situations which are predictable only on a highly generalized way. Police work is integrated within

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a system of social institutions which are the framework for social control. Routinely, patrolmen are called on to employ their coercive power to maintain the community equilibrium in events involving conflicts illustrated by family and neighborhood quarrels, debtor-creditor disputes, truancy, and vagrancy. Charges of theft and sexual irregularity may screen profound and psychological maladjustments. The contacts between patrolmen and members of the community usually are outside the context of a building-centered program affording opportunity to standardize interaction. When a client comes to an office, the man behind the desk can structure relationships with the client according to rules which favor prediction of the nature and consequences of interaction. But when services are taken to the client in his own habitat, there is less predictability. The net result is a heavy reliance on the discretion and skill of the individual patrolman in employing his authority discriminately.

Roles of the Policeman. The police are called on to play three major roles in the contemporary community. As *guardian of society*, the policeman is seen as a sentry at the gates protecting the community against dangerous criminals. Here he is the agent of government who employs coercion for the public welfare. Secondly, as *instrument of the law*, he regulates the public in ways not directly concerned with crime. He is a kind of umpire required by his job to apply impersonally some set of rules to make possible orderly social transactions in the community. He becomes the third party in non-criminal situations such as automobile accidents, labor disputes, and racial strife. Thirdly, as *public servant*, the officer is a friend-in-need who performs duties not part of law enforcement: finding lost children, recovering drowned bodies, providing ambulance service, and so on.

The three central roles are not fully consistent with each other. For example, the active guardian of society is rewarded for the physical aggression and audacity he shows in combat with armed criminals. But the public servant requires tact, patience, and sympathetic understanding in relationships with clients. How many personalities are capable of changing themselves so drastically from situation to situation? Is a person well qualified for one role equally qualified for another role?

The inconsistencies of the roles reflect the inconsistencies in public expectations. All contacts with the police tend to be defined indiscriminately as involving the guardian of the law role. The policeman is called on to perform duties unrelated to crime in and of itself, but the average citizen exposed to either the instrument of law or public servant situations is likely to define himself as being treated as a criminal. The policeman is likely to feel bewildered when his well-intentioned efforts are received with resentment and hostility.

The Community Context. The community is made up of groups of individuals who enter into relationships with one another in terms of work, religion, education of children, buying and selling of goods and services, maintenance of roads and sewer systems, and the safeguards against fire, disease, and criminals. In the course of these relationships the groups are found together on the basis of collective sentiments and common interests. A social orderliness is created which makes the community a force for satisfying individual and social purposes. But this orderliness is made possible because individuals and groups surrender a portion of their full freedom and accept the necessity to discipline their behavior within the limitations of rules established for the sake of general orderliness.

Social Control. The discipline of individuals and groups is maintained through mechanisms of social control whereby individuals are pressed to behave the way the group expects. These mechanisms fall into two general categories. Informal social controls are embedded in the matrix of social life. In the course of developing their personalities the individuals develop inner conscience which uses the group's norms as measuring sticks for evaluation of their own conduct. Compliance with group rules is a matter of habit and self-respect. Formal social control is the largely conscious application of punishments to support deliberately created rules imposed by agents outside the individual's own conscience. The enforcement of laws is a major example of formal control.

The increasing domination of urban culture and the rise of large-scale industrial technology has created large aggregations of persons who are dependent on one another for a wide variety of goods and services with only infrequent and transitory contacts with one another. The individual is increasingly exposed to tenuous and impersonal relations which tie his interests to a broad social scheme without providing opportunities to develop the emotional linkages which are products of frequent and enduring social interaction. The informal controls are not as effective under these circumstances, and greater reliance must be placed upon regulation through written codes enforced by a special group of officials. Legal controls have expanded into many areas such as public sanitation, traffic, labor-management relations, factory safety, and civil rights.

SIGNIFICANCE OF CIVIL DISOBEDIENCE

All of the previous discussion has been background for the topic with which this paper is most concerned. Currently law enforcement agencies are caught in a period of unusual uncertainity because of two separate but interdependent developments.

First, the U. S. Supreme Court has made a series of decisions relative to protection of personal liberties of persons accused of crimes. These decisions have brought a hot debate. On one hand, the decisions have been attacked as handcuffing the police by "coddling" the criminal. It has been said that the police are forced to fight by Marquis of Queensberry rules while criminals are permitted to gouge and bite. On the other hand, the decisions have been applauded as evidence that the Court has finally become concerned more with human liberty than the protection of property rights.

Secondly, we are experiencing a series of civil disturbances associated with a wide range of efforts to raise the status of racial and ethnic minority groups to the full citizenship and socioeconomic privileges our political heritage guarantees to all groups. This paper is concerned with strategies associated to the greatest degree with efforts to raise the status of the American Negro. The movement has encountered the network of customs which has made our very social structure a barrier to upward mobility of minority groups. Laws can be passed, but the full achievement of equal rights awaits the transformation of unwritten rules which

control the gates for access to education, jobs, adequate housing, socio-economic power, and social acceptance. How can the Negro break through this network of custom and habit if he plays the game according to the rules established by the keepers of the gate who bar his entry into opportunity? The law-abiding citizen is supposed to benefit personally from such compliance because "law and order" is supposed to give all individuals the benefits of social cooperation. But is the individual not benefiting personally also to be expected to comply for the sake of orderliness as an end in itself? On the other hand, if the Negro smashes the social order how can he expect to gain for himself the fruits of that social order?

The non-violent resistance technique of some Negro civil rights groups raises unusual problems for law enforcement agencies because it has the major purpose of exploiting excessive use of police coercion to create public sympathy for those persons subjected to coercion. Nonviolent resistance is the explicit and knowing violation of a hated law by persons ready to accept, without resistance, the punishment that comes from law violation. The nonviolent resistance is intended to dramatize the injustice in certain laws. The employment of police coercion is invited as an opportunity to show policemen as "aggressors" against non-aggressive victims. Children, women, ministers, and other persons who have a favorable public image are especially useful "baits" for police "aggression." The sheer quantity of such resisters is intended to clog the machinery of justice. The movement has an ideological base in the values of Christian morality and humanitarianism in the argument that Negroes have a moral obligation to not cooperate with the forces of "evil."

In essence, non-violent resistance is a form of passive aggression in that it frustrates its opponents by enveloping them in a cloud of "Christian love" for ones "enemies." The established power structure of the community is to be forced into the role of "bad guys," whereas the Negroes assume the mantle of Christian heroes. Noncompliance with carefully selected laws creates a community crisis, but, by refraining from violent resistance, the law-violaters make application of police coercion an opportunity to present social protest as consistent with the highly prized values of humanitarianism and concern for the underdog.

Every community has dominant and subordinant groups. Whites first dominated Negroes in the United States through slavery. When slavery was abolished as a social institution, the value system of racism became embedded in folk beliefs of the southern states as an informal control system supplementing the formal controls expressed in laws of segregation and disenfranchisement. Among Southern whites the race attitudes became part of morality and religion. In the North the value system of racism is also present, but it is diluted by humanitarian ideals and adherence to values of equal rights under the Constitution. But in both regions the informal control system exists as a latent barrier to racial equality. The current disturbances in the North demonstrate clearly the strength of this informal control system in spite of the lack of legalized segregation and disenfranchisement. These disturbances occur because the civil rights movement as directed in the North has succeeded in forcing the hidden informal control system to the overt level of expression.

FUNCTIONS OF POLICE IN DISTURBANCES

What are the implications for law enforcement? The police reaction to civil disobedience should be in keeping with the instrument of the law role as long as the civil disobedience is directed toward undermining of what we have described as the informal social controls which deny equal rights to racial minorities. Here the policeman serves as an umpire applying the legal safeguards against political chaos without regard for his own personal attitudes toward the socio-political issue. His task is to preserve the basic orderliness which makes possible the host of social transactions which are the web of the social life of the community. This obligation does not mean that it is the police duty to suppress any behavior which breaks habitual routine because such action would place police power in support of the status quo regardless of the issues involved. The objective should be to limit excesses in behavior which would destroy the social life of the community but not to block change of all kinds.

It is no simple matter to determine the specific point at which civil disturbance becomes an excess, but this is just another example of the truth that use of coercive power is a complicated affair when it is employed to maintain a democratic way of life. Because of the difficulties of police decision-making in a democracy, it is imperative that the selection and rewarding of police be conducive

to creation of well-trained, ethical, and highly motivated law enforcement personnel.

Another major inhibition on unrestricted use of police power lies in the very nature of that power. The police agency has the monopoly over legitimate coercion in the community. It is legitimate because the use of this power is consistent with the community and acceptable to the major portion of the citizens as binding on their behavior. Ultimately, effective use of coercion by police depends on what the mores of the community will support as proper. When the policeman moves beyond the limits of these mores, coercion breeds resistance which breeds further coercion. Eventually, a cycle of increased coercion reaches a point where generated resistance deprives police power of the legitimacy which justifies it.

Unless police reactions to civil disturbances are within the sphere community mores define as legitimate, there is a danger that agents of law enforcement will be alienated from the very community which it is their job to protect. As the formal conscience of the society, the policeman is the target of hostility felt by even the minor transgressor when he is called to account for his misconduct. Inevitably, the job of the policeman isolates him from the other citizens of the community. But the isolation will be extentuated to a dangerous degree if relationships between the police and other members of the community deviate markedly from what is desired by the influential groups of the community. Therefore, the passive resistance approach can result in the alienation of the police from the total community if police reaction to civil obedience does confirm the suspicion that police are bullies hiding behind a badge.

Furthermore, the use of police power in civil disturbances must find a delicate balance if it is not to be a barrier against long-term changes of the community's social structure as constructive reactions to the sociological forces pressing the community to change. The comminity must keep up with the times. We are in an age when matters vital to the future of a community are determined in distant board rooms of corporations, conference rooms of governmental agencies, and even by governments of other nations. Law enforcement in the United States essentially is an arm of local government, but the extension of the bounds of community interests beyond the city limits requires that the mores of the local crossroads store no longer afford sufficient guidelines for police action.

LACK OF GUIDELINES IN TIMES OF CHANGE

The effects of change on the local community raises perhaps the most complicated problem faced by the law enforcement agency. In the face of fundamental changes in the community, what standards should the agency use to determine proper action? An extreme example would be a small town in the Deep South. Previously, the power structure of the community afforded a set of racist mores which accepted as proper the use of police power to maintain a system of racial segregation. Now a racial revolution has brought these mores into a state of doubt and uncertainity. The policeman finds himself labelled as a brute for behavior which previously earned him honor as the protector of the "Southern way of life." The laws of segregation and disenfranchisement which he had been called on to enforce have lost their legitimacy. It is no wonder that he asks if the world has been turned upside down.

His problem is complicated because, under a democracy, police agencies are not framers of laws and makers of mores. They enforce the standards created by policy-makers at the higher levels of political and socio-economic power. But in times of unusual social instability the policeman is called on to "do something" when there are conflicting instructions from the many segments of the community power structure. His position is especially untenable when the leaders of the established power structure employ police power to resist the very accommodative process whereby a new equilibrium of community power groups can be reached. However, at best, the use of police coercion is only one phase of the total process of reorganizing the community relationships to meet the new circumstances which have arisen. The violence must be followed by some new compromise between contending forces and a healing of the social wounds inflicted during the conflict.

Because of the complexity of police problems in reacting to civil disturbances, the listing of narrow and specific rules is not in order. But, in general terms, the reaction should be based on major principles. Police coercion is only a temporary measure which has its greatest impact as a potentiality. Once it is used, the major usefulness of coercion as a motivational tool is lost. The decision when and how to use coercion is of fundamental importance. Here we have our strongest argument for raising the level of the policeman's job in terms of economic rewards and occupational requirements.

The police are instruments of the law in dealing with civil disturbances; they are not expressing their own emotions or agents of vengeance for special interest. Except for outright crimes, the response to civil disturbances should not lump protest against the current social system with criminal behavior. The ultimate objective is to preserve the effectiveness of the community as a means of meeting the needs of its citizens. Change in the patterns of community life is not necessarily destructive in the long run.

In conclusion, it may be that civil disobedience will turn out to the advantage of law enforcement. We are forced to re-examine fundamental assumptions about the objectives and methods of law enforcement. Through such re-examination, we may find we are capable of doing a better job than we have. Perhaps we may even be able to gain many of the resources needed to do a better job if such re-examination demonstrates the fact the police agencies have not received the economic and psychological support from the community necessary to achieve the high expectations of the public.