THE ORIGIN AND EVOLUTION OF THE POLICE FUNCTION IN SOCIETY: NOTES TOWARD A THEORY

CYRIL D. ROBINSON
RICHARD SCAGLION

Our theory states that the police function, in its modern form, is linked to economic specialization and differential access to resources that occur in the transition from a kinship- to a class-dominated society. This theory shows the incremental steps by which this transition may come about, both historically and cross-culturally. In addition, we examine the implications of these steps for modern police-community relations.

Our theory is constructed from both anthropological and historical materials. It consists of four interdependent propositions: (1) The origin of a specialized police function depends upon the division of society into dominant and subordinate classes with antagonistic interests; (2) specialized police agencies are generally characteristic only of societies politically organized as states; (3) in a period of transition, the crucial factor in delineating the modern specialized police function is an ongoing attempt at conversion of the social control (policing) mechanism from an integral part of the community structure to an agent of an emerging dominant class; and (4) the police institution is created by the emerging dominant class as an instrument for the preservation of its control over restricted access to basic resources, over the political apparatus governing this access, and over the labor force necessary to provide the surplus upon which the dominant class lives.

We argue that the police institution has a double and contradictory origin and function, for at the same time and in the same society it may be both the agent of the people it polices and of the dominant class controlling these same people. An analysis linking the origin of the modern police function to social change in classless societies has important implications for an understanding of contemporary problems in police-community relations. It allows the dynamics of the social control function of police in small, homogeneous social units to be integrated with a consideration of its role in a complex society. Such an analysis also illuminates how an understanding of this specialized role may be obscured by the more general social control function of police displayed in simple social units, resulting in differential and conflicting expectations about the role and functions of police in the modern world.

I. INTRODUCTION

A society dominated by a ruling class needs a coercive instrument to maintain this class's control over basic resources and over a labor force necessary to produce the surplus product to support and sustain its class (Haas, 1982: 173–174). Our the-

LAW & SOCIETY REVIEW, Volume 21, Number 1 (1987)

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

ory, as proposed in this paper, is that because the police serve this function in contemporary, complex societies, modern policing contains the contradictory demands of the police function in kinship-based societies and the police function in state society (Claessen and Skalnik: 1978b). The development of the police function parallels the development of the state. The police function existing within a kinship-based society, as a product of the whole society, is transformed into a police function that predominantly represents the interests of the dominant class in a class-dominated society while at the same time purporting and appearing to represent the entire society. We attempt to reconstruct the means by which this transformation occurs. Because we consider the kinds of changes in community organization that make a police deemed necessary, our analysis has important implications for an understanding of contemporary problems in police-community relations. Our use of anthropological evidence to support a theory of police function also illustrates how that discipline can be used to elucidate contemporary problems in criminal justice.[1]

Modern writers on social control have been especially deficient in developing a conceptual and theoretical approach to the development of the police.[2] Given the functional perspective of much of the anthropological literature, it is surprising that so little attention has been given to the cross-cultural functions of police. Although almost every introductory anthropology text discusses social control in tribal societies, fundamental questions about the development of the police function remain unanswered: From what sort of "prepolice" structure did the police function develop into a specialized institution? Out of what perceived need did such a specialized form of social control evolve? To what kind or kinds of social structure is the police function linked? What is the relation of the incipient police to the community? What are the modifications in the economic

[1] Structures and changes may be less evident in complex societies than in structurally simpler societies. Moreover, certain characteristics that are subordinate in complex societies but dominant in simpler societies (reciprocity in social relations, for example) can be better understood in contemporary society by a study of them in structurally simpler societies (Sahlins, 1972: 135 n. 18).

[2] See, for instance, Galliher (1971: 308) and Center for Research on Criminal Justice (1977: 5). Manning (1979: 42) notes that "there is no comprehensive Marxist analysis of the rise of the police. . . ." Newman finds that

> we still know very little about why particular kinds of societies exhibit the structures of conflict resolution they do. There has been a dearth of modern *comparative* work attempting to formulate typologies of legal institutions and determine what, if any, systematic causal links may be found between these institutions and the *types* of societies in which they occur (1983: 2 [emphasis in original]).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

and social relations within a community that may encourage the development of the police function? What are the relations between coercive means of social control (police, for instance) and the noncoercive mechanisms?

Despite the enormous amount of writing on various aspects of police behavior, function, and history, no historian has attempted to answer such questions or to construct a cross-cultural, evolutionary theory of the police function. Historians, however, normally specialize in a limited time period or in some limited area of police history itself. For English and American historians, the accepted focal beginning of police history has been the formation of the organized police force in England in 1829.[3] Although the pre-1829 period seems to have been adequately documented by competent authors, especially Reith (1952), dealing with the years 600 to 1950, Critchley (1967), studying the period from 900 to 1966, and Radzinowicz (1956), examining the one hundred years between 1750 and 1850, their purpose has been restricted to recounting the events leading up to the formation of the organized police (Robinson, 1979). No historian has been interested in the prestate police institution for its own sake. The method used by most historians has not been designed to concentrate on questions involving the transition from one form of society to another (Terray, 1972: 32; Lewis, 1968: x).

Anthropology, on the other hand, has frequently been concerned with just such questions. However, although anthropologists have examined social control mechanisms of complex societies and in fact have been concerned with processual problems (Nader and Todd, 1978), most recent anthropological writings have focused on what has been called specific evolution (the study of the social system of one society) rather than with general evolution (the construction of theories of evolutionary stages based on the study of many societies) (Service, 1975). While there has been a recent surge of interest in general evolutionary theory,[4] neither of these two schools has studied the police as an institution.

[3] Richardson concludes that "academic or professional historians largely ignored the police until the 1960s when Roger Lane [1967] and James Richardson [1970] produced their accounts of the formative years of the Boston and New York departments respectively" (1979). In recent years, the literature on the police has grown enormously. A summary of much of this literature is found in Walker (1977) and Robinson (1983); a critical view is found in Center for Research on Criminal Justice (1977). A few exceptions to the lack of attention to nonindustrial police are collected in Greenberg (1976: 9 n. 1).

[4] Some recent literature that considers the evolution of the state is Fried (1967), Krader (1968; 1976; 1978), Carneiro (1970), Leacock (1972), Service (1975), Saxe (1977), Wright (1977), Sacks (1979), Haas (1982), and Newman

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

Related to the accent on specifics over general evolutionary theory has been the movement toward specialization in all social sciences, with its emphasis on quantification and middle-range theory over conceptualization, integration, and total systems theory (Leacock, 1972: 59–61; Rocher, 1972: 21). In anthropology, this approach began with the historical particularism of Franz Boas, which in turn was a reaction to general theories of social evolution proposed without sound ethnographic data. It was also, in a sense, a reaction to the class-based theories of Marx and Engels, which seemed to accept as their analytic focus the workings of the entire social system, employing what appeared to be the evolutionary perspective as an integral part of that analysis. This would suggest that an analysis of Marxist anthropological literature might deal with questions of the origins of the police function. Marx and Engels, however, showed only limited interest in precapitalist modes of production, concentrating principally on capitalist class relations (Hindess and Hirst, 1975: 33). On the police they wrote little (Pearce, 1976: 61–66). It is understandable, therefore, that even Marxist scholars who are concerned with police history have largely ignored early police forms, preferring to center their attention on the function of the police during the more recent industrial era.[5]

Despite a lack of focus on the police function, however, the literature reviewed above provides a detailed framework for such an analysis. Anthropologists, who have written extensively on differences between state and stateless societies, have provided a starting point. First, they provide us with a usable analytic vocabulary. The state, for example, is generally defined as the societal institution having a monopoly of legitimate force (the police function) over a specified territory.[6] In contrast, stateless societies are commonly agreed to have social control mechanisms characterized by kinship-based, communal security arrangements. Resources are generally collectively

(1983), although "there have been few research projects aimed at systematically collecting data directly relevant to questions of state evolution . . . . Only within the past decade has archaeology turned its attention to such problems" (Haas, 1982: 1, 131). There has been a particular void in theory development.

[5] One important Marxist work argues that the attempt to develop such "concepts further would be a formalist and antiquarian exercise . . ." (Hindess and Hirst, 1975: 20). For Marxist literature dealing with criminal justice, see Center for Research on Criminal Justice (1977), the periodical *Crime and Social Justice*, and Pearce (1976: 61–67).

[6] A critical review of attempts to define the state from a Marxist perspective will be found in Balandier (1970: 123–157) and Newman (1983). See also Krader (1968: 9, 21) and Vinogradoff (1920: 93). For more traditional definitions, see Sahlins (1972: 140, 179), Service (1962: 171; 1975: 10), Adams (1966: 14), Cohen (1978a: 52), Wright (1977: 52), Weber (1976: 10), Harris (1975: 370), and Wright and Fox (1978: 73).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

owned within significant social units, and there is evidence that the police function, to the extent that such specialized functions exist in the absence of state structure, remains part of and serves the entire social unit or community (see, for example, Service, 1962). In societies organized as states, however, the community social control mechanism is replaced by a bureaucratic apparatus. This bureaucracy, of which the police function is a part, has "separated from" and is "above" the rest of society, and tends to predominantly serve only one segment of the community—the dominant class (Engels, 1972: 230).

On this point, a principal difference arises between Marxist and non-Marxist anthropologists. While non-Marxists employ the state-stateless dichotomy as a qualitative change point (Cohen and Service, 1978; Leacock, 1972: 48) or see merely "a continuum of directional change" (Service, 1975: 305–306), Marxists see the crossover from kinship-dominated (primitive) to a class-dominated (civil) society as a social discontinuity (Krader, 1976: 11–12, 1978: 94; White, 1959: 282, 329; Leacock, 1972: 61–62; Claessen and Skalnik, 1978b: 33; Sacks, 1979: 194–195; Haas, 1982: 34–35). In general, the non-Marxist approach rests heavily on an assumption of an incremental increase in political complexity until state organization is reached, while Marxist analysis relies more on a belief that a change from a kinship- to a class-dominated society results in a revolution in the entire social fabric that requires a police mechanism to maintain the social order of inequality (Engels, n.d.). From this standpoint, the transition from a kinship- to a class-dominated society "is not a continuity, but on the contrary, a rupture" (Althusser and Balibar, 1968: 229). However, whatever disagreements there are among theories of state formation, all Marxist proponents seem to agree on one common feature of the state, namely its rule as "a ruling body controlling production or procurement of basic resources and exercising economic power over its population" (Haas, 1982: 15).

Our theory, which draws from both schools, consists of four interdependent propositions:

1. The origin of the specialized police function depends upon the division of communal (kinship) society into dominant and subordinate classes with antagonistic interests (Engels, 1972; White, 1959: 307).
2. Specialized police agencies are generally characteristic only of societies politically organized as states.
3. In a period of transition the crucial factor in delineating the modern specialized police function is an ongoing attempt at the conversion of the social

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

control (policing) mechanism from an integral part of the community structure to an agent of an emerging dominant class.

4. The police institution is created by the emerging dominant class as an instrument for the preservation of its control over restricted access to basic resources, over the political apparatus governing this access, and over the labor force necessary to provide the surplus upon which the dominant class lives (Newman, 1983: 25).

Thus our theory suggests that developmentally the police have a double, contradictory, and dynamic origin and function that leads to its contemporary schizophrenic image (Reiner, 1978: 183–184). This is the case because the police are, at the same time, the agent of both the people they police and the dominant class controlling these same people in the interest of this class (Robinson, 1978; Monkkonen, 1981).

The idea that the police really issue from the community and are a part of that community has been a pervasive and essential prop to concepts of modern policing (Robinson, 1979). It supplies the continuity between the ancient structural change from police in and of the community to police as an agent of the state. Therefore, before proceeding to develop our theory, it is essential to examine the assumptions that give ideological sustenance to the modern police function.

A. *The Traditional View of the History and Function of Police in Western Society*

Traditional writing regarding the police function does not view the police as an instrument of the state conceived to protect the interests of the few at the expense of the many.[7] On the contrary, police in both England and the United States are generally seen as protectors of the law and order that allow democratic institutions to operate.

Early police history, from an American perspective, is English history, and most writers who have written on this period are English (ibid.).[8] To them, England is a democracy, and the police, like other English institutions, is either identical with or

[7] These assumptions are more explicitly set forth by English than by American historians, although these themes become more evident in American writing on police-community relations (Robinson, 1979).

[8] We summarize only some of the major writers on early police history, that is, those writing about the period before the organization of London police in 1829. There is much relevant writing about law courts, prisons, local government, and the church that is not included. Our purpose here is not to set forth all information available on English prestate police but merely to summarize the picture of that system provided by police historians.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

representative of its people. American writers have generally accepted these propositions without question. What follows is a discussion of the logic behind these assumptions.

Crucial to the notion of the police as a democratic institution are the ideas that (1) the police institution in England has deep historical roots and is said to have experienced a slow but consistent growth (and progress) from ancient to modern times; (2) the police institution is unique to the English people, originates from the people, is dependent on them for its support, and that without that support, its effectiveness and even its existence would be in doubt; (3) the community is divided into a majority of good, law-abiding people and a minority of lawbreakers, and that one police function is to protect this virtuous majority from the criminal minority (ibid.).

One well known English police historian expresses the first of these themes as follows:

> Our English police system on the other hand, rests on foundations designed with the full approval of the people, we know not how many hundreds of years before the Norman conquest, and has been slowly moulded by the careful hand of experience, developing as a rule along the line of least resistance, now in advance of the general intelligence of the country, now lagging far behind, but always in the long run adjusting itself to the popular temper, always consistent with local self-government, and even at its worst, always English (Lee, 1971: xxvii).

This past is said to continue into the present. No structural or ideological breach between the police and the community is recognized. On the contrary, the unity of the two is affirmed: "The police . . . represent the collective interests of the community . . . . The device which is most characteristically English has been to arm the police with prestige rather than power, thus obliging them to rely on popular support" (Critchley, 1967: xiii–xiv).

One of the most important assertions of this viewpoint is that far from being policed from above, the English people police themselves. That the police and the people are one is embodied in the Seventh Principle adopted by the English police:

> To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence (quoted in Reith, 1975: 163).

This same idea influenced the growth of American literature

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

on police-community relations (Radelet, 1973: vii–viii; National Advisory Commission on Criminal Justice Standards and Goals, 1973: 9; Bopp, 1972: 47; Momboisse, 1967: 4).

The Law Enforcement Assistance Administration, reviewing police-community relations efforts, combined these ideas into a philosophy of modern police-community relations:

> Sir Robert Peel, in the early 1800's set forth law enforcement principles which are particularly interesting today because of a notable prevailing emphasis on the important role to be played by the ordinary citizen in police service. . . .
>
> Within the context of the Peel philosophy and its assimilation into our society, at least three strongly prevailing themes have managed to stand the test of time. These points are:
>
> 1) The police are the public and the public are the police, the police accurately mirror the general culture of the society they represent;
> 2) The police function depends on a considerable amount of self-policing by every citizen. . . . Ideally, it is a matter of organic union, with police as part of, and not apart from the community they serve; and
> 3) The police are a living expression, and embodiment, an implementing arm of democratic law (1978: 3–4).

These assumptions obscure both the structural changes resulting from state formation—the switch in police loyalty from the community to the state—and the consequent conflicts between police and community groups. It is our intention to examine the processes through which societies become complex and to focus on the part played therein by the police function. We turn therefore to the development of our theory.

II. THE DEVELOPMENT OF THE POLICE FUNCTION IN SOCIETY: THE THEORY

A. *A Review of Prior Attempts to Construct Theories Relating to Police Origins*

Anthropologists have been divided as to the merits of approaching the development of civilization from an evolutionary basis. Early anthropologists advocated a stage theory in which they argued that all civilizations passed through or were destined to pass through specified stages (hunting-gathering, herding, pastoral, agricultural, and industrial) that were based on economic and social characteristics. Other evolutionists rejected the idea that there is any prescribed passage through specified stages and argued instead that the evolutionary pat-

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

tern may vary, progressing or regressing depending on the ecological and cultural conditions to which any particular civilization is subject (Claessen and Skalnik, 1978b; Sacks, 1979: 194). Recently, neoevolutionists have focused upon energy capture and utilization as diagnostic variables indicating social evolution. As to the police function, most anthropologists have been satisfied with concluding that at a certain stage one group in a society has acquired a monopoly of force.

Much of the contemporary writing on the anthropology of law supports such a perspective, although it is rarely phrased in an evolutionary manner. A relationship between societal complexity and either bargaining or authority as the basis for conflict management is recognized. Kinship-based societies usually settle disputes through negotiation, mediation, or arbitration in loosely structured moot courts characterized by the absence of formal proceedings and authority, an emphasis on keeping peace rather than on assessing blame, and an attempt at decision making through consensus. Complex state societies base their dispute management on adjudication in formal courts characterized by authoritative decisions backed by legitimized coercion (Hoebel, 1954). There the emphasis is on rules or norms and fact situations related to the violation of these rules, and decisions are unilateral (Nader and Todd, 1978). While an evolutionary perspective is implicit in such a theoretical framework when we consider that societies have become more complex through time, we again must turn to Marxist anthropology for more detailed models.

There have been a number of attempts to express complete theories of evolution, the most well known being those of Morgan (1877), which in turn inspired those of Engels (1972) and Fried (1967). All three see the crucial point in societal development as the transition from stateless to state society, although for Engels class division precedes state formation. The latter represents a qualitative change from a noncoercive to a coercive, class-dominated society. Each theorist explains the appearance of the police function by the inability of the kinship means of social control to support or maintain a system of inequality and class domination.

Class divisions, in the process of their formation, decimated the kinship organization of society. As one of the conditions of the continued existence of a class-divided society and as a replacement for the kinship organization, a state apparatus came into existence. The former "self-acting armed organization" was no longer possible in a society consisting of antagonistic classes because society was no longer a "self-acting" organism

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

(Engels, 1972: 230). It was now directed from above, and from above emerged an agent of this state power—the police—that, "which, apparently standing about the warring classes, suppressed their open conflict and allowed the class struggle to be fought out at most in the economic field, in so-called legal form" (Engels, 1972: 228). Engels's thesis is useful as a starting point for comparative analysis but it does not "develop a very adequate theory about the causal mechanisms involved" (Pryor, 1977: 223; see also Balandier, 1970: 157). As Sacks (1979: 102–103) points out, Engels's "work is really not a history at all. It is evolution, a logical arrangement of static descriptions of a variety of social systems (or modes of production) frozen in time and truncated in space." Sacks further suggests that most other anthropological research has the same defect (ibid., p. 106).

Political anthropologist Fried (1967) argues that there are three stages of social organization that precede formation of the state, which he labels the egalitarian, ranking, and stratification stages. In the first two stages, individuals have equal access to the basic resources that are necessary to maintain human life. In the third stage, stratification, it is the control of these basic resources by some persons that makes it possible and necessary to develop means of coercive social control to maintain such limited access. Social control mechanisms to preserve such inequality are found within a state organization.

Thus, in general studies of societal evolution, the police have been mentioned as incidentally arising out of the transition from a stateless to a state society in that a society based on state organization, it is argued, is sustainable only through force. There is some disagreement among writers over whether a state bureaucracy produces a class structure or whether a class structure produces a state. In order to examine this problem, it is necessary to explore the nature of coercive kinship structures.

B. *The Evolution of a Coercive Kinship Structure*

Kinship-based cultures, in which the people "produce most of what they consume and consume most of what they produce" (Fallers, 1964: 117), are often incorrectly pictured as totally egalitarian, idyllic societies with no divisions between producers and nonproducers and therefore no basis for a class structure. A related error is the attempt to distinguish stateless from complex societies merely by determining the stage at which they are capable of producing a surplus of food products

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

that will support a class of nonproducers. In fact, many so-called simple societies are quite capable of producing a surplus with present technologies. Lee's data (1968: 1979) on the !Kung bushmen, for example, show that a surplus of mongongo nuts, the staple food, lies rotting on the ground for the lack of someone with a reason to gather them. Likewise, Saffirio and Scaglion (1982) show how a group of Yanomamo Indians, faced with ecological pressure, merely increased the use of a more efficient hunting technique.

The question then is not whether any particular society has a surplus but how labor, capable of producing a surplus, is appropriated and how the surplus products of that labor are distributed.[9] A simple mode of production does not exclude the existence of arrangements that allow for collective and cooperative appropriation. Neither does it preclude coercion. It does, however, preclude a state apparatus to maintain such coercion. In most cases, production of a large surplus is of little benefit to individuals in simpler societies.

Communal appropriation of surplus value may be accomplished by means of either simple or complex redistribution. *Simple redistribution* consists of the appropriation of natural products ready for use (such as nuts, roots, and animals) and their redistribution through a network of relations established on a temporary or semipermanent basis, as is seen in hunting-gathering societies in which people live in small bands. This type of distribution network is determined by the fragility and temporary nature of the social organization. Bands are small in size, variable in composition, and do not endure as units for long periods of time. There is therefore no basis for social relations permanent enough to sustain the cooperation necessary to complete complex labor tasks. The dominant social division of labor in such societies is by age and sex (Sahlins, 1972: 79).

Complex redistribution, on the other hand, allows the distribution of products throughout a permanent network of relationships established in advance of any particular labor process. There is therefore the possibility of cooperation among work teams. Such redistribution is generally associated with (1) the increased productivity of labor; and (2) a greater number of laborers and thus an increase in the amount of surplus labor appropriated for redistribution within the community. Such a community can support specialists who do not engage in food production but can receive their share of food just as if they

[9] The following analysis substantially relies on Hindess and Hirst (1975; 1977).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

had produced it themselves. A larger nonproductive population can be sustained under this system. The presence of these nonproducers has several results: (1) The maintenance of a high level of production depends on a continuing division of and complex cooperation among labor over long periods of time, which in turn encourages mechanisms to supervise and coordinate the labor process; (2) the appreciation of these mechanisms as a necessary part of the production of this surplus becomes an addition to the ideological component; (3) higher population density and therefore more producers become possible; (4) a group of persons forms who can devote time to ceremonial activities such as appeasing or opportuning the gods to increase or maintain production; and (5) relationships with other groups develop that tend to promote exchanges of items produced. In societies with such a system of distribution the elders receive the surplus and direct its redistribution. Distribution is based not on the relative amount of work done by the team or on the temporary relationships that might have been established between individuals, but on the position each person occupies in the kinship network, as determined by age, status, or sex.

The emergence of complex kinship relations is a necessary step in the transition from simple to complex redistribution. Kinship relations exist in societies in which there is simple redistribution, but their existence is unnecessary for the reproduction of the societies' economy. The kinship relations necessary for complex redistribution are those featuring hierarchical relations such as those within the household or lineage, between elders and youths, and between lineages and villages within a tribe (Lowie, 1927: 82). Although elders and adults of various statuses may supervise and coordinate the labor process, it is the kinship network of relationships that allows the direction, coordination, and supervision of labor by elders and other adults so as to extract surplus labor from those lower in the hierarchy. Division of labor, however, is limited by the social organization of kinship, which predetermines that the surplus will be redistributed to the community itself according to customary relations.

Meillassoux's work (1964) with the Guro of the Ivory Coast illustrates how coercive structures based on age may operate. Although most tools necessary to set the means of production in motion (wooden tools, mortars, pestles, canoes, and the like) are collectively available in this society, iron tools (such as machetes) remain in the exclusive possession of the elders. The hierarchical relationship between the elders and other

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

adults allows the elders to assign land or work and to regulate marriage exchanges. Hindess and Hirst (1975: 66) suggest that "the coordination of labour and the regulation of marriages involves the existence of forms of coercion" such as the deprivation of food or slavery (forced labor). The coercive force is thus embodied in the capacity of the elders to withhold essential goods and services until their demands are met (Haas, 1982: 82). Similar situations may be seen in the redistribution of surplus by the chiefs in the Trobriand Islands and in the mobilization of labor for sea-going voyages (*Kula*), which were studied by Malinowski (1921).

We see, therefore, that a kinship-based society with a complex distribution system has, in addition to the usual accouterments of this type of society (such as reciprocal relations, relatively equal access to basic resources, and authority based on kinship rather than on political structure), a hierarchical order of kinship relations that permits the coercive use of traditions, rites, and customs by the elders for and on behalf of the tribal unit.

In addition to a hierarchical, coercive organization based on age, division may also be based on gender. Sacks (1979) shows how sex may form the basis for a coercive hierarchy in a variety of preindustrial societies. Godelier (1982) studied the Baruya people, a simple society living in seventeen villages and hamlets in a mountainous region of New Guinea. He describes how Baruya women are denied the ownership and control of the land they work as well as the ownership and production of the tools they use, thereby limiting their power, influence, and prestige in their lineage, which cooperatively owns its land. The women are likewise denied access to arms and forbidden to engage in war outside their tribal boundaries. Thus they are barred from gaining the prestige and glory acquired through the protection of the community. Neither can they engage in foreign trade, exchanges that bring to the tribe necessary products. Nor are they entitled to own sacred objects, which are the sole way the tribe can communicate with the supernatural forces that determine its well-being.

Having indicated that both age and sex divisions may underlie a coercive system in which a police mechanism does not necessarily exist, our next task will be to examine police mechanisms in societies in which the central authority and the police, acting for that authority, function on behalf of the whole community. Thereafter, we will suggest the transactional steps whereby a coercive, stateless society is converted to a society with a police institution acting on behalf of a dominant class.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

C. *Police in Societies with Central Authorities Serving the Whole Community*

In non-Western societies, sodalities or associations occupy a transitional position between the absence of formal police functions and the existence of a formal police structure of state organization. The Plains societies of the American West were perhaps the simplest societies (from a point of view of social organization) to have such sodalities. In discussing these societies, Lowie describes how exigencies of the hunt precipitated the development of a police function in an essentially egalitarian society in which the thought of a chief having power over the life and property of others was foreign. However, to prevent a premature attack on the buffalo herd this situation changes:

> The personnel of the constabulary varies with the tribe; the duties may be linked with a particular society (Mandan, Hidatsa), or be assumed by various military societies in turn (Crow), or fall to the lot of distinguished men without reference to associational affiliations (Kansas). But everywhere the basic idea is that during the hunt a group is vested with the power forcibly to prevent premature attacks on the herd and to punish offenders by corporal punishment, by confiscation of the game illegally secured, by destruction of their property generally, and in extreme cases by killing them. . . . If, for example, a man had been murdered by another, the official peacemakers of the tribe—often identical with the buffalo police—were primarily concerned with pacifying the victim's kin rather than with meting out just punishment. There was thus a groping sentiment on behalf of territorial cohesion and against internecine strife. But there was no feeling that any impartial authority seated above the parties to the feud had been outraged and demanded penance or penalty. In juridical terminology, even homicide was a tort, not a crime. But with transgressions of the hunting regulations it was otherwise: they were treated as an attempt against the public, in short as a criminal act, and they were punished with all the rigor appropriate to political offenses (1927: 103–104).

Provinse sees the functions of these Plains Indians police as extending beyond their function in the hunt. Based on a number of references, he concludes that "police duties in connection with settling disputes, punishing offenders, and maintaining order in camp generally would seem to surpass in importance the police duties at the communal hunt" (1937: 348).

Llewellyn and Hoebel have produced the most detailed examination of police in an essentially egalitarian society. The

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

Cheyenne, numbering at most four thousand, separated into bands, except in summer when they came together for the communal hunts. Differences in wealth consisted mainly of horses, clothes, and adornments. The Cheyenne were a hunting society in which all shared the proceeds of the hunt. Government was by a council of chiefs who had ten-year terms. Each chief chose his own successor. A chief was appointed "because he approached the ideal qualities of leadership: wisdom, courage, kindness, generosity, and even temper" (1941: 73).

The Cheyenne had six military societies, in which membership was voluntary. Only one such society, the Dog Soldiers, remained together during the entire year, and that was because it constituted a band. The rest of the societies exercised their functions as units only during the summer hunting season. A major function of these societies was keeping the peace. They intervened in what would otherwise be private quarrels, but since every private disorder could result in a killing that could bloody the "Sacred Arrows, endangering thereby the well-being of the people . . . it was treated as a crime against the nation" (ibid., p. 132). The societies policed behavior of warriors in time of war and during communal bison hunts, supervised the division of meat, settled any resulting disputes, brought laggards to tribal religious ceremonies, and helped the poor and destitute.

Black cites a number of similar examples from the literature. There are, for example, the Yahgan nomadic bands, among which individuals appointed policed the initiation ceremonies. The Apinaye Indians of northern Brazil utilized policemen during the growing season, and anyone who harvested before that time was subject to punishment. Another Indian tribe "punished anyone who prematurely harvested wild rice," and "the early Ontong Javanese had officials . . . who guarded against theft of coconuts and other foodstuffs from the common lands" (1976: 90).

Regardless of the dramatic acts of these temporary police, it is important to emphasize that the individuals in the Cheyenne military societies, like those in other groups, remained an integral part of the community social fabric. Almost all mature males were members of such societies, and there were several such groups within the tribal structure. As a result, almost every man was at one time a member of a force policing the rest of the community and at other times a simple tribal member. In addition, such police service was temporary, lasting only while the Cheyenne camped together during the hunting season. Moreover, even when acting as police, Cheyenne remained bound by their kinship and tribal relations. Police who

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

overstepped their power would have to pay for such an action on returning to tribal life. Moreover, the separate associations acted as checks and balances on each other (Lowie, 1927: 103–104; Llewellyn and Hoebel, 1941: 130; Krader, 1976: 33–35).

After citing numerous incidents such as the above, MacLeod concludes that the

> policing of these hunts was of vital economic importance [to the Plains Indians] and absolutely essential to prevent failure as a result of the behavior of any individuals who might be selfish enough to scare the herd off by individual action. . . . The Plains police were, therefore, a rather democratic organization devoted to the maintenance of law and order in the interest of the people as a whole (1937: 186, 200).

D. *Transitional Mechanisms of Moving from a Coercive but Classless Society to a Class-Dominated Society*

In attempting to construct an evolutionary approach to the police function, it does not seem profitable to try to provide a series of stages through which the police function necessarily "progressed" to its modern guise; neither does it seem fruitful to search for the point at which the police function suddenly appeared (Godelier, 1972: 124; Price, 1978: 168; Claessen and Skalnik, 1978b: 15). Rather, we should be searching for key areas of development likely to be related to the police function. We believe that the most pertinent developmental changes are modifications in productive and distributional relations, political and community structure, social relations, and ideology.

We agree with the way in which Fried posed and then answered a pertinent question in this analysis:

> Why have people permitted themselves to be seduced, bilked, murphied, or otherwise conned into relinquishing a condition of egalitarianism for one of inequality? . . . I believe that stratified society and the state emerged in the same quiet way and were institutionally fully present before anyone fumbled for a word by which to designate them (1967: 182–183).

The key to this development would seem to be in the conscious accumulation of surplus. Once one is a chief within a complex redistribution system, he has captive the kinds of virtues and material possessions that can attract to him the means to substantially increase his ability to appropriate and thus systematically accumulate surplus. This accumulation of wealth in turn increases his capability to add to his work force and so on (Sahlins, 1972). He remains as chief because he appears to embody the virtues of liberality, reciprocity, and mutual aid, which is so

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

important to tribal survival,[10] and thus it is upon him that tribal survival seems to depend (Saxe, 1977: 122). Redistribution of foodstuffs appears to be the material realization of tribal custom and virtues. In fact as well as in appearance, redistribution tends to enhance reciprocity by allowing more cooperative enterprise (Polanyi, 1968: 225; White, 1959: 234).

Thus, as Sahlins so neatly expresses, "what begins with the would-be head-man putting his production to others' benefit, ends, to some degree, with others putting their production to the chief's benefit" (1972: 140). But this transformation in the material social relationship between the chief and his kinsmen is compensated for by increased production and the evolution of an ideology that was unnecessary in earlier stages of development (Service, 1962: 170–177).

The redistributive function may then lead to the development of a hereditary office in which lineage or position rather than the individual ability of the kinsman is the determinant (White, 1959: 234; Lenski, 1966: 109; Ruyle, 1973). Core or privileged lineages may arise around which the lesser clans then group (Sanders and Price, 1968: 131, 132); slaves may be taken, again distributed unevenly, thereby differentially increasing productive capacity (Terray, 1974: 328–329); ownership or symbolic representation of the common lands may justify the chief in levying taxes and rents (Ruyle, 1973: 614); conquered or community land may become *state* land and thereby be converted into the private property of the sovereign (Skalnik, 1978: 604); or the sovereign, acting as "the ultimate source of order and justice," may determine that offenses against his dignity are in contravention of the common good (Mair, 1964: 204; Lenski, 1966: 181). Dominant-subordinate relations become the focus of political-social relations and finally of "*emergent* social classes" (Claessen and Skalnik, 1978c: 642 [emphasis in original]). Deference, loyalty, and obedience to hierarchical superiors replace individual striving as a means of achievement (Cohen, 1978b: 67–69). The former kinsman becomes thereby the ruler-father and the people his subject-children (Rounds, 1979: 78; Ruyle, 1973: 616).

How can we explain the means by which an egalitarian society (that is, a society without the sort of inner conflicts inher-

[10] In fact, there may be myths about how bad things were when there was no ruler: "The belief is common among [the Ganda, a Bantu people of East Africa] that a time when there is no ruler is a time of lawlessness and anarchy, though this may only be a metaphorical way of expressing their conception of the king as the ultimate source of order and justice" (Mair, 1964: 208). For a modern example, see Robinson (1979).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

ent in a class-dominated society, a society that has the capacity to be fulfilling for all—the strong as well as the weak) experiences a structural change radically modifying its class base? (Harris, 1975: 308, 366; Leacock, 1972: 25). One rather obvious mechanism involves a takeover of one group by another culture. Such a situation activates the ethnocentric attitudes found in all cultures that relegate "others" to an inferior status. The victors constitute a dominant class controlling both the mode of production and the labor of the defeated, subordinate class. One such example is the kingdom of Gyaman, which was founded at the end of the seventeenth century in the northeast part of present day Ivory Coast and northwest Ghana (Terray, 1974: 320). Originally, judicial, political, and administrative power was in the hands of a warrior aristocracy. The principal means of acquiring wealth was through long-distance trading in gold. Terray shows that the control of the gold trade depended on the labor of slaves, which was available only to an aristocracy, that to reproduce and defend this social order it was necessary for the aristocracy to maintain an armed presence both outside and inside the society, and that this institutionalization of force to supply the surplus product to support this elite class resulted in the creation of a state society in which the continuity of kinship relations was a subordinate rather than a dominant mode of production.

While in Gyaman society the dynamic force in the formation of a class-dominated society was the conversion by the ruling aristocracy of the dominant mode of production from kinship to slavery, in Aztec society a centralized elite gradually seduced and coopted local lineage leadership away from their kinship-based communities so as to produce a stratified, class-dominated state organization.[11] In the mid-thirteenth century, Aztec people migrated to the Valley of Mexico. They were organized in *calpulli* (groups of households) that were politically arranged into clans with fictive kin relationships. Land was corporately owned but individually cultivated. Separate plots were communally farmed on behalf of *calpulli* leaders, not because the *calpulli* leaders could command it but because such work was due by ancestral custom in payment "for the care he [the leader] took of them, and for his expenditure on the annual meeting held in his house in support of the general welfare" (Adams, 1966: 92; see also Kurtz, 1978: 171).

Wealth was unequally distributed; some lineage lines were

[11] The material presented here on the Aztec state substantially follows the work of Adams (1966) and Rounds (1979). See also Wolf (1959).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

ranked higher than others, with some families receiving more land; those less favored might be forced into slavery or to migrate. There appeared to be a complex redistribution system operating through the *calpulli*. The authority of the *calpulli* and the *tlatoani* (literally, speaker; the term designated the central overall leader) was limited, in part because of the competition among the *calpulli* leaders. These leaders, apparently concerned with military threats from more centralized states around them, decided to adopt the style of their enemies. This plan was implemented by bringing in a foreign noble as *tlatoani*.

Thereafter the death of the leader of a rival people that had until then dominated the valley was followed by an internal power struggle, which allowed the Aztecs to attain hegemony over the valley and all its riches. With this tribute the *tlatoani* moved to consolidate his power by using the newly found wealth to bring *calpulli* leaders closer to central authority while at the same time separating them from their own local community power base.

The *tlatoani* set about to develop the *calpulli* into a self-consciously elite class by distributing titles of nobility, some lands, and other spoils; by requiring nobles to lodge separately and to wear distinctive clothing and jewelry; and by forbidding others to do likewise. He provided elaborate feasts and ceremonies in which only the designated nobles could participate and linked the *calpulli* leaders and the throne by marriage. The *tlatoani* thus defined nobles as those directly receiving tribute from him. All this was conceived to channel the local leaders' immediate self-interest to the political ends of the *tlatoani*.

The *tlatoani* also required that all administrative business be attended to at the central palace, asserted the right to name *calpulli* successors (over time the *calpulli* had changed from leaders elected by the community to hereditary leaders), and increased the significance of this power by making the hereditary succession of lands dependent on acquisition of the *calpulli* office. In addition, his control of trade and tribute allowed the *tlatoani* to determine the distribution of luxury goods to the nobles (cf. Lenski, 1966: 220). In sum, he was able to invert the source of the *calpulli* leaders' power. Instead of issuing from the *calpulli*, power now came from—or seemed to come from—the *tlatoani*. All this took a number of generations to accomplish. Nevertheless, the *tlatoani* left the political and economic organization of the *calpulli* community relatively untouched. Tribute or surplus, which the *calpulli* leaders were obligated to send to the Aztec state, was collected by the *calpulli* leaders on

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

the same basis as before, that is, through communal labor service accorded by ancient custom. Thus the unit of responsibility to the Aztec state was not the individual citizen but the corporate *calpulli* unit, as it had been earlier.

This use of a lineage-based kinship mode of production by a centralized stratified structure to collect surplus to sustain an elite class is characteristic of "weak states," which employ the lineage elite as "hinge figures or brokers linking the lineage territory to state authority" (Fox, 1976: 100). But equally important with the appearance of the dominant state organization is the continuation of the kinship mode of production, even though it may be in an attenuated form (White, 1959: 141, 310; Krader, 1976: 11–12; Fox, 1971: 157).

Police control of large populations over long periods of time is abnormal. In fact, states that endeavor to control their populations by such methods receive the designation "police states." A social control mechanism much more effective than the police is the economic system itself, especially the market exchange system. Of supreme importance as a control of peasant populations is the self-regulating market, that is, an economic system regulated and directed by market forces and in which order in the production and distribution of goods is assured by price alone (Polanyi, 1957: 68). In simple states, religious institutions also supply significant overt ideological support to the dominant elite (White, 1959: 218–220; Ruyle, 1973, 1976: 24; Cohen, 1978b: 63–65; Skalnik, 1978: 606).

For example, Adams suggests that the movement of Aztec society from a stateless to state organization was accompanied by the transformation of humanlike gods representing growth and fertility into gods "more remote and awesome in their powers . . . , the emergence of representational art . . . [and] an elite . . . that promoted those aspects of individuality for which portraiture became necessary as an enduring symbol and monument" (1966: 124; see also Kurtz, 1978: 178–179).

In societies of this type, the temple, like the chief, represented a redistributional center where offerings could be made, craftsmen could gather, writing could develop, and records could be kept. It thus functioned as an economic as well as a religious institution (Sedov, 1978: 122). It came to have a life separated from the community, with a monopoly of knowledge, encouraging "a sense of detachment from and superiority to the day-to-day concerns of secular life" (Adams, 1966: 126; see also Saxe, 1977: 133; Lenski, 1966: 208–210).

"[R]eligion fulfilled the role of disseminating state propaganda and inculcating in the common people a sense of loyalty

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

toward the state and its sovereign . . ." (Skalnik, 1978: 607). Conversely, it was religion that maintained the myth of a continuous, harmonious, integrated, nonexploitative, and ideal community. In emphasizing moral and individual concerns and responsibilities, it replaced kin and territorial loyalties with a universalistic perspective (ibid.; Eisenstadt, 1963: 63–65). The king became the center of a priestly created universe with the priest as the interpreter of the laws of a divine order in which each individual had his preordained place (Campbell, 1959: 146–149).

E. The Evolution of the Police Function in a Class-Dominated Society

Earlier we demonstrated how a police could exist in a stateless society and could act on behalf of the whole community. Our present task is to show how a police function might arise within a class-dominated society. We have argued that such a society results from a series of incremental steps. A major thesis of ours is that the police institution is a reflection of the class organization of the state. We would expect the evolution of the police function to follow and parallel the evolution of class society.

The appearance of a specialized police institution is related to the appropriation of surplus labor. Like other specialists, such as craftsmen, police are nonproducers of subsistence foodstuffs. If men are to be substantially engaged in police activity, they must be maintained from the surplus labor appropriated by some central authority (Harris, 1975: 374). A society that cannot support other specialists because it has no apparatus to appropriate a surplus for an elite class of nonproducers is unlikely to have a police (Lenski, 1966: 62). In addition, of course, as Engels (1964) and Fried (1967) have pointed out, a society based on kinship relations has adequate mutual aid mechanisms to resolve internal divisions without having to resort to "law-and-order specialists" (White, 1959: 85; see also Harris, 1975: 357).

In the case of the simple states we have discussed, the kinship mode of production has been maintained for the greatest part of the population; for the emerging noble class other inducements were available. Such a society may well be in transition from a hunting-and-gathering society to an agricultural one in which extra people, instead of being a burden, become a source of prestige and power to the chief through his use of the additional labor to increase his surplus. Thus "person acquisi-

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

tion" through "increased birth rates . . . adoption, polygyny, bridewealth, clientage, fostering, and even . . . forcible capture and enslavement of strangers" becomes advantageous (Claessen and Skalnik, 1978b: 43). These societies carry within them the seeds of a stratified society, often encouraging mechanisms that eventually develop into a police function.

Haas (1982: chap. 4) attempts to determine whether the integrative or conflict theory of the evolution of the state is supported by the greater weight of empirical evidence. In concluding that the balance is on the side of the conflict position, he cites a number of examples from the literature showing that both forceful and nonforceful means have been used to maintain unequal access to scarce basic resources. In Hawaii, paramount chiefs used a mix of redistribution and force to maintain their power, exercising

> their control over land and water to dispossess from the means of subsistence those persons who failed to produce sufficient resources, or who secretly accumulated resources [citations omitted]. More direct physically coercive sanctions were applied against commoners who committed criminal acts or misdeeds. Particularly severe sanctions were applied when the misdeeds affected the paramount chiefs (ibid., p. 116).

Haas also cites the Zulu rulers' use of violence against their subordinate chiefs as a "critical component of the governing process" to keep the people in a position of subordination (ibid., p. 118). He likewise offers numerous cases of archaeological finds that indicate the existence of stratified societies among the first civilizations (ibid., p. 121). He concludes that although more evidence supports the conflict theory that holds that force was used to sustain stratification, it may be further argued that the material benefits gained through centralization were used by the rulers of the early civilizations as positive mechanisms to govern their respective populations (ibid., pp. 128–129).

One such mechanism of control is clientage—the combination of forceful and nonforceful relations involving the personal dependence of a subordinate on a superior. We suggest that the birth of the police institution is to be found in the building up of such a system outside of kinship and the gradual replacement of kinship with a system of personal dependency (Skalnik, 1978: 599–600). Although there is no description of such evolution of a police institution, there are many references to various types of clientage relationships in which police duties form one part of the overall duties owed by the client to his patron.

One of the clearest descriptions of such a relationship is

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

that provided by Mair in her discussion of several East African societies. Mair gives considerable attention to clientage, believing the "relationship to be the germ from which state power springs" (1964: 166). For example, "for a Hutu in Ruanda the value of clientship was that it got him the use of cattle even if he did not actually own them, and protection against marauders who might seize them" (ibid., p. 172).

Clientage is a reciprocal relationship and is therefore a fictive reproduction of the kinship relationship on a vertical (superior-inferior) rather than on a horizontal (equal) basis. Mair describes the case of the Getutu, a Kenya people who took in refugees from other related tribes that had been driven from their homelands. In exchange for various services such as serving as soldiers, working land, or tending cattle, the clients were given cattle, land, and protection. It becomes evident how these clients began to be used for police duties in ways that contributed to the deterioration of kinship ties:

> If a man wished to demand payment of a debt from someone at a distance, he would first persuade the elder in his own part of the country that he had a good claim. Then the elder would send one of his sons, carrying his staff, to the debtor's home to order him to pay. . . . But if the elder was afraid that the debtor would defy the order, he would send a number of his "bought persons" to enforce it. If they had to seize a cow from the debtor, and this led to fighting and perhaps killing, it would not be a fight between real "sons of Nyakundi," who ought to remain at peace (ibid., p. 112).

Mallon describes a patron-client relationship in an early Peruvian economy in which Spanish colonialists employed traditional structures to maintain their power, working through a class of Indian elites to control the labor force:

> Though rich peasants in the villages had at best a tenuous connection to the old communal traditions of authority, their position of influence did depend on fulfilling certain expectations of generosity and service to the community as a whole. If they financed the community's fiestas, gave aid to individuals in times of need, acted as godparents to neighbors' children (*campadrazgo*), served the village as political authorities, represented the community in court cases or petitions to the government, and organized and financed public works, they could expect preferential access to labor and resources. The poorer villagers, if they accepted the "generosity" of the rich, were bound to pay it back in individual or communal work; special "grants" of usufruct over community lands, pasture or water; or

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

> with a more generalized and vague sense of loyalty and deference which prompted them always to be ready to do a favor, to serve their patrons in whatever way they could (1983: 84–85).

Middle-level merchants thus served as mediators with village elites. "In exchange, they received—and made available to *their* patrons—a link to local client networks, through which it was possible to obtain a labor force for the mule trade, haciendas, and mines" (ibid., p. 86 [emphasis in original]). An elite's first choice in this society was to manipulate this traditional relationship to serve his new master, but when this means failed "they did not hesitate to try intimidation and physical violence. . . ." Given the naked exploitation inherent in many of these relationships, their continued effectiveness depended on the ultimate capacity to use force . . ." (ibid., pp. 89, 90).

A central government must enforce its decrees and supervise any administrative apparatus in place. These tasks may be accomplished by "extensive *travels* through the state on the sovereign's part. . . . The use of messengers, envoys, plenipotentiaries . . . ; the employment of *spies* . . . ; the *forced entertainment* of relatives of regional and/or local functionaries in the capital" (Claessen, 1978: 584 [emphasis in original]).

Loyal clients were important to a chief's power and prestige, especially in Africa, because the ability to attract men to cultivate his fields was "the most problematic factor" in the chief's accumulating a surplus to distribute to increase his faithful supporters (Fallers, 1964: 126). Generosity, particularly in the distribution of foodstuffs, is one source of followers, or may be shown selectively to those who protect the chief (Pospisil, 1971: 68–69; Ruyle, 1973: 610). Fox suggests that in early Scottish society, large groups of "broken men," unattached to any kin group, were "driven from their natal clan region or having voluntarily foresworn their brethren . . . were a large mobile population allied with any dominant clan or chief who would guarantee them safety and land" (1976: 111). In India, "the elite commonly settled foreign families, kin groups and Brahmans on their kin lands in order to establish a loyal class of retainers apart from the kin order" (ibid., p. 101). Other sources of retainers were poorer relations and people in debt who placed themselves in pawn (Ruyle, 1973: 620; Terray, 1974: 335; Winks, 1972: 53). In some societies, the institution of slavery performed the same function.

Somewhat more formal and permanent police functions are performed by the African age-grade societies. Together with sex, division of labor based on age is common to tribal societies.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

From an early age boys in tribal societies learn to obey elders (Lowie, 1927: 82). When such customs are worked into the kind of evolving stratified structure we have described, an incipient police institution is present.

There appear to be two basic types of age-grade societies in operation: one in which the secret societies acted as a check on the power of the chief and another in which the secret societies were controlled by and acted on behalf of the chief. When a secret society, such as the Poro Society of the Kpelle of Liberia, acted to balance the power of the chief, the disruptive consequences were not conducive to state formation. In contrast to this situation is the well known and historically documented development of the Zulu state. Shaka, who brought the Zulu state into supreme dominance, and his predecessor Dingiswayo, who solidified and organized the Mthethwa paramount chiefdom, both increasingly employed age societies as police to protect their own interests. Originally, these societies had been age grades not dissimilar to the Poro Society of the Kpelle. When a group of young men reached puberty, they underwent a circumcision rite of passage and were formally constituted as a group. Gradually, these chiefs increased their use of these age grades for their own ends until the various grades became rather firmly attached to a specific chief. Walter describes the situation immediately before Dingiswayo's coalescence of the Mthethwa:

> Before Dingiswayo, the military force of each chiefdom was a small "standing army" made up of young bachelors in the warrior age grade. Adolescent boys lived a barracks life in military kraals, serving as aids and herd boys until their age set was organized ceremonially as *iButho*, a new guild or regiment, and they were elevated to the status of warriors. Carrying out military and police functions and for certain purposes acting as a labor gang, the warriors constituted the staff, not permanent but assembled according to circumstance, which enforced the chief's will. They fought the battles of the chiefdom, executed judgments by killing people accused of crimes, confiscating their property in the chief's name, and when the supply of the chief's cattle was low, replenished the bovine treasury by making raids on other communities. They cultivated the fields of the chief, built and maintained his kraals, and manufactured his war shields (1969: 121).

At some point, which is not historically clear, circumcision rites were abolished, perhaps under Dingiswayo's paramount chieftainship, and chiefs continued to assemble and name sets of young men of warrior age. This stage was a crucial depar-

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

ture, however, since these regiments were not constituted solely by and on behalf of the chiefs. They took on permanent and formalized police functions, clearly in keeping with our central hypothesis. The formation of the Zulu state soon followed.

Sacks (1979: chap. 8) provides an example of how a lineage structure was further undermined and illustrates one transformation of a kinship into a class structure mode of production. In the seventeenth century, Buganda, on the northern shore of Victoria Nyanza in Uganda, was a "small client" of a more powerful neighboring country. A king of Buganda won some lands from this neighbor, and divided the captured lands among his war leaders and other loyal followers. As more land was taken, this group of leaders grew in number compared to the clan leaders. By the end of the eighteenth century, in order to consolidate his rule, the king began killing or imprisoning his brothers and their sons.

> In this process relations of production were transformed from direct patrician control over productive means to control by a network of chiefly families of a few of these clans who held hereditary rights to goods and plunder by virtue of their ties to each other through the king . . . . Clans and their component lineages were decorporatized rather than destroyed. Kinship became a basis for establishing vertical, dyadic clientage relations, the central relation of men to productive means. Clans were deprived of their independent base of power by expropriation of clan land and installation of appointed officials, together with cooptation, or harnessing clanship to class organization (ibid., pp. 200–201).

By granting special rights such as hereditary positions to certain clans in return for their becoming the king's clients, potential clan unity in opposition was breached and instead was "transformed into class-centered patronage networks" (ibid., p. 201). In the nineteenth century, military expeditions became a way of life, with Buganda having the capability to "field a huge army" (ibid., p. 202). The spoils of war—women, children, and cattle—were distributed according to the class system. "The Buganda rulers relied on their control of armed forces to maintain their rule. The king and district chiefs had their own armed bodyguards even before Mutesa [a nineteenth-century king] was said to have created a standing army. The king also had his own secret police and executioners" (ibid., p. 204). Bugandan men were obligated to pay the king a tax of bark cloth, supply the labor to build his palaces and roads, carry his

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

firewood, and do his hunting (ibid., p. 207). Sacks summarizes the resulting "gender and class relations of production" with the following description:

> Ruler and peasants had diametrically opposed relations of production. The former owned the land and the bulk of the livestock, especially cattle. They determined peasants' land allotments, could evict peasants at will, and could seize their livestock. Peasants obtained access to land by entering into clientage relations in which they provided labor and tax to their patron (ibid., p. 208).

Under this system, therefore, people entered the productive process through clientage arrangements and not by kinship relations (ibid., p. 210).

F. Police Functions

In addition to the occasional enforcement of a chief's orders, for what other matters are police employed? The various functions that the police have historically fulfilled can be gathered only from scattered references in the literature. Observers, whether anthropologists or not, have rarely recorded detailed descriptions of police forces. As one writer commented after an extensive survey of traditional societies, "the data on the existence of a police force are very scanty. In only four cases was such a force mentioned. In five cases royal servants or guards maintained public order . . ." (Claessen, 1978: 560). There is an occasional allusion to a police or militia being used to compel labor (Finley, 1973: 65–66), but as we have indicated, commoners are more apt to be compelled to work by market forces. Police are used to control the market, not the workers (Pryor, 1977: 120; Smith, 1976: 336; Harris, 1975: 287). But police are used to maintain the mode of production by controlling the freedom of choice of the labor force. One of the distinctions between a stateless and state society is that "the state is a system specifically designed to restrain" tendencies toward segmentation (Cohen and Service, 1978: 4). Thus police can be used to prevent discontented groups from leaving a chief's jurisdiction (Llewellyn and Hoebel, 1941: 94–96; Skalnik, 1978: 609), or, on a larger scale, "to try and overcome any ethnic differences in the total society" (ibid., p. 607). Over the long term this has meant the crushing of ethnic in favor of state loyalties (Claessen and Skalnik, 1978c: 632).

Inequalities and opposition incident to a class-dominated society lead to struggle among common people for access to the limited scarce resources that remain after the elite appropriate

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

the surplus; force must often be used to assert the elite's rights to control these resources; such conflict leads to the ideological justification of the use of arbiters to settle resulting disputes; and these arbiters in turn need to use detectives to search for evidence and police to execute judicial decisions (Pospisil, 1971: 16, 123; Harris, 1975: 357–358). Thus for the people's own apparent good, the ruler and his top officials need protection "against attempts at supplantation by pretenders to the supreme power" (Skalnik, 1978: 610). In early states, these hypothetical and real threats generally led to the creation of a bodyguard for the sovereign (Claessen, 1978: 563).

Thus we can hypothesize that in its early stage, the police mechanism was used for regulation of class conflict, acting as a neutral force, loyal only to the state, without ties to either side in the dispute (Mair, 1964). Its function was to permit a "class struggle . . . at most in the economic field, in so-called legal form" (Engels, 1972: 228).

III. CROSS-CULTURAL EVIDENCE SUPPORTING THE THEORY

Until this point in our analysis we have drawn mainly upon evidence from societies whose development from a kinship-based system to a state system could be historically traced, at least at the critical stage. We have suggested a relationship between levels of economic and political organization and the presence of certain types of police functions in society. If our theory is correct, given any society at any level of economic and political development, we should be able to predict the corresponding police function. Thus if we examine a sample of societies at a single point in time, we should have a synchronic test of our theory.

For our cross-cultural analysis, we used the typology of the degree of specialization and institutionalization of police functions established by Tuden and Marshall (1972). Variables related to political organization were coded for some 186 societies in a world sample selected for representativeness and independence (Murdock and White, 1969). Data concerning the function of police were available for 181 of these societies. Results are tabulated in Table 1.

We may conclude that roughly 70 percent of these societies do not have a specialized police function and that about 25 percent have a specific specialized and institutionalized function. Since few intermediary cases existed, we decided to dichotomize societies according to the specialization of their police

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

Table 1. Degree of Specialization and Institutionalization of Police Functions

Degree of Specialization and Institutionalization	Number of Societies	Percentage	
Police functions are not specialized or institutionalized at any level of political integration, with the maintenance of law and order left exclusively to informal mechanisms of social control, private retaliation, or sorcery	125	69.1	
Police functions display only incipient specialization, as when groups with other functions are assigned police functions in emergencies	4	2.2	(Palauns, Gros Ventre, Omaha, Pawnee)
Police functions are assumed by the retainers of chiefs	4	2.2	(Suku, Tikopia, Natchez, Warrau)
Police functions are assumed by the military organizations	6	3.3	(Azande, Fur, Konso, Babylonians, Zuni, Haitians)
Police functions are specialized and institutionalized on at least some level or levels of political integration	42	23.2	
Total	181	100.0	

Source: Tuden and Marshall, 1972: 441, 444–451.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

function. Accordingly, we established two groups: (1) those societies having neither police nor an incipient police function, and (2) those societies having specialized police functions, including the retainers of chiefs and military organizations. We then attempted to determine the level of political integration associated with the presence of specialized police functions. If our theories about police function are correct, we would expect to find specialized police functions associated with state societies having ruling elites (proposition two). Following the definitions of Tuden and Marshall (ibid., p. 438), we have consequently distinguished between petty chiefdoms, small states, and large states as representing increasing levels of complexity. Petty chiefdoms are defined as "a petty paramount chief ruling a district composed of a number of local communities." They are societies in which effective sovereignty transcends the local community at a single level. Small states are defined as "a small state comprising a number of administrative districts under subordinate functionaries" and thus have two levels of sovereignty transcending the local community. Large states are defined as "administrative provinces which are further subdivided into lesser administrative districts" and have at least three levels of sovereignty transcending the local community.

Using the total sample available in Tuden and Marshall (1972), we have prepared a contingency table (Table 2) consisting of the presence or absence of specialized police functions as one variable and the level of political organization as the other variable to provide a cross-cultural test for proposition two. It is apparent that, in broad outline, proposition two is supported by these data. The presence of a specialized police function is associated with state organization of society. State societies generally have specialized police functions whereas stateless societies generally do not. But what of the relationship between police function and a ruling elite? Proposition one suggests that specialized police functions would be related to societal stratification, or the existence of social classes.

Murdock (1967) has been concerned with the identification of particular societies according to their level of social stratification. Murdock's typology of class differentiation is not rank ordered; we have consequently restructured the typology by combining certain categories. We identified societies as having complex stratification, noncomplex stratification (Murdock's dual stratification, elite stratification, and wealth distinctions), or an absence of significant class distinctions among freemen. When Murdock's sample of societies identified according to levels of stratification is combined with the sample for which

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

Table 2. Political Organization and Specialization of Police Functions*

Sovereignty Level (Societal Type)	No Specialization or Only Incipient Specialization	Specialization at Some Level of Political Integration (Including Retainers of Chiefs and Military Organizations)	Number of Societies
Stateless	99	5	104
Petty chiefdom	26	9	35
Small state	8	7	15
Large state	7	33	40
Total	140	54	194

* $\gamma = 0.88$; $\chi^2 = 89.7$; $p < .0001$.
Source: Tuden and Marshall, 1972: 444–451.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

police functions are known, a sample of 169 societies results, distributed as shown in Table 3. It is clear that specialized police functions are strongly associated with more complex social stratification (proposition one) and with the presence of the state (proposition two).

In sum, we find that of the societies studied (Table 1), most (70%) have a specialized police function, that the presence of a specialized police function is associated with state organization (Table 2), and that specialized police functions are strongly associated with social stratification (Table 3), that is, a class structure (Black, 1976: 13).

Several works provide cross-cultural tests of aspects of our theory, most notably Schwartz and Miller (1964) and more recently Newman (1983). Schwartz and Miller sought to determine factors in the evolution of legal organizations. They concluded that "elements of legal organization emerge in a sequence, such that each constitutes a necessary condition for the next" (1964: 160). Defining police as a "specialized armed force used partially or wholly for norm enforcement" (ibid., p. 161) they found that of the fifty-one societies studied, twenty had police. For the most part, these societies were characterized by sufficient economic advancement to use money, while the presence of full-time priests, teachers, and government officials indicated a considerable degree of specialization. The authors concluded that police are found "only in association with a substantial degree of division of labor" (ibid., p. 166) and that mediation and the development of damages as compensation for injury almost always precede the police institution.

Newman's cross-cultural study of legal institutions is very similar to our research. Specifically, her work is a test of "a materialist theory of comparative legal institutions," that is, one "concerned with the nature of material production in societies and the internal distribution of the fruits of labor" (1983: 4). She sets forth six specific hypotheses for testing:

> Hypothesis 1. The greater the degree of development of the forces of production, the greater the degree of social stratification. . . .
>
> Hypothesis 2. The greater the opportunities for some individuals to control the surplus labor of others, the greater the degree of social stratification in a society. . . .
>
> Hypothesis 3. The more stratified a society, the more complex its legal institutions. . . .
>
> Hypothesis 4. Holding stratification constant (i.e., within each given level of stratification), the more developed the forces of production in a society, the more complex its legal institutions. . . .

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

Table 3. Specialization of Police Functions and Social Stratification*

Police Functions	Stratification Level			Number of Societies
	Complex	Noncomplex	None	
No specialization or only incipient specialization	4	58	61	123
Specialization at some level of political integration (including retainers of chiefs and military organizations)	17	20	9	46
Total	21	78	70	169

* $\gamma = 0.67$; $\chi^2 = 38.0$; $p < .0001$.
Source: Murdock, 1967; Tuden and Marshall, 1972: 444–451.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

> Hypothesis 5. Holding the forces of production constant (i.e., within each subsistence type), the more stratified a society, the more complex its legal institutions. . . .
> Hypothesis 6. The greater the development of the forces of production, social relations of production, and social stratification, the more complex a society's legal institutions (ibid., pp. 116–117).

Having carried out her analysis using the Standard Cross-Cultural Sample (Murdock and White, 1969), Newman concludes

> that the degrees of development of the forces of production, "exploitive" social relations of production, and social stratification are strong independent predictors of legal complexity . . . .
>
> In sum, one cannot simply take any dimension of social life and argue that the more complex that dimension, the more complex the law. All aspects of social reality are *not* equally effective in predicting levels of legal development. Even within the model developed here, it is the *interaction* between three distinct dimensions—the forces and social relations of production, and social stratification—that seems to best explain the variance in legal complexity (1983: 204, 205 [emphasis in original]).

Newman sees the dynamics of social inequality to be dependent on unequal access to limited means of production; in turn such unequal access triggers social inequalities, for some families use this unequal access to make others work for them, thereby setting the stage for class stratification (ibid., p. 205).

IV. ENGLISH POLICE HISTORY SEEN THROUGH OUR ANALYTIC FRAMEWORK

In this section we intend to examine the historical development of the English police, testing the previously developed model against generally well accepted knowledge of both English and police history. This history (greatly oversimplified) can be divided into periods dominated by four different civilizations: Celtic (600 B.C. to A.D. 43), Roman (A.D. 43 to A.D. 410), Anglo-Saxon (410 to 1066), and Norman (1066 to 1154).

Because Roman strategy called for building and living only in cities and dealing almost exclusively with the native elite, Roman influence effectively ended at the city walls (Trevelyan, 1953: 43–45). Anglo-Saxon raids recommenced in the mid-fourth century, just as Rome itself was under assault, and the Romans were forced to withdraw all their forces by A.D. 410. Within a few generations, virtually all Roman culture and in-

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

fluence disappeared (Priestley, 1967: 72–73; Trevelyan, 1953: 61, 65; Stubbs, 1874: 65). The earlier Celt culture was pushed west into what is now Wales and had little influence on forming English institutions (Trevelyan, 1953: 65). Therefore, we begin our study with the Anglo-Saxon incursions.

A. *The Anglo-Saxon Period*

Raids by various tribes, which Trevelyan (ibid., p. 50) designates as "Nordic," and others that were Anglo-Saxon occurred from A.D. 300 to about 1020. More than any other group, the Anglo-Saxons gave English culture its definitive character. Migrating from northern Germany and the coast of Denmark, they came not as plunderers but with their families, in search of better farmland (Priestley, 1967: 127; Whitelock, 1968: 18–19; Trevelyan, 1953: 56–57, 68).

Tacitus (1942) writes of the society in England before the migrations. Loyalty between tribal members and the chief was personal and no longer tribal. A successful chief attempted to attract to him men from several tribes (Whitelock, 1968: 29). Tacitus shows the ideological strength that had grown around this relationship:

> When they go into battle, it is a disgrace for the chief to be surpassed in valour, a disgrace for his followers not to equal the valour of the chief. And it is an infamy and a reproach for life to have survived the chief, and returned from the field. To defend, to protect him, to ascribe one's own brave deed to his renown, is the height of loyalty. The chief fights for victory; his vassals fight for their chief (1942: 715–716).

Tacitus also describes a society in which there was a division of labor between the warriors, who went to war for their chief but did no work, and the rest, who produced. Although the significance of these economic divisions was limited by the fact that the warriors were apparently able to support themselves on their own exterior plunder, it is clear that there was a social division between producers and nonproducers:

> [M]en look to the liberality of their chief for their war-horse and their blood-stained and victorious lance. Feasts and entertainments, which, though inelegant, are plentifully furnished, are their only pay. The means of this bounty come from war and rapine. Nor are they as easily persuaded to plough the earth and to wait for the year's produce as to challenge an enemy and earn the honour of wounds. Nay, they actually think it tame and stupid to acquire by the sweat of toil what they might win by their blood (ibid., p. 716).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

It was left "to the women, the old men, and all the weakest members of the family" to till the land (ibid.).

This picture is somewhat softened by the continued importance of the common peasant in the social formation of the Anglo-Saxons at the time of their arrival in Britain (Andreski, 1968: 64). By this time, their

> form of government was autocratic Kingship, exercised by some member of a royal family supposed to be descended from the gods, although such autocracy was limited by the custom of the tribe, by the temper of the armed tribesmen, and by the personal qualities of the King himself. . . . There were many grades of rank, wealth and freedom among them . . . (Trevelyan, 1953: 50).

Kingship was already associated with "legitimate authority," the "general custom" being "for the man from the royal kin who was fittest to rule to be selected as successor" (Loyn, 1984: 14–15). Such difference did not, however, amount to class division or state organization. These inequalities gave the holder no claim to "social and political rights. . . . [L]ike great age, [nobility] entitled a man to a respectful hearing in the tribal councils . . . but it confers no political privilege . . ." (Stubbs, 1874: 22).

Having established the broad outlines of the Anglo-Saxon social structure at the time of their arrival in Britain, we are now ready to discuss in more detail the development of their class structure and the modifications of the police function growing out of that structure.

B. *The Development of the Police Function Out of the English Class Structure*

By the sixth century the Anglo-Saxons had consolidated their military gains sufficiently to establish kingdoms in the western half of England while the rest remained in Celtic hands. Significantly, because the Anglo-Saxons had no king in their homeland, this military adventure must have had a profound effect on any incipient aspects of societal stratification. Stubbs suggests that such "state of society in which the causes [common tenure and cultivation] are at work" contains the germs of a later feudal structure. He accordingly finds in early Anglo-Saxon England

> the principle of common tenure and cultivation . . . , the villages themselves, their relation to the [territorial division] . . . and the fact that they were centres or subdivisions for the administration of justice. . . . [W]e have the nobleman, we have the warlike magistrate

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

> with his [retainers], whose services he must find some way of rewarding, and whose energies he must even in peace find some way of employing. The rich man too has his great house and court, and his family of slaves or dependents, who may be only less than free in that they cultivate the land that belongs to another (ibid., pp. 36–37).

Given such a ready social mix, the leader "has but to conquer and colonize a new territory, and reward his followers on a plan that will keep them faithful as well as free, and feudalism springs into existence" (ibid., p. 37). Perhaps "springs" is not the correct word, but the Anglo-Saxon invasion of England, by providing the territorial spoils for distribution, supplied the basis for setting this mechanism in motion.

Stubbs (ibid., pp. 87–98) further argues that in the primitive Anglo-Saxon community the tie of kindred was synonymous with the communal ownership of lands, and that as this community was transformed into one characterized by private and unequal ownership, the original kindred community became a township consisting of "the body of tenants of a lord who regulates them or allows them to regulate themselves on principles derived from" the original communal organization (ibid., p. 91). Church parishes were often coterminous with townships. The tithes paid to the church gave the name "tithing" to the township as a unit of local administration.

Folkright or custom was still dominant, but by the eighth century, the king, "together with a great assembly in his chief men of the kingdom," by degree sought to "clarify" and to set down the "true law" (Loyn, 1984: 42–43). As part of this process, a number of laws, principles, and ideological homilies grew up to replace the kinship-based principles of mutual aid for collective security. Primary responsibility for a man under the jurisdiction of a lord no longer rested with the man's kin but with the lord. The duty to the lord came first, a vendetta could not be carried against a man who had killed in defense of his lord, and one who entered the priesthood gave up the right of vengeance for the slaying of his kinsmen, thereby terminating his ties with his kindred (Whitelock, 1968: 37–43; Loyn, 1984: 77).

What the state had done was to seize, to "double institutionalize," in Bohannan's (1968) apt phrase, the kindred social control mechanism. The further use of collective security mechanisms to inform the king's officer, the sheriff, of the alleged offenses of kindred had the effect of turning loyalty of men away from kindred and toward the feudal order of lords and kings (Pollock and Maitland, 1968: 32). This trend toward

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

stratification was hastened by the Viking raids that began toward the end of the eighth century (Andreski, 1968: 65; Loyn, 1984: 32).

Once English kings were converted to Christianity in the seventh century, the church developed a reciprocal power exchange with the evolving state. As laws came to be written, only the church could provide literate persons to draft them, while only the king could provide legal and military protection for church property and personnel. The church in turn could furnish the king with legitimacy (Loyn, 1984: 44–45).

Lee describes the two-tiered system of collective responsibility that existed during the reign of King Alfred the Great (reigned 871–899). The object of the system was to place every subject in some type of collective security arrangement (Lee, pp. 3–4; Critchley, 1967: 2; Jeffery, 1957: 657; Reith, 1975: 26). Under King Athelstan (reigned 924–939), this system was sanctioned by law, apparently because of the concern of large landowners over cattle theft. As feudalism and Christianity changed the organization of Anglo-Saxon society, the blood feud was replaced by a system of compensation as the means of settling disputes. At the time of the Norman Conquest in 1066, English local government was in place, controlled by three powers: the king, the Christian bishops who composed the king's laws, and the local lord who administered them through the bishop-created structure. All three had the common interest of protecting their large landholdings (Loyn, 1984: 162–163, 171).

The Norman invaders accepted the Anglo-Saxon legal system in its entirety but took over and centralized the administration of the laws (ibid., p. 179; Trevelyan, 1953: 127). King William (reigned 1066–87) promptly seized the lands of all who stood against him and then required all landowners to buy their lands back from him, thereby establishing the principle that all land originated from the king. This maneuver also had the effect of increasingly concentrating economic and political power in the hands of a few. It has been estimated that about "a quarter of the landed wealth of England in 1086 was held by no more than twelve men, most of whom were bound to the king by close bonds of blood or personal loyalty or both. Only about 180 more held land worth more than 100 pounds a year. Virtually all of these were Normans" (Loyn, 1984: 179–180). The sheriff became the most powerful royal officer of the shire and supervised the court (ibid., p. 196). By the end of the twelfth century, the hundreds courts gave way to local manorial courts or courts leet. The unit of responsibility thereupon became the

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

feudal manor. Officers were annually elected by the court leet to serve their turn as assistants to the lord on the manor in regulating the affairs of the manor community. The constable became the principal representative of the manor for making presentments to the court leet (Critchley, 1967: 3–4; Lee, 1971: 17).

Thus by the end of the thirteenth century, the constable had lost his connection to the tithing. He was at the same time the annually appointed or elected representative of the manor in making presentments to the court leet as well as an officer of the crown as Keeper of the King's Peace (Critchley, 1967: 5; Reith, 1975: 28). No longer a member and integral part of an independent community, he was now subject to a competitive struggle for his services waged by the landlord and the crown.

The role of the police in England as a regulator of class conflict is well documented. We mention only a few of the more obvious instances of statutes requiring the police to control the working class. From the twelfth century onward, the police had a special function with reference to vagabonds, vagrants, and the "sturdy, unworking poor." The Assize of Clarendon of 1166 required sheriffs to enforce restrictions against "entertainers of strangers and the harbourers of vagabonds." A statute of King Edward III (reigned 1327–77) ordered town bailiffs "to make inquiry every week of all persons lodging in the suburbs, in order that neither vagrants, nor 'people against the peace' might find shelter . . ." (Lee, 1971: 25, 33). During the reign of King Edward VI (1547–53) statutes empowered justices of the peace and constables to compel laborers to work on farms at which labor was scarce, to wake them up in time for work, and to urge them not to take too long at their meals. These laws were in addition to many other obligations placed on constables for the control of "rogues and idle persons" (ibid., pp. 116–117; Critchley, 1967: 12; Dalton, 1975: 59–63).

Under this system, the constable became subordinated first to the lord of the manor and eventually to the justice of the peace (who was frequently also the lord of the manor). As feudalism ended, capitalism developed as an economic system, and the nation-state formed. Thus, in gross, the origin of the English police in its modern form and function can be said to be consistent and coincident with the origin of the English state and with the model we have evolved.

Likewise, the process of the growth of English feudal society meant the separation of the community into thegns and serfs. The process whereby the constable was a neutral between disputants was begun at the point at which the kindred organizations were replaced by the later tithing and the consta-

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

ble-justice of the peace relationship. With the passage of the Justices of the Peace Act of 1361, 34 Edw. 3 c. 1, the crown recognized a hierarchical relationship between the constable and the justice of the peace. This system endured until the organization of the professional police in 1829. The social and economic status of the justice as the landlord and the constable as his unpaid inferior infused the relationship and has determined the enduring socioeconomic position of the constable-police officer to this day (Critchley, 1967: 8–9; Robinson, 1978).

V. DISCUSSION

At the very start of this essay, we summarized the notion of the police history and function found in much traditional English and American literature. These notions were that (1) the police institution in England has deep historical roots and is said to have experienced a slow but continual development from ancient to modern times; (2) the police institution originates with the people and depends on them for support; (3) the community is divided into a majority of good, law-abiding people and a minority of lawbreakers; and (4) one function of the police is to protect this virtuous majority from that criminal minority. In attempting to show how the police institution developed out of a class-structured society, we have at the same time suggested how an ideological history of the police may have developed side by side with the structure it was meant to portray (Robinson, 1979). For the dominant class, this idealized picture of history gives the best answer to the charge that the police represent a class-dominated system. It asserts that, on the contrary, from its very beginnings the police function sprang from the body of the people and that its integral identity with the community has never changed. It is accordingly argued that the police are armed "with prestige rather than power, thus obliging them to rely on popular support" (Critchley, 1967: xiv) and that the people and the police are identical, except that the police are paid to give their "full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence" (Reith, 1975: 163). These notions certainly run counter to our findings, which we would argue have implications for contemporary police-community relations.

It should be noted that just because the ruling class uses the police to maintain inequalities does not mean that the police must be a mere instrument in the hands of the elite. Such a portrayal confuses the desires and needs of the ruling class

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

(that is, that the police be just such an instrument) with the desires, needs, history, and material working conditions of the police themselves, who often assert interests that are antagonistic to those of the ruling class. Even the use of the appellation the "police" to cover three different entities—the working police officer, the management, and the police institution—hides the real and separate interests of these three, and particularly those of the police officer.

Individual police officers continue to be affected by their double and split loyalty—loyalty to their ethnic and working-class identity on the one hand and loyalty to the state, which is imposed on them by virtue of their state employment, on the other (Robinson, 1978). This schizophrenic portrait is exemplified by the metaphoric depiction of the officer as at once a "philosopher, guide and friend" (Cumming *et al.*, 1965) and a soldier in an army of occupation.[12] We have tried to show that the historic roots of this conflict lie in the original collective security system of primitive society. This system resided in the very nature of that particular social formation. In destroying the integral nature of that society but at the same time saving the collective security structure for its own use, the evolving state created an institution with conflicting loyalties.

REFERENCES

ADAMS, Robert McC. (1966) *The Evolution of Urban Society: Early Mesopotamia and Prehispanic Mexico*. Chicago: Aldine.

ALTHUSSER, Louis, and Etienne BALIBAR (1968) *Reading Capital*, trans. B. Brewster. London: NLB.

ANDRESKI, Stanislav (1968) *Military Organization and Society*. Berkeley: University of California Press.

BALANDIER, Georges (1970) *Political Anthropology*, trans. A. M. Sheridan Smith. New York: Pantheon Books.

BLACK, Donald (1976) *The Behavior of Law*. New York: Academic Press.

BOHANNAN, Paul (1968) "Law and Legal Institutions," 9 *International Encyclopedia of the Social Sciences* 73.

BOPP, William T. (1972) *Police-Community Relations: An Introductory Undergraduate Reader*. Springfield, IL: Charles C. Thomas.

CAMPBELL, Joseph (1959) *The Masks of God: Primitive Mythology*. New York: Viking Press.

CARNEIRO, Robert L. (1970) "A Theory of the Origin of the State," 169 *Science* 733.

CENTER FOR RESEARCH ON CRIMINAL JUSTICE (1977) *The Iron Fist and Velvet Glove*, 2nd ed. Berkeley: Center for Research on Criminal Justice.

CLAESSEN, Henri J. M. (1978) "The Early State: A Structural Approach," in H.J.M. Claessen and P. Skalnik (eds)., *The Early State*. The Hague: Mouton.

[12] For a discussion of differing perceptions of police by various segments of the community, see Scaglion and Condon (1980).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

CLAESSEN, Henri J. M., and Peter SKALNIK (1978a) "The Early State: Models and Reality," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

——— (1978b) "The Early State: Theories and Hypotheses," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

——— (1978c) "Limits: Beginning and End of the Early State," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

COHEN, Ronald (1978a) "State Foundations: A Controlled Comparison," in Cohen and Service, 1978.

——— (1978b) "State Origins: A Reappraisal," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

COHEN, Ronald, and Elman R. SERVICE (1978) *Origins of the State: The Anthropology of Political Evolution*. Philadelphia: Institute for the Study of Human Issues.

CRITCHLEY, T. A. (1967) *A History of Police in England and Wales, 900 to 1966*. London: Constable and Co.

CUMMING, Elaine, Ian CUMMING, and Laura EDELL (1965) "Policeman as Philosopher, Guide and Friend," 12 *Social Problems* 276.

DALTON, Michael (1975) *The Countrey Justice*. 1618. Reprint. Norwood, NJ: Walter J. Johnson.

EISENSTADT, Samuel N. (1963) *The Political Systems of Empires*. New York: Free Press of Glencoe.

ENGELS, Frederick (1972) *The Origin of the Family, Private Property and the State*. New York: International.

FALLERS, Lloyd A. (1964) "Social Stratification and Economic Processes," in M.J. Herskovits and M. Harwitz (eds.), *Economic Transition in Africa*. Evanston, IL: Northwestern University Press.

FINLEY M. I. (1973) *The Ancient Economy*. London: Hogarth Press.

FOX, Richard G. (1976) "Lineage Cells and Regional Definition in Complex Societies," in C.A. Smith (ed.), *Regional Analysis*. Vol. 2, *Social Systems*. New York: Academic Press.

——— (1971) *Kin, Clan, Raja and Rule: State-Hinterland Relations in Pre-Industrial India*. Berkeley: University of California Press.

FRIED, Morton H. (1967) *The Evolution of Political Society*. New York: Random House.

GALLIHER, John F. (1971) "Explanation of Police Behavior: A Critical Review and Analysis," 12 *Sociological Quarterly* 308.

GODELIER, Maurice (1982) *La Production des grands hommes: Pouvoir et domination masculine chez les Baruya de Nouvelle-Guinée*. Paris: Fayard.

——— (1972) *Rationality and Irrationality in Economics*, trans. B. Pearce. London: NLB.

GREENBERG, Douglas (1976) *Crime and Law Enforcement in the Colony of New York 1691–1777*. Ithaca: Cornell University Press.

HAAS, Jonathan (1982) *The Evolution of the Prehistoric State*. New York: Columbia University Press.

HARRIS, Marvin (1975) *Culture, People, Nature: An Introduction to General Anthropology*. New York: Thomas Y. Crowell.

HINDESS, Barry, and Paul Q. HIRST (1977) *Critique of Pre-Capitalist Modes of Production*. London: The Macmillan Press Ltd.

——— (1975) *Pre-Capitalist Modes of Production*. London: Routledge and Kegan Paul.

HOEBEL, E. Adamson (1954) *The Law of Primitive Man*. Cambridge, MA: Harvard University Press.

JEFFERY, C. Ray (1957) "The Development of Crime in Early English Society," 47 *Journal of Criminal Law, Criminology and Police Science* 647.

KRADER, Lawrence (1978) "The Origin of the State among the Nomads of Asia," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

——— (1976) *Dialectic of Civil Society*. Amsterdam: Van Gorcum, Assen.

——— (1968) *Formation of the State*. Englewood Cliffs, NJ: Prentice-Hall.

KURTZ, Donald V. (1978) "The Legitimation of the Aztec State," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

LANE, Roger (1967) *Policing the City*. Cambridge, MA: Harvard University Press.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (1978) *Criminal Justice Research Solicitation: Citizen/Police Relations in Police Policy Setting*. Washington: National Institute of Law Enforcement and Criminal Justice.

LEACOCK, Eleanor B. (1972) "Introduction and Notes," in F. Engels, *The Origin of the Family, Private Property and the State*. New York: International.

LEE, Richard (1979) *The !Kungsan: Men, Women and Work in a Foraging Society*. Cambridge: Cambridge University Press.

——— (1968) "What Hunters Do for a Living, or, How to Make Out on Scarce Resources," in R. Lee and I. Devore (eds.), *Man the Hunter*. Chicago: Aldine.

LEE, W. L. Melville (1971) *A History of Police in England*. 1901. Reprint. Montclair, NJ: Patterson Smith.

LENSKI, Gerhard E. (1966) *Power and Privilege: A Theory of Social Stratification*. New York: McGraw-Hill.

LEWIS, I. M. (ed.) (1968) *History and Social Anthropology*. London: Tavistock.

LLEWELLYN, K. M., and E. Adamson HOEBEL (1941) *The Cheyenne Way: Conflict and Case Law in Primitive Jurisprudence*. Norman: University of Oklahoma Press.

LOWIE, Robert H. (1927) *The Origin of the State*. New York: Harcourt, Brace and Company.

LOYN, H.R. (1984) *The Governance of Anglo-Saxon England, 500–1087*. Stanford: Stanford University Press.

MACLEOD, William Christie (1937) "Police and Punishment among Native Americans of the Plains," 28 *Journal of the American Institute of Criminal Law and Criminology* 181.

MAIR, Lucy (1964) *Primitive Government*. Baltimore: Penguin Books.

MALINOWSKI, Bronislaw (1921) "The Primitive Economics of the Trobriand Islanders," 31 *Economic Journal* 1.

MALLON, Florencia E. (1983) "Murder in the Andes: Patrons, Clients and the Impact of Foreign Capital, 1860–1922," 27 *Radical History Review* 79.

MANDEL, Ernest (1968) *Marxist Economic Theory*, Vol. 1, trans. B. Pearce. New York: Monthly Review Press.

MANNING, Peter K. (1979) *Police Work: The Social Organization of Policing*. Cambridge, MA: MIT Press.

MEILLASSOUX, Claude (ed.) (1964) *L'Antropologie économique des Gouro des de Côte D'Ivoire*. Paris: Mouton.

MOMBOISSE, Raymond M. (1967) *Community Relations and Riot Prevention*. Springfield, IL: Charles C. Thomas.

MONKKONEN, Eric H. (1981) *Police in Urban America, 1860–1920*. Cambridge: Cambridge University Press.

MORGAN, L. H. (1877) *Ancient Society*. New York: World Publishing.

MURDOCK, G. P. (1967) Ethnographic Atlas: A Summary," 6 *Ethnology*: 109.

MURDOCK, G. P., and D. R. WHITE (1969) "Standard Cross-Cultural Sample," 8 *Ethnology* 329.

NADER, Laura, and Harry F. TODD (eds.) (1978) *The Disputing Process: Law in Ten Societies*. New York: Columbia University Press.

NATIONAL ADVISORY COMMISSION ON CRIMINAL JUSTICE STANDARDS AND GOALS (1973) *A National Strategy to Reduce Crime*. Washington, DC: Government Printing Office.

NEWMAN, Katherine S. (1983) *Law and Economic Organization: A Comparative Study of Preindustrial Societies*. Cambridge, Eng.: Cambridge University Press.

PEARCE, Frank (1976) *Crimes of the Powerful: Marxism, Crime and Deviance*. London: Pluto Press.

POLANYI, Karl (1968) "Anthropology and Economic Theory," in M. H. Fried (ed.), *Readings in Anthropology*, Vol. 1, New York: Thomas Y. Crowell.

——— (1957) *The Great Transformation: The Political and Economic Origins of Our Time*. Boston: Beacon Press.

POLLOCK, Frederick, and Frederick William MAITLAND (1968) *The History of English Law before the Time of Edward I*, Vol. 1. Cambridge: Cambridge University Press.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

POSPISIL, Leopold (1971) *Anthropology of Law: A Comparative Study*. New York: Harper and Row.

PRICE, Barbara J. (1978) "Secondary State Formation: An Explanatory Model," in Cohen and Service, 1978.

PRIESTLEY, H. E. (1967) *Britain under the Romans*. London: Frederick Warne & Co.

PROVINSE, J. R. (1937) "The Underlying Sanctions of Plains Indian Culture," in F. Eggan (ed.), *Social Anthropology of North American Tribes*. Chicago: University of Chicago Press.

PRYOR, Frederic L. (1977) *The Origins of the Economy: A Comparative Study of Distribution in Primitive and Peasant Economies*. New York: Academic Press.

RADELET, Louis A. (1973) *The Police and the Community*. Beverly Hills: Glencoe.

RADZINOWICZ, Leon (1956) *A History of English Criminal Law and Its Administration from 1750*. Vol. 2. *The Clash between Private Initiative and Public Interest in the Enforcement of the Law*. London: Stevens and Sons.

REINER, Robert (1978) "The Police in the Class Structure," 5 *British Journal of Law and Society* 166.

REITH, Charles (1975) *The Blind Eye of History: A Study of the Origins of the Present Police Era*. 1952. Reprint. Montclair, NJ: Patterson Smith.

RICHARDSON, James F. (1979) "Historical Perspectives on the Police." Presented at the Academy of Criminal Justice Sciences, Cincinnati (March).

——— (1970) *The New York Police: Colonial Times to 1901*. New York: Oxford University Press.

ROBINSON, Cyril D. (1983) "Criminal Justice History in Progress in the United States," 3 *Criminal Justice History* 97.

——— (1979) "Ideology as History: A Look at the Way Some English Police Historians Look at the Police," 2 *Police Studies* 35.

——— (1978) "The Deradicalization of the Policeman: A Historical Analysis," 24 *Crime and Delinquency* 129.

ROCHER, Guy (1972) *Talcott Parsons and American Society*, trans. B. Mennell and S. Mennell. London: Nelson and Sons.

ROUNDS, J. (1979) "Lineage, Class, and Power in the Aztec State," 6 *American Ethnologist* 73.

RUYLE, Eugene E. (1976) "On the Origins of Class Rule," 1 *Thoughtlines* 21.

——— (1973) "Slavery, Surplus, and Stratification of the North West Coast: The Ethnoenergetics of an Incipient Stratification System," 14 *Current Anthropology* 603.

SACKS, Karen (1979) *Sisters and Wives: The Past and Future of Sexual Equality*. Westport, CN: Greenwood Press.

SAFFIRIO, G., and Richard SCAGLION (1982) "Hunting Efficiency in Acculturated and Unacculturated Yanomama Villages," 38 *Journal of Anthropological Research* 315.

SAHLINS, Marshall (1972) *Stone Age Economics*. Chicago: Aldine-Atherton.

SANDERS, William T., and Barbara J. PRICE (1968) *Meso America: The Evolution of a Civilization*. New York: Random House.

SAXE, Arthur A. (1977) "On the Origin of Evolutionary Processes: State Formation in the Sandwich Islands, A Systematic Approach," in J. N. Hill (ed.), *Explanation of Prehistoric Change*. Albuquerque: University of New Mexico Press.

SCAGLION, Richard, and R. G. CONDON (1980) "The Structure of Black and White Attitudes toward Police," 39 *Human Organization* 280.

SCHWARTZ, Richard D., and James C. Miller (1964) "Legal Evolution and Societal Complexity," 70 *American Journal of Sociology* 159.

SEDOV, Leonid A. (1978) "Angkor: Society and State," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

SERVICE, Elman R. (1975) *Origins of the State and Civilization: The Process of Cultural Evolution*. New York: W. W. Norton.

——— (1962) *Primitive Social Organization: An Evolutionary Perspective*. New York: Random House.

SKALNIK, Peter (1978) "The Early State As a Process," in H.J.M. Claessen and P. Skalnik (eds.), *The Early State*. The Hague: Mouton.

https://doi.org/10.2307/3053387 Published online by Cambridge University Press

SMITH, Carol A. (1976) "Exchange Systems and the Spatial Distribution of Elites: The Organization of Stratification in Agrarian Societies;" in C. A. Smith (ed.), *Regional Analysis*. Vol. 2, *Social Systems*. New York: Academic Press.

STUBBS, William (1874) *The Constitutional History of England*, Vol. 1. Oxford: Clarendon Press.

TACITUS (1942) In A. J. Church and W. J. Brodribb (trans.), *The Complete Works of Tacitus*. New York: The Modern Library.

TERRAY, Emmanuel (1974) "Long Distance Exchange and Formation of the State: The Case of Abron Kingdom of Gyaman," 3 *Economy and Society* 315.

——— (1972) *Marxism and Primitive Societies: Two Studies*. New York: Monthly Review Press.

TREVELYAN, George (1953) *History of England*, Vol. 1. Garden City, NY: Anchor Books.

TUDEN, Arthur, and Catherine MARSHALL (1972) "Political Organization: Cross-Cultural Codes 4," 11 *Ethnology* 436.

VINOGRADOFF, Paul (1920) *Outlines of Historical Jurisprudence*, Vol. 1. London: Oxford Press.

WALKER, Samuel (1977) *A Critical History of Police Reform*. Lexington, MA: Lexington Books.

WALTER, Eugene V. (1969) *Terror and Resistance: A Study of Political Violence*. London and Oxford: Oxford University Press.

WEBER, Max (1976) *The Agrarian Sociology of Ancient Civilization*. London: NLB.

WHITE, Leslie (1959) *The Evolution of Culture: The Development of Civilization to the Fall of Rome*. New York: McGraw-Hill.

WHITELOCK, Dorothy (1968) *The Beginnings of English Society*, 2nd Ed., Vol. 2. London: Penguin Books.

WINKS, Robin W. (ed.) (1972) *Slavery: A Comparative Perspective: Readings on Slavery from Ancient Times to the Present*. New York: New York University Press.

WOLF, Eric (1959) *Sons of the Shaking Earth*. Chicago: University of Chicago Press.

WRIGHT, Burton, and Vernon FOX (1978) *Criminal Justice and the Social Sciences*. Philadelphia: W. B. Saunders.

WRIGHT, Henry T. (1977) "Toward an Exploration of the Origin of the State, in J. N. Hill (ed.), *Explanation of Prehistoric Change*. Albuquerque: University of New Mexico Press.

STATUTE CITED

Justices of the Peace Act of 1361. 34 Edw. 3 c. 1. Halsbury's Laws of England. Vol. XI, p. 212 (1930).

https://doi.org/10.2307/3053387 Published online by Cambridge University Press